



**Dinas a Sir Abertawe**

**Hysbysiad o Gyfarfod**

Fe'ch gwahoddir i gyfarfod

## **Pwyllgor Cynllunio**

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

**Dyddiad:** Dydd Mawrth, 4 Chwefror 2020

**Amser:** 2.00 pm

**Cadeirydd:** Y Cyngorydd Paul Lloyd

**Aelodaeth:**

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

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### **Agenda**

**Rhif y Dudalen.**

- 1 Ymddiheuriadau am absenoldeb.**
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.**  
[www.abertawe.gov.uk/DatgeluCysylltiadau](http://www.abertawe.gov.uk/DatgeluCysylltiadau)
- 3 Cofnodion.** **1 - 9**  
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir
- 4 Eitemau i'w gohirio/tynnu'n ôl.**
- 5 Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990.** **10 - 76**

**Cyfarfod nesaf:** Dydd Mawrth, 3 Mawrth 2020 ar 2.00 pm

**Huw Evans**

**Pennaeth Gwasanaethau Democraidd**

**Dydd Mawrth, 28 Ionawr 2020**

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**Cyswllt: Gwasanaethau Democraidd - 636923**

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Council Chamber - Guildhall, Swansea

Tuesday, 3 December 2019 at 2.00 pm

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

**Councillor(s)**

C Anderson  
L S Gibbard  
P B Smith  
T M White

**Councillor(s)**

P M Black  
M H Jones  
D W W Thomas

**Councillor(s)**

W Evans  
M B Lewis  
L J Tyler-Lloyd

**Officer(s)**

|                 |                                |
|-----------------|--------------------------------|
| Ryan Thomas     | Planning Control Manager       |
| Jonathan Wills  | Senior Lawyer                  |
| Ian Davies      | Area Team Leader               |
| Liam Jones      | Area Team Leader               |
| Gareth Borsden  | Democratic Services Officer    |
| Matthew Bowyer  | Principal Telematics Engineer  |
| Sally-Ann Evans | Senior Lawyer                  |
| Tom Evans       | Strategic Planning Team Leader |
| Steve Smith     | Placemaking and Heritage Lead  |

**Apologies for Absence**

None.

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### 39 Disclosures of Personal and Prejudicial Interests.

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

Councillor P M Black declared a personal and prejudicial interest in Item 4 – Planning Application 2018/2692/FUL and left prior to discussion.

Councillor M H Jones declared a personal and prejudicial interest in Item 3 – Planning Application 2019/1342/FUL and left prior to discussion.

Councillor P Lloyd declared a personal interest in Item 4 – Planning Application 2018/2692/FUL.

### 40 Minutes.

**Resolved** that the Minutes of the Planning Committee held on 5 November 2019 be approved and signed as a correct record.

**41 Items for Deferral/Withdrawal.**

None.

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

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

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

**Resolved** that

1) the undermentioned planning applications **Be Approved** subject to the conditions in the report:

**#(Item 1) – Planning Application 2019/2144/RES - Construction of 144 residential dwellings and associated works (Reserved Matters application following 2019/0911/S73 granted 13th September 2019 and outline 2005/2355 granted 23rd April 2010) at Land West Of Gower View Road and North of Brynafon Road, Penyrheol, Swansea**

A detailed visual presentation was provided.

Rhianydd Jenkins & Elfed Roberts (applicants) addressed the Committee.

Report updated as follows:

Further letter submitted by the company acting on behalf of residents. Most of those concerns have been raised before although they've provided a more detailed breakdown of the process to date. Most of these issues are included in the report but these issues are new:

The plans show a 225mm Ø land drain along the northern boundary of the existing properties to Ffordd Y Coegylfinir.

**Note:** The Welsh Assembly Governments Engineers calculations and findings confirm that a drain of 225mm Ø will be in totally inadequate to accommodate topographical surface water run off together with water issues/springs emanating from the issues and catchment area of the Gwilli Fault and Gorseinon Syncline to the east of the existing development 2012/1113 addressed within COMP2015/0130.

- The General Arrangement drawings do not to take cognizance and or make provision for dealing with the water issues/springs or the engineered design works approved by the Welsh Assembly Government.

Comment

The applicant is aware of the drainage issues on site and is purchasing the land off the Welsh Government. The Council's Drainage Authority is also aware of the situation. These issues were not raised at S73 stage when the principle was considered. However, on the basis of the information that the Council was aware of, the S73 application contained drainage conditions (these are not being discharged as part of this application). SAB approval would also be required which is the primary legislation in this respect to drain the surface water from the site but also controlled via condition of S73 permission.

A site parking layout was provided on Friday 29<sup>th</sup> November along with an amended Soft Landscaping Scheme. The former has resulted in a terrace of 3 properties (plots 33 – 35) being marginally set back. No issues arise within the site as a result of this but the whole suite of documents will need to be updated so that they all align.

The Arboricultural Officer (Landscape) is satisfied that the amendments address concerns raised with more appropriate species included along with additional fruit trees for foraging opportunities.

The Ecologist has no objections to the landscaping scheme or proposal. The Highways Authority has no further comments regarding parking.

As a result of the changes noted above, Condition 1 will have to be updated to reflect the amended plans required.

Condition 2 has also been updated to refer to the Car Parking Arrangement plan along with the inclusion of the Drawing No. and date the plan was received. The substance of the condition remains the same.

**Note:** Decision not to be issued until amended plans received and Condition 1 updated.

**#(Item 2) – Planning Application 2019/0502/RES - Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018) at Cwmrhydyceirw Quarry Co Ltd , Great Western Terrace, Cwmrhydyceirw, Swansea**

A visual presentation was provided.

Robert Lewis (objector) addressed the Committee.

Report updated as follows:

One further letter received relating to drainage issues, re-iterating concerns in a previous letter.

Amended conditions as follows;

Condition 2 (Landscaping)

Some clearance works have already taken place within phase 2 therefore the trigger should be amended to "No superstructure works shall commence..."

Condition 4 (Materials)

The materials details are indicated on the approved plans, therefore this condition is not required. Delete condition and re-number others accordingly.

**#(Item 4) – Planning Application 2018/2692/FUL - Retention and completion of development for 107 residential dwellings and associated infrastructure at Land At Upper Bank Pentrechwyth, Nantong Way, Pentrechwyth, Swansea**

A visual presentation was provided.

Report updated as follows:

Condition 18 should be amended to read:

18. No further development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Committee was advised that agreement on the tenure of the affordable housing has been reached. These would be low-cost home ownership

**#(Item 5) – Planning Application 2018/2720/FUL - Demolition of the existing buildings on site and redevelopment of site to provide 60 residential units comprising 6 detached dwellings, 21 pairs of semi-detached dwellings and 12 flats in 3 x two storey blocks with associated access, parking, landscaping, pumping station and ancillary works at Land At Tyrisha Farm, Grovesend, Swansea**

A visual presentation was provided.

Geriant John (agent) addressed the Committee.

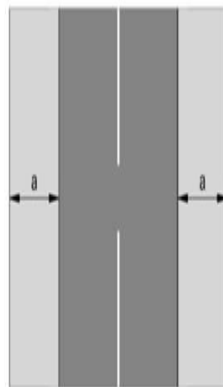
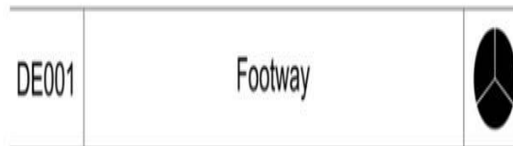
Report updated as follows:

Further letter received from objector which states as follows:

1. The site is enveloped by smoke on a regular basis, with a large fire at least every year. Those who will live in the properties will be unaware of these fires or being enveloped by smoke, and I would request the committee to consider if they themselves would put their family into a property in such a location.

2. The site entrance is clearly unsafe and does not place pedestrian safety or movement as the first consideration of the design as required by Active Travel Wales Act. I ask to the committee to consider how a child safely moves from the play area or site to the common lane/ footpath. Please note the following extracts from the Act;
- a. 9.3.16 and 9.3.20 - Active Travel connections are not seen as optional, and that developments that do not adequately make provision for walking should not be approved,
  - b. 9.4.1 notes schemes focusing on highways are no longer acceptable under the act.
  - c. Also 9.3.8 notes the importance of land being acquired to enable a new highway to be built, establishing sufficient land to include footways of suitable width and type is vital.
  - d. The act requires the follow design of two footways,

9. Active Travel (Wales) Design Guidance notes the requirement for minimum footpath widths, and directly identifies the requirement for two pavements as figure DE001, meeting the accepted minimum footway with (a) of 1.8m each side – this complies with requirements for Inclusive Mobility, Manual for Streets, Access for Blind People in Towns and BS 8300:2009+A1:2010 needs of disabled people code of practice. A single pavement cannot be shown to comply with these requirements.



Plan

3. The LDP clearly identified that it was an essential requirement that the site be connected to the adjacent public right of way, which it is not.

4. The committee should note that the hedge on the RHS of the access cannot be cut back as proposed to form a visibility splay as it is not on the developers land.

5. I request that the committee consider the precedent that approving this site would leave. Whilst the developer has already extended the site several times from that originally included in the LDP and beyond, the developer provided false responses to questions in the LDP including with regards to a ransom strip to avoid scrutiny over the issue, despite the original proposals having never been achievable. To accept a planning proposal based upon original misrepresentations identifies that developers are running free reign over the planning process and that developers can manipulate the process for personal gain. It also confirms that, contrary to a vast raft of planning policy and national acts of legislation, that developers can place traffic movement above that of pedestrian movement in residential developments.

Officer Comment: The objector has submitted a copy of a response to a FOI request indicating there have been 18 wildfires on the land since April 2009. A photograph of a fire submitted with the observations can be produced if Committee wish to see it. Issues of access have been addressed in the report. With regard to the Public Right of Way, the site connects to the PROW at the access to the site.

The Drainage Officer has confirmed that they have no objections subject to standard drainage conditions.

At the end of the recommendation, the following should be added:

If the section 106 agreement is not signed within 3 months of the Welsh Ministers removing the holding direction, delegated powers be provided to Head of Planning & City Regeneration to refuse planning permission on the basis that the proposal would fail to accord with LDP Policies H3 (On-site Affordable Housing), SI3 (Education Facilities), T1 (Transport Measures and Infrastructure) and IO1 (Supporting Infrastructure).

Given concerns over drainage, it is recommended

that Condition 9 is amended to read as follows (with amended text in italics):

Prior to the commencement of development, and notwithstanding the details shown on the proposed drainage layout drawing 110 P11, full details of the surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. This shall include:

- Full details for responsibility for monitoring and management of the basin for the lifetime of the development;
- Full detailing of planting specifications within the surface water attenuation basin
- Biosecurity plan to help reduce the risk of introduction/spread of any aquatic invasive non-native species, during planting of the attenuation basis for SuDS. The plan shall include details of supplier/s and /or source of the plants.

*The attenuation basin shall be completed in accordance with the approved details prior to the first beneficial occupation of any of the dwellings hereby permitted and retained for the lifetime of the development.*

The attenuation basin shall be managed, monitored and reviewed 2 years following creation, and a summary report shall be submitted to the LPA, outlining success/failures and any further need for plug-planting as per 4.6 and 4.7 of the Ecology Technical Report and timescales for this. Any additional works shall thereafter be undertaken in accordance with the approved timetable.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network unless it has been demonstrated that there are no other options available.

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

(Note: Committee took a 5 minute comfort break at 4.20pm following the decision on Item 5)



**#(Item 6) – Planning Application 2018/2168/OUT - Construction of up to 20 dwellings, new access road and replacement bridge (outline) at Land Off Felin Fran, Felin Fran, Birchgrove, Swansea**

A visual presentation was provided.

Report updated as follows:

If the section 106 agreement is not signed within 3 months of the date of the Committee resolution delegated powers be provided to Head of Planning & City Regeneration to refuse planning permission on the basis that the proposal would fail to accord with LDP Policies H3 (On-site Affordable Housing), SI6 (provision of New Openspace) and T1 (Transport Measures and Infrastructure

2) the undermentioned planning application **Be Refused** for the reasons outlined below:

**#(Item 3) – Planning Application 2019/1342/FUL - Demolition of existing dwelling and construction of 1 detached bungalow and 2 detached dwellings at 2 The Bryn, Sketty, Swansea**

A visual presentation was provided.

Eleanor Sullivan (agent) and Alyson Downing & Bernard Cairns (objectors) addressed the Committee.

Councillors A M Day & C L Philpott (Local Members) addressed the Committee and spoke in support of the resident's objections.

Report updated as follows:

On 2 December 2019 the owner/occupier of 6 Harford Court withdrew their objection to the development.

Condition No. 5 set out on page 76 to be amended to read as follows:

5. Notwithstanding the submitted details set out on Site Plan TB/18/100 Rev F no development shall take place until full details of the access, turning, parking and visibility splays for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The details shall provide for visibility envelopes to be kept free of enclosures or trappings other than those trees marked for retention, provide full details of the hard surfacing material which shall be porous and details of the areas to be dedicated for parking and turning associated with each dwelling.

No construction works shall take place at the site until such time that the new accesses have been provided on site in accordance with the approved details. The development shall thereafter take

place in accordance with the approved details with the parking areas retained for parking purposes and visibility splays being kept free of enclosures or trappings in perpetuity.

Members were verbally informed that an additional condition is suggested to be added to the report, following the Members Site Visit, in order to provide for full details of boundary treatments across the site.

Application refused contrary to officer recommendations for the following reason:

The proposed bungalow by virtue of its siting, scale, contrived form and design would fail to respect the character and appearance of the local area to the detriment of the visual amenities of the streetscene and surrounding site context, contrary to Policy PS2 of the Swansea Local Development Plan (Adopted February 2019) and the Authority's Infill and Backland Design Guide (SPG).

**43 Supplementary Planning Guidance - Houses in Multiple Occupation and Purpose Built Student Accommodation.**

The Strategic Planning Team Leader presented a report which informed Members of the representations received during the public consultation on the draft version of the Supplementary Planning Guidance (SPG), and highlighted officer responses to these and identified proposed consequential amendments to the document, and sought a resolution to formally adopt the final version.

The background and context to the proposals, the policies and legislation in place, the public consultation/engagement undertaken, the key issues arising from the consultation were all outlined in detail in the report.

**Resolved that**

- a) the consultation representations, and the responses of the Planning Authority to these (as outlined at Appendix A to the report) be noted.
- b) the final version of the SPG (as outlined at Appendix B to report) be approved and adopted.

The meeting ended at 5.01 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> February 2020

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



## 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

| <b>Item</b> | <b>App. No.</b> | <b>Site Location</b>   | <b>Officer Rec.</b> |
|-------------|-----------------|--|---------------------|
| 1           | 2019/2345/FUL   | West Cross Skate Park, Mumbles Road, Blackpill, Swansea,<br><b>Replacement skatepark</b>   | Approve             |
| 2           | 2019/2846/FUL   | Picton Yard, 242-246 Oxford Street, City Centre, Swansea, SA1 3BL<br><b>Redevelopment, extension and enhancement of the existing building, retaining A1 floor space at ground floor and first floor level, B1 use on the second and third floors. The construction of a new tower in Picton yard comprising ground and first floor D1 Educational Use, B1 Use on second and third floor and the provision of residential apartments over the upper floors , the provision of flexible space within Picton Yard, along with associated works, and public realm improvements</b> | Approve             |



## Planning Committee – 4<sup>th</sup> February 2020

Item 1 (Cont'd)

Application Number:

2019/2345/FUL

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 - HC1 - Historic and Cultural Environment

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

LDP - SI1 - Health and Wellbeing

Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

LDP - SI2 - Providing and Safeguarding Community Facilities

Providing and Safeguarding Community Facilities and Locally Important Uses - New community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

LDP - ER2 - Strategic Green Infrastructure Network

Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

LDP - ER8 - Habitats and Species

Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

LDP - ER11 - Trees, Hedgerows and Development

Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

## Planning Committee – 4<sup>th</sup> February 2020

Item 1 (Cont'd)

Application Number:

2019/2345/FUL

### LDP - TR1 - Tourism, Recreation and Leisure Development

Tourism, Recreation and Leisure Development - Tourism, recreation and leisure development that capitalises upon the County's distinctive assets and help create a year round destination will be supported. Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities or heritage assets, will not be permitted. A Tourism Needs and Development Impact Assessment will be required in support of a planning application.

### LDP - TR2 - Developed Coast and Waterfront

Developed Coast and Waterfront - Development of new visitor facilities and attractions, including proposals for sustainable recreation activities, will be permitted at selected coastal and waterfront locations, provided that they are of a scale and design that respects sensitive natural heritage, landscape, seascape and historic environment interests. Outside the selected areas the emphasis is on conserving and enhancing the natural environment.

### LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependent the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

### LDP - T2 - Active Travel

Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

### LDP - T7 - Public Rights of Way and Recreational Routes

Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

### LDP - RP1 - Safeguarding and Public Health and Natural Resources

Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

### LDP - RP2 - Noise Pollution

Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.



## Planning Committee – 4<sup>th</sup> February 2020

Item 1 (Cont'd)

Application Number:

2019/2345/FUL

LDP - RP3 - Air and Light Pollution

Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

LDP - RP5 - Avoidance of Flood Risk

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

### Site History

| App Number    | Proposal              | Status | Decision Date |
|---------------|-----------------------|--------|---------------|
| 2019/2345/FUL | Replacement skatepark | PDE    |               |

### Procedural Matters

This application has been called to Committee at the request of Councillor Linda Tyler-Lloyd and has met the threshold for call in as set out in the Council's Constitution.

### Description

Full planning permission is sought for a replacement skate park along Mumbles Road which is situated in the local ward of West Cross. This skatepark will be constructed using spray form concrete which will be of a light grey appearance. There will be a traditional bowl, a 1200mm high quarterpipe and flatbank in one section of the skatepark. To the west there is an inline hip and raised platform area which spans to the next drop in the park, the banks of the inline hip will be different heights and the bank will flow around linking the other side of the facility. To the east of the site there is a 'learner' area including a miniramp. The space also features raised planters and seating areas.

The applicants have submitted visual representations of the proposed skatepark along with sections, topographical survey and a block plan. They have also submitted a Design and Access Statement, Tree Survey, Preliminary Ecological Appraisal (PEA), Construction Environmental Management Plan and a Traffic Management Plan.

### Assessment of Immediate Area

The application site comprises of a parcel of land along Mumbles Road and is adjacent to a public walkway known as The Promenade. The wider area is characterised by green space between The Promenade and Mumbles Road with residential properties along Mumbles Road opposite the application site. The properties along this part of Mumbles Road comprise of fairly large footprints with driveways and are somewhat screened from view by hedging and planting.

### Policy Issues

#### National Planning Policy

The following extracts from Planning Policy Wales (Edition 10, December 2018) (PPW) are of relevance to the proposal.

## Planning Committee – 4<sup>th</sup> February 2020

Item 1 (Cont'd)

Application Number:

2019/2345/FUL

General:

A Resilient Wales is supported by protecting existing communities and natural environments while promoting well connected infrastructure and facilities closer to where people live. Good housing, access to services, green spaces and community facilities help to create the right conditions for better health and well-being. A more Equal Wales can be achieved by recognising the strengths of existing communities and securing socially inclusive development so they become desirable places in which to live and work for all members of society.

Well-Being:

2.8 Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-Being of Future Generations Act. This will include the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle.

2.9 The most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to planning making, planning policy and decision making.

Coastal Areas:

6.5 The main planning principles for coastal places, which reflect the principles of Integrated Coastal Zone Management, are to support urban and rural development whilst at the same time being aware of, and appropriately responsive to, the challenges resulting from the dynamic interaction of natural and development pressures in coastal areas. Planning authorities should clearly establish what the coast means for them and develop, or apply, specific policies through their development plans which reflect the characteristics of their coastlines. For some authorities this may mean identifying areas likely to be suitable for development as well as those subject to significant constraints and considered to be unsuitable for development.

PPW defines Placemaking as:

*"A holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness and well-being in the widest sense. "*

The Swansea Local Development Plan (LDP) was adopted on 28th February 2019, the policies contained within this document will therefore be used in the determination of this application. Policies PS1, PS2, HC1, SI1, SI2, ER2, ER8, ER11, TR1, TR2, T1, T2, T7, RP1, RP2, RP3 and RP5 of the LDP are relevant in the determination of this application. In addition Supplementary Planning Guidance (SPG) documents entitled 'Planning for Community Safety', 'Swansea Bay Strategy' and 'Protection of Trees on Development Sites' are relevant in the determination of this application.

## Planning Committee – 4<sup>th</sup> February 2020

Item 1 (Cont'd)

Application Number:

2019/2345/FUL

### Well-Being of Future Generations (wales) Act 2015

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 dealing with this application 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 assessment is in accordance with the sustainable development principles 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.

### Responses to Consultations

#### Public Response

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) two site notices were posted within the vicinity of the application site.

202 letters of comment have been received.

Two petitions of support and 868 letters/responses of support have been received.

Full copies of the correspondence received is available to view on the application file, however, some of the key responses of support include:

- Great opportunity to keep young people fit and active
- Great opportunity to develop multi use area for families
- Much needed within West Cross
- Parking in readily available in Blackpill
- Positive impact on mental health and wellbeing - fantastic asset to the area
- It will sit comfortably within the established surf culture of the area
- A skatepark like this would be a massive contribution to the local community - improving social cohesion, cultural capital and general well being
- It will enhance an existing poor facility
- It will boost the local economy

Two objection petitions and 65 letters/responses of objection have been received.

Again, as referred to above, full copies of the correspondence received is available to view on the application file, however, some of the key reasons for objection include the following concerns:

- Lack of parking
- Lack of facilities such as toilets
- Current facility is hardly used
- Dangerous place for a skatepark
- Any lighting installed will be invasive to nearby properties
- Prominent and sensitive location

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- The railings proposed will spoil the area
- No management
- Too far removed from anything
- No security

### Designing out Crime Officer

A South Wales Police Designing out Crime Officer was consulted on the application and responded with the following comments:

*Having consulted with the local neighbourhood policing team I would have the following observations to make in respect of the above planning application:-*

*(i). Perimeter Security.*

*Consideration should be given for the skateboarding/basketball area to be protected by railings/fencing that meets the security standard LPS 1175 SR1. Gates meeting the same standard should also be installed secured by chains/padlocks that meet recognised Security Standards e.g. Sold Secure.*

*The perimeter security would allow this area to be locked when not in use during the hours of darkness to prevent anti social behaviour.*

*Natural Surveillance*

*Ideally play areas should be designed to allow for natural surveillance from nearby dwellings. However given the location of this replacement play area this is not possible. However the site should be open to surveillance from passers by and should not, for example be surrounded by trees or bushes. Any bushes or shrubs should only grow to a maximum height of 1 metre and trees should have no branches or foliage up to 2 metres from the ground.*

### Council's Drainage Officer

The Council's Drainage Officer was consulted and responded with the following comments:

We have reviewed the submitted information and would highlight that the application has not considered surface water flood risk fully and neither has it fully considered the implications of Schedule 3 of the Flood and Water Management Act 2010 and the requirement to comply with the Statutory SuDS Standards.

Appendix B also seems to reference English standards and the National Planning Policy Framework, the Authority would highlight these do not apply in Wales and recommend that the applicant look at Planning Policy Wales (PPW) and the Welsh Statutory SuDS Standards.

The Flood Consequences Assessment mentions that where the ramps are due to be positioned is not part of the surface water flood risk areas, however local knowledge indicates otherwise whereby during larger rainfall events the area fills up and then drains down over a number of days.

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The surface water elements of the FCA mentions the use of geo-cellular systems to drain elements of the scheme, the Statutory SuDS Standards have enforced a move away from this tanked system approach in favour of using at surface green/blue features that provide greater resilience, biodiversity and amenity as required by legislation.

In the light of the above we recommend that the application is revisited to determine how the development can be drained in accordance with the Statutory SuDS Standards, this will not require detailed designs at this stage as the development will require separate approvals from the SuDS Approval Body.

Schedule 3, Flood and Water Management Act 2010.

Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.

From 7 January 2019, all new developments more than 100m<sup>2</sup> will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

- Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- The SAB also has powers of inspection and enforcement
- And uses discretionary powers to offer non-statutory pre-application advice

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What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m<sup>2</sup> or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainable Drainage> and by contacting the SuDS Approval Body via email [Sab@swansea.gov.uk](mailto:Sab@swansea.gov.uk).

### Highway Authority

The Head of Transportation and Engineering was consulted on the application and responded with the following comments:

1. *Background*
  - 1.1 *This Proposal is for the construction of up a replacement skate park on land at Mumbles Road, Blackpill*
  - 1.2 *A formal Pre-Application was submitted and advice given that Highways would in principle be supportive of the proposed development. .*
- 2 *Access Proposals and Trip Generation*
  - 2.1 *The site is located in a highly sustainable and accessible location, with well-maintained footways and shared paths across the local area. There are bus services on Mumbles Road around 200m (2.5 mins) walk to the West, and around 500m (6 mins) walk to the East, offering services to the Mumbles area, and the City.*
  - 2.2 *No dedicated car parking has been offered, this in line with other similar facilities across the country is not expected to generate a significant number of private car trips, particularly where no dedicated parking is provided. Dedicated cycle parking has been indicated on the submitted plans.*
  - 2.3 *Whilst the majority of visitors are not expected to arrive by car. There may still remain an element who will choose this mode. Currently parking on Mumbles Road at this location is unrestricted, it will be a requirement that the applicant fund Traffic Regulation Orders on the adjacent highway to keep it clear of parked vehicles. The closest available car parks is located on Derwen Fawr Road, around 600m ( 7 mins) walk from the site.*
  - 2.4 *The submitted plans include a hedge and fence across the whole Mumbles Road frontage, this is welcomed. It is essential that pedestrian access from Mumbles Road across the whole site frontage is prevented given the possible highway safety issues associated with people crossing the road at this location.*
  - 2.5 *There are available pedestrian crossings at Blackpill and Llwynderw Drive, within easy walking distance to the site.*

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3 *Conclusions and Recommendation*

3.1 *The site is in an extremely sustainable location, which encourages users to travel by sustainable modes.*

3.2 *I recommend no highway objection subject to the following:*

i. *Prior to the site being brought into beneficial use TROs shall be implemented on Mumbles Road across the site frontage.*

*Reason: to ensure the safe and unhindered operation of the highway.*

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

- 1. The parking of vehicles of site operatives and visitors.*
- 2. Loading and unloading of plant and materials.*
- 3. Storage of plant and materials used in constructing the development.*
- 4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.*
- 5. Wheel washing facilities.*
- 6. Measures to control the emission of dust and dirt during demolition and construction and*
- 7. A scheme for recycling/disposing of waste resulting from demolition and construction works.*

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

### **Council's Tree Officer**

The Council's Tree Officer was consulted on the application and responded with the following comments:

*I have no objection to the proposed skate park as it fits in around the trees present.*

*In the event of approval, to ensure trees are not damaged during construction please could you append a tree protection condition:*

*No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan and Arboricultural Methods Statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The documents shall include: the specification and positioning of temporary tree protective fencing; areas of ground protection, no-dig construction, excavation within RPAs where required and any special engineering requirements.*

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*The approved tree protection fencing shall be erected prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the submitted documents, unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.*

### **Council's Planning Ecologist**

The Council's Planning Ecologist was consulted on this application and responded with the following comments:

*Relevant documents reviewed:*

- *PEA, Arbtech, Sept 2019*
- *Tree Survey, Arbtech, 2/9/19*
- *Flood Risk Assessment, MEC, Sept 2019*
- *Design Access Statement, Maverick Industries Ltd, 2019*
- *CEMP. Maverick Industries Ltd, 1/9/19*

*Designated sites:*

*It should be noted that the PEA makes no reference to the Swansea Bay SINC which is located next to the Blackpill SSSI.*

*Birds*

*Please include the following informative:*

*It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds)*

- *Kill, injure or take any wild bird*
- *Take, damage or destroy the nest of any wild bird while that nest is in use or being built*
- *Take or destroy an egg of any wild bird*
- *Disturb dependent young (schedule 1 birds)*

*Condition:*

*No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to September inclusive.*

*Bats*

*Please include the following informative:*

*All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.*



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*If evidence of bats is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).*

### *Hedgehog*

*Records show that there is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.*

### *Condition:*

*All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities*

### *Landscaping*

*It is noted that the Design & Access Statement refers to blackthorn and hawthorn planting together with wildflowers and nectar rich plants to attract insects. The CEMP also mentions native wildflower planting around the skate park.*

*A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, outlining native (species of local provenance) tree, hedgerow, wildflower and scrub planting and a plan for aftercare.*

*The use of native species of local or at least Welsh provenance and species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates. This will improve ecological connectivity across the site and with other nearby habitats.*

### *Condition:*

*A Landscape and Planting Scheme shall be submitted to the LPA for approval, prior to determination. This shall outline native (species of local provenance) tree, hedgerows, wildflower and scrub planting and a plan for aftercare.*

### *Hedges:*

*It is noted and welcomed that new hedges are proposed to be planted on the western side of the park, to screen it from Mumbles Road, and on the eastern side to screen the skate park from Blackpill SSSI.*

*Please see the above Landscaping condition, as further details of the proposed native species of local provenance, and aftercare are required to be submitted to the LPA for approval.*

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### *Lighting strategy*

*It is noted that the site will not be floodlit as per page 44 of the Design & Access Statement. The habitats adjacent to the site and the retained/proposed habitat areas shall not be lit during the construction, or operation phases of the development. These measures are important to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance.*

### *Ecological enhancement*

*Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.*

### *Condition:*

*Before development works commence on site, a scheme of Ecological Enhancement Measures (as per recommendations on P34 of the PEA submitted report) in the form of 3 x bird boxes (to include a Schwegler 1SP sparrow terrace, and a No, 16 Schwegler swift box (or similar)), and 2 x arrays of 3 bat boxes (to include an improved crevice bat box and a 2F Schwegler bat box (or similar)), shall be submitted to and approved in writing by the LPA. The approved Ecological Enhancement Measures and their locations shall be shown on an Architectural drawing and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.*

### **Main Issues**

In dealing with this application the main planning considerations relate to the principle of development as well as the impact of the development upon visual amenity, residential amenity, highway safety, ecology and drainage having regard to the above mentioned planning policy framework.

### **Principle of Development**

The site sits on the eastern side the A4067 (Mumbles Road) and is bordered by the Swansea Promenade further to the east. The site is an open grassed area measuring approximately 63m in length with trees, shrubs and hedging and currently occupies a basic skateboarding area and tarmac sections extending from north to south.

The proposed replacement skate park follows the line of the existing tarmac pad. The site slopes down from the road by approximately 2m and is linked by two access paths to the promenade. In respect of the principle of development the site is not allocated within the LDP for a specific future development, however, for planning purposes lies within the urban area of 'West Cross' as defined in Proposals Map 5.

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Policy TR 1 refers to 'leisure' based developments whilst TR 2 refers to the 'developed coast and waterfront' in respect of future development. TR 2 sets out a list of locations which includes 'Key destinations around Swansea Bay' and states: *"Development of new visitor facilities and attractions, including proposals for sustainable recreation activities, will be permitted at the following coastal and waterfront locations, provided that they are of a scale and design that respects sensitive natural heritage, landscape, seascape and historic environment interests:"*

'Key Destinations are referred to as being: Maritime Quarter/City Waterfront, St Helens, Sketty Lane, Blackpill Seafront/Lido and Mumbles Seafront, including Oystermouth, Mumbles Pier and Foreshore. The supporting text to the policy states: *"Between these areas the emphasis is on safeguarding and enhancing the environment of the Bay and other waterfront areas. Regard must be had to relevant adopted SPG documents relating to these destinations, including the Swansea Bay Strategy."*

Whilst being now somewhat dated (Adopted in 2008) in the context of the Local Development Plan (Adopted in 2019) the 'Swansea Bay Strategy' set out a vision stating that *"Swansea is unique in Wales as being a city located directly in the waterfront"* but that it *"does not provide the quality destinations required of a truly European City"*. The Strategy complements the above mentioned policies in that it envisions clusters of leisure facilities at Blackpill Lido, Mumbles Pier, Sketty Lane, St Helen's and the City Waterfront. Whilst it is recognised that the proposed development is not proposed at precisely these locations, it is considered that the construction of a leisure facility along The Promenade is in keeping with the wider aspirations of the Swansea Bay Strategy as it will provide opportunities for all ages to enjoy the bay. The Swansea Bay Strategy also states that *"the bay is Swansea's premier strategic asset and it must play a more positive role in the economic development and vitality that the city has to offer"*. It is therefore considered that the redevelopment of the existing skatepark facility will be a step in meeting the overall objective of this strategy.

In addition, Planning Policy Wales and the Well-Being of Future Generations Act focuses on the promotion of health and well-being through developments. It is considered that the proposed skatepark will provide a place for people of all ages to improve their health and well-being both physically and mentally. This type of development is encouraged within national and local policy and it is considered that it will be a positive feature for the local community.

Further to the above it is relevant to note that there is an existing skate park facility at the site, albeit limited in form, and this proposal will essentially replace the existing feature albeit on a larger scale. Given the above it is considered that the principle of development is acceptable subject to consideration of the impact of the development upon visual and residential amenity, highway safety in the locality and ecology and drainage matters.

### Visual Amenity

In terms of visual character the application site comprises of a parcel of land currently occupied by an area of hardstanding and a skateboard steel half pipe. The application site lies between Mumbles Road and the pedestrian walkway known as The Promenade.

Policy PS2 of the Swansea Local Development Plan states that *"development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place"*.

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This policy also goes on to state that *"the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment"*.

The site will be visible from vantage points along The Promenade and Mumbles Road. It is proposed to connect the skatepark with the Promenade via two entrance points which will have low hooped gates. The connection to The Promenade will ensure that the skatepark is easily accessible and will not be disconnected from the surrounding area.

The scheme involves hardsurfacing which will follow the contours of the existing hardsurfaced areas. The proposed skate park will take the appearance of a conventional skate park and given that there is already hardsurfacing and an existing skateboarding halfpipe, it is not considered that the proposal would be out of character with the area. The nature of the land is low lying and the proposed skate park will respect this low lying nature and form. In order to minimise its visual impact the sides of the bowl will be softened by green edges and planting which will somewhat screen the development from Mumbles Road and The Promenade.

The use of green planting to the edges of the raised areas will ensure that the proposed skatepark will not appear as an incongruous addition to the landscape and therefore accords with the objectives of Policy PS2 of the Local Development Plan.

In addition, there is proposed to be a 1.2m enclosure with a hedge set behind fronting Mumbles Road which will further soften its overall appearance from this vantage point whilst not completely screening the park from view, thereby offering a level of natural surveillance which is welcomed and recommended by the Designing out Crime Officer.

### **Residential Amenity**

The site is situated alongside the highway and there are residential properties opposite the site along Mumbles Road. Whilst it is recognised that the proposed scheme will result in a more intensive use of the land, it is not considered that the proposed skate park itself would give rise to any undue levels of noise and disturbance given its location along Mumbles Road and the Promenade. Mumbles Road is a busy vehicular thoroughfare and the Promenade is used by cyclists and pedestrians all year round. Therefore there is already a high level of activity passing along and around the application site. The green bunding around the raised areas of the skatepark, the use of free form spray concrete to construct the skatepark, the fence/hedge itself as well as vehicular traffic along Mumbles Road will assist in mitigating noise from the development.

There will be two paths which will be used to access the Promenade from the skatepark. The scheme has been designed so those entering and leaving the skatepark do so in a slow and controlled manner. This will be achieved by the installation of hooped gates to these paths, this is to ensure that users of the skatepark will have to stop before accessing the Promenade. The landscaped areas between the two paths will also discourage access to the Promenade between these two entrances. These design solutions are welcomed and will ensure that the Promenade and the skatepark are used as separate entities but are also easily accessible to one another.

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### Access and Highway Safety

The Highway Authority has raised no objections to the proposal. As part of the scheme the applicants will have to enter into a Section 278 Agreement with the Highway Authority given that the application site is located on highway owned land.

As part of the application the Highway Authority have requested that Traffic Regulation Orders (TROs) be implemented along the roadside to ensure that stopping along Mumbles Road will not occur. In order that these TROs are implemented a condition can be placed on the application to ensure that these are carried out prior to the development taking place. In addition, the nature of the scheme is such that it is expected that the majority of users will arrive by means other than car, there are no stopping points along this part of Mumbles Road and the proposed fence and hedge fronting Mumbles Road will assist in preventing users accessing the site from Mumbles Road along with the use of the aforementioned TROs.

In addition the documentation submitted by the applicant has confirmed that they would be willing to widen the Promenade as part of the scheme. This is considered necessary in this location given that the proposed skatepark will bring the potential for additional visitors and comings and goings to this part of the Promenade. The widening of the Promenade can be secured via an appropriately worded condition to ensure its implementation and retention.

The lack of dedicated parking at the site would in itself be a deterrent to encouraging car trips to the site which is in line with the guidance contained within PPW in terms of sustainability and placemaking. The closest available car park to the site is located on Derwen Fawr Road, around 600m (7 minutes) walk from the site. There are pedestrian crossings at Blackpill and Llwynderw Drive which are within easy walking distance to the site. The site is easily accessible by bus with a number of services providing access to the site at Llwynderw bus stop which is a short walk from the site. Whilst accepting that there is no dedicated car park itself the site is in a highly sustainable location which encourages users to travel by sustainable modes of transport.

A number of objections received refer to the lack of parking provided within the site and that there is the potential for stopping along Mumbles Road. In view of the sustainable nature of the site in terms of its proximity to public transport, the walkable distances to car parks and the nature of the use itself encourages walking and access to the site via skateboarding. Policy T1 of the LDP states that development should be *"designed to provide safe and efficient access to the transport network, which includes the Active Travel, public transport and street networks"*. This is further reinforced through Policy T2 of the LDP which states *"development must take opportunities to enhance walking and cycling access by incorporating within the site"*. The proposed location, is within a highly sustainable location with easy access using a number of methods of transport, and it therefore complies with the aims of Policies T1 and T2 of the LDP.

Given the above as well as the proposal being in line with the well-being goals which promote health and well-being and there being no objection from the Highway Authority it can be regarded that the development will have no harmful impact upon highway safety and is acceptable having regard to the policies contained within the Local Development Plan.

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## **Ecology**

The applicants have submitted a Preliminary Ecological Assessment (PEA), a Tree Survey, Flood Risk Assessment, Design and Access Statement and Construction and Environmental Management Plan (CEMP) in order to demonstrate that the proposal will not have a significant detrimental impact upon wildlife or the environment. The PEA found that there were no notable habitats or plant species on site that the site also lacks any structures or trees that have roosting features for bat species and that badgers, reptiles and amphibians

The Council's Ecologist has however recommended that a number of conditions including informatives be placed on the application. The tests for the imposition of conditions are as follows and they should be: (i) Necessary, (ii) Relevant to planning, (iii) Relevant to the development to be permitted, (iv) Enforceable, (v) Precise; and (vi) Reasonable in all other respects.

A landscaping condition has been requested, this has also been requested by the Council's Tree Officer and is considered reasonable and necessary for inclusion as a condition given the need to ensure landscaping is provided to soften the nature of the development. A condition with regards to hedgehogs has been requested, however, the condition requested does not have any triggers in order to make it enforceable and it is not considered that this condition is necessary to make the scheme acceptable. An informative will however be placed on the application to remind the applicants that Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods.

The proposed conditions also refer to the need for a lighting strategy, whilst it is recognised that the Design and Access Statement confirms that there will be no lighting of the site, a condition is required to ensure this is the case in order to protect the habitat areas.

A condition requiring ecological enhancement has been requested. The submitted PEA refers to ecological enhancement, therefore it is considered appropriate to condition that the ecological enhancements as set out in the PEA be carried out within 6 months of the completion of the development.

On the basis of suitably worded conditions to deal with the above mentioned issues and the absence of evidence that this development will harm protected species the application complies with the aims and objectives of policies ER 8 and ER 9 of the Local Development Plan in connection with ecological impact.

## **Drainage**

This application will be subject to approval from the SuDS Approval Body (SAB) which is separate from any other permissions granted, as described with the Drainage Officer's comments above. The Council's Drainage Officer has advised that the drainage scheme be re-visited through the SAB process and has not therefore raised any objections to the planning application.

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The applicant has also confirmed that they have submitted a scheme for sustainable drainage to the SuDS Approval Body in order that any issues in terms of drainage are overcome prior to commencing any development of the site. As this matter is controlled separately to the planning application process it is not considered necessary to impose drainage conditions in this instance.

### **Responses to Consultations**

The objections received with regards to the lack of parking and the appearance of the site have been addressed in the main body of this report.

An objection has been raised with regards to the lack of the facilities at the location such as toilets. The application site is located within a location where access to these facilities would be fairly easy and it is likely that the introduction of facilities such as toilets would have a greater visual impact upon the site.

An objection has been raised to state that the current facility is hardly used. Whilst this could be the case the purpose of the proposed development is to improve leisure facilities so that they are an attractive option for people visiting Swansea bay and thus any lack of use of the current facility would not be a justifiable reason to withhold planning permission in this instance.

An objection has also been raised to state that the application site is a dangerous location for a skatepark. The site is currently used for skateboarding and the introduction of a low lying fence/hedge along Mumbles Road will limit opportunities for access to Mumbles Road from the skatepark. The Highway Authority has raised no objection to the application and the provision of TROs along Mumbles Road will assist in preventing people accessing the site off Mumbles Road.

### **Conclusions**

Whilst it is noted that there have been a number of objections to the application, the development is in line with national and local planning policy and the planning balance weighs in favour of approval. The scheme brings forward clear benefits and value in promoting 'health and well-being' and is fully in accordance with these principles that are embedded in Planning Policy Wales and the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). There will be no adverse impact upon visual amenity and the design and form of the facility takes account of the land form and will integrate successfully with the adjoining promenade providing a feature of interest between Blackpill and Mumbles. There will be no adverse impact upon residential amenity and it will have no adverse impact upon ecology. In addition, it is not considered that it will give rise to any undue highway safety implications and SuDS approval has been sought with regards to drainage.

Subject to appropriate planning conditions to control the nature of the development it is therefore concluded that the proposal is an acceptable form of development that complies with the aims and objectives of policies PS1, PS2, HC1, SI1, SI2, ER2, ER8, ER11, TR1, TR2, T1, T2, T7, RP1, RP2, RP3 and RP5 of the Swansea Local Development Plan and approval is recommended.

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### RECOMMENDATION

#### APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Appendix 1.0 visual 01, appendix 1.1 visual 02, appendix 1.2 dimensions, appendix 1.3 sections, appendix 1.4 block plan, appendix 1.5 site location plan, appendix 1.6 site access route, appendix 1.7 topographical survey, appendix 10.0 construction environmental management plan, appendix 8.0 tree survey and summary report, appendix 9.0 preliminary ecological assessment, received 10th October 2019. Mumbles Traffic Management Plan V3, received 6th November 2019.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development shall take place until a scheme providing for Traffic Regulation Orders (TROs) along the frontage of the application site has been submitted to and approved in writing by the Local Planning Authority. The TROs shall be carried out as approved prior to first beneficial use of the development and retained thereafter.  
Reason: To ensure the safe and unhindered operation of the highway in accordance with Policies T1 and T2 of the Swansea LDP.
- 4 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i. the parking of vehicles of site operatives and visitors;
  - ii. loading and unloading of plant and materials;
  - iii. storage of plant and materials used in constructing the development;
  - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v. wheel washing facilities;
  - vi. measures to control the emission of dust and dirt during demolition and construction; and
  - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.

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



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Application Number:

2019/2345/FUL

- 5 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan and Arboricultural Methods Statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The documents shall include: the specification and positioning of temporary tree protective fencing; areas of ground protection, no-dig construction, excavation within RPAs where required and any special engineering requirements. The approved tree protection fencing shall be erected prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the submitted documents, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity in accordance with Policy ER11 of the Swansea LDP.
- 6 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- 7 Prior to the commencement of development an overall lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. Any lighting associated with the development shall thereafter take place in accordance with the approved lighting strategy.  
Reason: To protect surrounding amenity and in the interests of ecology in accordance with policies ER8 and ER9 of the Swansea LDP.
- 8 Within 6 months of first beneficial use of the development the scheme of Ecological Enhancement Measures (as per recommendations on P34 of the Preliminary Ecological Assessment (PEA)) in the form of 3 x bird boxes (to include a Schwegler 1SP sparrow terrace, and a No, 16 Schwegler swift box (or similar)), and 2 x arrays of 3 bat boxes (to include an improved crevice bat box and a 2F Schwegler bat box (or similar)), shall be implemented on site and retained as such in perpetuity.  
Reason: In the interests of ecology in accordance with Policies ER8 and ER9 of the Swansea LDP.

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### Item 1 (Cont'd)

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- 9 Prior to first beneficial use of the development the 1.2m bow top boundary enclosure to front Mumbles Road shall be erected on site. The enclosure shall thereafter be retained in accordance with the approved development.  
Reason: In the interests of highway and pedestrian safety.
- 10 Prior to the commencement of development a detailed scheme for the widening of the public walkway known as 'The Promenade' shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented as approved and retained in perpetuity.  
Reason: To ensure the safe and unhindered operation of the highway in accordance with Policies T1 and T2 of the Swansea LDP.

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, HC1, S11, S12, ER2, ER8, ER11, TE1, TR2, T1, T2, T7, RP1, RP2, RP3 and RP5.
- 2 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)
- 3 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.
- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

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5 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

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

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

6 To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

In addition, it is also possible to provide enhancements for hedgehogs (and other wildlife), by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

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### 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 - 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 - 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 - SDJ - Site specific policy Swansea Central

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

### LDP - IO1 - Supporting Infrastructure

Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

### LDP - IO2 - Employment and Training Opportunities

Employment and Training Opportunities - developers are encouraged to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

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### Item 2 (Cont'd)

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#### LDP - HC1 - Historic and Cultural Environment

Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles. LDP - H1 - Non-Strategic Housing Sites

Non-Strategic Housing Sites - land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

#### LDP - H2 - Affordable Housing Strategy

Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

#### LDP - H3 - Affordable Housing

Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

#### LDP - SI8 - Community Safety

#### 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.

#### 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.

#### LDP - RC12 - Office Development

Office Development - Proposals for significant new office development, in excess of 200 square metres gross floor area, must in the first instance assess the availability and suitability of potential sites within the Swansea Central Area, which is the preferred location for office development. Significant office uses will not be permitted outside the Swansea Central Area unless they meet a specific set of criteria. The alternative use of offices within the Swansea Central Area will only be permitted where the developer can demonstrate that there is no need to retain the site or premises for office use having regard to existing supply and the requirement to provide a range and choice of sites for such use to meet existing and likely future demand.

#### LDP - ER1 - Climate Change

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

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**Item 2 (Cont'd)**

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### LDP - ER2 - Strategic Green Infrastructure Network

Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

### LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

### LDP - T2 - Active Travel

Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

### LDP - T6 - Parking

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

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

### LDP - RP1 - Safeguarding and Public Health and Natural Resources

Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

### LDP - RP2 - Noise Pollution

Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.

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LDP - RP3 - Air and Light Pollution

Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

### Site History

| App Number    | Proposal   | Status | Decision Date |
|---------------|--|--------|---------------|
| 2017/0060/RG4 | Use of highway land for siting of street trading stall for Class A1/A3 use (Council Development Regulation 4)  | TEM    | 09.03.2017    |
| 2018/1306/PNT | Installation of a telephone kiosk (application for Prior Notification of Proposed Development by Telecommunication Code System Operators)  | PAREF  | 03.08.2018    |
| 2019/2846/FUL | Redevelopment, extension and enhancement of the existing building, retaining A1 floor space at ground floor and first floor level, B1 use on the second and third floors. The construction of a new tower in Picton yard comprising ground and first floor D1 Educational Use, B1 Use on second and third floor and the provision of residential apartments over the upper floors , the provision of flexible space within Picton Yard, along with associated works, and public realm improvements | PDE    |               |
| 99/0580       | ALTERATIONS TO SIDE ELEVATION AND ERECTION OF NEW LIFT SHAFT ENCLOSURE ON ROOF   | APP    | 18.06.1999    |



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|-----------------|---|--------------------|
| 98/0710         | TWO STOREY FRONT EXTENSION  | APP 08.09.1998     |
| 2011/1101       | Installation of one externally illuminated fascia sign  | APP 08.11.2011     |
| 2011/0077       | One high level banner sign  | INSFE E 15.08.2011 |
| 2011/0076       | Change of use from retail (Class A1) to mixed use (Class A1/A3) to allow part of first floor to be used as a coffee shop  | INSFE E 15.08.2011 |
| 2010/1571       | Use of highway land for siting of street trading stall for Class A1/A3 use (Council Development Regulation 4)   | APP 09.03.2011     |
| 2008/1885       | One internally illuminated fascia sign, one internally illuminated high level sign to front elevation, one internally illuminated low level sign and one internally illuminated high level sign to rear elevation | WDN 11.03.2009     |
| 2002/1201       | Installation of security shutters   | APP 23.08.2002     |

### Procedural Matters

This application is reported to Planning Committee as it constitutes a Major Development and has met the threshold for call in as set out in the Council's Constitution.

### Description

The proposed development involves the retention of the former Woolworths building (Poundland) with ground/ first floor retail (Class A1 / A3), conversion of the remaining upper floors to office accommodation Class B1), additional residential floors (Class C3) of 2/3 stories above the existing structure and a new mixed use tower of 12 stories to the rear within the yard space with active frontage at ground floor level and public realm enhancements to the Picton Yard area. The scheme suggests significant areas of integrated green infrastructure including green roofs, urban glass houses covering walls and integrated green walls/ planting on the building elevation.

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In particular, the proposal would comprise of the following:

- Retention of A1 floorspace at ground and first floor (with inclusion of potential A3 use;
- The conversion of ancillary storage facilities on the second and third floor to office B1 use;
- The provision of D1 / Educational facility use at ground and first floor of the tower;
- The provision of B1 use in the 3rd and 4th storey of the tower;
- The provision of 44 residential apartments over the upper storeys;
- public realm improvements and other associated works;

### Green Infrastructure

The proposal incorporates significant areas of green infrastructure including green roofs, urban glass houses covered walls, ('Biophilic Living'), and integrated green walls / planting on the building elevation. The Council has recently released a draft Green Infrastructure Strategy for the City Centre and therefore would generally accord with the aspirations of this emerging strategy.

### Public Open Space

The proposal includes the area of the existing Picton Lane car park which it is proposed to incorporate this external space into a new area of public open space which will also serve the proposed re-development of 71 / 72 The Kingsway (former Oceania site). This area will need to be landscaped to create the new area of public realm and it is envisaged may be used as an outdoor eating / drinking area, temporary market, or used for outdoor cinema / concerts.

### **Assessment of Immediate Area**

The site comprises of an site area of approx. 0.27 ha and is located within the Central Area of Swansea and comprises of the existing Poundland retail store (former Woolworths) and the associated rear car parking area (Picton Lane).

The site is bounded to the north by the commercial properties in The Kingsway, and to the east by the properties along Union Street and Oxford Street to the south. Immediately adjoining the site is the designated boundaries of the Oxford Street / Nelson Street / Union Street Conservation Area, and additionally, there are the listed buildings of Waterstones ('The Old Carlton Cinema') and Holland and Barratt (No.10 Union Street).

### **Access**

The principal pedestrian access to Poundland is via Oxford Street which also receives occasional vehicular / deliveries to the front of the store, however, the site can be accessed by vehicles from the rear via Picton Lane off The Kingsway. The image overleaf shows the access via the Kingsway / Picton Lane.

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### Sustainability and Connectivity

The site is located within a sustainable location within Swansea City Centre being in close proximity to facilities and services and also in terms of public transport provision, being in close walking distance to the Quadrant bus station and also the railway station. The site is also accessible to the National Cycle Route 4 and the wider cycle network.

### **Response to Consultations**

The Wales Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to submit a pre-application consultation report (PAC). In accordance with those requirements, a Pre-Application Consultation (PAC) Report has been submitted following the pre-application consultation undertaken by the applicant in November / December, 2019.

### **Design Commission for Wales**

#### The Proposals

The proposal is intended to create a landmark mixed-use development in the heart Swansea City Centre. Through alterations and extensions to the 4-storey former Woolworth Building, the ambitious plan will comprise 20,000 sqft prime site retail, 2,000 sqft A3 facing onto a new city square, 22,000 sqft Grade A commercial office space, and 44 residential units with 40% being affordable. Highlight features include a new 11 storey residential tower with green roof amenity and urban farm, and a new public event space in the proposed new city square - Picton Yard.

The proposal aims to set a benchmark for future developments by achieving a net-positive energy building and introducing a community urban farm based on an Aquaponics system.

#### Main Points

The panel was supportive of the ambition and the integration of the ideas proposed for this location but have some significant concerns regarding the deliverability and viability of the proposals. The following outlines the main concerns of the panel.

#### Practical and Financial Viability

This project is in receipt of significant public funds through the Innovative Housing Programme. While the intention of the programme is to test new ideas and the funding enables experiment of the proposed biophilic living concept, everything must be done to ensure that the experiment succeeds. There are a number of outstanding concerns.

It was reported by the presenting team that the urban farm will not be a commercial venture and is likely to be run by residents and others from the wider community, but the community interest has not yet been adequately identified. If commercial viability is not an aim, the desired outputs and aims must be set out in order to determine the success of the project.

It is important to establish how access to the green houses will work and whether there should be an independent lift to keep the residential access secure and avoid conflict over use and service charges, for example. Management and security measures will be required.

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The long-term viability and the sustainability of the scheme remains a concern with a number of outstanding questions. The stepped levels reduce the efficiency of the vertical farm - is this the most efficient arrangement of space? How much produce is likely to be produced? How much and what input is required in terms of person hours and expertise and how likely is it that this will be met? Is the suggested £250 per household per annum to maintain the aquaponics system and urban farm realistic and has any market testing been done?

There appear to be a great number of potential risks to the success of the scheme which need to be fully addressed to ensure that public investment is used wisely. The potential benefits, how learning might be used and what benefits could be replicated following this trial should be clearly set out. Using the WellV2 assessment tool is positive and should feed into this. Learning from other urban farm schemes in other areas and the response to such situations would assist in establishing the robustness of this project and ultimately ensure its success. As this is one of the first such schemes in Wales a successful outcome is essential.

### Access and Servicing

Access into and around the site is critical to the success of the building and potential improvements to the urban form of the city. It is positive that connections are being made to the south to Lower Oxford Street, but it is not yet clear whether a connection will be created to Union Street. Without the latter, the access to the commercial element of the development becomes very unappealing. The treatment of building edges on such access routes needs to be carefully considered so as to ensure secure, vibrant and safe routes into and out of Picton yard. Fire fighting access must be considered at this stage.

### Residential Accommodation

The design results in single aspect apartments which is disappointing. This could be addressed for some apartments by reviewing the north elevation which requires further articulation.

### Conservation Area Context

There was little description of the influence of the conservation area and listed building opposite the site. Although the proposed development is clearly modern in nature, there should still be reference to the immediate context and consideration of how this might impact on the expression of the building.

### Form, Scale and Massing

The proposed development is located within a 'Consider Zone' for tall buildings according to local guidance but introduces a new scale to this part of the city. Full visual testing of the scale and mass is needed to refine the proposal and test how it impacts on the urban form and historic townscape. The impact of overshadowing from a tall building in this location, particularly on Union Street, must be understood.

### Public Space

It is positive that a new public space is being considered but this is a very challenging location that requires a bespoke approach. The comparison with Meeting House Square in Dublin is a helpful gauge of scale and potential activity but the space should be original in its design responding to the specific context and with a local identity. The introduction of permanent umbrellas or shades may conflict with servicing requirements in the square.

Wind and solar shading analysis of the space will be critical as there could be significant downdraft.

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Further expression of why the building is special in relation to the urban farm and aquaponics system should be pursued at ground level to promote the project and enable members of the public to engage with it. A more natural, whole design approach could help to reflect the aims of the development.

### **Statutory Consultation**

The planning application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. No public responses were received to this consultation. Comments from statutory consultees were as follows:

### **CADW**

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument listed in our assessment of the application below.

### **Assessment**

The consultation is accompanied by a heritage setting assessment prepared by EDP which includes a consideration of the impact of the proposed development on the setting of scheduled monument GM012 Swansea Castle. This assessment concludes that the proposed development will not alter the way that the castle is experienced, understood and appreciated and will therefore not have any impact on scheduled monument GM012. We concur with this conclusion.

### **Dwr Cymru Welsh Water**

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, prepared by Geraint John Planning, which highlights that foul flows from the proposed development can be accommodated within the public sewerage system albeit that the site is crossed by a public sewer. The response highlights that the development would be situated directly above the sewer and therefore will be necessary to accurately locate for the purposes of any forthcoming proposals to divert. The PAC report and accompanying 'Technical Note - Drainage' (Ref: C1238 Rev. B) indicates that the sewer has been surveyed and accordingly acknowledges the requirement to divert the sewer. At this time, it appears there is no application for a public sewer diversion and therefore is recommended that a condition is included to suitably control these proposals.

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In addition, our response highlighted that the development will require SAB consent in accordance with Schedule 3 of the Flood and Water Management Act 2010 and a Hydraulic Modelling Assessment (HMA) will be required of the potable water supply network. Whilst the PAC report acknowledges the need to undertake a HMA, the accompanying 'Technical Note - Drainage' highlights indicative proposals to dispose surface water flows to the existing public sewer on site albeit does not include any evidence base of investigations into alternative destinations (Priority Levels 1 - 4) in accordance with the 'Statutory standards for Sustainable Drainage Systems (SuDS) in Wales'.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that Conditions and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### **Natural Resources Wales**

We have reviewed the submitted application and offer no objection to the proposed development. However, we would wish to make the following comments.

#### Ecology and Protected Species

We note the provision of the document entitled; 'Picton Yard, Oxford Street, Swansea: Preliminary Ecological Appraisal' (ref edp5987\_r001c) dated November 2019. NRW suggest that you discuss the proposals laid down in Section 5 Conclusions, with your Authority's Planning Ecologist.

Our comments above only relate specifically to matters that are included on our checklist 'Natural Resources Wales and Planning Consultations' (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

### **Council's Drainage Engineer**

Comments:

Schedule 3, Flood and Water Management Act 2010.

The development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.

From 7 January 2019, all new developments more than 100m<sup>2</sup> will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

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These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

- Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- The SAB also has powers of inspection and enforcement
- And uses discretionary powers to offer non-statutory pre-application advice

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m<sup>2</sup> or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approval Body via email [Sab@swansea.gov.uk](mailto:Sab@swansea.gov.uk)

### Waste Management

The planning application is examined solely from the aspect of provision of a commercial and domestic general waste and recycling collection service.

Waste Management constraints

Statutory recycling target of 64% of household waste to be recycling by 31st March 2020, increasing to 70% by 31st March 2025.

Swansea Council operate a kerbside fortnightly collection service for household waste and recycling.

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By October 2021 Welsh Local authorities will have a legal duty under the Environment (Wales) Act 2016 to carry out separate recycling collections of commercial paper, cardboard, glass, metal, plastic, textiles, small WEEE and food waste >5kgs per week.

Therefore all businesses will be required to present these waste streams in separate receptacles and will not be allowed to dispose of these items within their general non-recycling receptacles.

### Observations

44 residential units with an average of 1.4 bedrooms per unit. British Standard BS5906:2005 estimates the weekly waste arising 44 units x 130 litres/week = 5,720L/week. To comply with fortnightly collections = 11,440L/fortnight.

By 31/3/25 the recycling target will be 70%, so this volume of waste would need to be split as approximately 8,000L recycling + 3,440L/residual waste. This volume of waste per fortnight would require approximately 7 x 1100L recycling bins + 3 x 1100L residual waste bins.

It appears from the proposed ground floor plan that the 33m<sup>2</sup> refuse store on the north side of the development has the capacity for 7 wheel bins. This refuse store shows a bin compaction area. Compacted waste by its treatment will weigh significantly more than loose waste. Waste can only be compacted in wheel bins designed for compaction. Compacted waste would not be advised due to the constraints of manual handling and Safe Working Loads (SWL) of collection vehicles.

Reconfiguration of wheel bins in this refuse store could potentially increase the number of wheel bins to 9.

In order to carry out collections, the outdoor education space would have to be of a design to accept 24 tonne collection vehicles to reverse right up to the refuse store on the north side.

### Commercial refuse store

This 9m<sup>2</sup> refuse store located on the east side of the development only allows for 4 x 1100 litre wheel bins. This aspect of the design and plan is unsuitable for a number of reasons;

- a) To access this commercial refuse store would require refuse/recycling collection staff to firstly enter the entrance hall and then to go through a lobby area before reaching the refuse store. The refuse store must be readily accessible to the point where the collection vehicle parks.

The refuse tracking plans (see below) show that a 24 tonne vehicle cannot reach this refuse store on the eastern side of the development.

### Retail unit (Ground floor & 1st floor)

British Standard BS5906:2005 estimates the weekly waste arising from a shopping centre or department store to be 10 litres per m<sup>2</sup> of sales area.



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The Retail area is shown as 2,291m<sup>2</sup> potentially resulting in upto 23,000 litres of waste, equivalent to 21 x 1100 litre wheel bins per week. Some national retailers will backload packaging (such as cardboard) on their own delivery vehicles. However, the plans do not show a delivery/goods in area on the north side of Picton Yard. What is the proposed means to take delivery of goods in for the retail unit that occupies two floors?

Office space (2nd & 3rd floors)

British Standard BS5906:2005 estimates the weekly waste arising from an office to be 50 litres per employee. The proposed plans for the two floors of office space to accommodate 100 employees per floor = 200 employees. The British Standard implies that 200 employees would potentially generate 10,000 litres of waste, equivalent to 9 x 1100 litre wheel bins.

Summary

The provision of refuse and recycling storage capacity of 4 x 1100 litre wheel bins for two floors of retail and two floors of office space are wholly insufficient. In addition the planned refuse store is not accessible by a collection vehicle.

Existing businesses in The Kingsway and Union Street

Picton Yard is currently a small car park and serves the purpose as a service lane to a number of businesses on The Kingsway and Union Street. With the current pedestrianisation of Union Street it is imperative that service vehicles including delivery vehicles and refuse collection vehicles gain access to the rear of these properties. The car park is currently home for commercial sized refuse and recycling receptacles for, amongst others; Flats above Principality Building society; Moda; Subway; Ladbrokes; Coral; Paddy Power; There are a number of empty units between 66 and 70 The Kingsway.

### **Designing Out Crime Officer**

In respect of the above development we would have the following general observations to make with a view to the development achieving the Secured by Design (SBD) Award:-

- (i) CCTV - Consideration must be given for the outside of the buildings, the main entrances into the buildings, bike stores and public circulation areas to be protected by CCTV. Ideally the CCTV would be monitored. The CCTV cameras must be located in elevated positions and protected in vandal proof housings. The images produced must be admissible in a court of law and the General Data Protection Regulations must be complied with.
- (ii) Vehicle access - Vehicle access into areas frequented by pedestrians or crowded places must be restricted to certain agreed times and managed by the site. Mitigation could be achieved through both fixed or drop bollards controlled by the person(s) monitoring the CCTV. Any bollards or barriers must meet the standard IWA 14 (Pas 68 & 69). Pedestrians and vehicles must be kept separate. Additionally, comments are made in respect of lighting; landscaping; waste disposal; drainpipes; building shell security; bicycle store; Controlled access into the apartments; door and window security; Intruder alarm systems.

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### **Housing Enabling Officer**

LDP Policy H2: Affordable Housing Strategy states that the LDP seeks to deliver a minimum 3,310 affordable homes over the Plan period. LDP Policy H3 Affordable Housing sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability.

In this case the application is in the Central Sub Strategic Housing Policy Zone where the target is for a minimum of 20% of the total number of dwellings provided on site to be affordable homes. The affordable housing must be built to DQR standards. The affordable housing should be integrated into the overall development and should not be obviously segregated through location, layout or design. The onsite affordable units will be transferred to either Council/RSL to be determined/negotiated.

### **Placemaking and Heritage Team**

The proposal is for a refurbishment/ conversion/ extension of the former Woolworths building (now Poundland) with a new two storey roof extension and new build 12 storey tower element to the north into the space known as Picton Yard.

This is an exciting exemplar scheme that has potential to form a key part of the city centre regeneration of the Kingsway area in conjunction with the Council's adjacent digital village project. The bold integration of greening into the architecture has potential to be an iconic tower building. The Welsh Government has declared a climate emergency in Wales and this project has potential to demonstrate how urban developments can be far more sustainable.

The Placemaking and Heritage response below addresses the proposal under the following headings:

- Swansea Central Area Regeneration Framework
- Tall Building Strategy
- Relationship to designated heritage assets
- Residential Design Guide
- Public realm
- Green Infrastructure/ Sustainable Urban Drainage

The proposal has been the subject of extensive and positive pre-application negotiations. This has allowed a number of aspects to be refined/ understood prior to the formal application. The scheme has also been reviewed by the expert and impartial Design Commission for Wales on two occasions. They were supportive of the proposal but had reservations about delivery as follows:

"The panel was supportive of the ambition and the integration of the ideas proposed for this location but have some significant concerns regarding the deliverability and viability of the proposals."

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The project has been awarded significant Innovative Housing Programme funds by Welsh Government to help deliver a step change which helps make the project deliverable and viable. The proposal is supported by a comprehensive and well-illustrated Design and Access Statement. The building has been designed in 3d which allows a full understanding of the complex form and relationship to surrounding context.

### Swansea Central Area Regeneration Framework (SCARF)

The site lies with the 'Kingsway Complementary area' as defined in the SCARF document. This prioritises regeneration actions around city living, working and learning. It is considered that the mixed use nature of the scheme meets these requirements. The retail presence (Poundland) is retained onto Oxford Street, new high quality city centre office introduced and high quality new city living homes. Additionally the Biophilic concept is an educational facility linked to Swansea University.

The SCARF document also sets place objectives for the area including adding height/ urban scale, improving frontages, active frontages, new uses including city living, green space/ public realm, contemporary design and legibility/ connections. The proposal also fully accords with this regeneration objective through the building design with innovative and striking integrated greening, enhancing Picton Yard and extensive greening both on the building and within the public realm areas. The proposed scheme embraces all these aspects as an exemplar. Within the 'green space' objective there is a specific reference to 'green architecture' and the proposal boldly integrates green walls, green roofs and Biophilic concepts as the defining character of the new building.

The SCARF concept plan identifies the area for employment led regeneration with pocket parks and improved pedestrian linkages. The proposal certainly includes improved office accommodation as part of a mixed use scheme, new public realm and pedestrian connectivity is addressed by the emerging Council scheme for the adjacent Oceana site with a new pedestrian link to Oxford Street that has been formed by building demolition but not yet opened as a route. Furthermore the proposal demonstrates private sector interest in regenerating the city centre building on the confidence of Council projects with public sector financial support.

### Tall Building Strategy

The site lies within the consider zone for Tall Buildings as set out in the adopted Tall Building Strategy SPG. This also defines a tall building as twice the general context; therefore at 12 stories the new tower element will meet this definition which brings a number of tests as follows:

Land uses with active frontages at ground floor - the proposal retains active commercial uses onto Oxford Street and an educational space and legible entrances onto Picton Yard.

Fit into the city scape defining key locations - although the tower does not have street frontage, it will mark Picton Yard as a new 'place' within the city and will form part of the view corridor along Kingsway as an area of regeneration.

Human scale - amendments made through the pre-application process have resulted in the tower cladding being brought to a lower level to cover the second floor upwards (the cladding originally started at the fourth floor).

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This helps give the base a more human scale and connects the tower to the Picton Yard space. It also brings the greening of the architecture including trees on ledges down to a lower level.

Slender and elegant - the tower has a small footprint and the disposition of windows and recessed balconies give an elegant and vibrant form. Amendments during the pre-application process included improving the north elevation to continue the tower aesthetic because it is seen from all directions in the round such as from the elevated hill slopes to the north. The visual testing demonstrates that the tower will be widely visible as a positive addition to the cityscape forming a cluster with the recently completed Coppergate student tower.

High Quality Design - the integration of planting on every floor as part of the architecture is a very distinct and quality approach. This includes green roofs, planted balconies and trees on lower ledges. This building will be defined by the integrated greening and it is essential that this greening survives and is allowed to thrive. There is the reality that the greening may take some time to establish, it is important to ensure the proposals will thrive and in the short term the visible 'ungreened' architecture is also high quality. This creates the need for a completely new planning condition - the greening is not part of the materials and needs more than a 5 year landscape condition - the greening must be sustained in perpetuity. The greening includes a complex water system to capture rain water and uses this to irrigate the multitude of planting areas such as the flat roofs and on elevations. It is likely that despite the extensive flat roof areas, no surface water will enter the drainage system because it is all used for irrigation. This is exactly the aim of the new SUDs regime to attenuate and reuse clean surface water rather than putting it unnecessarily into the drainage system.

The rooftop vertical green houses will also be striking features that give the building identity and a multi functionality drawing attention to underused roofscapes. The expansive elevated glass areas may cause issues of glare and this would need to be controlled via condition.

The proposal includes two level of high quality office space within the converted part of the building above Poundland with access from Picton Yard. This is welcomed to create new employment space in support of the SCARF objectives. The office floor areas are deep plan and to ensure sufficient natural lighting and ventilation as a quality space, light wells are proposed to be cut into the sides. These will ensure no overlooking of adjacent properties whilst creating internal courtyards that are proposed to be greened including new trees effectively dropped into the building.

The greening including trees on the lower tower elevation must be able to thrive without being difficult to manage. This is a new concept of building management; some aspects such as the balcony planters would be maintained by the residents, the roof terraces, greening on elevations and greening to the lower office courtyards would be maintained by the management company assisted by residents. The urban farm greenhouse areas would be a community interest company. Whilst this may be seen as novel it is likely to become mainstream in the near future to help cities adapt to climate change such as wetter winters with issues of surface water flooding, hotter summers with issues of overheating, bring nature back into the urban environment and the acknowledged wellbeing benefits of being close to greening and nature.

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The materials are high quality including aluminium window frames and high quality cladding which will need to be A1 rated fire compliant. The colour scheme proposes a recessive grey tower colour with vibrant varied green cladding to the recessed balcony areas. This emphasises the green credentials and ensures instant impact whilst the growing greenery establishes. The materials would be controlled in the usual composite sample manner.

Skyline - the top floor is inset to create a distinct cap to the building and the staggered inset balconies will create a distinct form that is visible on all sides.

Public Realm - the proposal includes softening the Oxford Street frontage such as a rain garden, plus new high quality public realm area in the Picton Yard including retractable canopies.

Legible location - whilst the tower is not sited on a street corner, the scale means that it acts as a legible marker for the new 'place' of Picton Yard. It will be read as part of the Kingsway Regeneration with legible pedestrian accesses.

Accessible location - the site is located 300m from Swansea Bus Station and less than 100m from bus stops on Kingsway. There is scope to provide public cycle parking within the public realm areas and it is suggested that this development could contribute to the Santander bike hire system that is being rolled out in the city centre.

Therefore it is considered that the proposal fully meets the Tall Building Strategy SPG as a high quality addition to the cityscape.

### Designated Heritage Assets

There are no direct effects on the historic fabric of listed buildings. Within 250m of the site are 6 listed buildings; the effect on the settings of these is as follows:

- 10 Union Street - The new tower would be visible rising up behind this former pub (now Holland and Barrets Health Food store). This will be a dramatic juxtaposition of old and new visible from the main shopping street. The visual relationship cannot be mitigated and is considered acceptable given the quality and greening of the new build as a dramatic symbol of contemporary city regeneration acting as a marker for Picton Yard as a new place when viewed from Oxford Street. There is no effect on outlook from this listed building because the rear upper floor rooms which not currently in use are toilet and service areas - the main aspect internally is looking east onto Union Street/ Oxford Street.
- Former Carlton Cinema - the south side of the development faces this listed building across Oxford Street. The new upper floors have been set back from the building line and the tower is some 40m back from the northern building line. From street level there will be no change in massing and the setting will be improved by the enhanced and greened elevation with more of a vertical emphasis. The additional massing will be visible from the upper levels within Waterstones from the café within the glazed frontage area. The new massing will also be visible in the context of the double towers of the former cinema looking across the roofscape from higher vantage points; this is not considered to be overly dominant and is considered acceptable as part of a contemporary city scape.

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- Mond Building - whilst the proposal is set to the west behind existing buildings on Union Street there is a change to setting of the grade II listed Mond Building, firstly the view looking west down Park street with the Mond Building on the right will change to have the tower within this view, plus the outlook from the upper floors of the Mond Building west will be changed with the massing of the new development. This is considered acceptable as the Mond was designed for an urban setting and there are no key designed views to or from the building.
- Albert Hall - from street level there is no effect on setting due to intervening build development. The tower will be visible in the expansive view over city rooftops from higher vantage points such as the northern slopes where the roof of the Albert Hall with distinctive ventilators is also discernible.
- Mount Pleasant Baptist Church - there is no effect on setting due to intervening build development.
- YMCA - there is no effect on setting due to intervening build development.

Therefore it is considered that the proposal would preserve the setting of nearby listed buildings.

### Conservation Area setting

The south frontage of Poundland (former Woolworths building) is the edge of the Oxford Street, Union Street and Plymouth Street conservation area. This area was designated for the small shops and larger civic building such as the former Carlton Cinema and Mond building. The enhancement of the former Woolworths building to have more of a vertical emphasis and high quality integrated greening will enhance the setting of the immediately adjacent conservation area. The subdivision of the Oxford Street frontage with the new architectural treatment reflects the earlier narrow burgage frontage widths when the site has multiple buildings.

The tower is also visible from Union Street behind properties within the Conservation Area, it does not change the character of the smaller properties within the conservation area but does create a dramatic juxtaposition of scale and contemporary character that is considered acceptable given the quality and greening of the proposals to symbolise the regeneration of the city centre.

Therefore it is considered that the proposal would enhance the adjacent conservation area.

### Residential Design Guide

The scheme can also be assessed against the adopted Residential Design Guide SPG. The flats are proposed for Pobl housing association and all meet DQR/ minimum space standards set out in the residential design guide.

All flats have access to roof terraces and all flats also have private balconies. This is a much higher quality of accommodation in contrast to many of the smaller scale upper floor conversions with no amenity space that have been implemented in recent years along Kingsway.

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The residential units are accessed from a secure and legible entrance off Picton Yard.

The apartments are either east or west facing with oblique southern views. Amendments made to the north elevation following the Design Commission for Wales has improved the dual aspect nature of many of the apartments.

To the north above the Principality Building Society are a handful of flats as a pervious upper floor conversion. Some of these have south windows overlooking the open yard area; this outlook will be changed and these units may receive less natural light but this is considered acceptable in an urban context in support of a high profile regeneration scheme. There will be no loss of privacy to these units because there are no north facing windows to the commercial space.

### Public Realm

The area to the west of the site is included within the red line is currently a small low quality surface car park. The proposal is to remove car parking and enhance the area as public realm/ event space known as Picton Yard whilst retaining access to the existing surrounding properties. This is welcomed to enhance the city centre and create a high quality space for the new development and the adjacent digital village project. Part of the proposal is to create a partially covered space through the use of retractable canopies based on a similar space in Dublin known as Meeting House Square. This is proposed to be delivered by the developer for the Council manage which is welcomed and the detail of the canopies, surfaces etc can be controlled by condition.

The proposal also to bring greening down to public realm level within Picton Yard and onto Oxford Street. This will help reduce the experience of the city as a harsh environment.

The applicant suggests that the Picton Yard space could be a multi-functional area for markets, outdoor cinema, music events and events in association with the adjacent Digital Village complex. Whilst the application suggests that Picton Yard could become an events space; there is no Council strategy for the hierarchy or use of public spaces in the city centre at present and the future use/ curation of events within Picton Yard is something for the Council to address in future. This does not preclude the applicant programming events within the space with the agreement of the Council.

The public realm area also needs to provide vehicular access to the surrounding properties for serving and a route through for service vehicles. This has been tracked and can be integrated as a shared space for controlled vehicle access without being dominant - this was a concern of the Design Commission for Wales when the scheme was presented to them. Vehicle parking would no longer be available but cycle parking would be added.

The supporting Design and Access Statement suggests that a new pedestrian access from the east off Union Street could be formed. This is out of the applicants control but would be beneficial for the Council to implement to improve permeability and link to Park Street.

There is no information on micro climate especially wind effects where the prevailing south westerlies could interact with the tower and swirl into the Picton Yard public realm area. This requires further consideration and potentially mitigation which can be controlled via condition.

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### Green Infrastructure/ Sustainable Urban Drainage

The scheme has been designed as a large scale 'biophilic living' project to green the city and demonstrate urban food production using flat roofs which are generally underused in cities. The project has been awarded significant amounts of 'Innovative Housing Programme' (IHP) funding by the Welsh Government as an exemplar for future urban living.

In parallel to the Welsh Government IHP exemplar funding, the Council is demonstrating commitment and Leadership to Green Infrastructure through the preparation of a Green Infrastructure (GI) Strategy for the City Centre for urban developments. The strategy sets out 5 principles of GI which should be considered by all who plan, design, build, vegetate and maintain GI. Application of these principles ensure that interventions maximise the number and intensity of benefits for both people and wildlife. These are; multifunctional; biodiverse; adapted for climate change; healthy; smart and sustainable.

The Strategy recommends the use of the Green Space Factor Score tool as an objective framework for assessing the quality and multi-functionality of GI proposals. The on water permeability has been shown to be a simple way to ensure that all 5 principles are achieved. The tool assigns values to different types of greening based on the amount of and water permeability achieved. The values are then multiplied by the size of the areas of greening propose. The least permeable (i.e. grey areas) achieve the lowest scores (from 0) and water permeable features (green/blue areas) achieve higher scores up to 1. The tool The strategy document sets a minimum score of 0.3 for commercial projects and 0.4 for residential projects with the maximum being 1 representing natural woodland and minimum being 0 representing hard tarmac surfaces and no planting. The proposal far exceeds the minimum target with a score of 0.49 for the building and Picton Yard area and 0.64 for the building only. It is imperative that the proposed green/ GI aspects are realised; it is recognised that some aspects may be experimental but they must be protected if there is any future delivery or value engineering issues.

The recent Sustainable Urban Drainage (SUDs) requirements in Wales are creating challenges for development, especially for urban schemes on previously developed land. Green infrastructure interventions can be an effective way of delivering on suds requirements within restricted urban plots. This project has potential to be a SUDs exemplar with rain water collected on flat roofs (blue/ green roofs) and used to irrigate the extensive on building planting.

There is also potential to demonstrate SUDs and urban green infrastructure in the public realm in close proximity to people which will create softer and multi-functional spaces and deliver proven health and wellbeing benefits which arise through access to green and natural spaces and features.

The Council also has a duty under the Environment Act 2016 to maintain and enhance biodiversity and the resilience of ecosystems. The proposal has clear potential to deliver on this requirement. However, species selection for bio-elements of the scheme (i.e. plants/trees/bee hives) should be based on and be a response to sound ecological analysis of the current ecological constraints, opportunities and connectivity. Green interventions should be clearly capable of being maintained throughout the lifespan of the development.



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### Summary

This is potentially an exemplar mixed use scheme which dramatically integrates architectural greening as a key component of sustainable city regeneration which is adaptable to climate change. Approval is recommended subject to the following conditions:

Conditions:

All aspects of planting/ greening on building elevations and roofs to be agreed and maintained in perpetuity

- Composite materials sample panel on site
- Large scale drawn details of all building aspects
- Testing and mitigation of glare from rooftop glass houses
- Wind testing and mitigation if necessary
- Public realm details including retractable canopies.

### **Highway Authority**

This application is for the redevelopment of the former Woolworths Building, retaining A1 use on the ground and first floors, B1 on the second and third floor, D1 educational use, 44 residential units and the redevelopment of Picton Lane Car Park into flexible public space.

A Pre Application Consultation has taken place, and initial Highway Comments included in the PAC report, as requested a Transport Statement has been provided.

The site is located within the city centre core, and should therefore be considered to be in an extremely sustainable location with excellent access to local facilities.

Pedestrian access is from Oxford Street at the front of the development, Oxford Street prohibits vehicles between 10:30 and 16:00 and links directly onto city centre cycle routes providing quick links to the NCN for journeys further afield. It is also well located for the bus and train stations.

As the site is located within the core, there is no requirement to provide car parking, it is agreed that any residual demand for private car use can be met by spare capacity within the existing city centre car parks, as can the loss of the 40 spaces which make up the current Picton Lane car park.

Cycle parking has been provided at a level in accordance with the Swansea parking SPG.

Picton Lane provides rear access to a number of properties on Kingsway, Oxford Street and Union Street, as part of this application the existing car park is to be converted to public space, this requires part of the existing circulatory lane which is currently adopted highway.

The stopping up should be carried out through the Town and Country Planning Act route, to which the Highway Authority is a consultee. This will require the applicant to demonstrate that all areas that are currently accessed or serviced from Picton Lane can be safely accessed once the section of adopted highway has been stopped up.

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The applicant has provided swept path analysis of a refuse lorry and fire appliance, which shows this to be the case.

A framework Travel Plan has been included, which includes suitable aims and objectives to encourage travel by sustainable means, this states that a Travel Plan Coordinator will be appointed 3 months prior to the first occupation, this should be conditioned.

A stage 1 road safety audit was requested at PAC, this has not been included in the submission, however the provision of an RSA can be included as a pre commencement condition.

A Highway Agreement will be required for works to the existing highway.

I would recommend no objections are raised to the proposals subject to the inclusion of the following conditions:

1. Prior to commencement of development details of the proposed access works to the highway shall be submitted and approved in writing by the Local Planning Authority the City and County of Swansea Development Management Team under a Section 278 Agreement. All access works, relating to the highway, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.

Note: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

2. The buildings shall not be brought into beneficial use until the pedestrian access and cycle parking works have been completed and made ready for use, in accordance with the approved drawings. The pedestrian and cycle parking areas shall be made available for their intended use at all times thereafter. In the interests of highway safety and general amenity.
3. No development shall commence until a Stage 1 Road Safety Audit on the Picton Lane public space, including vehicular access and exit and pedestrian routes has been submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety and general amenity.

4. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - The parking of vehicles of site operatives and visitors.
  - Loading and unloading of plant and materials.
  - Storage of plant and materials used in constructing the development.

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- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- Wheel washing facilities.
- Measures to control the emission of dust and dirt during demolition and construction and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

5. The buildings shall not be brought into beneficial use until the applicant has appointed a Travel Plan Coordinator and submit a full Travel Plan, which must include details for future reporting and monitoring, which shall be approved in writing by the LPA.
6. The buildings shall not be brought into beneficial use until a Delivery Management Plan is submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority. In the interests of highway safety and general amenity. Note: 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 contact e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk).

### APPRAISAL

#### Planning Application

The planning application has been supported with the following documents:

- Planning Statement;
- Design and Access Statement;
- Townscape and Visual Impact Assessment;
- Phase 1 Ecology Report;
- Heritage Impact Assessment;
- Drainage Technical Note / Strategy;
- Transport Statement;
- Daylight & Sunlight Assessment; and
- Architectural Plans & Drawings;

#### Material Planning Considerations

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;
- Townscape and visual impact;
- Heritage Impact;
- Impact on residential amenity including Daylight & Sunlight Assessment;
- Highways, access and pedestrian movements;
- Drainage; &
- Ecology

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### Development Plan Policy and Supplementary Planning Guidance

#### Planning Framework

The planning policy framework for the determination of this application is provided by the following policy documents:

- Planning Policy Wales 10th Edition (December 2018)
- Technical Advice Note 2: Planning and Affordable Housing
- Technical Advice Note 5: Nature Conservation and Planning
- Technical Advice Note 12: Design
- Technical Advice Note 18: Transport
- Technical advice note (TAN) 23: economic development
- Swansea Local Development Plan 2010 - 2025 (Adopted February 2019)
- Supplementary Planning Guidance.

#### Planning Policy Wales

Planning Policy Wales (PPW) Edition 10 (December 2018) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. PPW sets out how the planning system at a national, regional and local level can assist in delivering these requirements through Strategic Development Plans (SDPs) and Local Development Plans (LDPs).

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, PPW 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.

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Paragraph 3.3 emphasises that good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. In 'Considering Design Issues' in Paragraph 3.16 it is stated that planning authorities should 'through a process of negotiation seek to improve poor or average developments which are not well designed, do not take account of their context and consider their place, or do not meet the objectives of good design. Where this cannot be achieved proposals should be rejected. However, they should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions. If a decision maker considers that a planning application should not be approved because of design concerns they should ensure that these reasons are clearly articulated in their decision.

Paragraph 3.51 states that previously developed (also referred to as brownfield) land should, wherever possible, be used in preference to greenfield sites where it is suitable for development. In settlements, such land should generally be considered suitable for appropriate development where its re-use will promote sustainability principles and any constraints can be overcome.

Section 4 - Active and Social Places defines those places which promote our social, economic, environmental and cultural well-being by providing well-connected cohesive communities. Places which are active and social contribute to the seven goals of the Well-being of Future Generations Act.

Paragraph 4.19 states that the planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.
- In determining a planning application for development that has transport implications, local planning authorities should take into account:
  - the impacts of the proposed development on travel demand;
  - the level and nature of public transport provision;
  - accessibility by a range of different transport modes;
  - the opportunities to promote active travel journeys, and secure new and improved active travel routes and related facilities, in accordance with the provisions of the Active Travel (Wales) Act 2013;
  - the willingness of a developer to promote travel by walking, cycling or public transport, or to provide infrastructure or measures to manage traffic, to overcome transport objections to the proposed development (payment for such measures will not, however, justify granting planning permission to a development for which it would not otherwise be granted);
  - the environmental impact of both transport infrastructure and the traffic generated (with a particular emphasis on minimising the causes of climate change associated with transport); and
- the effects on the safety and convenience of other users of the transport network.

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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 2010 - 2025

#### Development Plan and Relevant Policies

The Development Plan for the area is the Swansea Local Development Plan (Adopted February 2019) and within which the following policies are considered to be relevant to your proposal:

- Placemaking and Sustainable Development PS 1, PS 2, PS 4;
- Strategic Development and Masterplanning SD 1, SD 2 & SD J (Swansea Central Area);
- Infrastructure Requirements and Obligations Page IO 1 & Supporting Infrastructure IO 2;
- Housing H 1, H 2 & H 3 (Affordable Housing); Historic and Cultural Environment HC 1;
- Social Infrastructure SI 8 (Community Safety);
- Regeneration and Commercial Development RC 1 Swansea Central Area Regeneration & RC 2; Retail and Leisure Development & RC 3 Swansea Central Area Retail Centre & RC 12 Office Development;
- Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); Transport, Movement and Connectivity
- T 1 Transport Measures and Infrastructure & T 2 Active Travel & T 6 Parking;
- Resources and Public Health Protection RP 1, RP 2 & RP 3 Noise, Air and Light Pollution
- Supplementary Planning Guidance (SPG):

SPG relevant to the proposed development, which are available to download in full from our website at [www.swansea.gov.uk](http://www.swansea.gov.uk) are as follows:

- Places to Live - Residential Design Guide (Adopted January 2014)
- Parking Standards (Adopted March 2012)
- Planning Obligations (Adopted March 2010)
- Planning for Community Safety (Adopted December 2012)
- Swansea Central Area Regeneration Framework (SCARF) - Feb. 2016.
- Tall Buildings Strategy - Nov. 2016

#### Strategic Development Areas

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 (PS1 & PS2). Detailed design of the proposal will need to take account of LDP Policy PS 2. This states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

Policy PS 4 seeks opportunities for business growth and potential for job creation through developments.

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.

### Affordable housing -

The need for affordable housing is a material planning consideration. The site is located in the Central Strategic Housing Policy Zone (SHPZ) and LDP Policy H3 requires residential developments to provide affordable housing on site within the Central area at a targeted percentage of 20%. As indicated the proposed 44 residential units included within the scheme are intended for use as affordable housing to be managed by a RSL and would be in compliance with LDP Policy. This will need to be secured by a Section 106 Planning Obligation.

### Green Infrastructure/ Sustainable Urban Drainage

The LDP provides specific policies on open space (SI 6) and green infrastructure (ER 2), biodiversity (ER 8,9,11), social infrastructure (SI 2) provision and mitigation of impacts of development.

As outlined, the scheme has been designed as a large scale 'biophilic living' project to green the city, which will accord with the Council's aspiration in respect of Green Infrastructure through the preparation of a Green Infrastructure (GI) Strategy for the City Centre for urban developments. The green infrastructure interventions are also an effective way of delivering the Sustainable Urban Drainage (SUDs) requirements and as outlined, this project has the potential to be a SUDs exemplar with rain water collected on flat roofs (blue/ green roofs) and used to irrigate the extensive on building planting. The Council also has a duty under the Environment Act 2016 to maintain and enhance biodiversity and the resilience of ecosystems. The proposal has clear potential to deliver on this requirement.

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### Swansea Central Area Regeneration Framework (SCARF)

Within the SCARF document the site lies within the Kingsway/Orchard Street: Complementary Area where the vision is focused on its potential to provide the Central Area with a new defined working living and learning zone with a new business district. The Kingsway could become a more attractive location for employment and upper floor residential development. New mixed use development with active frontages at street level will be encouraged around a new street scene and public realm, made possible by the removal of traffic lanes from the Kingsway. The key regeneration proposals include the former Oceana area together with other adjacent land and property through to Oxford Street which is identified as a key opportunity to provide a catalyst, employment led development, which could kick starts a regeneration process and helps to support residential, retail and leisure uses in the Central Area. The proposed development would be considered as a complimentary proposal to that scheme. The SCARF document also identifies a number of key development and design principles for the 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. The Tall Building Strategy outlines a number of design criteria and these are addressed within the Placemaking and Heritage consultation response outlined above.



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### Places to Live Residential Design Guide SPG (2014)

The Places to Live: Residential Design Guide SPG (adopted January 2014) provides design guidance for infill developments for more than 10 dwellings. The design guide is underpinned by four themes namely 'Putting people first'; 'Sense of place'; 'Creating sustainable places'; and 'Improving quality'. In this respect, the guidance sets out design considerations which are tailored to work from strategic issues down to detailed issues and include a brief overview of the issue, followed by guidance on how the consideration can be addressed to achieve high quality, sustainable, safe and inclusive places to live. The issues of townscape and visual impact; and impact on residential amenity need to be assessed within the design criteria provided by the SPG.

### **Policy Summary**

Within the national and local planning context, there is a clear support for the principle of the development at this City Centre location and the uses proposed, especially where the redevelopment will promote sustainability objectives. The principle of development of this site is therefore policy compliant.

### **Public Realm**

The area to the west of the site is included within the planning application red line area and is currently a small low quality surface car park which is within the ownership of the City Council. The proposal is to remove car parking and enhance the area as public realm/ event space known as Picton Yard whilst retaining access to the existing surrounding properties. As highlighted above, this is welcomed to enhance the city centre and create a high quality space for the new development and the adjacent digital village project on the site of the former Oceana building. It is suggested that Picton Yard could be a multi-functional area for markets, outdoor cinema, music events and events in association with the adjacent Digital Village complex.

This new area of public realm could either be laid out by the developer with a scheme and timing to be agreed or alternatively by the Council which would require a financial contribution from the developer to be secured by a Section 106 Planning Obligation.

### **Townscape and Visual Impact Assessment**

The application is supported by a Townscape and Visual Impact Assessment (TVIA) to assess the effects of the proposals on the townscape character of the area and the potential change to the Swansea city skyline. A series of viewpoints have been chosen to include in this TVIA.

The TVIA concludes that the existing building on the site is of poor architectural merit, and as such fails to add to the character of Oxford Street without impacting negatively on the former Carlton Cinema (Waterstones). Whilst a contemporary building such as that proposed would be distinctly different from the period buildings in the host character area, it is concluded that this would enhance the character and diversity of the street scene. The proposals are green and innovating, and the appearance of the building would create a new landmark building in this city centre location. The design of the scheme also complements the evolving public realm near The Kingsway.

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The proposals would not be seen in conflict with the Former Carlton Cinema building which is of strong architectural merit, located opposite the site on Oxford Street. In fact, the differences between the old and the new architecture would allow each to be seen as 'of their time' and offer a true reflection of the natural evolution of growth in the city centre in the 21st century. This would enhance the identity of the townscape character rather than dilute it when the proposals are compared to the baseline conditions of the site.

The proposals would aid the legibility and wayfinding in this central location by forming a cluster with the digital village and The Kingsway student building. The positive contribution to the skyline rests on the tall building's relationship with other tall buildings as well as its shape, form and silhouette. In this case, the proposals would form a complementary relationship to the 14 storey student 'Coppergate' building on the opposite side of The Kingsway. The Tall Buildings SPG highlights that buildings of character should be given sufficient breathing space to preserve their setting.

The proposals would impose on one listed building (Ye Olde Wine Shoppe) 10, Union Street, however, the effects are considered to be moderate/minor adverse only in townscape terms. Effects were otherwise generally considered as neutral or beneficial in townscape and visual terms. At street level, the proposals would make a positive contribution overall to the character and street scene of Oxford Street and Picton Lane in particular. At present, Picton Lane has no active frontages, however when the Digital Village on the Oceana site is completed, the proposals would complement and complete the public realm in this area through enhanced connectivity between Oxford Street, Picton Lane and The Kingsway. This constitutes negative public realm space in a central location which currently has potential for antisocial tendencies and activity.

In conclusion, it is considered that in townscape and a visual perspective, the proposal would be innovative and contemporary in design and add to the quality of the city's architectural stock and to the appearance of its skyline.

## **Heritage**

Policies HC1 and HC2 seek to preserve or enhance the County's buildings and features of historic importance. It is clear therefore that the proposed re-use of the building would accord with these policies. A Heritage Setting Assessment (HSA) has been submitted with the planning application to assess the impact on the setting of the historic assets located in close proximity to Picton Yard. Overall, the heritage setting assessment concludes that the proposed development would result in indirect effects on the significance of historic assets from change within their settings, but no greater than minor effects.

In particular, there would be a minor negative effect on the character and appearance of the Union Street/Oxford Street/Nelson Street conservation area due to the proposed tower's presence in the setting of Union Street, Park Street and in views west on Oxford Street towards the eastern edge of the conservation area. The Placemaking and Heritage Team consultation response concludes that the proposal would enhance the adjacent Conservation Area.

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The Mond Building is situated within Union Street and the HAS concludes that there would be a change to the setting of the Grade II listed Mond Building, resulting in a very minor adverse effect to its significance, due to its presence in views from Park Street in which it would compete with the listed building for prominence. Similarly, there would be a change to the setting of the Grade II listed Tavern Public House (10 Union Street - Holland and Barratt), resulting in a minor adverse effect on the building's significance, due to the proposed tower's background presence in views to it from the east; and The Grade II listed former Carlton Cinema (Waterstones) is situated opposite the building in Oxford Street and would also result in a change its setting resulting in a very minor adverse effect to its significance due to the proposed tower being present in views to the listed building from along Oxford Street to the east and west.

It is concluded that whilst minor and very minor effects have been assessed, this needs to be balanced against the improvement to the appearance of the existing building and would reflect the wider modern redevelopment and regeneration of the City Centre. Overall, it is concluded that the proposal would preserve the setting of nearby listed buildings.

It should also be noted that CADW have been consulted in respect of the potential impact of the proposed development on the setting of the scheduled monument of GM012 Swansea Castle. The HAS concludes that the proposed development will not alter the way that the castle is experienced, understood and appreciated and will therefore not have any impact on scheduled monument GM012. CADW have concurred with this conclusion.

### **Residential Amenity**

Being located within the City Centre location there are a limited amount of residential apartments in close proximity near to the site. However, at the rear of the site within the upper floors of the Principality building there are a number of residential apartments which would be opposite the tallest part of the proposal (i.e. the tower element) and the southern elevation of this building has windows to bedrooms and living areas which face the application site. The proposed building has been designed to have regard to these windows in order to minimise the potential loss of residential amenity through the impacts by of overlooking. In particular, the northern elevation of the proposed building will accommodate retail, restaurant and office space over the ground, first, second and third storey which would be located at the same level as the existing residential apartments at the Principality building. Whilst the ground floor unit (incorporating the first floor) will have a glazed elevation, the upper office floor will have a solid wall i.e. not allowing for direct inward looking into the apartments. The residential apartments will be sited above the floors of the proposed office space, thus higher than the existing residential apartments in the Principality building, and thereby minimising opportunities for inward looking owing to a more acute angle between habitable windows of both residential properties.

In terms of the physical form of the development, the upper storeys will project outwards slightly as compared to the lower levels adjacent to the residential apartments, and this will not unduly affect the residential amenity of existing residents. Overall, it is considered that the proposal would not materially impact upon the neighbouring residents and would not unduly impact any natural light afforded to any adjacent residential apartments.

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Daylight and Sunlight Assessment

Notwithstanding the above, a Daylight and Sunlight assessment has been carried out to determine the impact upon the daylight and sunlight amenity of relevant existing buildings which may arise from the proposed developments at Picton Yard. Namely, the effect the proposed development will have upon the residential properties within Principality House, to the rear of the development site.

The assessment has been appropriately evaluated against daylight and sunlight calculations undertaken in accordance with the Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight - A guide to Good Practice' 2nd Edition, 2011 (the "BRE Guide").

In terms of Daylight, the report has concluded that:

*"Of the twelve windows assessed, only two will continue to meet the Vertical Sky Component (VSC) target values as set out in the BRE guide; ten room windows will not. However, eight of the ten windows serve two bedrooms, a room use which the BRE considers less important than principal rooms, such as sitting/dining/kitchen areas. Both of the two bedrooms are served by four windows each, and whilst there are reductions in daylight to each window, overall the bedrooms will continue to receive a good amount of daylight. This is confirmed by the Daylight Distribution (DD) analysis, for which the BRE recommended target is met for both of the bedrooms.*

*The rooms served by the other two windows that do not meet the target are living/kitchen/dining (LKD) rooms. However, in both instances the rooms are served by a second window that faces in the opposite direction to the development site and both these second windows meet the BRE recommended target, mitigating the adverse effects on the other windows. The BRE Guide's DD target is met for one of the LKDs; the second falls marginally short at 75% of the existing, compared to the BRE recommended target of 80%."*

As such, in terms of the effects the proposed development has on daylight levels, it is concluded that, due to the levels of light retained and the room uses affected the effects are relatively minor, if not negligible.

In terms of Sunlight, the Assessment has concluded that: *"Of the ten windows assessed, eight will continue to meet the target values set out in the BRE guide for sunlight. The two windows that do not meet the target, fall short only marginally, achieving 18% and 21% of the overall annual probable sunlight hours. The recommended target for probable sunlight hours is 25%. The winter sunlight levels are expected to be 4% and 5%; the winter target is 5%."*

As such, in terms of the effects the proposed development has on sunlight levels, the Assessment has concluded that due to the levels of sunlight retained and the room uses affected the effects are relatively minor, if not negligible.

The Daylight and Sunlight assessment has concluded that whilst there *"will be an effect on the daylight and sunlight received to a limited number of room windows serving two flats to the rear, the levels of retained light are considered good and the day-to-day impacts on the adjoining occupiers enjoyment of the flats are expected to be limited on the basis of the results of our assessments."*

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

The purpose of TAN 18: Transport is to provide technical guidance on transportation related planning policies which emphasises that the integration of land-use planning and development of transport infrastructure has a key role to play in addressing the environmental aspects of sustainable development (Para 2.3). TAN 18 identifies that influencing the location, scale, density and mix of land uses and new development can help reduce the need to travel and length of journeys, whilst making it easier for people to walk, cycle or use public transport (Para 2.4).

The Head of Transportation has outlined his comments above, and as highlighted the site is located within an extremely sustainable location within the City Centre and has excellent accessibility to public transport and local services and facilities. Pedestrian access to the retail store is obtained directly from Oxford Street at the front of the development, and additionally pedestrian access will also be obtained from The Kingsway. There are also links directly onto city centre cycle routes providing quick links to the NCN for journeys further afield. Cycle parking has been provided at a level in accordance with the Swansea parking SPG.

The site is located within the central core area, and as such there is no requirement to provide car parking, and the demand for private car parking can be met by spare capacity within the existing city centre car parks, as can the loss of the 40 spaces which make up the current Picton Lane car park. A Travel Plan will be required in order to maximise the sustainable travel options.

Picton Lane provides rear access to a number of properties on Kingsway, Oxford Street and Union Street, as part of this application the existing car park is to be converted to public space, this requires part of the existing circulatory lane which is currently adopted highway. The stopping up should be carried out through the Town and Country Planning Act route, subject to grant of planning permission. This will require the applicant to demonstrate that all areas that are currently accessed or serviced from Picton Lane can be safely accessed once the section of adopted highway has been stopped up. The applicant has provided swept path analysis of a refuse lorry and fire appliance to demonstrate that the site can continue to be accessed. Whilst the Council's Waste Collection officer has expressed concerns about the retained accessibility for collecting waste and also the storage of waste, planning conditions are attached to agree a satisfactory management for delivery vehicles and for refuse collection / storage. Additionally, a stage 1 road safety audit will be required to demonstrate the safe accessibility of the Picton Lane area.

### Drainage Strategy

The submitted Drainage Technical Note outlines the proposed 'Biophilic Living' concept for the proposed development which promotes a natural holistic and environmentally sustainable approach to urban living. It highlights an existing DCWW combined sewer which runs east -to-west in Picton Lane which will be require to be diverted to enable the development to proceed.

The development proposes a number of green infrastructure technologies to recycle and attenuate rainfall such as: the communal green rooftop including greenhouses; green / blue roofs; rainwater harvesting for irrigation; green walls; Aquaponics; and courtyard collection / rain gardens at ground level.

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These will need to demonstrate that overall surface water run-off to the sewer will need to reduce post-development run-off compared to existing pre-development run-off rates in order to satisfy the sustainable drainage requirements under the Wales SAB legislative requirements.

The proposals demonstrate that adequate surface water and foul drainage conditions can be provided on-site. No objections to the proposed development are received from DCWW or the Council's Drainage Engineer.

### **Ecology**

TAN 5: Nature Conservation & Planning (2009) summarises issues relevant to nature conservation and planning. The purpose of TAN 5 is to provide advice regarding how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The application is accompanied by a Preliminary Ecological Appraisal (PEA) and to establish the ecological baseline, an Extended Phase 1 Habitat Survey and Bat Roost Assessment were undertaken in October, 2019. This concluded that the building supported negligible habitats of ecological importance and there was no evidence of roosting bats identified during the survey. It is considered that the proposed enhancement measures to be incorporated into the development design, in particular the green infrastructure elements, will contribute to an overall net gain in biodiversity.

### **Conclusion**

The principle of developing the site as a mixed-use development at this City Centre location is supported by both Planning Policy Wales and Local Development Plan planning policies at both the national and local level. The provision of the residential apartments within this sustainable location in the City Centre would make a contribution of delivering additional housing within the City Centre Strategic Development Area and would accord with the aspiration of the SCARF document for the Kingsway/Orchard Street: Complementary Area where the vision is focused on its potential to provide the Central Area with a new defined working living and learning zone with a new business district. The site is located within a sustainable and accessible location within proximity to a wide range of services and public transport facilities.

The proposed scale of the development would accord with the Tall Buildings SPG for this city centre location, and the contemporary design and incorporation of the 'Urban Greenery' would accord with the Council's emerging aspiration of the Green Infrastructure Strategy for the City Centre.

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

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### RECOMMENDATION

**APPROVE**, subject to the completion of a Section 106 Planning Obligation in respect of:

- **Commitment to Council's Beyond Bricks and Mortar scheme during construction.**
- **Public realm provision / landscaping of Picton Yard - the developer shall be responsible for the delivery of the laying out of Picton Yard at a specification and timing to be agreed with the Local Planning Authority or alternatively shall pay a financial contribution (figure to be agreed) to be made to City and County of Swansea for the delivery of the public realm area.**
- **Affordable Housing - 20% affordable housing onsite in line with the LDP policy. The AH units need to be DQR compliant, there should be a mix of property sizes/types and affordable tenures. The affordable units should be spread across the site not concentrated in one area. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.**
- **Section 106 Management and Monitoring Fee: Costs incurred against the management of the obligation - £1,000.00 and subject to the following planning conditions:**

1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development shall be carried out in accordance with the following plans and documents:

EX(0)100\_A - Existing Block Plan; EX(0)101\_A - Existing Basement & Ground Floor Plan; EX(0)102\_A - Existing First & Second Floor Plan; EX(0)103\_A - Existing Third Floor Plan & Roof Plan; EX(0)104 - Existing Site Plan; EX(0)200 - Existing Street Elevations; EX(0)201\_A - Existing Elevations I; EX(0)202\_A - Existing Elevations II; EX(0)300\_A - Existing Sections;

P(0)100\_A Site Location Plan; P(0)101\_A Proposed Block Plan; P(0)102\_A Proposed Basement Plan; P(0)103\_A Proposed Ground Floor Plan; P(0)104\_A Proposed First Floor Plan; P(0)105\_A Proposed Second Floor Plan; P(0)106\_A Proposed Third Floor Plan; P(0)107\_A Proposed Fourth Floor Plan; P(0)108\_A Proposed Fifth Floor Plan; P(0)109\_A Proposed Sixth Floor Plan; P(0)110\_A Proposed Seventh & Eighth Floor Plan; P(0)111\_A Proposed Ninth & Tenth Floor Plan; P(0)112\_A Proposed Eleventh Floor & Roof Plan; P(0)113 Proposed Site Plan; P(0)200\_A Proposed Street Elevations; P(0)201\_A Proposed Front Elevation to South; P(0)202\_A Proposed Rear Elevation to North; P(0)203\_A Proposed Side Elevation to East; P(0)204\_A Proposed Side Elevation to West; P(0)300\_A Proposed Long Section A-A; P(0)301\_A Proposed Long Section B-B; P(0)302\_A Proposed Long Section C-C; P(0)303\_A Proposed Cross Section D-D; P(0)304\_A Proposed Cross Section E-E; P(0)400\_A Proposed Views - Plans Received 16 December, 2019.

Reason: To define the extent of the permission granted.

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3 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding demolition, excavation, site preparation and enabling works) of the relevant part of the development. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. 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.

4 Prior to the commencement of any external works to the superstructure details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Typical window and door units within their openings;
- cladding / mesh / curtain walling;
- Shopfronts / canopies;
- Louvres
- Gates
- Parapet walls;
- Balustrading railing;
- PV panels;

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

Reason: In the interests of visual amenity.

5 Notwithstanding any detail shown on the approved plans, the proposed development shall be completed prior to beneficial occupation in accordance with any wind mitigation measures which are identified to be required in accordance with a Wind Microclimate Assessment which shall be submitted to and approved in writing by the Local Planning Authority.

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.

6 No superstructure development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of hard and soft landscaping including species, spacings and height when planted of all new planting. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.



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- 7 Prior to the first beneficial occupation of the development, the proposed management strategy for the future management and maintenance of the development including the building and all areas of public realm and external space within and around the development shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall include details of any management company proposed and its terms of reference and shall be managed thereafter in accordance with the approved strategy.  
Reason: To ensure that the building and public realm are subject to a future management and maintenance agreement to ensure that they are adequately maintained.
- 8 Prior to the commencement of the superstructure works details of the proposed levels of the development indicating its relationship to the adjoining land and any changes to the site itself shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.  
Reason: In the interests of visual amenity.
- 9 No soil stacks, soil vent pipes, flues, ductwork or any other pipework or ventilation details shall be fixed to the elevations of the buildings unless details are submitted and agreed in writing by the Local Planning Authority.  
Reason: To ensure that the external appearance of the development is satisfactory and does not detract from the character and visual amenity of the area.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any Order revoking or amending that Order), Part 25 of Schedule 2 shall not apply. If required, the installation of any satellite antenna associated with the residential apartment blocks shall comprise of a single satellite television system solution to serve each residential apartment block in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to its installation.  
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.
- 11 No development shall commence (excluding demolition, excavation, site preparation and enabling works) until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of any respective phase of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public foul sewerage system.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

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- 12 No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

- 13 Prior to the commencement of the development, including any demolition or enabling works, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered throughout the construction period and will need to provide the following:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- Wheel washing facilities.
- Measures to control the emission of dust and dirt during demolition and construction and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

- 14 Prior to the occupation of any part of the development, the pedestrian access and secure bicycle storage spaces associated must have been completed and made ready for use, in accordance with the approved drawings. The pedestrian and cycle parking areas shall be made available for their intended use at all times thereafter.

Reason: To ensure that adequate and safe access to the building is provided and retained and to ensure adequate cycling parking provision.

- 15 No part of the development shall be occupied/ brought into beneficial use until a Travel Plan Co-ordinator and a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provision for future reporting and monitoring, and shall be implemented and subject to review in accordance with the approved details.

Reason: In order to promote sustainable transport measures and maintain the free flow of traffic.

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- 16 Prior to commencement of development details of the proposed access works to the highway shall be submitted to and approved in writing by the local planning authority. All access works, relating to the highway, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.  
Reason: In the interests of highway safety.
- 17 Prior to the first beneficial occupation of the development a Stage 1 Road Safety Audit (RSA) on the Picton Lane public space, including vehicular access and exit and pedestrian routes shall be submitted in and approved in writing by the Local Planning Authority. Any required improvements identified under the RSA shall be implemented prior to first beneficial use of the area of public space.  
Reason: In the interests of highway and pedestrian safety.
- 18 The development shall not be brought into beneficial use until a Delivery Management Plan is submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be implemented and adhered to at all times.  
Reason: In the interests of highway safety and general amenity of the surrounding area.
- 19 Prior to the first beneficial occupation of the development, details of a Waste / Refuse Management Plan (including refuse storage areas and recycling facilities associated with the building) for 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 and to ensure that adequate provision is made within the development for the storage of refuse.
- 20 The detailed ecological mitigation measures as outlined in the Preliminary Ecological shall be incorporated into the development prior to that part of the development being occupied.  
Reason: In order to enhance the ecology of the site in accordance with the Environment (Wales) Act, 2016.
- 21 Prior to the beneficial use commencing 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 be verified by the appropriate testing methodology upon completion.  
Reason: to protect the proposed residential use against noise emanating from the commercial activity.
- 22 No beneficial use of the premises shall commence until a BS4142:2014 (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014.

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Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.

- 23 No development shall take place until a scheme, which specifies the provisions to be made for the control of ventilation and fume extraction has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied and retained thereafter.  
Reason: In order to protect the amenities of the surrounding area.

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application:[LDP Policies PS1; PS2; SD1; SD2; SD:J; IO1; IO2; H1; H2; H3; HC1; S18; RC1; RC2; RC3; RC12; ER1; ER2; T1; T2; T6; RP1; RP2 & RP3].
- 2 All off-site highway works will need to be subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.
- 3 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 contact e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)
- 4 Environmental Informatives
  - 1 Construction Noise  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site  
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.  
The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, section 60.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - 2 Smoke/ Burning of materials  
No burning of any material to be undertaken on site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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### 3 Dust Control:

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

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on-site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations

- 5 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

- 6 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)

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

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

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