

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 1

APPLICATION NO:

2017/0648/OUT

WARD:

Castle - Bay Area

Location:

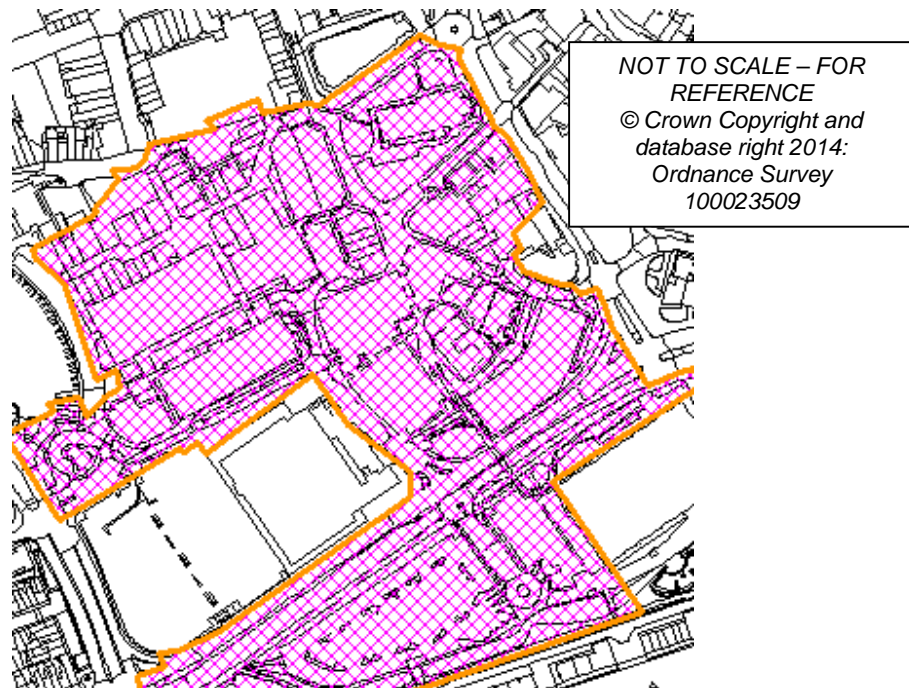
Former St Davids Centre And Other Land North And South Of, Oystermouth Road, City Centre, Swansea,

Proposal:

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

Applicant:

The City And County Of Swansea



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BACKGROUND INFORMATION

POLICIES

UDP - AS6 - Parking/Accessibility

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

UDP - EV1 - Design

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

UDP - EV2 - Siting

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

UDP - EV3 - Accessibility

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

UDP - EV4 - Public Realm

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

UDP - EV5 - Art in the Environment

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

UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

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

UDP - EV7 - Extensions/Alterations to Listed Buildings

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

UDP - EV33 - Sewage Disposal

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

UDP - EV34 - Protection of Controlled Waters

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

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UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - EV36 - Development and Flood Risk

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

UDP - EV38 - Contaminated Land

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

UDP - EV40 - Air, Noise and Light Pollution

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

UDP - HC1 - Housing Sites

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

UDP - HC3 - Affordable Housing

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

UDP - HC17 - Planning Obligations

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

UDP - R16 - Major New Development Waste Management Facilities

Proposals for major new developments will be required to incorporate adequate and effective waste management facilities. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS1 - New Development Proposals

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

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UDP - AS2 - Design and Layout

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

UDP - AS6 - Parking/Accessibility

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

UDP - CC1 - City Centre Mixed Use Development

Within the City Centre, development of the following uses will be supported:-

- (i) Retailing and associated uses (Classes A1, A2, A3),
- (ii) Offices (B1),
- (iii) Hotels, residential institutions and housing (C1, C2, C3),
- (iv) Community and appropriate leisure uses (D1, D2, A3)
- (v) Marine related industry (B1, B2).

Subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - CC2 - City Centre Retail Core

New retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - CC3 - St David's/Quadrant

The St David's/Quadrant area is defined as the area of highest priority for redevelopment in the City Centre. A comprehensive retail led mixed use regeneration scheme should be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination. Any other retail based development, whether within or outside the City Centre, will be evaluated against this aim. Development proposals that would put at risk the comprehensive retail led regeneration of St David's/Quadrant area, or would adversely affect the potential to enhance and redevelop shopping facilities elsewhere within the retail core, will not be supported.

UDP - EC15 - Urban Tourism

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

UDP - AS2 - Design and Layout

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

SITE HISTORY

App Number	Proposal	Status	Decision Date
None			

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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). The submitted PAC Report has outlined the pre-application consultation undertaken during the Autumn 2015 (Stage 1) and the Spring 2017 (formal Stage 2). Activities included the provision of a project website, meetings with local stakeholders and interest groups and a 3-day public exhibition.

At the end of the Stage 1 process, nearly 75% of respondents were in favour of the proposals for the development of a mix of uses within the St David's and LC car park sites being united by a broad pedestrian bridge over Oystermouth Road. The key themes in Stage 1 are summarised as follows:

- o Anchor Store, Better Brands (but also local independents) and Retail Mix
- o Too much retail with concern about empty shops
- o Need for another Cinema in the City centre questioned
- o Weather protection particularly for the Oystermouth Road footbridge, restaurants and shops
- o Dislike of student accommodation
- o Ice rink / skateboard park would we welcomed
- o Not enough parking
- o More trees and greenery

The Stage 2 process was focussed on the draft outline planning application and the PAC indicates that there were two common themes in the Stage 2 process:

- o St David's Church replacement church hall
- o Overlooking, noise, daylight and anti-social behaviour particularly from residents in Squire Court and Victoria Quay

The applicant's responses to these issues are summarised in the PAC as follows:

- o ANCHOR STORE, BETTER BRANDS AND RETAIL MIX - A large new department store would be most people's choice for inclusion within the scheme and we will endeavour to provide this. However, there are very few department stores in the market and this may prove difficult. We are equally confident we can deliver new good quality retailers into Swansea thereby making it a far more attractive shopping experience overall.
- o TOO MUCH RETAIL - Independent studies have shown that there is capacity for additional retailing in Swansea. Retailer requirements have changed over the years and shop sizes and locations that once fitted their requirements may no longer be suitable. However, we have found in the past that when more retail is introduced to a city centre it helps to rejuvenate areas by bringing in more shoppers. Any empty units are likely to be occupied by other retailers who are looking for more economic space.

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- o NEED FOR A CINEMA - We are looking to provide a cinema with a point of difference from the cinemas already operating in the city centre. The new cinema will be focused on providing a different customer experience, with luxurious and larger seating and food and drinks being brought to your seat by the staff. It is likely to be only 3 or 4 screens and will show a wider range of films rather than just 'blockbusters'.
- o WEATHER PROTECTION - A cover strategy has been developed to an outline proposal which includes different strategies for different locations and uses, ranging from architecturally integrated canopies on retail facades, potentially fully covered café / restaurant street and the covered bridge.
- o DISLIKE OF STUDENT ACCOMMODATION - In response to its relatively low popularity and a further review of the mix of uses, student housing is no longer part of the proposals.
- o ICE RINK AND SKATEBOARD PARK - The proposed mix of uses for the site has been developed carefully in line with the Council's planning policy aspirations for the site, and in response to expected demands from operators. The proposals include a significant proportion of leisure floorspace, which could be occupied by a range of leisure operators. This would not preclude an ice rink operator dependant on demand and viability.
- o NOT ENOUGH PARKING - The proposed scheme effectively maintains the current level of parking provision in the city centre and is set at a level that will support the proposals without encouraging excessive use of the private car. This is in line with guidance set out in Planning Policy Wales (PPW) and the Swansea Central Area Regeneration Framework (SCARF). Policy is to reduce/discourage car trips into the centre and encourage increased use of the city's Park and Ride facilities. Parking data provided by the CCS shows that the existing 4 car parks directly affected by the scheme currently combined operate with significant spare capacity during the week and at weekends. A large proportion of this spare capacity is in the St David's car park which currently provides a poor parking and unattractive parking facility.
- o MORE TREES AND GREENERY- The site is currently of very limited biodiversity value, comprising highly artificial and manmade habitats; as such, the proposed redevelopment provides the opportunity to include a range of habitat enhancement measures, which will deliver local biodiversity gains. These are outlined within the Preliminary Ecological Appraisal for the site and have been informed by the landscape proposals. The Sustainability Statement and BREEAM Strategy have accounted for the inclusion of new trees on site and significant ecological enhancement. The planting will be selected to be sensitive to the local natural environment.
- o ST DAVID'S CHURCH - The church hall is proposed to be located in a new building in approximately the same location as it is now. The size and layout of the hall will be based on the requirements of the church and a temporary hall will be provided near the Church during demolition and construction periods. The proposals will maintain access to the church for parking, accessibility and drop-off.

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- o OVERLOOKING, DAYLIGHT, NOISE AND ANTI-SOCIAL BEHAVIOUR – There will not be any hotel rooms below 5 meters above the podium level, ensuring that overlooking is minimised. Soft landscaping between the LC and the hotel will ensure that the customers do not feel unduly overlooked.

The daylight and sunlight assessment has been based on the maximum parameters so provides a worst-case assessment for the purposes of the outline planning application. Further daylight and sunlight assessment studies will be carried out at reserved matters stage to ensure the best location for the hotel, taking into account the LC's concerns. It is now proposed that the current pathway by the wall will be moved inwards, away from the wall, thus ensuring that the public can't get very close to the wall and look over it. Small areas of the wall will be accessible in order to enjoy the quality of this heritage asset, but they will be chosen strategically and will be kept at a minimum to discourage many people gathering. CCTV cameras and adequate lighting will discourage anti-social behaviour. In addition, we have agreed to plant evergreen hedging to help protect the residents of Victoria Quay from overlooking.

Servicing for the arena will be under the proposed podium. This, combined with the presence of the GWR revetment wall, will ensure that vehicle activity and associated noise is contained.

The existing LC car park operates between 7am to 11pm. The proposed car park will need to be 24-hour operation to support the hotel and arena development. However, during night-time hours parking and servicing activity will be limited.

Design Commission for Wales

Design Review 19 January, 2017

The Design Commission welcomed the return of this scheme to design review and the opportunity to comment on the updated proposals. It was clear that a considerable amount of work had been undertaken since the previous review providing more clarity and certainty regarding various aspects of the proposals and addressing some of the concerns raised in the previous design review. The proposals show significant ambition for this site. Some elements regarding future uses and occupiers are still unknown so the need for flexibility in the proposals was acknowledged. This report should be read in conjunction with the report from the previous review. It will not repeat the points raised previously, rather it focuses on the main points that emerged from this review, which should be considered in the development of the outline planning application stage.

Key action points

- o Refine the vision so that the function, nature and feel of the development is encapsulated within a succinct paragraph and/or diagram. The proposed development will have a significant impact on the identity of Swansea and further clarity is needed as to what will make it distinctive beyond the material selection. The vision should also reflect the desired quality which is of fundamental importance for this part of the city centre. To achieve the desired quality and identity within a realistic budget, it may be necessary to identify the locations/elevations/corners where investment should be focused, and secondary or tertiary elevations where a simpler, more cost effective approach may be appropriate. Overall the appearance of the buildings and the public realm must work in harmony to establish a unified and coherent identity.

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- o Develop the concept, ideas and programme behind the public realm strategy in further detail alongside the urban design framework and design code for the buildings. The proposed 'green artery' is currently unconvincing and should either be strengthened or an alternative strategy justified. This may include consideration of a primary route that is more urban with clear sight lines, and a secondary route that is greener and more meandering. There is the potential for over-complication if too many concepts are incorporated, so refinement of the ideas may be required.
- o Provide further details and reduce uncertainty regarding the north-south connection and the issues around access between different levels. There must be no doubt that movement between key locations is accessible to all and the number of barriers to movement are minimised. This could be presented as a series of diagrams.
- o Further development of the phasing plans to test different scenarios based on which elements of the scheme may come first and what temporary measures may be needed to achieve the overall vision. This is particularly relevant if the arena is developed during the initial phases as the levels and links across Oystermouth Road will need to be in place. Quick wins and temporary uses would help to maintain momentum and start to change perceptions of the area.
- o Much more detail is required on the sustainability and energy strategies for the overall development. This aspiration has been embodied in the City Centre Strategic Framework, but needs to be articulated in a more convincing and ambitious manner. This has a long term impact for the management and maintenance of the development and must be considered at this stage so that it be fully integrated into the proposals.

Additional points for consideration

- o The document would benefit from further reference to the City Centre Strategic Framework to provide the context for the development and show how the aims of the framework are being satisfied or enhanced.
- o Concerns regarding the impact of the proposed bridge on the quality of the environment of Oystermouth Road remain, but it is accepted that this approach will be pursued. The management and maintenance implications of this dominant piece of public realm infrastructure including all of the steps, hard and soft landscaping need to be understood and factored into future cost plans to ensure that the quality of the public realm can be maintained.
- o Natural surveillance of the bridge should be a key consideration as proposals are developed for the bridge itself and the uses on either side. A plan showing activity at different times of the day may help to determine whether there will be sufficient surveillance and activity on the bridge to ensure that it feels like a safe environment.
- o Maintaining public engagement through the process will be important and how feedback is collected and used should be considered. It is positive to see the previous consultation interpreted and illustrated but future feedback may be more qualitative rather than quantitative and creative approaches may be required to capture this input. The initial steps regarding engagement are encouraging and the direction of travel is supported.

Conclusion to further review

This was the last opportunity to review the scheme before the submission of an outline planning application which is due in March. We would welcome the opportunity to review elements of the development as they come forward at the reserved matters stage.

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Statutory Planning Application Consultation

The application was advertised on site and in the local press. 3 residential LETTERS OF OBJECTION have been received making the following points:

1. The proposed hotel should be positioned as far from the residential apartments (Anchor Court, Squire Court, York Court etc.) as is possible on the scheme.
2. That appropriate measures are included in the design/construction of the development - in particular, the hotel - to ensure that the privacy of the existing Marina residents is maintained.
3. That measures are put in place to minimise any disturbance to the residents of the Marina both in the construction phase and ongoing operation of the development buildings.
4. That the 'walkway' originally included in the design to run along the top of the existing wall between the Marina and the car park be completely removed from the design as I see this as a source of major problems both with noise and nuisance issues to the residents of the Marina.
5. Similarly to remove the proposed 'viewing area' - situated at high level again on the wall between York Court and Squire Court as this will inevitably also become a focal point for problems.
6. As a resident living in Victoria Quay I have serious concerns regarding development zone 4, in particular DZ4c. In the planning application it states that it will be "up to 13 storey hotel/residential building (ClassC1/C3)". During the consultation process with the public it was never mentioned that DZ4c would be ever be intended as C3 use (dwelling houses), we were told that it would be a 3* or above hotel.
7. My main concern is that the hotel/block of flats will be built on land opposite my bedroom window, this will raise a number of issues, namely a complete and utter lack of privacy, a huge increase in noise and a substantial decrease of daylight but big increase of artificial light during the evening/night from the outside lighting of the hotel and indoor area.
8. There is also a planned walkway along the revetment wall, we currently have problems with anti-social behaviour and I only see this problem escalating, I also understand that there are plans to have a viewing point along the wall between York Court and Squire Court, again this will be a complete intrusion of privacy for all the residents of York and Squire Court as it looks directly into the bedroom windows of both blocks.
9. Object to this planning application on the ground that I feel very little consideration has been given to the residents of Victoria Quay in regards to the impact of both the hotel/block of flats and the indoor arena being built within such close proximity to residential apartments. The whole of development zone 4 will impact massively on the day to day life of the residents living along Victoria Quay.

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10. I am the owner of a flat in Excelsior. The proposed development of St Davids car park is excessively obtrusive, with much of it being far higher than the existing car park. I believe the proposed building is up to three times as high as the top of the car park. When this flat was purchased there were no plans to demolish the car park and the flat and many others enjoy a clear distant view across towards Mumbles.
11. The height of this new block will create a dramatic visual impact on the whole area around it and there is no identified need for such a high building. It will create a densely developed feel to the whole immediate area and is entirely inappropriate in view of the low rise buildings around it such as the LC2 leisure centre. There could even be views into the leisure centre as well as into adjacent flats which would cause real privacy issues.
12. A low rise development would be acceptable although there is a lack of any evidence of demand for such office space in view of the amount of empty office property in Swansea.
13. This proposed development will blight the whole areas for many years to come during the planning and development phase. In turn this will have a detrimental affect on residents in Excelsior which will also make it very difficult for them to move out by selling their properties. Already values are falling in anticipation of this excessive development.

In addition, the following objections have been received from Tesco, Travelodge, LC & Market Traders Association.

Tesco Objection

ECS Transport Ltd have been commissioned by Tesco Stores to monitor the impact of the application with respect to transportation at the Tesco store and the Wellington Street access.

Tesco are supportive of the principle of developing the wider area which will benefit the wider city centre. However, there are reservations in respect of the calculations of the parking provisions in the TA and Tesco may be required to review the parking controls within the car park.

The primary concern is the proposed alterations to Wellington Street and the implications for customer traffic. Tesco customers currently have priority when exiting the traffic signal junction. The proposed alterations to Wellington Street will require Tesco customers to give way to other traffic movements, which is illogical as Tesco are the greatest traffic generator, and will lead to road safety issues.

The layout is likely to be confusing to drivers as it is contrived and does not best serve the various road users. The introduction of varied priorities will impact on the capacity of the junction, and has not been modelled in the TA. Tesco traffic will be seriously disadvantaged when leaving the store and will lead to a loss of trade.

The Wellington Street / West Way junction is already operating over capacity without considering the likely implications of the alterations.

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Travelodge Objection

Travelodge occupy the existing building (known as the Excelsior Building) on Princess Way in Swansea. Our client operates the building as a hotel which will be immediately adjacent to the blocks identified as DZ2a and DZ2d on submitted plan reference 145 'Parameter Plan 04 Building Land Uses'. These blocks are currently identified for a mix of shops (Use Class A1), Financial and Professional services (Use Class A2), Restaurants and Cafes (including Hot Food Takeaways) (Use Class A3), residential dwellings (Use Class C3) and Assembly and Leisure Uses (Use Classes D1 and D2).

It is noted that this is an outline application, with all matters reserved, and that the current proposals do not demonstrate the detailed layout or design of the redevelopment. However, at this stage our client wishes to record their concern regarding the potential impact of the proposals on their business operations specifically with reference to the need for a further hotel, and also potential impact on the amenity of Travelodge's guests. Comments are set out below under specific headings.

Proposed Uses and Need for a Hotel

In principle there is no objection to the provision of town centre uses in the town centre location within which the Application Site is situated. Indeed, such uses are beneficial to Travelodge's business in terms of attracting visitors to Swansea resulting in additional business.

It is acknowledged that Policy EC15 states that proposals within the City Centre that support the 'urban tourism resource' by improving, inter alia, the quality and range of accommodation on offer will be supported, and Planning Policy Wales (PPW) states that there is no requirement to demonstrate 'need' for commercial uses within defined centres. However, local planning authorities, as set out at para 10.4.1 of PPW, are required to take into account "impacts on existing centres", including (para 10.4.2) cumulative effects.

Travelodge are concerned that an additional hotel facility of the size proposed (up to 11,300 sqm) could adversely impact on their existing accommodation offer and the need for a hotel of such size has not been justified within the outline planning application submission. The application has also not considered potential impacts on the existing centre and existing businesses and uses, and makes no reference to potential cumulative impacts as a result of the type of uses proposed. It is therefore requested that further information is requested from the Applicant on this matter prior to the determination of the application. Travelodge would like to reserve the right to comment further on this matter following the submission of additional information.

Noise

Criterion xiii. of UDP Policy EV2 requires that new development must have full regard to the existing adjacent developments, as well as the creation of any environmental pollution to the detriment of neighbouring occupiers in terms of light, air and noise.

A Noise and Vibration Assessment has been prepared and submitted as part of the application, which considers the existing noise climate at the redevelopment site to determine its suitability for the proposed uses. The assessment focuses on the future inhabitants of the scheme and has failed to examine whether the proposed development would preserve acceptable noise conditions for neighbouring occupiers.

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The potential adverse impact of noise disturbance both during the construction period (particularly early in the morning, Bank Holidays and weekends), and the longer term disturbance associated with the A3, D1 and D2 uses proposed immediately adjacent to our client's hotel requires careful and informed consideration and it is considered that additional information in this regard should be requested from the applicant.

Loss of sunlight/daylight

The proximity of the northern side elevation of our client's hotel to the block marked DZ2a on plan reference 145, has the potential to cause issues relating to loss of sunlight/daylight for hotel guests staying in rooms on this side of the hotel, and other associated amenity impacts such as overlooking and loss of privacy depending on its height and proximity to the existing hotel.

The planning application is accompanied by a Daylight and Sunlight Assessment. The Assessment identifies low Vertical Sky Component levels due to the proximity of proposed Blocks DZ2a and DZ2d to the Excelsior Building. Again, as with comments made in respect of noise, this assessment concentrates on the impacts and mitigation measures for the future occupiers of the proposed new buildings rather than the users of existing neighbouring buildings, such as our client's hotel guests. Evidently, the potential for loss of sunlight/daylight upon the neighbouring hotel guests is dependent on the height, scale and layout of the new development, which will be determined at the Reserved Matters stage. The design of Block DZ2a will need to be carefully and sensitively considered with these amenity issues in mind, to ensure compliance with UDP Policy EV2 referred to above.

Evidently, the potential for loss of sunlight/daylight upon the neighbouring hotel guests is dependent on the height, scale and layout of the new development, which will be determined at the Reserved Matters stage. The design of Block DZ2a will need to be carefully and sensitively considered with these amenity issues in mind, to ensure compliance with UDP Policy EV2 referred to above.

Chairman of the Market Traders Association - objection on behalf of the Swansea Market traders.

Whilst I accept there was one previous consultation of which I am aware, at no stage were we informed that the existing entrance which directly links the Market with the Quadrant Centre was under threat. The Market is the heart of the city and a major draw to tourism. The Council term it as 'the jewel in the Crown' and yet we potentially find ourselves isolated from the main shopping area and destroying a 44 year symbiotic relationship that has existed between the two. The rents at the entrances are the highest in the Market because they benefit from the entry footfall. As I stated, this potential severance is of serious concern to the 100+ sole local traders who make a living from this location. In our view the removal of this entrance would be of major detrimental effect to the Market and, whilst they may not appreciate it at this stage, the Quadrant itself.

LC Leisure - objection. There is a concern as the hotel will reduce natural day light to the waterpark at the LC. This will be detrimental to the customer experience. In addition customers will be concerned and perceive that they are being "overlooked" by the hotel while they are using the LC waterpark and are in their swimming costumes. Both of the above factors could have a negative impact on the customer experience at the LC and therefore negatively impact the LC as a tourist attraction and as a business.

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Glamorgan Gwent Archaeological Trust - No comments.

CADW - Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. It is a matter for the local planning authority to then weigh our assessment against all the other material considerations in determining whether to approve planning permission, including any issues concerned with listed buildings and conservation areas. Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), technical advice notes and circular guidance. PPW explains that the desirability of preserving an ancient monument and its setting is a material consideration in determining a planning application whether that monument is scheduled or not. Furthermore, it explains that where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical preservation in situ. Paragraph 17 of Circular 60/96, Planning and the Historic Environment: Archaeology, elaborates by explaining that this means a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of visible remains. PPW also explains that local authorities should protect and conserve parks and gardens and their settings included in the register of historic parks and gardens in Wales.

The application area is located some 115m southwest of scheduled monument GM012 Swansea Castle and 175m southwest of scheduled monument GM441 Original Swansea Castle. However all views towards the development from GM441 are blocked by the extant Castle Buildings. The development will not be seen from ground level of GM012 but will be visible from the wall walk above the hall block and the top of the southern garderobe tower. The application includes a heritage impact assessment which includes information on the setting of GM012 and the probable impact of the development on it. This includes a photomontage showing an indicative view of the proposed development from the top of the southern garderobe tower. This is one of the identified significant views from the castle as it allowed shipping approaching the bay from the west to be observed. From the photomontage we can conclude that the proposed development will alter this view by adding a large solid flat topped structure to it but not obstructing it. In our opinion this will have a very slight but not significant adverse impact on the setting of scheduled monument GM012.

Council's Drainage Engineer -

We have reviewed the submitted Drainage Statement dated 23 March 2017 by Curtins in conjunction with subsequent meeting's, letter dated 16 May 2017 and drawing 060107 CUR 00 ZZ DR X 20008 Rev P02 which has been developed utilising 50mm/hr rainfall to establish run-off/discharge rates and allows for betterment over existing and attenuation volumes for each development zone/phase, which is acceptable to the Authority and recommend that the following conditions are appended to any permissions given.

We would highlight though that DCWW will have the final say over the final discharge rates as a connection to their system will be required using the current approach and recommend they are consulted forthwith.

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Dwr Cymru Welsh Water -

Initial Response - 24 April, 2017

In respect of the aforementioned, we can confirm that Dwr Cymru Welsh Water were consulted at pre-application stage under Schedule 1C (Article 2D) and by response (Ref: PPA0001868) it was advised, at the time of the consultation, that we were not able to support the application in its current format.

Parts of the re-development site would be situated in close proximity to a 1650mm public combined sewer where it will result in damage to the public infrastructure and /or our ability maintain it. As such there will be undue risk to the development, the health and safety of its occupants, the health and safety of the operatives responsible to effect repairs as well as undue risk of pollution and detriment to the environment. We have been liaising with the applicants regarding their proposals and upon their request we have carried out a sewer location survey to determine the exact location and depth of the 1650mm public combined sewer. This will enable the applicant to provide further, more accurate plans, detailing what measures will be used to protect the strategic asset. We will continue to work with the applicant until an appropriate solution can be found.

Accordingly, having regard to the above, we would like to provide a **{\b HOLDING RESPONSE}** on this application until such time as the aforementioned information requested has been provided to fully clarify the scope of drainage works and required protection measures at this proposed development site. In relation foul water drainage arrangements, in principle the foul flows can be accommodated within the public combined sewerage system located in the vicinity of the proposed re-development.

Further Response - 22 May, 2017

Thanks for the email and I appreciate the effort of updating the drainage strategy which brings together the various strands of information recently presented.

As discussed we are content to support in principle subject to full details of a scheme to protect the trunk sewer to be submitted via planning condition prior to the commencement of development. It is likely a bespoke Legal Agreement between us and your client will be necessary in order to secure these measures including any arrangements for mitigation in the event of us requiring access to the sewer in the future for maintenance or operational issues.

In regard to the drainage of the site, notwithstanding the limited site investigations to date we will also seek to condition the submission of a drainage strategy, which shall ensure all sustainable measures of SW disposal are explored in advance of a communication to the public sewer.

I trust this is positive for you and your client and therefore I recommend the revised drainage strategy is formally submitted to the LPA, so that we can respond to consultation & provide appropriate conditions.

Natural Resources Wales - We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

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We have considered the applicants response to our pre application advice in the pre application consultation report and offer the following comments:

Land Contamination

As stated in our pre-application response, we agree with the applicant that intrusive ground investigation work are required in order to establish the risk of previous land contamination on this development. Therefore we would request that conditions are included

Flood Risk

We have reviewed the Flood consequences Assessment (FCA) provided in support of this application and found to give a reasonable estimation of flood risk to the development (notwithstanding the uncertainties associated with Flood Risk analysis). The FCA highlights that there will be a significant flood risk to the Swansea Central site within the current century as a result of sea level rise due to climate change. Therefore the development of the site would not be compliant with TAN15.

The FCA suggests that development of the site could be made compliant with TAN 15 if suitable flood mitigation options are provided such as construction of new Flood Defences.

It is noted that the FCA indicates that the City and County of Swansea Council has made a formal commitment to develop an acceptable long term proposal for a Strategic Flood Risk Management Strategy through its Cabinet paper "The Management of Future Risks of Flooding from the Effects of Climate Change, 20th October 2016". We recommend a condition is included to ensure that this commitment will be upheld.

Pollution prevention

Would like to see a robust CEMP which details ways of working and pollution prevention measures to ensure no detriment to the Tawe which is failing under WFD during construction and lifetime of development. We recommend a condition is included for the provision of a CEMP prior to construction.

Protected Species

We note from the Ecological Appraisal report that the development area was subject to bat surveys comprising external inspections and assessments of the buildings and trees on site. We advise that you seek the advice of your in house ecologist regarding these surveys. Providing that your ecologist is happy with the nature of the survey information submitted we have no objection to the proposals / no further comment.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/planning-and-evelopment/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.

Designing out Crime Officer - Detailed recommendations have been provided by South Wales Police's Designing Out Crime Officer and Counter Terrorism Security Advisor.

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Neath Port Talbot Borough Council - While the Authority does not object in principle to the proposal, there are concerns with respect to the increased traffic upon Fabian Way. In terms of planning policy, residential and visual amenity the proposal is not considered to have a significant impact upon Neath Port Talbot.

Head of Environmental Management (Pollution Control) - agrees in principle with the findings of the Noise and Vibration Assessment and recommends a number of planning conditions for the following noise sources: -

Arena Noise:

Given the proposed C1 and C3 use (DZ4c) to the immediate east of the proposed arena and the existing residential uses to the immediate south (Anchor Court/ Squires Court for example) then a condition in-line with the comments put forward in the report would be suitable:

- o "MNL (LAeq, 15min) created by events inside the development and measured at the façade of any noise sensitive receptor with windows to habitable rooms, shall not exceed a level 10dB below the background sound level (LA90, 15min)" Also, "MNL (Leq in the 63Hz and 125Hz octave bands shall not exceed a level 3dB below the background sound level (LA90,15min) in that octave band"

I would also be looking to ensure that live performances are finished by 22:30 as with other events held in the Local Authority.

Plant Noise Criteria:

- o Unless otherwise agreed in writing, prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all building services plant noise shall be designed to achieve a cumulative rating level (dBLArTr), that does not exceed the representative night time background sound pressure level (LA90,15min) at the nearest noise sensitive dwelling; in accordance with BS 4142:2014. Methods for rating and assessing industrial and commercial sound.

Given that residential premises on Victoria Quay have habitable rooms at heights in-line and above the current embankment, there is the potential for disturbance to be caused by plant noise. This should be considered during the design phase and mitigating measures put forward.

Delivery Yard Noise - TESCO:

Given the outcome of the BS 4142:2014 assessment carried out, the following condition should be imposed:

- o Unless otherwise agreed in writing, a scheme shall be submitted to and approved in writing by the Local Planning Authority to ensure that all habitable rooms, exposed to noise from the delivery yard, where the rating level (dBLAr, Tr) exceeds the background LA90, t shall have a façade designed to enable the mitigation of the indication of adverse impact as identified by BS 4142:2014. Methods for rating and assessing industrial and commercial sound.

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

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Internal Ambient Noise Levels:

- o Unless otherwise agreed in writing, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide that all habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

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

The level of attenuation and/or mechanical ventilation required (if any) can be discussed/agreed upon the outcome of the detailed assessment recommended within section 6.3.8 of the Noise and Vibration Assessment.

Mixed use activity and Noise:

- o Unless otherwise agreed in writing, prior to the beneficial use of the development 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.

Informatives should be imposed in respect of construction noise, smoke, burning of materials, dust control and lighting.

Air Quality:

Satisfied with the contents of the Air Quality Report subject to the mitigation measures within the Report through a Construction Environmental Management Plan.

Land Contamination:

Satisfied with the Phase 1 Ground Conditions Assessment (Desk Study) Report subject to conditions.

Highway Observations

1. Introduction

The application is for outline consent only with all matters reserved. It was supported by a Transport Assessment written by Mayer Brown on behalf of the City and Council of Swansea, the scope of which was agreed with CCS Highways. The agents for the application are Savills.

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As an outline scheme, a number of maximum and minimum development parameters have been set. The Swansea Central scheme has been broken down into five distinct Development Zones (DZ) to differentiate key elements of the scheme:

They are spilt into two areas

- o 'North Site' - DZs 1, 2, 3, 5 (City Centre regeneration)
- o 'South Site' - DZ 4 (Arena and Hotel/Residential developments)

As part of the proposals, improved pedestrian connectivity will be achieved between the North and South site through the introduction of a new wide footbridge over Oystermouth Road linking the two sites and the city centre to the waterfront.

2. Car Parking

The existing car parks at St. Mary's (297 space surface car park) and St. David's (460 space MSCP) are being lost and there is a new Multi Storey Car Park proposed at the LC2 Car park site (currently 385 space surface car park, with the proposed arena above the facility). The Quadrant Court car park (517 space MSCP) is being retained.

In summary the loss of the parking spaces are being replaced elsewhere plus an increase to meet the new demand generated. A large scale parking study was undertaken which showed that the majority of the existing city centre car parks are underutilized. The results were as follows:

Car park Name	% occupation weekday	% occupation weekend
Quadrant Court	38	76
St Davids	18	54
St Marys	64	100
Oystermouth Road	58	100

In summary there are 988 spaces spare on a typical weekday and 353 spaces spare on a weekend.

Disabled parking bays will be provided at the scheme's proposed new parking areas in accordance with the minimum disabled parking standards set out in CCS's Parking Standards Supplementary Planning Guidance document (March 2012) which advises a minimum of 6%. The existing disabled car parking spaces around St David's will also be retained. Provision will be made at the proposed new car parks for the installation of electric vehicle charging points as required.

3. Junction Modelling

The junction modelling undertaken (using Transyt) shows no issues during the normal day to day movements. The hours tested were morning peak and afternoon peak on a week day and a lunchtime peak on a Saturday. The only case that showed a failure was with two events and a full shopping day on a Saturday. This can be controlled by conditioning an Event Specific Traffic Management plan such as it put in place for other special events in Swansea.

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In the main the highway infrastructure is to remain the same, the main changes relate to the alterations to the existing Albert Row (which is currently the access to the servicing area of Tesco's Marina as well as giving one access of two accesses to St Mary's Car Park) to a no-through road, and the widening of Wellington Street to allow two way flow to the Quadrant car park, and also to access the Tesco service yard. A revised junction layout would also be required at the junction of the customer access (Tesco's) with Wellington Street. This has been based on a design undertaken by CCS Highways. Concern has been raised from Tesco both regarding their accessing arrangements for the customers and also for the servicing at the rear. In my opinion the proposed changes will not have any detrimental impact on either of those elements.

As a result of the Swansea Central proposals, several improvements and amendments will be made to the local highway network. Details of these proposed junctions to be improved are outlined below:

- o Wellington Street/West Way junction
- o Albert Row/Oystermouth Road junction

4. Servicing/deliveries

Service vehicle routes will be provided to the proposed uses located to the north of Oystermouth Road. The main service route will be taken via Wellington Street, and access to the existing Boots service yard and Tesco service yard will be maintained along this route. To reduce the need for service vehicles to access the main north/south pedestrianised route to the north of Oystermouth Road, an additional service vehicle route to the uses proposed will be provided from Princess Way. The above servicing routes will also allow access by emergency vehicles. Plans illustrating the swept path of service vehicles accessing the proposed service areas described above have been submitted as part of the proposal. These drawings demonstrate that service vehicles can safely use the proposed road and service yard layouts.

The Arena and hotel will be serviced via a separate dedicated service access located on the westbound carriageway of Oystermouth Road to the east of the proposed junction. This access allows access to a service yard to the rear of the Arena and egress from the coach/taxi drop off point. This access will operate as a left in/left out arrangement and a servicing plan will be put in place setting out the City routes vehicles should use when exiting the site. The left in/left out arrangement will minimise impact to traffic on the main road, and service vehicles will be able to take advantage of gaps in traffic created by the proposed signal junction to the east to egress back onto Oystermouth Road. Appropriate 'Keep Clear' markings will be provided to allow service vehicles to exit if traffic is queuing back along Oystermouth Road.

5. Site accessibility/sustainability

Part of the Application also proposes a new footbridge linking to the LC2 but on a slightly changed alignment starting near Iceland at ground level and ending at first floor level of the arena complex. The bridge will be wider than previously and provide a more direct route.

As would be expected of a city centre location, the centre of Swansea is highly accessible by sustainable modes of transport. The proposals are therefore ideally placed to take advantage of this high level of accessibility to walking, cycling and public transport provision and promote the further use of sustainable travel. In addition to the proximity to the Quadrant bus station there are two park and ride sites in operation from 0700 - 1900hrs Mon-Sat:

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- o Fabian Way Park and Ride Site (550 spaces) - located off the A483, to the east of the city centre
- o Landore Park and Ride Site (550 space) - located off the A4067, to the north of the city centre.

Cycle parking provision within the Swansea Central scheme will be covered and secure, and meet or exceed CCS's minimum cycle parking standards as set out in the CCS Parking SPG. As part of the Swansea Central scheme, large covered and secure cycle storage facilities will be provided at the new proposed St David's and Arena car parks.

A construction method statement will be secured via condition to ensure that the works are carried out in a safe and efficient manner with no detriment to highway safety.

A cycle crossing needs to be maintained at grade across Oystermouth Road and as such the proposed crossing will need to be a toucan crossing to allow shared use. This can be secured by condition

6. Advance signage

The proposed Swansea Central scheme will result in changes to the existing city centre car parking arrangements. It is therefore proposed to install a UTMC compliant Variable Message Signage (VMS) system as part of the Swansea Central scheme, linked to the existing CCS common database. The VMS signage will consist of digital signs located at strategic locations on the approach into the city centre, displaying information regarding the number of free parking spaces at each of the car parks. This information will provide advance information to drivers on where there is currently parking capacity within the city centre, avoiding the need for drivers to circulate around the area looking for a free parking space or trying to enter a car park that has already reached capacity, greatly assisting the free flow of traffic.

7. Conclusions

With the mitigation measures proposed at the affected junctions, and car parking levels identified it is considered that the development can be satisfactorily accommodated without detriment to highway safety. Even considering the uplift in trips to Swansea City centre arising from the development it has been demonstrated that the impact can be managed.

8. Recommendations

I Recommend that no highway objections are raised to the proposal subject to:

1. 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;

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- 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.

2. Cycle parking to be provided in accordance with CCS Standards, details to be submitted to the LPA for approval.
3. An event specific management parking regime to be submitted to the LPA for approval prior to beneficial occupation of the arena.
4. In the event of any of the car parks being required to be cleared of vehicles and pedestrians in an emergency situation, an evacuation management plan should be provided to demonstrate that this can be accommodated within the proposed highway and footway network.
5. Given the proposed amendment to Wellington Street (making it two way) then the existing overspill bus parking spaces would be lost. Provision will need to be made for the relocation of these facilities elsewhere, in accordance with details to be submitted to and approved by the Highway Authority.
6. All Highway Works to be undertaken to Highway Authority Standards and Specification in accordance with details to be submitted for approval to the Highway Authority.
7. Any 'stopping up' of existing adopted highway required shall be undertaken via the Town and Country Planning Act.
8. The at grade crossing at the junction of Albert Row and Oystermouth Row shall be a 'toucan' type to allow for shared cycle/pedestrian use.

APPRAISAL

Introduction

This Outline Planning Application is submitted on behalf of the Council of the City and County of Swansea (CCCS) for the regeneration of land both on the North and South of Oystermouth Road, Swansea. The scheme is currently referred to as 'Swansea Central' and would represent a significant strategic development within Swansea City Centre.

The proposal responds to a unique opportunity to regenerate Swansea City Centre with a vibrant mixed-use development. The development has been a key strategic objective for the city for a number of years, and CCCS has gone to considerable efforts to date to prepare the ground by assembling and clearing areas of land that form part of the scheme. This application represents a major step forward in that process. The scheme is at the heart of the City Centre on brownfield land in a highly accessible location. This application is an exciting opportunity to deliver significant economic growth and to provide an important economic driver for the whole of the Swansea Bay City Region.

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Application Site and Surroundings

The application site area covers a total area of 11.4 hectares; with the application site bisected by Oystermouth Road which runs east to west through the site. The northern area includes the Quadrant Shopping Centre and is bounded to the north by Swansea Market, to the east by Princess Way and to the west by Tesco's Supermarket. The southern area (to the south of Oystermouth Road), abuts the LC leisure centre to the east and to the south by the Maritime Quarter.

Running centrally through both regional and local planning policy, particularly the emerging Local Development Plan (LDP), is the recognition that Swansea is the hub of the Swansea Bay City Region but that the City Centre needs a regeneration strategy, both for CCCS and the wider region. The Swansea Central Area Strategic Framework, at page 44, states:

"The comprehensive redevelopment of the St David's /Quadrant Site within the Retail and Leisure Mixed Use Centres is the priority proposal for Swansea's Central Area. Development of the site must deliver a regionally dominant retail and leisure scheme, capable of transformational impact, supported by other complimentary uses and a quality public realm, and create a vibrant and attractive visitor destination".

Land North of Oystermouth Road

This part of the site comprises of an area of approximately 7.68 ha. The area surrounding the development site comprises a mix of commercial and residential development and uses. This part of the site is bounded by Princess Way to the east, the Travelodge hotel, and residential flats in the Excelsior building. Land to the north of the site predominantly comprises retail development associated with Oxford Street and Swansea Market. Tesco and Swansea Bus Station are located directly to the west of the site, whilst Oystermouth Road forms the southern boundary of the northern element of the site. In the northwest corner of the site is the Quadrant Shopping Centre, and includes the Quadrant Shopping Centre multi story car park which are both inside the red line boundary of the outline planning application.

The application site also includes the site of the former St. David's Shopping Centre, the majority of which in addition to Oldway House (a former eight storey office block), was demolished in 2013/14 following an initiative led by CCCS and the Welsh Government. The remaining buildings comprise retail development over two to three floors. Some of the units closest to St. Mary's Square are still occupied. It is now used as a temporary surface car park. The site also includes Llys Dewi Sant, a sheltered housing building adjacent to St David's Church. A three storey red brick building immediately south of St Mary's Church is included within the red line boundary. Anchored by Iceland, this building contains a number of independent retailers. The Travelodge hotel, immediately south of this building is outside of the red line boundary.

Land South of Oystermouth Road

This part of the site comprises an area of approximately 3.78 ha bordered to the north by Oystermouth Road, to the east by Swansea LC leisure centre, and to the south by the listed Great Western Railway Wall and Victoria Quay and South Dock beyond. The land parcel is currently used as a surface car park for the leisure centre which is accessed off Oystermouth Road, alongside associated planted and landscaped area along its fringes.

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Heritage

The application site does not lie within a Conservation Area, however, there are a number listed buildings located within the boundary of the application site. The impact of the proposed development on these listed structures are considered in more detail in the Heritage Impact Assessment, and include:

- o Church of St Mary - Grade II Listed Church located at the north east of the application site. Originally Medieval, the Church was subsequently re-built between 1895 and 1899 and between 1954 and 1959.
- o St David's Priory Roman Catholic Church and Presbytery - Comprises of the Grade II Listed Church and the Grade II Listed Presbytery, the Church was constructed in 1847 and subsequently enlarged in 1864 to include the Presbytery. The Church is located north of the St David's multi-storey car park.
- o Pedestal and Statue of Sir H. Hussey Vivian - Located at the junction of St Mary's Square and Rutland Street. It is proposed to re-locate the statue as part of the overall development.
- o Former GWR Revetment Walls - These run along the north side of south dock, along the southern boundary of the site. The structure is Grade II Listed.
- o Former Swansea County Court and Offices - Grade II Listed building to the south of the Church of St Mary. The building is currently being converted to student accommodation.

Proposed Development

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

The proposals would involve the demolition of the remaining section of the St David's Shopping Centre, the St David's multi-storey car park, Llys Dewi Sant (which will be relocated on land on the former Vetch Field), the existing pedestrian footbridge over Oystermouth Road and potentially parts of the Quadrant Shopping Centre to allow the Wassail Square entrance to be remodelled. As indicated above the listed buildings of St Mary's Church and St David's Church will be retained.

As indicated above, the application site is comprised of two distinct parts, land south and land north of Oystermouth Road. The proposals for the redevelopment of the land north of Oystermouth Road include:

- o A development up to a maximum of 84,050 sqm (GIA) of new floorspace, to be made up of a combination of the following land uses (with the total amount of floorspace not to exceed 84,050 sqm):

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- i) up to 68,900 sqm of commercial (non-residential) floorspace, including up to 34,400 sqm of retail use (Use Classes A1, A2 and A3), up to 8,100 sqm of leisure use (Use Class D2), up to 400 sqm of non-residential institutional use (church hall) (Use Class D1) and up to 26,000 sqm of offices and / or non-residential education and training use (Use Class B1 / D1);
 - ii) up to 15,450 sqm (up to 208 units) of residential accommodation (Use Class C3); and
 - iii) up to 19,700 sqm of car park.
- o The construction of new buildings up to 7 storeys above ground floor.

The proposals for the redevelopment of land south of Oystermouth Road are for:

- o up to a maximum of 40,700 sqm (GIA) of new floorspace, to be made up of a combination of the following land uses (with the total amount of floorspace not to exceed 40,700 sqm):
 - i) 10,500 sqm of new arena;
 - ii) up to 11,300 sqm of hotel accommodation (Use Class C1) or residential accommodation (up to 130 units) (Use Class C3);
 - iii) up to 1,600 sqm of restaurant and café use (Use Class A3); and
 - iv) up to 17,300 sqm of car parking.
- o the construction of new buildings up to 13 storeys; and
- o a potential energy centre.

The proposals also involve the provision of new areas of associated new public open space and landscaping which would facilitate improved pedestrian links between the City Centre (northern area) and the Waterfront (southern area) with better accessibility between the two sites (north and south of Oystermouth Road) through the delivery of a new pedestrian footbridge.

The description of development reads:

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

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EIA Screening

Prior to the submission of the planning application, an EIA Screening Opinion request was submitted to CCS under the provision of Regulation 5 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. The issued Screening Opinion in Oct. 2016 concluded that no EIA was required to support the application proposals. Following amendments to the draft proposals during the pre-application process, a revised Screening Opinion request was submitted and the revised Screening Opinion was issued in January 2017 and also concluded that the final proposals do not comprise EIA development.

Design

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

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

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

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

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Access and Movement

The principal vehicular access to the site will be obtained from Oystermouth Road. The outline application is supported by a Transport Assessment, and provides a detailed description of the existing local highway network and assessment of the accessibility of the wider City Centre by sustainable (non) car modes of travel. The transportation and highways issues are discussed in more detail later in the appraisal, however, in summary the development proposals include:

- o several improvements and amendments to the local highway network, including amendments to the layout of Wellington Street, and a new junction layout at the Albert Row / Oystermouth Road junction (i.e. Tesco / Quadrant MSCP entrance;
- o servicing arrangements;
- o pedestrian improvements, including a new improved and updated bridge crossing over Oystermouth Road which will link directly to a new pedestrian route through the City Centre to the north creating a new high quality pedestrian link between the City Centre and the Waterfront. A new high quality signalised at-grade pedestrian crossing will also be incorporated at the reconfigured Albert Row / Oystermouth Road junction;
- o the existing St. Mary's temporary surface and St. David's MSCP car parks will be removed and a new pay-on-foot car park will be provided within DZ3 providing a maximum of 498 spaces and to be accessed from Oystermouth Road. The proposals also include a new provision for vehicles egressing from the Quadrant Court MSCP to exit via the West Way / Wellington junction to the west rather than from Oystermouth Road as they currently do;
- o a new undercroft car park is to be constructed at grade underneath the podium accommodating the arena in the location of the existing LC surface car park. This will provide a pay-on-foot car park with a capacity of 425 spaces, with flexibility to increase by a further 150 spaces (on upper tier) on major event days at the arena. This car park will continue to be accessed from Oystermouth Road;
- o long lay-by areas allowing coach drop off and pick up facilities along the westbound carriageway of Oystermouth Road;
- o large covered and secure cycle storage facilities at the new St. David's and arena car parks;
- o the uses proposed will all operate Travel Plans aimed at both staff and visitors to promote the use of sustainable travel and discouraging single-occupancy private car use; and
- o the implementation of Variable Message Signage (VMS) systems, linked to the existing CCCS database and located at strategic locations on the approach to the City Centre. This will provide advance information to drivers on where there is currently parking capacity within the City Centre.

Planning Application

The outline planning application has been supported with the following documents:

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- o Parameter Plans and Sections;
- o Illustrative Scheme Drawings;
- o Planning Statement;
- o Design and Access Statement;
- o Design Principles;
- o Transport Assessment;
- o Draft Framework Travel Plan;
- o Archaeological Desk-Based Assessment;
- o Air Quality Assessment;
- o Daylight and Sunlight Assessment;
- o Flood Consequences Assessment;
- o Drainage Statement;
- o Noise and Vibration Assessment;
- o Wind Microclimate Desk Study;
- o Preliminary Ecological Appraisal;
- o Arboricultural Impact Assessment;
- o Phase 1 Ground Conditions Assessment (Desk Study) Report;
- o Townscape & Visual Assessment;
- o Heritage Impact Assessment;
- o Planning Energy Assessment;
- o Sustainability Statement;
- o Economic Impact Assessment, and
- o Consultation Report.

Material Planning Considerations

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

- o Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- o Socio-Economic Effects
- o Urban Design and Townscape / Visual impact;
- o Impact on residential amenity including noise impact;
- o Highways, traffic, car parking, access and pedestrian movements;
- o Impact on archaeology and cultural heritage;
- o Flood risk and Drainage;
- o Pollution and ground contamination;
- o Impact on Ecology;

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

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

Development Plan Policy and Supplementary Planning Guidance

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

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

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

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

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

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 Unitary Development Plan

The primary focus of the UDP Spatial Strategy is to encourage a sustainable approach to the development of a prosperous region focused on a cosmopolitan and multi-cultural City and County, which capitalises on its waterfront location. Strategic Policy SP1 states that sustainable development will be pursued as an integral principle of the planning and development process. Development proposals designed to a high quality and standard, which enhances townscape, landscape, sense of place, and strengthens Swansea's Waterfront identity will be favoured. Goal 2 of the UDP is to help promote the sustainable growth of the local and regional economy and a high priority is placed on raising economic prosperity in the region.

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The application site is located within the City Centre Action Area where the objective is to reinforce and improve the City Centre as a vibrant regional focus for business and administration, shopping, culture and leisure.

UDP Policy CC1 (City Centre Mixed Use Development) of the UDP states that within the City Centre, development of numerous uses will be supported and these include retail (A1, A2 & A3), offices (B1), hotels and housing (C1 / C3), community and leisure uses (D1 / D2).

UDP Policy CC2 states that new retail development that maintains and enhances the vitality, attractiveness and viability of the City Centre as a regional shopping destination will be encouraged. Highest priority is placed on enhancing shopping facilities by means of the refurbishment and redevelopment of the City Centre retail core.

UDP Policy CC3 recognises that the St David's / Quadrant area is defined as the area of highest priority for redevelopment in the City Centre. A comprehensive retail led mixed use regeneration scheme be brought forward for this area in the short to medium term in order to deliver the necessary revitalisation of the retail core and to enhance the attraction of the City Centre as a regional shopping destination.

The amplification to this policy makes it clear that the St David's/Quadrant area has been identified as the key development opportunity to deliver the proposed refurbishment and enhancement of the retail core as a regional shopping destination. The regeneration of the St David's/ Quadrant area is crucial to reinforce the prime retail floorspace area within the City Centre and generate the critical mass necessary to achieve the aim of retail led regeneration at this location. The redevelopment of the area as part of a comprehensive retail led mixed use scheme provides an opportunity to provide new modern retail space and a high quality shopping area at the heart of the City Centre. It is further indicated that a detailed Development Brief for the St David's/Quadrant area be adopted as SPG in due course to reinforce UDP policies and provide more detailed guidance in relation to planning, urban design and development principles for the site. A comprehensive retail led mixed use redevelopment scheme in the St David's/Quadrant area will be required to incorporate the following key objectives:

- o Integration with the existing prime retail floorspace, including strong connections to Oxford Street and The Quadrant
- o Vibrant new shopping streets and the provision of new anchor stores that will enhance the quality of retail provision within the core area and attract further retail investment
- o An effective retail circuit that encourages the flow of pedestrians around the retail area
- o A viable and vibrant mixture of other appropriate complementary uses
- o Excellence and distinctiveness in urban design, landscape design and architecture
- o A high quality built edge along the Oystermouth Road frontage that promotes vibrancy and activity
- o Extending and improving the quality of pedestrian routes through the City Centre, the St David's/Quadrant area and its connections with the Waterfront, including the Paxton Street area
- o Landmark buildings and features located at key points
- o Enhanced public realm and the creation of new public spaces, including in the vicinity of St Mary's and St David's churches
- o Integration with the adjoining transport interchange
- o Appropriate levels of well positioned car parking

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Additionally, UDP Policy EC4 sets out the criteria against which all new relevant retail proposals will be assessed against the need for the development, including a sequential assessment, impact on attractiveness, vitality and viability of the City Centre, compatibility with the function, scale and character of the centre, accessibility and highway considerations. Within this context all new retail development should be directed towards the City Centre.

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

An objection has been received from the Travelodge on the grounds that the need for the hotel component for the scheme has not assessed the cumulative effects on the existing centre. However, Planning Policy Wales advises that retail, commercial and leisure opportunities (including Class C1 Hotels) should in the first instance be located within established city / town centres which sustain and enhance the vibrancy, attractiveness and viability of these centres. The siting of the hotel within the city centre is therefore the sequentially preferable location. PPW (para. 10.4.1) advises that when determining a planning application for retail, commercial, leisure or other uses complementary to a retail and commercial centre, including redevelopment, local planning authorities should take into account the compatibility with the development plan; the sequential approach to site selection; the impact on existing centres; and transport sustainability. Having regard to the policy support within UDP Policies CC1 & CC3 it is not considered to be necessary to consider the impact on the existing city centre in terms of the quantitative and qualitative need for the development.

Affordable Housing

The need for affordable housing is a material planning consideration and UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/ accessibility terms and where this is not ruled out by exceptional development costs. The Council's Planning Obligations Supplementary Planning Guidance (SPG) augments Policy HC3 and provides clarification on use, expectations and procedures and indicates that the Council will normally expect that 25 - 30% of all dwellings will be affordable housing.

The application proposes a maximum of 338 new residential units (but this includes the option of 130 units within the tower on the southern site in lieu of the hotel with 208 on northern site). The applicant (as the Council) has confirmed that a minimum of 30% of the residential element of the scheme provided on site would be designated for affordable housing. Welsh Government Circular on the Use of Planning Conditions for Development Management (Oct, 2014 - WGC 016 / 2014) advises that Section 106 Planning Obligations are the formal means of achieving affordable housing. However, in this instance as the Council (as the developer) cannot enter into a Section 106 Planning Obligation with itself as the Local Planning Authority, it is proposed to use the model condition provided within the Circular. The exact nature of the affordable housing in terms of type, tenure, and size can then be dealt with through the appropriately worded planning condition attached to any planning permission.

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Swansea Central Area Regeneration Framework (SCARF)

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

The regeneration framework for Swansea city centre (SCARF) has recently been updated and has been the subject of public and stakeholder consultation and was adopted as informal planning guidance in February 2016 by the Council's Cabinet. It is informing the drafting of the Local Development Plan and will ultimately become SPG to the updated Development Plan.

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

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

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

The application site is situated within the St David's / Quadrant area where the key vision theme for this area is Retail and Leisure Led Mixed Use Centre. The area comprises the land to the north of Oystermouth Road and to the south by the Maritime Quarter. The comprehensive development of the St David's / Quadrant site is the priority for Swansea's Central Area. The scheme should be of regional significance and have the potential to be a catalyst for the wider regeneration of the Central Area and is the only location in the Central Area that can deliver a retail leisure led scheme of quality, scale and critical mass appropriate for a Regional centre. The site is identified as the priority for development and the only location in the Central Area that can deliver a Retail leisure led scheme of quality, scale and critical mass appropriate for a Regional centre. Development of this site maximises the overall regeneration benefits to Swansea and the central area, which include:

- o The area lies at the heart of the Central area, in a strategically important location in the Retail Leisure area between Wind Street and the Quadrant, and close to the City's Waterfront;
- o An extension of the Quadrant Centre would provide a focussed and legible shopping destination;
- o It provides an opportunity to extend and strengthen the retail circuit in the retail core
- o The site is highly accessible and has strong sustainability benefits in view of its close proximity to Swansea Bus station;
- o The site presents an opportunity to create improved pedestrian and cycle linkages across Oystermouth Road to the waterfront, giving the City a unique profile and destination interest.

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The SCARF also sets out the following key regeneration proposals for the area:

- o Retail and Leisure Led Mixed uses - the site will be developed to create a comprehensive retail and leisure-led mixed use place of a quality, scale and critical mass appropriate for a Regional Centre properly integrating, complementing and not competing with its existing Centre.
- o Active Streets and Spaces - the development will create new streets and spaces with active edges with an urban scale
- o Linkages - north south pedestrian and cycle linkages will be strengthened with improved / new crossing over Oystermouth Road to access the waterfront.
- o Gateway Location - create a new high quality gateway to the centre.
- o Car Parking - provision of high quality car parking for the redevelopment and wider city centre.
- o New public realm and public open spaces - will be innovative and incorporating significant areas of greening
- o Relocation requirements - the relocation of the Llys Dewi Sant residential flats complex is a prerequisite of the redevelopment of the St Davids site. The current separate church hall facility serving St Davids prior will also need to be accommodated within any redevelopment proposals.

The SCARF also sets out the following key development principles and Design objectives:

- o High Quality design- To provide an overall high quality design that contributes to the character of the Centre and the creation of a flagship destination which is properly integrated into its physical environment. Buildings should be high quality and contemporary, define vibrant new streets, gateways and spaces within the area, be innovative in design and an attractive 'shop window' for the Centre along Oystermouth Road
- o Place Making- Adopting a place-making approach to develop a comprehensive vibrant viable retail and leisure mixed use place with a critical mass of development which offers at least one anchor store and associated high street retailing to create a step change in Swansea's retail offer.
- o Urban grain and scale - Create urban blocks with active frontages and an urban grain and scale which provides enclosure and setting for the two churches in particular, and continuity of streets and frontage elsewhere. Seek to rediscover the urban grain of the area, through for example retaining the historic alignment of Rutland Street.
- o Building Heights- Buildings should create a comfortable human scale to pedestrian streets and spaces. Buildings heights of up to six storeys will be generally appropriate along Oystermouth Road to provide a comfortable sense of enclosure relative to Boulevard width.

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- o Listed Buildings- St Mary's Church and St David's Church will be treated as focal points. A new space should be created around or adjacent to St David's Church that respects the scale and setting of this listed building.
- o Cohesion and Urban scale-There should be a sense of cohesion and urban scale in the buildings. Elevations should generally be expressed as a series of individual joined buildings with a human scale to create visually rich and interesting townscape. Anchor store frontages augmented by the presence of smaller unit frontages and alternative uses above ground floor;
- o Ground Floors- Ground floor areas should have a positive relationship with the public realm. New buildings which address the street with active frontage at the ground floor and above, adopting a layout and scale that provide a good sense of continuity, enclosure and overlooking of the street, achieving high quality urban form;
- o Active Frontages- Dead frontages with entrances and/ or doors will not be allowed along the main streets and spaces. The visual impact of servicing requirements must be minimised. Work with existing landowners to ensure that all buildings around St Mary's Square have active frontage and a finer grain of uses with multiple entrances at street level.
- o Upper Floors- Upper floors should offer interest and natural surveillance through the accommodation of active uses such as residential on upper floors;
- o Green space- Substantially increase green space through innovative design, pocket parks within the streetscape and 'green architecture' with appropriate maintenance resources allocated;
- o Permeability and connections- The development must ensure new streets are permeability offering a choice of pedestrian routes, linkages to the existing streets and retail circuit. This should include an new reinforce north-south street that links across Oystermouth Road to the Marina (former South Dock) and former elevated rail lines as part of the Green Artery vision theme.
- o Llys Dewi Sant/Church Hall- A sheltered residential complex Llys Dewi Sant currently sited within the St Davids redevelopment area will be relocated to another site, and a new hall will need to be provided as part of the redevelopment proposals.
- o Materials- Promote the use of high quality and sustainable materials and workmanship and design which requires less maintenance without sacrificing quality;
- o Legibility and hierarchy-A landmark building and features at key points and in public spaces to provide legibility and hierarchy. These could also provide a marker to the Centre and the route to the waterfront on the Oystermouth Road frontage;
- o Multi Storey Car Park- The St. David's MSCP should be demolished to accommodate positive development that activates the space around St David's Church and which presents a positive active elevation to Oystermouth Road.

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- o New car parks- The parking provision should either be re-provided within the new St Davids development area or relocated to a new multi-storey car park on the LC car park site. Development on The St Davids/Quadrant and LC car park site should contribute to high quality built edge and activity along Oystermouth Road and other key public elevations.
- o Retail circuit- Strengthen the retail circuit and connections to Swansea Market through enhancing existing entrances. This could include straightening the eastern Quadrant entrance and creation of a new space that brings Swansea Market out into St Mary's Square. New development which should support connectivity and generates legible linkages with the existing retail area and with the seafront.
- o Flexible design solutions- Create flexible design solutions which successfully integrate complementary uses and occupations including residential and community uses, and enable the site and buildings to be adapted to changing requirements of occupiers.
- o Residential uses- Include residential component to accommodate all market sectors, ages and levels of mobility to create a City Centre residential community, provide high levels of natural surveillance, vibrancy and interest, and create a distinctive place both during the day and evening.
- o District Heating - CCS is committed to tackling issues around poverty, climate change and energy efficiency and proposals for a district heating network could address these issues. The development will be required to connect/allow space provision to the proposed district heating network or may choose to develop a district heating network as part of their development proposals.

The SCARF also sets out the following key Accessibility and Movement principles:

- o Attractive Streets and spaces-Creating attractive streets and spaces for pedestrians will be paramount, to make the area more accessible legible and enjoyable. Redevelopment must allow for improved integration of the City, extending the retail circuit and including a significant new link across Oystermouth Road to the waterfront;
- o Accessible streets- All new and improved pedestrian routes should be fully accessible and open 24 hours. These should link to Oxford Street, Castle Square, Princess Way and Oystermouth Road the Market, the Quadrant and existing Tesco store.
- o Service arrangements- The redevelopment of the St David's site will provide the opportunity to reduce and consolidate service arrangements improving the quality of the built environment and safety for pedestrians. Albert Row could potentially be retained for servicing only and the aim should be to minimise the visual impact of service yards and maximise space for ground floor active frontages.

The SCARF also sets out the proposals for Crossing Oystermouth Road to enhance pedestrian and cycle movements between the City Centre and Waterfront, and considers 2 principle Options:

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Oystermouth Road Crossing Option 1: This could be a high quality at-grade crossing, similar to the new, at-grade wide and 'straight across' two stage' Toucan crossings constructed as part the Boulevard scheme at the bottom of Princess Way and Wind St. Previous studies undertaken on behalf of the Council in relation to redevelopment of St David's have demonstrated that it is possible to provide an additional, wide, at-grade pedestrian crossing near the junction between Albert Row and the existing entrance to the LC car park. These studies have also shown that as part of an at grade crossing in this location that Albert Row would need to be shut to traffic in order to balance the needs for all users of Oystermouth Road and traffic existing the Quadrant Multi-storey car park would need to be re-routed to West Way.

Oystermouth Road Crossing Option 2: This could be a high quality legible and accessible landmark bridge/ elevated pedestrian street over Oystermouth Road to replace the existing bridge, which would provide views to the waterfront, and surrounding area, and signal the principal pedestrian route to the waterfront from the Retail Leisure Led Mixed Use Centre. This option would need a considerable space to either side for accessible ramps and steps. Albert Row would still need to be shut to traffic in order to balance the needs for all users of Oystermouth Road and traffic existing the Quadrant Multi-storey car park would need to be re-routed to West Way.

The design of the Oystermouth Road crossing(s) at this location must be considered in the context of the form and uses proposed for the sites either side of Oystermouth Road at this location. The configuration of any new link across Oystermouth Road - whether at-grade or at high level, is not being pre-judged at this stage but should be determined as part of a considered approach to redevelopment of the sites outlined above.

Therefore the proposal has been designed to be fully compliant with the SCARF requirements.

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:

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

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The SPG indicates that tall buildings should:

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

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

The Tall Building Strategy SPG indicates that proposals will need to demonstrate that the key design principles have been considered and incorporated into the design.

- o Land Uses - The land uses within tall buildings should be compatible and respond to local need. Where possible tall buildings should provide a mix of uses that support a variety of users at different times of the day. Proposals will be encouraged to provide public uses at ground level that support social interaction and inclusion.
- o Scale Form and Massing - Tall buildings should be considered in relation to the urban morphology of the city. Consideration should be given to key townscape principles, the urban block, size of plots, and relationship to the street and adjacent buildings. Tall buildings should emphasise key locations, help define the edges of streets and open spaces. Proposals should consider the human scale of the building at ground level, and clearly define the public and private realm.
- o Conservation Areas - Tall buildings should not damage or detract from the settings of listed buildings, conservation areas, historic parks and gardens and scheduled ancient monuments.
- o Visual -Tall buildings should be of slender proportion, and elegant in design. Tall buildings must consider the importance of near, distant and far views and vistas. Where appropriate, tall buildings should be considered in relation to other landmarks, sightlines and strategic view corridors. It is important that the visual impact is considered from all viewpoints and elevations to ensure that the building does not appear slab-like. Tall buildings must sit within a quality public realm, relating well to adjacent buildings.
- o Transport -Tall buildings can place great demands on the local infrastructure network. Proposals should demonstrate the proximity and accessibility of the building to sustainable transport modes and the quality of links between transport and the site. The impact on the surrounding infrastructure and the potential generation of traffic must be assessed. This will include consideration of access in terms of public transport and the extent to which the services can cope with the increase in demand, car parking provision and demand, and general servicing arrangements.

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- o Movement, Legibility, Permeability - Tall building proposals will be expected to place great emphasis on achieving high standards of inclusive design. Tall buildings should promote accessibility and contribute to the legibility and permeability of the City. They should act as landmarks to aid movement, orientation and define important routes. Proposals should set to strengthen the urban grain and connections back into the City, enabling users to move about easily and safely on foot.
- o Access, Parking and Servicing - Access to tall buildings should be clearly defined and be directly from the public realm. Where possible, parking, servicing and utility functions should be integrated. Where possible, car parking should be provided underground.
- o Public Realm and Open Space - High quality public realm should form an integral part of the design of the site, creating a sense of place, contributing to local character and identify and promoting safety and accessibility for all.
- o Interaction with the Public Realm - Proposals must maximise interaction at the street level, ensuring active frontages and well overlooked spaces. The positioning of entrances and commercial ground floor units should form a key consideration. There should be no blank inactive frontages at ground floor level. Public ground level access should be promoted with the opportunity to provide public access to upper levels.
- o Adaptable - Tall buildings should be adaptable to ensure flexibility over time, be functional and fit for purpose.
- o Quality - Tall buildings should be designed to be of the highest architectural. Every proposal should set a precedent for future development. The visual quality of the building at ground level is highly important and should be of an appropriate scale and character. High quality detailing and materials will be expected to make positive contribution to the character of the sense of place.
- o Sustainability - Sustainability principles will be used to assess tall building applications.
- o Microclimate - Tall buildings should comprehensively address the impact on the local microclimate.
- o Lighting - Tall buildings must be illuminated at night. Proposals should consider imaginative and distinct lighting techniques to positively contribute to the creation of a unique city nightscape and Swansea identity.
- o Security - Proposals for tall buildings must consider aspects of safety and security, and should encourage the clear definition of public and private space, maximising opportunities for overlooking.
- o Existing Tall Buildings - Applications for the replacement of existing tall building should be assessed on current policy and guidance on the design of tall buildings.
- o Accessible and Inclusive Design - New developments must be designed and managed to address the needs of people that will use them.

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Conclusion

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

Fundamental to both national and local planning policy is the town-centre first approach, with Welsh Government and CCS recognising that the centres highest in the retail hierarchy should be the focus for new retail development. Swansea is identified as the hub of the Swansea Bay City Region and is at the very top of both the local and regional retail hierarchy. The proposals clearly comply with these aims in seeking to provide a high quality retail hub in Swansea's accessible centre. Furthermore, the Council's 2015 Retail Capacity Study (GVA) acknowledges that there is the possibility that Swansea can grow its retail market share by diverting expenditure from other out of town destinations. This 'step change' would support additional comparison floorspace in the city and the study identifies that there is an excellent opportunity drive an increase in Swansea's market share by doing this.

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

Socio-Economic Effects

An Economic Impact Assessment has been submitted to support the outline planning application in order to consider whether the economic benefits generated by the Swansea Central scheme are well aligned with the economic and social needs of the local area; to consider the regeneration outcomes from the scheme in the context of the strategic regeneration policy aspirations for Swansea and the wider Swansea City Bay Region; and to quantify the direct and indirect economic impacts of the proposed development.

Policy Context

The Swansea Central Area: Regeneration Framework (February, 2016)

The Swansea Central Area: Regeneration Framework (February, 2016) notes that Swansea is the economic driver for the Swansea Bay City Region and needs to perform as the regional shopping and leisure destination and improve opportunities for employment and living. However, at present the Central Area is not meeting its potential. In short the area suffers from poor quality office space, high commercial vacancy rates (standing at 20%), falling footfall (a decrease of 26% between 2009 and 2015) and low numbers of people living and working in the Central Area.

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The vision within the framework for the Swansea Central Area seeks to create a mixed-use location with a strong retail, commercial and leisure heart supported by a vibrant resident population. The proposed development falls within the St David's/Quadrant area and the framework states that the key vision theme for this area is a ("Retail and Leisure Led Mixed Use Centre" and emphasises that the redevelopment of the area needs to provide a regionally dominant retail and leisure scheme that will act as a catalyst for the wider regeneration of the Central Area. Any development should seek to create a vibrant and attractive visitor destination that should complement the existing centre and promote city living.

Swansea Bay City Region: A City Deal 2016- 2035

The Swansea Bay City Region City Deal document was submitted to the Chancellor and Secretary of State on 23 February 2016 and forms part of the 'Internet Coast' City Deal bid. The £1.3bn 'City Deal' investment plan was backed by Swansea Councillors on 26 January 2017. The City Deal was signed on 20th March 2017. The number one priority of the City Deal proposal is to improve overall productivity (GVA) growth in the City Region and to achieve improvements in productivity, the City Deal states that the focus will be on developing a large, vibrant and increasingly higher added value business base focusing on high technology jobs. The document outlines a three-pronged approach to achieve this, focusing on the development of digital health, commerce and energy industries in the Swansea Bay City Region. The document also states the importance of establishing Swansea as the vibrant regional capital so that it is integrated with its economic hinterland and Travel to Work Area and to enhance its designation as the City of Innovation.

Swansea Bay City Region - Economic Regeneration Strategy (2013-2030)

The key aim of the strategy is to improve the productivity gap with the aim to improve performance to reach 90% of the UK average. It states that this vision will be achieved by changing the sectoral mix and occupational mix of the economy towards higher value and higher growth sectors and breaks this down into five strategic aims:

- o Business growth, retention and specialisation;
- o Skilled and ambitious for long-term success;
- o Maximising job creation for all;
- o Knowledge economy and innovation; and
- o Distinctive places and competitive infrastructure.

Swansea Retail and Leisure Study (2015)

The Retail and Leisure Study was produced to assist CCS in preparing the Swansea Local Development Plan and was published in February 2016. The study notes a long term decline in the City Centre's comparison goods shopping role partly due to increased competition from out of centre and retail park locations accommodating clothing and fashion retailers. The number and proportion of comparison goods retailers had declined in the City Centre by approximately one fifth between 2006 and 2015. The Study strongly supports the priority for the Council to redeveloping the St David's/Quadrant area and that this area can accommodate all the identified need for comparison goods. The study notes that by 2025 there will be a need for an additional 8,462sqm (net sales floor space) of comparison goods in Swansea.

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Key Messages

The main messages emerging from this review of the regeneration-related policy context for the Swansea Central scheme are as follows:

- o The Swansea Bay City Region is currently underperforming in economic terms. Economic activity is being affected by low productivity levels; a dominance of low value and low skill employment opportunities; and health inequalities;
- o Swansea City Centre punches below its weight as a Regional Centre and there is a need to improve the offer of the Swansea Central Area;
- o There is a clear aspiration for the mixed use retail and leisure redevelopment of the Swansea Central area to be of regional quality. The St David's/Quadrant area should accommodate all the projected comparison retail need for Swansea up to 2025. Emphasis is also placed on increasing City Living;
- o Swansea needs to attract higher value and more specialised knowledge and innovation based businesses to create a robust and diversified economy; and
- o A significant proportion of the projected office demand should be located within the Swansea Central area.

Economic Impacts

The economic impact assessment has been based on the two illustrative mixed use schemes for the Swansea Central site. Options 1 and 2 are illustrative schemes intended to demonstrate how the outline planning application (which sets a range of maximum and minimum parameters for building heights and land uses) could be accommodated on the Swansea Central site.

The proposed development will include a significant construction phase and is calculated would generate 787 person years of temporary construction employment which equates to £53.3 million in gross added value to the local economy. Given the scale of building activity, there is considerable scope to provide training, apprenticeships and work experience in a range of construction trades. The Beyond Bricks and Mortar initiative run by CCS aims to ensure that local people, especially young people and those who have been out of the job market for some time, are given opportunities of meaningful training and employment. The construction phase of the Swansea Central scheme will create a wide range of opportunities for targeted recruitment and training delivered in partnership between the main contractor and the Beyond Bricks and Mortar team at the City and County of Swansea.

The commercial floor space in Swansea Central will create a range of permanent employment opportunities. Based on each of the two illustrative schemes, it is estimated that the scheme will create between 1,045 and 1,108 FTE permanent jobs (after allowing for a displacement of all employment) once all phases of the development have been constructed and fully occupied. However, after allowing for displacement, leakage and multiplier effects, the net additional jobs are reduced to between 917 and 972 permanent jobs. This is calculated to represent a gross value added to the local economy of between £35.2 million and £37.3 million annually. The economic benefit will be enjoyed in full and in perpetuity from the point at which the Swansea Central scheme is fully occupied.

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The new residential population at the Swansea Central site will generate additional demand by increasing household spending in the local area. Based on the net addition of 79 to 107 new households (based on the illustrative scheme options) this is estimated that the gross additional household expenditure to be between £1.32million and £1.78 million per annum. There is also likely to be a benefit in Council Tax receipts and Non-Domestic rates revenue.

The proposed development would therefore clearly comply with Welsh Government guidance to support economic and employment growth through the regeneration of Swansea City Centre, in particular the objectives of TAN23 (Economic Development) for the planning system to recognise and give due weight to the economic benefits associated with new development. The development will provide significant economic benefits to the City of County of Swansea.

Urban Design and Townscape / Visual impact

Urban Design

Introduction

The Swansea Central masterplan proposals comprise the regeneration of a significant 11.4ha area of Swansea City Centre for new mixed use development. The outline planning application in the form of a masterplan will set the framework for a bold new quarter of the city centre which will be contemporary in character yet distinctively Swansea, redefining and creating streets and spaces, whilst bringing life back to the city centre.

Design process

The proposed masterplan has been developed by the Design Team as a result of extensive positive pre-application dialogue with the public, stakeholders and CCS officers. This has ensured that the outline planning application and supporting information was submitted with all the major issues resolved beforehand and which has facilitated an expedite assessment and reporting of this major outline planning application.

The outline planning application comprises 3 masterplan place making aspects:

- o The comprehensive Design and Access Statement sets out the extensive site and context analysis, whilst explaining and justifying the proposals. This includes an indicative scheme that has been used to test and refine the requirements and ultimately demonstrates one way to deliver the scheme.
- o The suite of parameter plans sets out the spatial fixes and flexibility for the scheme. For example, this fixes the general location and alignment of key streets and spaces whilst setting out the flexibility for building height, building lines to create a range of variable volumes that activate and enclose the public realm.
- o The design principles are defined for each development zone that set specific requirements for land uses, massing, urban design and materials.

Ultimately this creates a robust masterplan and place making framework that achieves the balance of fix and flexibility to guide and co-ordinate future reserved matters applications that will contain the architectural detail. This is standard practice for a large scale mixed use scheme of this nature that will be built out in a number of phases.

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City and County of Swansea Council has prepared the Swansea Central area for regeneration through a number of land purchase and demolitions. Whilst the area includes the two important heritage assets of St Mary's and St David's Churches which both have vibrant congregations, the levels of footfall around the public realm area is relatively low and the area is characterised by underused buildings and car parking. Although the area does include a pedestrian footbridge over Oystermouth Road, this is not legible from St Mary's Square and the ramp gradients are not accessible to all. The masterplan proposal is to clear the existing poor quality buildings which are of little architectural merit and to redevelop the existing temporary surface car parking which is an underuse of prime urban land whilst retaining the churches as heritage and cultural anchor points to embed distinctiveness into the new place.

Swansea Unitary Development Plan Policy

UDP Policies EV1 (Design), EV2 (Siting / Location), EV3 (Accessibility), EV4 (Public Realm) and EV5 (Art in the Environment) provide the general development and design principles for new development with the objectives of:

- o To upgrade the visual environment and image of the area;
- o To promote locally distinct, innovative design sensitive to the location and setting;
- o To ensure the public realm and new development is accessible for all;
- o To promote inclusive design in all developments; and to promote resource efficient buildings and layouts in all new development.

Swansea Central Area: Regeneration Framework (SCARF) - Feb. 2016.

The starting point for the masterplan proposals is the regeneration strategy for the City Centre. This was reviewed and updated in 2015 as the Swansea Central Area Regeneration Framework (SCARF). The regeneration framework for Swansea city centre (SCARF) document has recently been updated and has been the subject of public and stakeholder consultation and was adopted as informal planning guidance in February 2016 by the Council's Cabinet. It is informing the drafting of the Local Development Plan and will ultimately become SPG to updated Development Plan. This addresses the whole city centre from High Street Station to Parc Tawe, to Swansea Bay and Westway. Within the City Centre, the St David's / Quadrant area which corresponds to the current masterplan proposal is identified as a priority regeneration area. It sets out a spatial vision and key principles for the priority St David's regeneration areas as follows:

- o Link the city centre to the waterfront and address the severance of Oystermouth Road
- o Ensure the public realm has a green artery
- o Create new public spaces
- o Ensure an urban scale
- o Treating listed buildings as focal points
- o Ensure active frontages and truly mixed uses

The SCARF document includes an indicative concept plan showing the main spatial requirements such as the new and reinforced streets, key public spaces around the churches and buildings containing mixed uses with an urban scale and active frontages.

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Design and Access Statement

The Design and Access Statement in support of the masterplan proposals is founded upon a comprehensive site and context analysis. This includes analysis of the history and evolution of the area since medieval times, an audit of current movement and connectivity, assessment of built form/ architectural quality, assessment of the setting of listed buildings that form anchor points with the regeneration area and identification of key views. The analysis also draws on the wider city with an assessment of the height/ width ratios of existing streets to inform the design of new streets within the regeneration area. The masterplan has been informed by significant testing of the indicative scheme through the pre-application process through parameter sections (based on accurate survey of existing building heights) and assessment of the 3 dimensional computer model that allows eye level perspective views to be tested.

Design Commission for Wales

The proposals for the Swansea Central masterplan have been subject of a programme of Design Review sessions with the expert impartial Design Commission for Wales (DCfW). They have a longstanding supportive position in respect of the regeneration of Swansea City Centre; they commented on the draft SCARF document and have reviewed other key projects such as the Mariner Street student accommodation tall building scheme and the Kingsway public realm proposals. The DCfW comments have sought to refine and improve the proposals whilst recognising the flexible nature of the outline planning application masterplan. They have endorsed the place making principles and although they have questioned the need for the pedestrian bridge over Oystermouth Road they have accepted that it is an integral element of the scheme and is required to accommodate the volumes of people associated with the Arena.

"The proposals show significant ambition for this site. Some elements regarding future uses and occupiers are still unknown so the need for flexibility in the proposals was acknowledged."

In the most recent Design Review that took place in January 2017, the DCfW highlighted a number of issues that have been summarised below and all been addressed in the final outline planning application submission (the full comments are included elsewhere in the Planning Committee Report):

- o Refine the vision to be succinct and reflect the desired quality.
- o Develop the public realm strategy; specifically the green artery concept
- o Ensure that there are no barriers to movement for all
- o Clarify the requirements for the sustainability and energy strategy
- o Ensure cross referencing to the SCARF document to provide the strategic context for the proposals
- o Concerns remained at the impact of the proposed bridge on the quality of the environment of Oystermouth Road, but it was accepted that this approach will be pursued.
- o The need for natural surveillance of the bridge to ensure a safe environment
- o Maintain public engagement through the process.

The Vision

In response to the Design Commission for Wales comments, the Design and Access Statement sets out the masterplan vision to 'create a unique destination for Swansea and ultimately for the Welsh South coast. It will deliver a vibrant new piece of city fabric within the heart of Swansea City Centre and create a high quality retail/ leisure-led destination.'

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Whilst the Swansea city centre has moved in the post-war period from High Street to Oxford Street, the intention of the masterplan is not to shift the centre again. Instead the proposal is to strengthen the linkage between the existing city centre and the waterfront whilst accommodating a ranging of mixed uses that cannot currently be accommodated within the existing building stock.

Streets and Spaces

The masterplan proposal is based upon the concept of a walkable city where the public realm is permeable and activated by mixed uses. A key element of this proposed city quarter is the southern extension of the alignment of Whitewalls to cross Oystermouth Road in order to link the city core to the waterfront area and new Arena destination to the west of the LC2. This addresses the key requirement of the SCARF document to improve connectivity between the city centre and waterfront. The eye level visuals within the Design and Access Statement demonstrate that although there is minor scope to vary building lines in the masterplan, the disposition of blocks and the scale of the Tower and Arena buildings ensure that there is always a legible marker for the waterfront area.

Although outside the scope of the masterplan proposals, the design and access statement demonstrates that the main north south pedestrian route could be continued south between the Arena and Tower to cross the marina on a new bridge, then cross Trawler Road to grade to link to Swansea Bay at St Vincent's Crescent. It is stressed, however, that this is not part of the current application and would need to be considered as part of a separate initiative / application.

The masterplan for the area to the north of Oystermouth Road sets a framework for a permeable network of streets and spaces to create mixed use urban blocks that reinterprets the city character in a contemporary manner, whilst the area to the south accommodates larger scale blocks, spaces and uses that is reflective of the industrial nature of the area with new parking and a significant new Arena and adjacent hotel tower.

The masterplan retains Oystermouth Road as the main traffic artery (it is one of the busiest non-trunk roads in Wales) and extends the 'Boulevard' public realm treatment from Princess way to the junction with Westway. This will include tree planting and wide shared pedestrian / cycle paths. A pedestrian crossing is proposed at street level, but the main pedestrian movement will cross Oystermouth Road on a proposed wide pedestrian footbridge.

The masterplan retains the alignment of Rutland Street which can be traced back to medieval times as the route of the city defences. The masterplan proposes that this will become much improved street linking St Mary's Square to Princess Way and onwards to Museum Park/ waterfront area as well as becoming a key area for the spill out of space for restaurants. The masterplan street structure also reinforces the east-west routes to accommodate the current pedestrian flows to Tesco.

The masterplan is founded upon a sequence of new and improved public spaces surrounded by active frontages of mixed use buildings. Whilst there is flexibility on the exact size of the new spaces and public realm treatments there will certainly be the following:

- o New public square at the east entrance of the Quadrant and new direct legible outdoor entrance into Swansea market. This space is proposed to be called Wassail Square to reflect the lost place names of central Swansea.

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- o Enhanced public realm around St Mary's Square including improved access for all to the green space around the church through alterations to perimeter wall which will require a future listed building consent application.
- o New public space around St David's church that improves the setting of this listed building. This space is deliberately of a smaller scale in comparison to St Mary's Square to provide variety and to respond to the smaller scale of St David's Church. This will include an area of shared space public realm to allow vehicles to access the Excelsior apartments car park whilst ensuring pedestrian priority.
- o The pedestrian footbridge itself over Oystermouth Road is proposed as a 'street bridge' with a generous width and potential planting on the bridge and/or a cover. Therefore the bridge is conceived as a public space in its own right and the landing points at either end are also defined as important public spaces with an emphasis on digital place making that links into the City Region Deal.
- o The top level of the proposed decked car park on the south side of Oystermouth Road is conceived as a green space for public use including informal play with subtle integration of over flow parking using reinforced grass surfacing.

A key aspect for all these spaces set out in the masterplan is the need for active frontages to ensure vibrancy and safety in these new and improved public spaces. Therefore whilst there may be flexibility in the appearance of the buildings and the range of uses that they could contain, there are specific requirements for entrances, commercial frontages and natural surveillance from upper floor uses linked to the key public realm areas.

Like the public spaces, there is flexibility in the design of the new and improved streets such as the paving materials. However it is certain that the streets will provide the connected network as set out in the masterplan albeit with some variations to the alignments and they will certainly address the green artery requirements of the SCARF document with the degree of street trees and planting to be resolved at the reserved matters stage. Furthermore, whilst there is scope to push and pull the building lines by +3m/-6m in some areas, there are minimum street widths and public space dimensions to ensure that a quality and attractive pedestrian orientated public realm is created. To give an example, the main north south pedestrian street is required to have a minimum width of 11m. This is intentionally narrower than the post war streets in Swansea such as Kingsway to emphasise the human scale and the masterplan street width to building height ratio is more akin to the enclosure of the Victorian city that was lost in the WWII bombing. It is positive to recreate the traditional street dimensions as part of a contemporary place, as opposed to the post war streets which were overly wide with buildings that lack scale. This still allows sufficient street width to facilitate pedestrian movement and accommodates a range of elements including planting to deliver the green artery concept; spill out tables and chairs of food and café uses; emergency vehicle access/ out of hours servicing and space for kiosks/ street furniture/ seating.

The Wind Microclimate Desk Study review of wind effects arising from the masterplan layout has identified a potential issue with the east-west route that links to Garden Street as this faces the prevailing south westerly wind. This route cannot be relocated or realigned and as a result it may create localised wind effects at the intersection with the main north south route to the waterfront. However it is considered that this can be adequately mitigated through a combination of building design and public realm treatment at the reserved matters stage.

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Whilst there is some flexibility in the masterplan, the pedestrian footbridge over Oystermouth Road is a key element of the scheme. This generates the need to ramp up approximately 6m from the existing ground level to the proposed deck level. This can be achieved by a gentle street gradient on the north side of Oystermouth Road that links into the new buildings on either side. To the south, the pedestrian footbridge ties into the top level of the proposed decked car park at the level of the original rail lines. An approach utilising various ramps, lifts and steps down from the raised level down to the existing public realm of the LC2 and National Waterfront Museum is then adopted to address the level differences between these areas.

Public Realm Strategy

The masterplan is supported by the Public Realm Strategy. This suggests how the streets and spaces could be designed including the areas where full or partial street cover could be incorporated to provide protection from the elements. The strategy also requires that the public realm materials should comprise either natural stone already present in the city or high quality concrete paving. The key difference is the suggestion to use these materials to create contemporary paving patterns and this will be explored in detail at the reserved matters stage.

The public realm strategy also highlights the potential to incorporate a range of public art features, and this could reflect the significant history of the area or perhaps emphasise the links to the waterfront. It could include permanent legacy features, but equally could be a range of participatory events or event performance. It will be important to ensure that this element is provided and this can be ensured through a condition requiring further development of a public realm strategy prior to the submission of the first reserved matters application along with a mechanism to implement the events/ activities and installations contained within the public art strategy.

The masterplan also highlights the need for public realm and building design to address secure by design considerations including counter terrorism at the Reserved Matters stage so that they are integrated into the overall design. The key design objectives are:

- o To incorporate non-invasive, passive security design features into the build of the public realm;
- o To incorporate counter-terrorism measures into the design which do not create concealed or unregulated spaces and more in keeping with the surrounding architecture; and
- o To ensure robustness of design

Development blocks

The masterplan defines 5 'Development Zones' as the broad spatial framework for different land uses, built forms and architecture. These zones are then further sub divided into separate blocks which represent the footprint of individual buildings or groups of joined buildings as follows:

- o DZ1 - retail area with residential above
- o DZ2 - diverse range of mixed uses including cafes/ restaurants, leisure, office and educational with residential above.
- o DZ3 - primarily a multi-storey partially wrapped by office or residential to provide an active frontage
- o DZ4 - larger scale uses to the south of Oystermouth Road with podium car park and Arena and Tower developments above

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- o DZ5 - the key public realm area linking St Mary's Square to the Arena and waterfront area is identified as a development zone in its own right.

It is likely that the different blocks within the Development Zones will be developed in a number of phases potentially to the detailed designs of different architects for different uses. The masterplan sets out a place making framework that provides a balance of flexibility and fixes to co-ordinate the blocks in terms of building lines and heights. This takes into account the relationship to listed buildings, movement routes, desired levels of flexibility within blocks, key views, urban scale and positive areas of public realm.

In a similar manner to the streets and spaces, there is some flexibility in the exact disposition of the edges of the blocks. There is a definite requirement for the range of building blocks as shown in the building footprint plan and this provides differing levels of flexibility for the building lines to be pushed forward or pulled back depending on the context. The blocks to the north of Oystermouth Road are required to have an 'urban grain and urban scale' in response to the context of the established city centre. A further level of control is provided for the block frontages such as the requirements for active frontages and corner treatments but this does leave a wide range of flexibility for detailed design at the Reserved Matters stage. Similarly the masterplan prescribes a minimum building height to ensure a consistent urban scale around the two churches and allows differing levels for maximum heights in response to key views and gateway opportunities.

The range of potential uses is also set out for each block. The mix of uses indicated in the indicative scheme demonstrates the intention to create a truly mixed use scheme with less than 20% of the floor space given over to retail and a greater proportion of potential leisure uses. Whilst the scale is flexible, the base requirement for an urban scale will not allow single storey single use buildings, this means that the buildings must be multi-level to make best use of the land and this will provide space for vertically mixed uses including offices, city living and possibly cultural uses on upper floors. This in turn will make the area feel more attractive through uses that open and close at different times and also safer by means of natural surveillance of public spaces from the uses on upper floors.

Development Block DZ1

The DZ1a block provides new separate entrances to the Quadrant Shopping Centre and Swansea Market as well as an important active frontage onto the west side of the main north south pedestrian route to the waterfront. The range of upper and lower building heights requires a building of urban scale with upper floor residential accommodation to increase the quantum of city living. The proposal for the new entrance to the Quadrant Centre would straighten the 'kink' from the internal mall to align with the axis of St Mary's Church to increase visual connectivity, legibility and sense of place.

In respect of this issue, this has attracted an objection from the Market Traders Association; however, it is proposed that the existing pedestrian route running west-east through the Quadrant Centre will be re-aligned to follow the path into the new Wassail Square by removing the existing 'New Look' building. This will allow an independent south-eastern access directly into the Market from Wassail Square which would raise the profile of the Market and in turn would benefit from the increased footfall that would result from the proposed development.

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Development Block DZ2

The key aspect of the DZ2 zone of the masterplan is the requirement for a fine grain block structure with buildings of urban scale that accommodate truly mixed uses. This ensures a walkable area with pedestrian priority that is vibrant and diverse and the masterplan strikes a good balance of fix and flexibility for this area. Whilst there is some flexibility in terms of building line there is a definite requirement for new streets and the new space relating to St David's church. There is a general requirement for 'urban scale' blocks that are between 18-22m (as a reference the ridge of St David's Church is 19m). The exception in this zone is DZ2d that has to balance the scale necessary to make a gateway statement onto Oystermouth Road without harming the setting of the listed church. This results in a maximum height of 32m that is of similar scale to the adjacent Excelsior building but is required to be step down to a maximum of 22m where the north elevation faces the church (further commentary on the scale relationship to St David's Church is dealt with in the heritage section of this report). This block could contain a mixture of uses from offices to cinema.

Furthermore, block DZ2a within this zone allows the option of retaining, refurbishing and recladding the existing red brick building of the St David's Shopping Centre with ground floor colonnade that currently contains Iceland and Cranes music shop. This block could contain a mixture of new food and café uses at ground floor with other uses above including potentially a boutique cinema. DZ2a is complemented by block DZ2b which has an urban scale and could accommodate residential above food/café uses. Finally DZ2c could accommodate a library as a civic use with potential residential or office above.

Development Block DZ3

The proposed block at DZ3 provides a key role in screening the rear of the Tesco food store whilst defining the main north south link. There is limited flexibility in terms of building line and height due to the constraints of this location. It is envisaged that this block will accommodate a multi storey car park of up to 500 spaces and the masterplan requires that this is wrapped by active frontage at ground and first floor on the main pedestrian route potentially comprising commercial space at ground level and residential or office above. There is potentially a constraint due to a sewer easement on Albert Row (to the rear of Tesco) and the masterplan allows sufficient flexibility to build over this area if agreement can be reached with Welsh Water, or alternatively to keep this sewer area free of development (this issue is covered in more detail in the Drainage Section). This latter approach would still maintain the alignment and street width of the key north-south route to the pedestrian footbridge and ensure that active frontages are accommodated to wrap the east elevation of the multi storey car park.

Development Block DZ4

The nature of the blocks known as DZ4 to the south of Oystermouth Road accommodate larger landmark buildings and larger format uses in recognition of the fact that this area was never part of the historic city grain but instead accommodated industrial uses and transport infrastructure. The 500 space decked car park would reinstate the level of the former elevated rail lines and on top of this podium the masterplan defines blocks for the Arena and Tower. This elevated area would allow servicing of the Arena to be concealed below the podium which ensures that the public realm is not compromised and the amenity of the residents is not affected by late night HGV movements.

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The proposed Arena will be a landmark building and significant regional destination, and this will draw significant numbers into the city for concerts, events conferences etc. The volume for this block (DZ4b) has been tested to ensure that the functional requirements can be accommodated and it is understood that established Arena operators have confirmed that this footprint is sufficiently flexible to accommodate an auditorium for up to 3,500 people. The design principles require an outward focus on the ground floor so that cafes/ bars/ restaurants are accessible to ensure a vibrant area even when there no events. The Arena itself is essential a large box which can be dressed in a distinctive manner. The parameters plans set modest flexibility in terms of building lines and maximum/ minimum heights but there is architectural flexibility to explore a range of design concepts at the Reserved Matters stage. The current indicative scheme for the Arena suggests a 'coal' reference to reflect the fact that the former area of rail lines was used to marshal coal trucks prior to tipping into ships for export.

The DZ4 area also includes the footprint and height range for a landmark tower building that could be residential, or hotel or a mixture of the two sited between the proposed Arena and existing LC2 building. The masterplan sets a height range of 41-51m (above existing ground level) for this tower which equates to approximately 13-17 storeys. This means that this tower will be a tall building that therefore must meet the requirements of the adopted Tall Building Strategy Supplementary Planning Guidance. This requires that the tall building is slender and elegant with a distinctive skyline and active frontages at ground level. To address this, the masterplan defines a maximum footprint and sets a width to height ratio to ensure slenderness and also requires that the elevations are articulated to incorporate vertical elements to achieve the appearance of a cluster of slender vertical forms relative to the height. For reference, the proposed tower is approximately half the height of the Meridian Quay tower which is 107m above ground level and this relationship can be seen in the Townscape and Visual Impact Assessment verified views. The masterplan scheme has been subjected to the Wind Microclimate Desk Study which has reviewed the potential wind effects on the surrounding public realm and adjacent buildings such as the Arena and Tower. This has identified that the Tower will create down draught effects but that this can be mitigated through the elevation design and incorporation of canopies which can be positively incorporated as architectural features at the Reserved Matters stage.

The Arena and Tower are not in physical contact with the listed GWR revetment wall and there is no change to the historic fabric of this but the scale of these new buildings will change the visual setting of the heritage asset. It is considered that this is an acceptable dramatic relationship that preserves the heritage assets whilst bringing significant levels of activity into the area. Furthermore the accommodation of the decked car park with the podium level equivalent to the original rail lines is considered beneficial to make the heritage structure easier to understand and appreciate. The impact on the listed GWR revetment is considered in more detail within the Cultural Heritage Section.

A concern throughout the design process has been the nature of the frontages at ground level along Oystermouth Road. The main pedestrian movements will be at the higher level using the footbridge; however the masterplan still requires that the ground level is active through footways, cycle route, provision of bus stops and pedestrian entrances to access the upper level by means of steps/ ramps/ lifts. This approach is to create points of activity as opposed to utilising the active frontages of buildings and will be made attractive through the use of materials include green living walls. This reflects the fact that this is a very busy traffic corridor but equally does not ignore the area as a 'place'.

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Architecture

Whilst there is no defined architectural style set at the outline stage within the masterplan, there is a requirement to take an architectural approach that reflects the history and culture of Swansea in a contemporary manner. The illustrative scheme including the eye level views demonstrates one way that this could be addressed. However, it is likely that the different blocks will be developed in a number of phases potentially to the detailed designs of different architects for different uses. The masterplan strikes a balance to co-ordinate the detailed design whilst allowing sufficient flexibility for innovation and individual expression.

The wide footbridge across Oystermouth Road would be a street bridge and the masterplan emphasises the need for a sculptural design incorporating planting and/ or a canopy that addresses both the approach from either side as well as the route passing below.

The masterplan sets requirements for the types of materials that can be used in the various blocks. It sets out a range of six materials from which two are expected to be used on each building and there is a requirement that opposing buildings on the other side of the street cannot use the same materials. The six materials allow for a wide range of architectural expression whilst reflecting aspects of Swansea's distinctiveness and ensuring a high quality scheme. They are:

- o Copper cladding - drawing on the metallurgical history of the Swansea Valley
- o Terracotta (ceramic) cladding - drawing on the pottery history of the site and wider area
- o Stained glass - reflecting Swansea role at the centre of teaching this art form
- o Iron Oxide-pigmented concrete - this is a modern version of the stonework that can be found throughout the city
- o Corten Steel - drawing on the metallurgical history of the Swansea Valley
- o Brickwork - this is used extensively throughout the city but the requirement in the masterplan is that brickwork should not be used for more than 25% of the elevations and must be used in a 3d rather than flat manner.

This range of materials allows sufficient variety whilst ensuring a clarity and quality of place. Some of the materials will be better suited to use as accent and feature materials whilst others will form the dominant treatments of the building elevations. Some of the buildings and uses will lend themselves to a sculptural use of materials such as the Arena and multi storey car park frontages, whilst other buildings will have a traditional solid to void ratio to accommodate vertically mixed used and the materials will be applied to the elevations along with commercial glazed frontages and residential fenestration. Clearly all materials will need to be fully assessed and this will require composite sample panels to be provided at the Reserved Matters stage.

Wind Microclimate Desk Study

The study has assessed the wind microclimate for existing site conditions and the maximum built out of the development parameter plans to ensure that a conservative assessment is undertaken within the context of existing surrounding conditions. In general the existing site conditions are relatively sheltered from westerly prevailing winds therefore it is expected that there are no exceedances of the safety criteria. In terms of comfort, the wind conditions are expected to be generally suitable for their existing uses, and with the introduction of the proposed development, inclusive of current soft landscaping proposals, wind conditions within the site and the surrounding area are expected to be acceptable in terms of pedestrian comfort and safety with the exception of a number of localised regions:

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

In order to minimize any adverse wind effects a number of mitigation measures for these areas have been suggested such as the use of soft landscaping, canopies and screens and the incorporation of recessed entrances. It is recommended that the wind mitigation measures are developed as part of the reserved matters design stage when detailed of building facades and public realm/landscape become available and validated via boundary layer wind tunnel testing. It is proposed to impose a condition for the incorporation of suitable mitigation measures.

Townscape and Visual Impact

The maximum volumes of the masterplan blocks (maximum heights and building lines) have been visually tested in the submission of the Townscape and Visual Impact Assessment (TVIA) that includes a seascape assessment that sets out eye level views from public vantage points. The TVIA (including seascape) baseline report provides a summary description of the scheme and provides commentary on how the baseline may affect or direct the wider pattern of development. The report presents a range of constraints and opportunities relative to the townscape, landscape, and visual issues, recommendations provided to inform the development proposals to ensure sensitivity to identified constraints and a realisation of available opportunities. The report then goes on to describe the development proposed, particularly in relation to landscape and visual mitigation proposals and assesses within the subsequent TVIA to follow this baseline report, the resulting effects of the completed development on landscape and visual receptors. The TVIA concludes that the existing urban environment contributes very little to the City Centre at present and the regeneration proposals present an opportunity to improve the appearance and character of the existing built form. Additionally, there is an opportunity to strengthen the connection between the City Centre and Swansea Bay Waterfront.

Effects on Visual Amenity

The preparation of the TVIA has been used as an iterative design tool to refine the masterplan and also to assess the visual impacts of the proposal. In order to ascertain the likely visual receptors to assess the visual impacts of the proposed development, a total of 16 photoviewpoints were selected to represent a variety of views available for public vantage points. Visual effects relate to changes that arise in the composition of available views as a result of changes to the landscape, to people's responses to the changes, and to the overall effects with respect to visual amenity. Additionally, Visually verified montages (VVM's) have been produced for 10 no. of the photoviewpoints to aid the visual assessment. It should be noted that the visuals cannot show the windows, articulation and architecture because this has not been designed at the outline planning stage. Therefore the masterplan volumes are represented as grey forms in a series of accurate montage views to represent the development zones and the maximum heights and minimum street widths in line with the parameter plans. The heights proposed are shown as the maximum heights but in reality the shapes of the 'blocks' and the material finish will change the perception of the development considerably.

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Conclusions

The view testing demonstrates that the masterplan blocks to the north of Oystermouth Road are generally of an urban scale similar to the scale of the existing built form. However DZ2d is considerably taller to act as a gateway building onto Oystermouth Road. As indicated in the heritage section, the height impact on the setting of St David's Church is mitigated by the top floors being set back facing the church. This will certainly create a dramatic relationship befitting of a city environment, but the detailed design must be carefully handled.

The heights have also been tested in relation to the view from the tower of Swansea Castle in response to the consultation request by Cadw to assess the impact on the scheduled ancient monument. There is no proposed development of excessive height in proximity to Swansea Castle and whilst elements of the scheme, namely DZ2d, the tower and arena will be visible from the top of the tower, this will be in the context of the wider cityscape and this is not considered to be a negative effect. A view from Castle Square has also been tested (Photoviewpoint 1) and this shows that the masterplan proposals would have a neutral effect on this public space.

Clearly the taller Tower and Arena to the south of Oystermouth Road will have a greater visual impact and to assess this, a number of views have been tested as follows:

The view from Trawler Road to south of the South Dock marina is tested in Photoviewpoint 4; this shows that the massing of the Arena and Tower will be significant features rising high above the rear of the existing Victoria Quay properties. This will be a dramatic juxtaposition of scale and the architecture delivered at the reserved matters stage will need to be of the highest quality with a distinctive skyline. From elevated public vantage points such as Kilvey Hill (Photoviewpoint 9) and Nicander Parade, on the edge of Townhill (Photoviewpoint 8) the proposals will integrate with the existing built form. The use of a roof scape and colours of materials will be important in this regard.

Photoviewpoint 12 taken from the sands of Swansea Bay at low tide offers a panoramic view of the waterfront development including the Meridian Quay tower and associated development. From this particular vantage point the Arena will not be visible and but the tower can be seen rising up above the linear form of the existing waterfront development. It can be seen in this view that the scale of the proposed tower is similar to the scale of the existing lower tower that forms part of the Meridian Quay development. The Meridian Quay tower itself is still significant taller and there are no issues of visual coalescence. Once again the architectural treatment will be important and it is considered that the proposed tower will help to mark the city centre when viewed from Swansea Bay.

Photoviewpoint 13 is a cityscape view that tests a key heritage relationship in terms of the setting of the grade II* Swansea Museum in the context of the Maritime Quarter Conservation Area. This view demonstrates that the tower could be partially visible above/beyond the museum but this will vary on the exact final siting of the tower to the north or south with block DZ4c. Whilst the tower is partly visible in this view it is only a minor element and this is not considered to detract from the character of special interest of Swansea Museum. This view also shows the visibility of DZ2b and whilst this is a taller block on the north side of Oystermouth Road; in this view it has a similar scale as the existing Salubrious Place development. Clearly the articulation, architectural treatment and materials at the Reserved Matters stage will all be important to integrate sensitively with this cityscape.

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Photoviewpoint 15 tests the visibility of the masterplan massing on the key approach into the city centre along Fabian Way crossing the River Tawe. This shows that all the proposed masterplan blocks north of Oystermouth are concealed by the existing built form. The Arena also is not visible, however the tower will be a significant feature that will visually coalesce with the Salubrious Place dome from some aspects. Whilst the basic grey block of the tower appears crude and monolithic in this view, this is indicative of the scale and massing only at this stage and the masterplan design principles require the articulation of the massing as well as the use materials to ensure slenderness and elegance. This can be ensured at the reserved matters stage.

Photoviewpoint 16 tests the view from Abernethy Square to the south of the marina adjacent to the Captain Cat sculpture. This shows that the tower will be visible rising beyond the roof of the grade II listed former warehouse that now forms part of the National Waterfront Museum within the Maritime Quarter Conservation Area. The upper part of the Arena would also be visible. Whilst these would be significant new additions to the skyline, they would add interest and quality to the skyline and emphasise the location of the city centre.

Urban Design / Visual Impact Conclusion

The regeneration scheme proposed has employed good practice urban design principles which will guide the delivery of a high quality design and will improve the character of the City Centre. The density, diversity, mix of uses and building types proposed comprise a strong sustainable urban design approach which will help to realise the concept of a vibrant core. Pedestrian movement and cyclists have been incorporated into the scheme considered within the outline design and the general public will experience a user friendly space where pedestrian movement and public amenity is prioritised; The new bridge over Oystermouth Road and the new orientation of the main retail street will link the retail and public realm to the waterfront / leisure zone (DZ4). The proposed bridge will give the road and the core a new identity and views the new landscape podium will be available from the bridge in south facing views. On approach to the City Centre, the scheme will be seen in the three gateway approaches identified in supplementary planning guidance. The buildings and in particular, the tower, proposed will contribute to the legibility of the City Centre's core on approach to Swansea, and in longer ranging more elevated views. Overall, the beneficial effects of the scheme heavily will outweigh the potential adverse from a townscape and visual perspective.

The comprehensive masterplan including indicative scheme has allowed detailed assessment of the proposed scheme. It is considered that the masterplan would set a framework for a walkable, vibrant, truly mixed use and attractive new quarter of Swansea City Centre as a key aspect of regeneration within the City Region. It is also considered that the accompanying parameters plans and design principles form a robust place making framework which strikes the right balance between fixing key aspects of the place making approach whilst allowing sufficient flexibility for innovation and alternative scenarios. Clearly the articulation of the massing and architectural approach will need close scrutiny at the reserved matters stage, but it is not considered that any aspects are unacceptable at this strategic outline stage.

Impact on residential amenity

Policy EV1 of the UDP states that development should not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements.

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Policy EV40 of the UDP states that development proposals will not be permitted that would cause or result in significant harm to local amenity because of significant levels of air, noise or light pollution.

Residential Impact on Victoria Quay

The Arena massing and location has been tested in relation to the residential amenity of the Victoria Quay properties to the south. This was highlighted as a key issue through the statutory Pre-Application Consultation process that was carried out to engage with residents and stakeholders prior to the submission of the outline planning application (this is dealt with in a separate part of this report). The Arena will not result in additional overlooking of the properties in Penryce Court and York Court as the proposed building is generally inward looking and any possible roof terrace would be located at the high level above the ridge height of the existing flats. It will not result in overshadowing given that sun path swings anti-clockwise from east to west, however it will result in a greater sense of overbearing that cannot be mitigated but which is also not considered to be excessive to the point of unacceptability. The as built records for the Victoria Quay properties have been reviewed and it is noted that the rooms affected are generally bedrooms and kitchens whereas the main living rooms are unaffected because these properties have primary outlook to the south towards the marina. Therefore on balance, the regeneration benefits of the Arena as an integral element of the mixed use scheme is considered to outweigh the harm caused in terms of residential amenity.

The masterplan also allows for the tower footprint to be positioned north or south within the DZ4a block depending on the treatment of the ground floor active frontage. The relationship to Squire Court on Victoria Quay has been tested based on the worst case (closest) scenario. To avoid loss of privacy due to overlooking, the masterplan only allows tower windows above the height of the top floor windows of Squire Court as shown on page 169 of the Design and Access Statement. This means that there is no direct overlooking between windows and instead the tower windows would look over the roof of the Victoria Quay block towards the sea. Furthermore as the tower is to the north of this block, there would be no issues of overshadowing given the sunpath to the south. However it must be acknowledged that there will be a significant overbearing effect on the flats within the eastern end of Squire Court due to the scale of the tower that cannot be mitigated. It is noted that the rooms affected are generally bedrooms and the main living rooms are unaffected as these properties have primary outlook to the south towards the marina. Therefore on balance, the regeneration benefits of the tower as an integral element of the mixed use scheme is considered to outweigh the harm caused in terms of residential amenity.

Whilst there is currently a public walkway along the top of the grass bank abutting the GWR revetment wall, this area is used by only a small minority of people. However the proposal for a new public realm podium at this level will increase pedestrian numbers and could reduce the privacy of the existing flats along Victoria Quay. This was highlighted at the pre-application consultation stage and the masterplan requirements were amended to address this by setting the future public walkway back away from the edge of the stone wall to increase the privacy distance and to incorporate screens that double as balustrades to block direct overlooking to the flats opposite. There is however still public access to the wall edges in the areas that correspond to the parking areas on Victoria Quay where there are no opposing residential windows.

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Daylight and Sunlight

The application has been accompanied by a Daylight and Sunlight Statement, the preparation of which has been used the key reference document I- Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice, which is widely recognised as defining good practice and is used extensively in drafting planning policy and in assessing planning applications. It is intended to be used in conjunction with BS 8206 Part 2: 2008 Code of Practice for Daylighting and Lighting Guide 10: Daylighting and Window Design, and its guidance is intended to fit in with their recommendations. There are two measurements of daylight or sunlight referred to in the BRE Guide and used in this report. These are Vertical Sky Component - measuring the total amount of skylight available on the face of a building and Probable Sunlight Hours which is the long-term average of the total number of hours during a year in which direct sunlight reaches the unobstructed ground.

The daylight and sunlight assessment is based on the maximum development parameters, which are assumed to represent the worst-case scenario in terms of daylight and sunlight. The detailed design development through the reserved matters submissions would offer opportunities to further improve the daylight and sunlight penetration within and around the site.

For the outline planning application, the purpose of the daylight self-assessment is to demonstrate the potential for good daylighting. Therefore, the focus is on quantifying the daylight falling on to the facades, rather than the penetration of daylight in to the building. Assessment of actual interior daylighting, typically based on the Average Daylight Factor (ADF), room depth and the position of the no-sky line, would be undertaken as part of the detailed, reserved matters application(s) for each development zone. In summary, the Daylight and Sunlight Assessment concludes that for most of the proposed development, daylight availability is sufficiently good that conventional window design is likely to provide good internal daylight. The exceptions are at low level, where other buildings are in fairly close proximity. In these circumstances, the likely use class would be retail / A3 outlets, which do not generally have a requirement for good daylight. Where this is not the case, special measures (larger windows, shallow-plan rooms, articulated massing allowing dual aspect windows) could be needed to ensure adequate daylight.

Similarly for the purposes of the outline planning application, the sunlight self-assessment has sought to demonstrate the potential for good sunlight. Therefore, the focus is on quantifying the sunlight falling on to the facades, rather than the penetration of sunlight in to the building. Assessment of actual sunlight availability for each room, based on probable sunlight hours for the winter and annual periods respectively, would be undertaken as part of the detailed, reserved matters application(s) for each development zone.

The Assessment highlights that due to the site's essentially flat topography and city centre location, with its attendant scale and density, not all proposed maximum parameters facades benefit from good levels of solar exposure. Of the 29 facades analysed, 15 show good sunlight availability, when treated as a whole and subjected to the good practice tests. Facades that are either north-facing or in close proximity to other buildings have lower levels of solar exposure. However, there is significant variance across all facades. To minimise breaches of the good practice recommendations, the use classes could be arranged such that residential units (and any other accommodation having a particular requirement for sunlight) are arranged on the upper storeys with facades benefitting from good sunlight availability.

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Single-aspect dwellings with low solar exposure could be avoided, unless there are compensating measures, such as a good view of St David's Church, St Mary's Church or the wider city.

The proposed development incorporates new open space around St David's Church, which would likely meet the good practice recommendations for sunlight, even if the development plots around St David's Church were built out to the maximum parameters. As the sunniest part of the open space, the area to the northwest of the church would be suitable for a garden and/or seating.

Based on the maximum parameters, the modelling indicates some breaches of the guidance on daylight impact assessment in respect of the Excelsior building, properties on Victoria Quay, St David's Church, the LC Swansea leisure centre and 10-12 St Mary's Square. Potentially significant impacts could be mitigated through design development, primarily in the massing and positioning of buildings within DZ2a, DZ2d, DZ4b and DZ4c. Given the assessment is based on a 'blocky' parameter plan, representing the maximum bulk and massing of proposed buildings, there is considerable scope for refinement such that impacts are avoided or limited.

With regard to sunlight, the proposed development would have no significant impacts on either existing buildings or open spaces requiring sunlight. Overall, the proposed development has the potential to be acceptable at reserved matters stage, so there are no reasons in respect of daylight or sunlight for not approving the outline planning application. In summary, the proposals are considered to be generally compliant with the requirements of the adopted residential design guide. The amenity impacts on the residential units are noted but considered acceptable on balance given the urban context and significant regeneration benefits of the proposal.

Highways, traffic, car parking, access and pedestrian movements

PPW aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys.

UDP Policy AS1 of the UDP requires that new development associated with housing, employment, shopping, leisure and service provision is located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling.

Policy AS2 states that new development should be designed to:

- o promote the use of public transport and facilitate sustainable travel choices;
- o provide suitable facilities and an attractive environment for pedestrians, cyclists and other non-motorised modes of transport;
- o Allow for the safe, efficient and non-intrusive movement of vehicles, and
- o Comply with the principles of accessibility for all.

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. Whilst Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles.

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The application has been accompanied by a Transport Assessment (TA) to assess the highway and transportation matters related to the outline development proposal. The TA been updated following due consideration of comments received during the formal Pre-Application Consultation (PAC) process. The Swansea Central Area: Regeneration Framework (SCARF), document sets out its aspirations for the redevelopment of the city centre of Swansea, that the city centre and which should be based around the key principles of strong linkages and integration:

"Strong linkages and integration will be key to the success of the redevelopment proposals so that they form part of a connected city centre with improved permeability to the waterfront, specifically via strong links to / through the Waterfront development opportunity."

The proposed scheme has been designed around this key transportation principles, and provides an overview of the existing local highway network, an assessment of the accessibility of the city centre by sustainable (non-car) modes of travel, an overview of relevant local and national transportation policies, a detailed assessment of the development proposals including access, parking and servicing arrangements, a detailed assessment of the traffic impact of the proposals and a detailed assessment of the impact of the proposals on the operation of the local highway Network.

Travel Plan

The TA states that a "Sustainable transport solution in relation to the scheme to ensure ease of access and egress, including servicing is one of the key transportation principles behind the scheme. With this in mind, a draft overarching Framework Travel Plan for the scheme has been prepared and submitted as part of the application. This site wide plan will be developed as the proposals evolve and through discussions with CCS. It is anticipated that as each phase of development progresses, each operation will operate their own Travel Plan, based on the site wide Travel Plan, aimed at both staff and visitors. The Travel Plans will contain a range of measures and incentives aimed at amending existing travel habits by promoting the use of sustainable travel and discouraging single-occupancy private car use.

Development proposals

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

Parking and Access - North Site

As part of the North Site proposals both the existing St Mary's (297 spaces) and St David's (460) car parks will be removed and a new Multi Storey Car Park (MSCP) car park providing a maximum of 498 spaces will be provided at DZ 3. The new MSCP car park will be accessed from Oystermouth Road to the south via the Albert Row/Oystermouth Road signalised junction which will be reconfigured as part of the development scheme. A number of residents parking spaces for the proposed residential units within the scheme will be provided in the MSCP.

As a result of the new parking arrangements at DZ 3, vehicles egressing the Quadrant Court MSCP will have to exit via the West Way/Wellington St signalised junction to the west instead of the Albert Row/Oystermouth Road junction as they currently do.

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Therefore, the layout of Wellington Street will be amended as part of the proposals to allow two-way flow to and from the Quadrant Court MSCP to achieve this.

Parking and Access - South Site

The South site will be accessible on-foot and cycle from the city centre, bus station and train station via the proposed pedestrian/cycle bridge link over Oystermouth Road. It is proposed to construct a new undercroft car park underneath the Arena in the location of the existing Waterfront surface car park. This pay-on-foot car park will have a capacity of 425 spaces, which can be increased by 150 spaces to a total of 575 spaces on major event days at the Arena. This equates to an increase of 40-190 space compared to the existing Waterfront car park.

The proposed Arena car park will be in operation 24hrs a day to support the proposed hotel Development, although hotel users will also be able to park at the new St David's car park and other city centre car parks generally. Surrounding streets, including the marina area to the south of the proposed Arena site, are protected by parking restrictions, discouraging any off-site parking by Arena users. Access to the new Arena car park will be taken from Oystermouth Road via the reconfigured Albert Row/Oystermouth Road signalised junction which will be improved as part of the development scheme. In addition, it is proposed to construct a long layby along the westbound carriageway of Oystermouth Road in front of the Arena which will be long enough to allow six coaches to park to drop off and pick up visitors. After these coaches have dropped people off, it has been agreed with CCS that lay over locations will be provided at nearby park-and-rides sides and at Bracelet Bay for coaches to wait at until they need to collect visitors from the Arena. This coach lay-by will also serve the LC2 building. Direct and convenient access between the Arena car park and the LC2 building will be provided along Victoria Quay via the existing pedestrian archways in the GWR revetment wall. This route will be upgraded to provide a suitable pedestrian walkway facility.

Cycle Parking

Minimum cycle parking standards for land uses within the centre of Swansea are set out in CCS's Parking Standards Supplementary Planning Guidance document (March 2012). The TA indicates that cycle parking provision within the Swansea Central scheme will be covered and secure, and meet or exceed CCS's minimum cycle parking standards. In particular, as part of the Swansea Central scheme, large covered and secure cycle storage facilities will be provided at the new St David's (North) and Arena (South) car parks.

Pedestrian Improvements

As previously outlined, a key feature of the Swansea Central scheme is a new improved and updated bridge crossing providing a strong linkage between the city centre and the Waterfront. The proposed bridge will link directly to a new pedestrianised traffic-free route through the city centre to the north which will connect into existing routes which lead onto the railways station, creating a new high quality, permeable link between the city centre and the waterfront for pedestrians and cyclists. This will help to connect the City Centre to the Waterfront, linking the northern and southern sites together and would contribute to the provision of the green artery through the central area which are both key visions within the Swansea Central Area Regeneration Framework (Feb. 2016).

It is proposed that the bridge will be for pedestrian use only with cyclists having to dismount to cross the bridge and ample cycle parking will be provided across the scheme for cyclists to use when accessing pedestrian-only areas.

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The bridge will also be able to be accessed via steps, a lift and DDA compliant ramps from the footways along Oystermouth Road as well as from lifts from the Arena and St David's car parks. A new high quality signalised at-grade pedestrian crossing will also be incorporated at the reconfigured Albert Row/Oystermouth junction proposed as part of the Swansea Central scheme. In addition to the above, pedestrian routes will be provided between the new Arena car park and the footway along the southern side of Oystermouth Road.

Highway Improvements

The Swansea Central proposals would require several improvements and amendments to the local highway network.

Wellington Street/West Way junction

As a result of the proposed changes to the St David's area all traffic exiting the Quadrant Court MSCP will re-join the local highway network via the Wellington Street/West Way junction. In order to achieve this, the layout of Wellington Street will be amended to allow traffic leaving the Quadrant Court MSCP to be able to access the West Way junction. The amended junction layout will still allow vehicles to access the existing Tesco car park which will also be accessed from Wellington Street. The proposed layout will involve widening Wellington Street to allow two-way flow to and from the MSCP and the provision of separate arms to and from the West Way junction to allow traffic to access the Tesco car park.

An objection to the proposed alterations to Wellington Street has been submitted on behalf of Tesco which are outlined above. These issues have been addressed by the TA consultants (Meyer Brown) on behalf of the applicant. It is indicated that the proposed alterations to the existing layout of Wellington Street are necessary to allow two-way traffic flow to and from the Quadrant MSCP, as following the implementation of the Swansea Central scheme it will no longer be possible for vehicles to exit the MSCP via Albert Row junction onto Oystermouth Road.

It is not agreed that the proposed layout will be confusing or will result in any significant congestion at the Tesco car park for the following reasons. The layout has been designed to be easily understood and is based on a CCS Transportation scheme previously considered at this location. Tesco's customers will still have priority over Wellington Street traffic when entering the Tesco car park and this will be reflected in the road markings and signals to ensure the Tesco access is kept clear of queueing vehicles. There will be gaps in traffic leaving the MSCP that will allow Tesco customers to exit the Tesco car park. The proposed layout also gives priority to arrivals at the Tesco car park over traffic leaving the MSCP.

The alterations to the West Way / Wellington Street junction have been modelled as part of the TA and have also been subject to sensitivity testing. The modelling results indicated that the proposed layout would operate below capacity and with minimum queuing. Furthermore, it is indicated that the improvement works that have recently been completed along West Way will improve capacity at the junction further benefitting Tesco customer traffic. The proposed highway improvements can therefore be accommodated without detriment to road capacity or safety.

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Further to this issue there has since been a positive and constructive discussion between the Consultants and Tesco's, with a view to agreeing the final detailed design for the improvement scheme for Wellington Street incorporating the Tesco store access, provides an optimum layout that is mutually acceptable to all parties. The planning condition in relation to the highway improvements will allow for the detailed design to be subject to further consultation involving Tesco.

Albert Row/Oystermouth Road junction

The existing Albert Row/Oystermouth junction will be replaced by a new junction layout and the proposals will incorporate new bus stops located on the eastbound and westbound carriageways of Oystermouth Road, and as mentioned previously a new coach lay-by will be provided serving the Arena. The westbound carriageway of Oystermouth Road will be widened to incorporate a right-turn lane into the new St David's car park, thereby allowing access into that car park from both the east and westbound carriageways of Oystermouth Road. The southern arm of the new junction will allow access to the new Arena car park with access controlled via barriers. A dedicated right-turn lane will be provided into the Arena car park from eastbound carriageway of the Oystermouth Road. The proposed junction layout will incorporate a high quality signalised pedestrian crossing. The submitted tracking drawings showing the swept path of vehicular manoeuvres at this junction demonstrate that vehicles can safely use the proposed road layout.

Traffic Impact

The TA has assessed the traffic impact of the Swansea Central scheme in respect of the parking demand within the city centre and the impact on the surrounding road network, and for this purpose account has been taken of the additional non-retail / leisure uses proposed estimated to be an uplift of 11% applied to the existing city centre parking demand. The TA has concluded that the junction modelling provides a robust assessment of the traffic flows and that the local highway network will continue to operate satisfactorily following construction of the Swansea Central scheme.

Conclusions

The Head of Transportation has accepted the conclusions of the TA and indicates that the proposed highway improvements to the affected junctions, the proposed uplift in car parking demand / trip levels can be satisfactorily accommodated within the highway network without detriment to highway safety subject to the imposition of appropriate planning conditions.

The highway design for the proposed road improvements would ordinarily be secured by way of a Section 278 Agreement under the Highways Act 1980, however, in this instance as the Council is the developer, it may not enter into such an agreement with itself as Local Planning Authority, and these would need to be secured by planning condition. This would cover all highway construction works within the existing and new highways, Traffic Regulation Orders, Road Closure Orders, temporary traffic management layouts and associated traffic signage and interactive car park signage (i.e. variable messaging).

As a result of the proposed development, sections of the existing highway would need to be stopped up so that it ceases to be highway as it would instead form part of the built development.

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There is a separate process for the developer to follow involving an application to Welsh Government under Section 247 of the Town and Country Planning Act 1990 (as amended). It would be prudent for this process to be commenced soon after any planning permission has been granted.

Impact on Cultural Heritage and Archaeology

Cultural Heritage

The outline application has been accompanied by a Heritage and Impact Assessment which sets the heritage significance of the area and the buildings and historic features within it. It considers the current proposals and evaluates the heritage impact that these would have and where appropriate identifies potential mitigation.

The application site area lies largely outside the medieval settlement with the Church of St Mary and St Mary's Square being at its southern extent. Medieval Swansea was centred around the castle built c.1100 by Henry Beaumont, Earl of Warwick and the town received its charter in 1153. The St Mary's area is believed to be a late 12th /early 13th century extension to the town and by the 14th century there were town walls with a town gate at the south corner of what is now the churchyard. Although the church is not recorded in 1291 architectural fragments that have been uncovered are stylistically of an earlier 13th century date. After c.1300 Swansea remained much the same size until the 18th century. Despite development of a trading dock in 17th century, the major industrialisation did not begin until the late 18th century, led by John Vivian. Coal, copper and tinplate flourished and brought great wealth to Swansea. The 1852 map shows an urban street pattern across much of the northern part of what is now the development area and the town aspired to having elegant Georgian terraces. Below that was Victoria Station and its associated railway infrastructure and further south were the tracks delivering the coal to the South Dock, cut in 1859. In February 1941 Swansea was severely blitzed and after the war a major rebuilding was undertaken creating the unremarkable character of much of the centre of Swansea and laying out the current Oystermouth Road. The St David's Shopping Centre was laid out in 1982 with a range of red brick buildings and a multi-storey car park to the south.

UDP Policy EV2 (xi) indicates that new development should have regard to the desirability of preserving the setting of any listed building, whilst UDP EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings. UDP Policy EV7 states that alterations to a listed building will not be permitted unless they safeguard the character of the listed building and the historic form and integrity of the building.

The proposed development directly affects six Grade II listed buildings within the development area:

- o Church of St Mary
- o Swansea County Court and Offices
- o Pedestal and statue of Sir H Hussey Vivian
- o St David's Priory Roman Catholic church
- o Presbytery at St David's Priory Roman Catholic church
- o Former GWR revetment wall along north side of South Dock, Victoria Quay

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Additionally, although outside the proposed development area, the most significant heritage structure in the wider context is Swansea Castle, which is a Scheduled Ancient Monument and Grade I Listed Building.

Heritage Impact of proposed changes

This part of Swansea has experienced regular change resulting in an historic character made up of isolated individual buildings and structures, and in particular the important historic buildings of St Mary's and St David's churches stand out. The regeneration of a significant quarter of Swansea City Centre will have an effect on a number of designated heritage assets in terms of visual changes to the setting and physical alterations. It should be noted that the physical changes to listed buildings will require future listed building consent applications to be approved; however the masterplan has been tested to ensure that these changes are acceptable in principle but the detail will be need to be addressed in future

St Mary's Church

Whilst there is thought to have been a church on this site at the heart of the medieval city since Norman times, the current building dates from post war reconstruction. St Mary's Church has the advantage of having a protected setting by virtue of its churchyard, however, the proposals will change the setting of this grade II listed church through the regeneration of two sides (south and west) of the elevations that enclose St Mary's Square. It is one of a number of tall buildings in the centre of Swansea, and there are significant vantage points from where the city centre can be viewed, in which the tower of the church is prominent. The church tower remains a landmark building in particular, from the south-west and this view could be compromised by building competing tall buildings in close proximity to it. The area proposed for regeneration currently lacks architectural quality and active frontages however they are of a scale that ensures the church remains the focal point. The proposals would comprise of contemporary architecture and the scale parameters ensure a consistent urban scale to positively define the space without dominating the setting of the church, thus ensuring that the church tower will continue to be a city landmark. This has been tested using the parameter sections based on accurate survey information and the indicative 3d model which includes multiple eye level perspective views as set out in the Design and Access Statement.

The levels of active frontage around the square would be increased making the area more vibrant and the materials would reflect the tones of the church stonework. As well as the mixed use urban blocks, a single storey, pavilion café is proposed adjacent to the south-west corner of the Church grounds. Whilst this would reduce the visibility of the church from the corner, it will provide active frontage and could be designed in a sensitive contemporary manner to complement the setting of the church. Furthermore the historic analysis demonstrates that there were earlier city buildings lining the perimeter to the church as shown in the 1850s OS plan reproduced on page 19 of the Design and Access Statement. Therefore it is considered that the setting of St Marys would be enhanced by the proposals. There is also potential for a future listed building consent application to amend parts of the boundary wall to improve access for all to the raised grass area. This area does contain historic burials without headstones and it is considered that this could be achieved in a sensitive manner to facilitate a significant improvement of public realm and increased access to green space within the city centre as part of the green artery concept.

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St David's Church and Presbytery

The regeneration proposals would also create a new public space around the grade II listed St David's Catholic Church. This church currently has a significantly degraded setting due to poor quality remnants of the St David's shopping development and an open expanse of a surface car park. Unlike St Mary's, this church was not designed as a focal building and the historic mapping shows that St David's was until the post war period embedded into an urban block with the south east elevation onto St David's Place and north east elevation onto Rutland Street forming a street corner building within a dense urban fabric.

The masterplan sets building lines of the blocks around the church to ensure a positive setting and useable area of public realm. The masterplan also requires a consistent urban scale around this space with buildings at least 11m high and provides scope for block DZ2d (to the south of St David's Church) to step up some 25m above the current ground level to form a focal building of similar scale to the Excelsior Building in relation to the southern aspect onto Oystermouth Road. Whilst this block is significantly higher than the listed building (in comparison the ridge level of the church is some 12m above ground level), the massing impact on St David's Place is mitigated by a requirement for the building to be stepped down on the elevation facing the church which then steps up. This is shown in section GG on page 133 of the Design and Access Statement. Therefore the scale at street level would feel similar to St David's, whilst in longer views such as along Rutland Street, the development of DZ2d would rise up above the church. The indicative visuals in the Design and Access Statement show this as a tiered building with horizontal bands, however there is flexibility in the massing of the upper levels and the architectural treatment. Therefore whilst the setting of St David's would change considerably, the scale is considered acceptable and the detail design of DZ2d will need very careful treatment at the reserved matters stage.

The masterplan proposals retain the St David's presbytery garden and garage. This will ensure privacy for the occupant of the presbytery. The stone walls surrounding the church on all sides are curtilage listed and are proposed to be retained within an improved area of public realm with parking within the church yard removed to create a green space that will improve the setting of the listed building.

Sir H Hussey Vivian

The present setting of the statue of Sir H Hussey Vivian makes a negative contribution to its significance. The statue originally stood in Castle Square (1886) and was moved to Victoria Park in 1936, and was re-sited in its current position in 1982 when the St David's shopping centre was opened. There is therefore no significance attributed to the current siting of the statue and the setting of the listed feature is compromised by the current poor quality architecture and public realm treatment in this location. The further relocation of the statue (potentially as part of a new modelled Wassail Square to the west of St Mary's Church) will benefit from proposals to move it to a better location as part of a wider public realm and in a position where it is not so likely to be approached from the rear. This will require a separate application for Listed Building Consent.

GWR revetment wall

The southern extent of the regeneration area is bounded by the grade II listed pennant stone retaining wall that originally supported high level lines and marshalling yard for coal trucks waiting to be tipped into ships for distribution.

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Since Swansea Victoria Station was redeveloped for the current LC2 and the elevated rail infrastructure removed there is no trace of the railway heritage that dominated this area and as a consequence the GWR revetment wall has lost context and is poorly understood within Swansea. Furthermore the current presentation with earth bank facing the LC2 car park does not allow easy understanding of the original purpose of this structure.

The masterplan proposal is to replace the current surface car park with a decked car park which has a top level at approximately 5.5m above ground level which reflects the level of the original rail lines. Whilst this would diminish the visibility and setting of the structure from the north, as noted above the current earth bank is modern feature of no historical significance. Furthermore it is considered that the reinstatement of the original rail line level would improve the understanding and appreciation of this structure. The proposal is also for a future listed building consent application for physical changes to this wall in three areas:

- o Removal of the remaining grass bank to accommodate undercroft car parking and servicing of the proposed arena.
- o Opening up of blind arches at the eastern end to increase pedestrian permeability from the LC2 area to the South Dock marina at ground level
- o Adding a new railing of industrial character the entire length of the existing wall top to meet modern safety standards and to ensure sufficient privacy for the residential properties immediately to the south.

These changes will be considered in detail in the future listed building consent application; however it is considered that they represent sensitive and considered change that strikes a balance between preserving the heritage assets and facilitating regeneration of the city centre.

County Court building

The former County Court building is not directly included in the development proposals but is sufficiently close to be impacted by it, however, as long as the scale and materials of the new build proposals are sympathetic then the listed building should not suffer any negative impact.

The Heritage Impact Assessment (HIA) has also assessed views to and from Swansea Castle. The existing redevelopment in its vicinity means that these are limited but the Castle can be glimpsed from the edge of St Mary's churchyard and this view would not be adversely affected by the proposed development. Ground level views from the Castle towards the proposed development area are largely obscured. The HIA assumes that the development area would be visible from the wall-walk above the Hall of the Castle and from the top of the southern garderobe tower but it is a closed monument with none of the internal areas of the castle open to the public. Even with specially arranged access to assess the impact, it was found that the wall-walk above the Hall cannot be reached and it is understood it has been closed for health and safety reasons for several decades. It is only from the high level of the garderobe tower that more distant views can be had. CADW, in its statutory role of assessing the likely impact on the Scheduled Ancient Monument of Swansea Castle, has confirmed the conclusions of the Heritage Impact Assessment and their opinion would have a very slight but not significant adverse impact on the setting of scheduled monument GM012.

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Conclusion

As a new quarter to Swansea City Centre the perimeter of the masterplan development will be close to a number of listed buildings. Given that the masterplan proposes an urban scale for the majority of the northern area that reflects the traditional Victorian scale, there is no impact on the setting of the former Courts Building on the corner of St Mary's Square (Grade II), Cross Keys (Grade II) 2-3 Princess Way (Grade II) and York Place Baptist Chapel (Grade II). The visual settings of the Listed warehouse that forms part of the National Waterfront Museum (Grade II), Pump House (Grade II) and Swansea Museum (Grade II*) are all affected by the larger scale Arena and Tower elements. This is assessed in the Townscape and Visual Impact Assessment through accurate eye level visuals which are discussed later in this report. However the main finding is that whilst the visual settings of these listed buildings will change due to the masterplan scale to the south of Oystermouth Road, this is considered acceptable in the context of a much improved cityscape and with the caveat that the detailed design at Reserved Matters stage will be crucial.

The masterplan area is in close proximity to both the Wind Street Conservation Area and the Maritime Quarter Conservation Area where the statutory test requires that the visual setting is preserved or enhanced. This has been tested using the visuals of the indicative scheme and verified Townscape and Visual Impact Assessment from key views. This confirms that aspects of the masterplan scheme will be visible from these conservation areas and that the effect will be positive with the scale and potential design of the new buildings enhancing the urban cityscape of these designated conservation areas.

The proposed regeneration will also have a positive effect on undesignated heritage in that the masterplan layout of streets retains the diagonal alignment of Rutland Street which corresponds to the medieval city plan. There is also an opportunity to highlight the location of the former West (Wassail) City Gate at the junction of Whitewalls and Rutland Street through public realm design and possibly public art. Whilst Swansea Market is a modern structure, it is potentially the best post war building in the city and has historic and cultural significance. The proposals will improve the eastern entrance to the market through the creation of a new public space. The height of the adjoining masterplan block (DZ1) has been limited to improve the visibility of the distinctive curved roof that symbolises the market hall. The undesignated heritage is also reinforced through the masterplan proposal to reintroduce historic 'lost' street names such as Wassail Street, Orange Street and Frog Street.

Archaeological Impact

The application is accompanied by an archaeological desk based assessment in following advice from the archaeological advisors (Glamorgan Gwent Archaeological Trust) to the local planning authority, and reviewed information held by the Regional Historic Environment Record (HER), the National Monuments Record (NMR), Scheduled Ancient Monument and Listed Building information, as well as examining aerial photographs, cartographic and documentary sources.

UDP Policy EV6 requires that where proposals affect sites and areas of archaeological potential, applicants will be required to provide an assessment or evaluation of the archaeological or historic importance of the site or structure, the likely impact on the site and the measures proposed to preserve, enhance and record features of archaeological interest.

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A total of 303 sites of archaeological interest were identified within the study area, of which 43 were located within or immediately adjacent to the development area.

The proposed development is envisaged as having a 'Severe' effect on a site within the St David's Shopping Centre) and assumes for the purposes of the assessment that the whole of the existing shopping centre will be removed but this is not envisaged as part of the masterplan proposals. The development has been assessed as having a 'Minor' effect on 36 further sites and an indirect effect include a 'Slight' impact on six further sites. The majority of directly affected sites are Post-medieval or Modern sites of Category 'C' or 'D' interest, which are well evidenced on historic mapping and in documentary sources, and which are already likely to have undergone significant disturbance. Of greater interest, however, is the possibility of encountering remains associated with the medieval town, including the town defences, burgages and potentially structures (such as the Old Rectory relating to the Hospital of the Blessed St David. The documentary and cartographic sources suggest that medieval activity was concentrated east of Rutland Street and in the area of St Mary's Church, and therefore it is in this area that the greatest opportunity of encountering remains exists. It is therefore recommended that an archaeological evaluation should be made, following the demolition of any structures east of Rutland Street/Place. Although it is likely that any medieval structures will have been significantly disturbed by later development, an evaluation would be useful in determining the exact nature of any surviving medieval remains and has the potential to significantly advance our knowledge of this part of Medieval Swansea.

It is also recommended that an archaeological watching brief be undertaken on all ground intrusive works associated with the development, although again its focus is likely to be on the eastern area of the site. An archaeological watching brief would also be useful in establishing whether any further remains relating to the Post-medieval pottery industry may survive. An archaeological watching brief would also mitigate any impact on any surviving remains relating to the other Post-medieval or Modern structures, although previous work on the west of the site suggests that the possibility of finding remains in this area is limited: hence it is suggested that the focus of the watching brief be concentrated on the eastern side of the site. Additionally, the intensive history of human activity in the area highlights the possibility of discovering previously unknown sites of archaeological interest within the development area. The provision of an archaeological watching brief during all intrusive groundworks would mitigate the impact on the archaeological resource.

Drainage and Flood Risk

Drainage

Albert Row 1650mm diameter public combined sewer

The pre-development advice on sewer easement requirements identified a constraint on the development proposals in some areas by sterilising significant areas of land from being built upon, in particular with regard to the alignment of the 1650mm diameter public combined sewer in Albert Row. Discussions DCWW indicated a preference to retain their statutory easements, but agreed to consider alternative options provided by the applicants for protecting /reducing the easement zone around the sewers. Several options were discussed, in particular relating to the main existing sewer along Albert Row, on the basis that they provided a safe maintenance/working space over the public sewer whilst significantly reducing the area of land sterilised for new development. DCWW confirmed that they would consider an alternative proposal that provided a minimum 6m-high clearance to the soffit of an over-sailing building.

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The applicants have engaged positively with DCWW during the submission of the outline planning application. In direct response to the comments made by DCWW with regards to the 1,650mm diameter public combined sewer below Albert Row and the position of the proposed multi-storey car park in Development Zone DZ3, an alternative design proposal has been agreed involving the construction of the foundations of the car park building either side of the sewer consisting of concrete secant / contiguous piled walls with concrete beams. The amended proposals for the multi-storey car park would allow for sufficient space for future sewer replacement if required, and DCWW have indicated they are prepared to support the scheme in principle subject to full details of a scheme to protect the trunk sewer to be submitted via planning condition prior to the commencement of development. This will require an agreement with DCWW in order to secure these measures including any arrangements for mitigation in the event access to the sewer in the future is being required for maintenance or operational issues.

Surface Drainage

The application is supported by a Drainage Statement which has had regard to the provision of Sustainable Drainage Systems (SuDs) within the proposed surface water drainage system for the redeveloped site. The provision of the surface water drainage system has been subject to consultation with CCS Drainage Engineer and additional supporting information has been submitted in the form of a development storm discharge Plan which illustrates existing and proposed storm flows from each zone within the development, which is based on the following:

- o proposed storm discharge at 20% betterment over existing;
- o catchment areas taken as 100% except Zone DZ5 St Mary's (where some permeable surfacing is allowed for);
- o attenuation sized to accommodate 100 year events plus 30% climate change;
- o catchment areas are based on planning development zones simplified to include adjacent highway land or retained building areas;
- o it is intended to discharge surface water to the pipe network since infiltration to the ground is negligible in this location.

The CCS Drainage Engineer has reviewed this information and confirmed that it is acceptable to the Authority and recommended the incorporation of appropriately worded conditions to any permission given, in order to develop a detailed drainage strategy as part of the submission of subsequent reserved matters applications.

Flood Risk

Under Policy EV2 new development must have regard to whether the proposal would be at risk from flooding, increase flood risk off-site, or create additional water run-off. Similarly Policy EV36 states that new development, where considered appropriate within flood risk areas, will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable.

A Flood Consequences Assessment (FCA) has been submitted in support of the application. The City Centre of Swansea is considered to be at risk from tidal flooding. The main source of flooding originates from the lower reaches of the River Tawe, when tide levels are sufficient to overtop the right (west) of the river and Swansea Marina lock gates and the overland flow paths threaten the central area. Additionally, the underpass along the promenade on Oystermouth Road would also allow tidal flood water to flow into the Sandfields and City Centre.

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There are additional flood risks from fluvial (river), wave overtopping and pluvial (surface water) flood risks. The baseline flood risk from all sources has been assessed for both present-day and future climate change scenarios over a 100 year period.

It is considered that the present-day (2017) flooding consequences from both tidal and fluvial sources are acceptable for the proposed Swansea Central development site. However, as a result of climate change and predicted sea level rise, the consequences of tidal flood risk will become unacceptable in the future. Projections indicate that tidal flood consequences will be acceptable until circa 2080, after which an alternative flood risk management approach would be required. This would involve a strategic flood defence scheme to defend the City Centre of Swansea against tidal inundation from the lower reaches of the River Tawe. The primary feature of such a defence strategy would be the construction of a raised defence along the right (west) bank of the Tawe, from New-Cut Road Bridge to tie-in with higher ground to the south of the Marina Basin and such works would necessitate additional works to compensate for the reduction in the width of the flood corridor.

The results of the modelling simulations of the predicted effect of climate change over the lifetime of the development (2117) indicate that the majority of the proposed development will be at an acceptable level of risk from wave overtopping. The majority of the site lies within acceptable limits of the assessment criteria for new development contained in TAN15. However, some areas of the site do fail the acceptance criteria. Additionally, the pluvial modelling has identified that the Swansea Central site is potentially at risk of surface water flooding.

When viewed in the context of current climate change predictions, it is clear that a strategic flood defence scheme will also be needed to protect Swansea against the risk of flooding from wave overtopping into the future. Much of the existing City Centre will be affected by the increase in flooding that is predicted to occur as a result of climate change.

The Council of the City and County of Swansea has made a formal commitment to develop a long term proposal for a Strategic Flood Risk Management Strategy for the Swansea Central Area through its Cabinet paper, The Management of Future Risks of Flooding from the Effects of Climate Change, 20th October 2016. It is considered that the development and implementation of a flood defence strategy for Swansea will ensure that the proposed Swansea Central Site development will continue to have acceptable flood consequences in accordance with TAN 15 over the development lifetime.

This commitment to implement the long term flood risk strategy is acknowledged by Natural Resources Wales who have recommended that a condition is included to ensure that this commitment will be upheld. However, the FCA projects that the flood site to the site would be acceptable until circa 2080, and therefore it is considered unreasonable a planning condition to this effect. WG Circular on the Use of Planning Conditions of Development Management advises that 'Grampian' conditions should not be imposed when it is not reasonable to expect the required action being performed within the time limit imposed by the permission. In this instance, it is considered that the commitment by CCS to develop a long term proposal for a Strategic Flood Risk Management Strategy for the Swansea Central Area is sufficient.

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Pollution and ground contamination

Air Quality

An Air Quality Assessment has been submitted to support the outline planning application and describes the existing air quality within the study area, considers the suitability of the site for the proposed development and assesses the impact of the construction and operation of the development on air quality in the surrounding area.

The main air pollutants of concern related to construction are dust and fine particulate matter (PM10), and for road traffic are nitrogen dioxide (NO₂), PM10 and PM_{2.5}. The proposed development includes for provision of a potential energy centre at the site. The design of any such energy centre is currently unknown at this outline application stage, but it can be designed to ensure that significant adverse effects on air quality will not occur. Therefore, an assessment of the effects of the potential energy centre emissions has been scoped out of this assessment and will be dealt with, if necessary, at reserved matters stage when details of any energy centre will be known such that a meaningful assessment can be undertaken (and which can specify any mitigation that may be required).

UDP Policy EV2 states that new development must have regard to the physical character and topography of the site and its surroundings by having full regard to existing adjacent developments and the possible impact of environmental pollution from those developments, as well as the creation of any environmental pollution to the detriment of neighbouring occupiers (including light, air and noise. In addition, UDP Policy EV40 on Air, Noise and Light Pollution states that development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. Planning permission should not be granted for development that would cause significant harm to air quality by virtue of emissions from the development itself or the additional new traffic movements it would generate. Neither will permission be granted where a development is proposed that would increase the number of exposed individuals in an area likely to fail UK air quality objectives (proposed or in Regulations).

Construction Impacts

During demolition and construction, the main potential effects are dust annoyance and locally elevated concentrations of PM10. However, based on the guidance issued by the Institute of Air Quality Management (IAQM) on the assessment of dust from demolition and construction, it is concluded that provided appropriate mitigation is in place which can be secured by planning condition in respect of a Construction Environmental Management Plan, the residual effects of construction impacts on air quality are assessed as being not significant.

Road Traffic Impacts

The Assessment identified 11 sensitive locations where impacts from road traffic related to the proposed development are likely to be the greatest and additionally 4 receptors are identified as future residential receptors. The Assessment acknowledges that one Air Quality Management Area (AQMA) has been declared in Swansea due to exceedances of the annual mean NO₂ objective. The Swansea Central application site is not located within the AQMA which is approximately 440m north of the development site. In addition, reference is made to the automatic monitoring station operated by CCS and the NO₂ diffusion tubes which are deployed by CCS at a number of locations.

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There are no predicted exceedances of the NO₂, PM₁₀ and PM_{2.5} air quality strategy objectives at any of the existing receptor locations in close proximity to the site and therefore the air quality effects of road traffic generated by the proposed development are considered to be not significant and as such no additional traffic mitigation is therefore required to reduce the direct effects of the development on local air quality.

The Head of Environmental Management (Pollution Control) has accepted the conclusions of the Report and has raised no objections subject to the imposition of a condition requiring a Construction Environmental Management Plan to be submitted.

Noise and Vibration

A Noise and Vibration Assessment has been prepared to accompany the planning application, outlining the existing noise climate at the proposed development site in order to determine its suitability for the proposed use. The assessments detailed herein have been undertaken on the basis of the parameter plans. It is anticipated that there will be no significant vibration impacts associated with the operation of the proposed development and as such has been scoped out of the assessments undertaken.

TAN 11 'Noise' published in 1997 provides guidance on how the planning system can be used to "minimise the adverse impact of noise without placing unreasonable restrictions on development or adding unduly to the costs and administrative burdens of business." Whilst UDP Policy EV40 states that development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution.

Proposed Assessment

A baseline sound survey has been undertaken to establish the prevailing sound climate across the site. The results of the survey form the basis of a number of assessments to determine the suitability of the site for the proposed uses. The development has the potential to generate noise in the form of building services noise, noise breakout from retail and eating/drinking establishments and noise associated with the operation of the arena, other leisure uses and hotel. As the proposals relate to outline application proposals for the site, it is considered that noise impact on the surrounding area from the proposed development can be controlled via suitably worded planning conditions and the subsequent reserved matters approvals.

Proposed Commercial Use (A1/A2/A3)

Noise generated by the proposed retail units including shops, restaurants, cafés and drinking establishments can normally be controlled through the planning conditions and licensing in respect of hours of operation and management. For potential A1 use, the principal potential noise impacts are expected to be associated with deliveries and building services plant. As part of the detailed design an assessment should be undertaken of the likely noise impact associated with deliveries. With due consideration to appropriate siting, operational times and mitigation measures, the likely noise impact associated with deliveries is not likely to be significant.

Proposed D2 Use (Arena and Cinema)

Noise associated with the operation of the arena should not cause any significant effect providing the music noise levels comply with specified limits. With appropriate design consideration it is believed that the limits proposed are achievable.

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A detailed assessment will need to be undertaken at the detailed design stage in order to ensure it complies to the proposed limits.

Plant Noise Emission Criteria

The proposed future plant noise will need to conform to specified emission targets.

Noise Associated with Development Traffic

The assessment of the likely noise impact associated with development traffic has been based on the provided traffic flows for the surrounding road network within the Transport Assessment. Calculations indicate that noise associated with additional vehicular movement on the surrounding road network is likely to have a negligible impact on future noise levels.

Suitability of Site for Residential Development

In assessing the site's suitability for residential development, two main noise sources have been considered:

- o Noise impact due to the existing delivery yard associated with the 24-hour Tesco Superstore on the western boundary of the site; and
- o The noise impact due to road traffic flows on the local road network.

A 24 hour Tesco Superstore is located to the west of the proposed development site. The delivery yard serving the store is located directly west of the proposed residential and mixed use area DZ3 as per the parameter plans. The initial numerical assessment of sound levels at the nearest proposed noise sensitive receptor indicates that the operation of the existing delivery yard is likely to result in a less than adverse impact during the daytime and an adverse impact during the night-time. Scope exists to introduce uprated acoustic glazing and acoustic ventilation measures into the design of residential facades overlooking the services yard to reduce the potential noise impact of the delivery yard and a suitably worded planning condition can be imposed requiring that potential noise from the existing delivery yard is considered in the specification of the building fabric of the proposed residential development.

An acoustic model has been used to determine the likely internal sound levels due to calculated environmental sound from road traffic noise in the 2021 future assessment year. The calculated incident sound levels have been used to determine the likely internal sound levels due to external noise ingress in notional dwellings across the site. Based on the typical construction details, the calculated internal noise levels across the majority of the site are likely to fall below 35 dB LAeq,16hours and 30 dB LAeq,8 hours. Facades overlooking Oystermouth Road, Albert Row and Princess Way are likely to require uprated but readily available acoustic glazing and acoustic ventilation. Based on the results of the noise survey and the assumed building fabric constructions, the suggested internal noise levels are therefore capable of being met during both daytime and night-time periods. The site should therefore be considered to be suitable for residential use.

Therefore, the assessment concludes that from a noise impact perspective, the site is suitable for the proposed development. The Head of Environmental Management (Pollution Control) agrees in principle with the findings of the Noise and Vibration Assessment and recommends a number of planning conditions in order to control the potential noise sources.

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Ground Contamination

The outline planning application is supported by a Phase 1 Ground Conditions Assessment (Desk Study) Report. The Phase 1 desk study identifies historical land uses at the Site, reviews the likely ground conditions and assesses the potential for land contamination. The assessments also include appraisal of pertinent geotechnical information, review of the potential for mining to affect the Site and discussion of the likely geological / geotechnical constraints at the Site.

UDP Policy EV38 states that development proposals on land where there is a risk from contaminated or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment.

The Report has identified the various historic land uses across the site area including residential areas, railways yards / tracks, saw mills / timber yards, breweries, gas works (Tesco site), etc. which represent a potential source of contamination. In addition, the Report has identified the potential risk from unexploded ordnance from the Second World War and indicates that the Zetica Regional Unexploded Bomb Risk plan for Glamorgan indicates there is considered to be a High risk of unexploded bombs in the Swansea area.

The Report concludes that the potential risk of contamination on-site ranges from Low to Moderate/low and is associated with a localised hotspot contamination and exposure to construction workers and groundwater. No radon protection measures are considered necessary as part of the proposed redevelopment and there is not considered to be a risk from coal mining on-site or in the nearby surrounding area. Based on the findings of this assessment, the Report concludes that it is considered that the Phase 1 Desk Study is sufficient to support the planning application with respect to land contamination and ground stability onsite and that ground investigation works can be secured in the future by way of planning conditions. This investigation may comprise the drilling of boreholes to establish ground conditions on-site, including lateral and vertical extent of Made Ground. Monitoring wells will be installed in boreholes to allow for monitoring of groundwater and ground gas levels. Soils and water samples should be taken to assess the potential for contamination associated with identified historical and current land uses on-site and in the immediate surrounding area. In addition, as Swansea is at a High risk from unexploded bombs (UXB), a detailed UXB survey will need to be undertaken across the Site. Any intrusive investigations will require scanning at 1m intervals by a suitably qualified engineer to enable progressive clearance of ordnances.

Natural Resources Wales and the Head of Environmental Management (Pollution Control) agree with the applicant that intrusive ground investigation work are required in order to establish the risk of previous land contamination on this development and that these works can be secured through planning conditions.

Ecological and Arboricultural Impact

Ecology

The planning application has been accompanied an Ecological Appraisal which has reviewed existing ecological data (including an existing desk study and Phase 1 habitat survey (PB, 2015)) and this was supplemented by an update habitat survey and external building inspection to determine suitability for use by roosting bats.

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These conclude that the site is of very limited ecological value, comprising highly artificial and manmade habitats, with limited potential to support protected or notable species. Three of the buildings on site support features with 'low potential' to support roosting bats which are the listed buildings of St David's Priory Church, St. Mary's Church and the Old Court House. These buildings are to be retained within the proposed redevelopment, and as such, no specific mitigation or compensation measures are considered necessary.

No significant effects on ecological features are anticipated as a result of the proposed redevelopment, however recommendations for precautionary mitigation measures are provided in relation to breeding birds and invasive species, to ensure compliance with relevant wildlife legislation (principally the Wildlife and Countryside Act, 1981 (as amended)). Habitats on site at the time of the survey were found to have the potential to support common and widespread nesting birds. Any vegetation removal should be timed to avoid the bird breeding season, or a check undertaken to confirm their absence, in order to ensure compliance with the Wildlife and Countryside Act 1981 (as amended).

In order to support compliance with national and local planning policy and with regard to the Environment (Wales) Act, 2016, ecological enhancement measures are also being proposed. These include the inclusion of appropriate planting within the overall Public Realm / Landscaping Strategy to improve local biodiversity and specific measures such as bat and bird nesting boxes. In conclusion, assuming the mitigation measures are adopted, there are no ecological constraints from the proposed redevelopment.

Arboriculture

The application is accompanied by an Arboricultural Impact Assessment which provides an assessment of the impact of the proposals upon trees and makes recommendations for mitigating any negative impacts. It is highlighted that the design has been developed with careful consideration to minimise the impact on the most important trees and to enhance tree cover across the site. There are Tree Preservation Orders within the site and neither does the site encroach into a Conservation Area. The Assessment has surveyed 197 individual trees and 16 tree groups to inform this report, which based on the proposed parameter plans, 102 individual trees and 10 tree groups have been identified for removal to facilitate the development. However, these trees are predominantly of low value and relatively young trees, and the tree removal will be mitigated by a comprehensive landscape scheme, with an appropriate variety of tree species and therefore the loss is considered to be acceptable. The remaining 101 tree features will be retained and integrated into the development and sufficient space and adequate protection measures will be set out to ensure that retained trees are not damaged during the phased pre-construction and construction works to enable their successful development post-construction. It is recommended that the reserved matters application is supported by an Arboricultural Method Statement (AMS) and detailed Tree Protection Plan. The AMS will provide details on sequencing of tree protection in relation to the phasing of works and suitable methodology relating to any works within Root Protection Areas (RPA) and/or works to above ground tree parts.

Conclusion

Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that where regard is to be had to the Development Plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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National and local planning policies indicate that the Swansea Central scheme would deliver a policy compliant proposal and would provide the economic growth for the regeneration of Swansea City Centre and strengthen its role as a regional shopping and leisure destination within the Swansea City Bay Region. This is supported by the design objectives and vision within the Swansea Central Area Strategic Framework.

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

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

Approval is recommended subject to the following conditions:

RECOMMENDATION

APPROVE, subject to the following planning conditions:

- 1 The proposed development shall be implemented in accordance with the approved Parameter Plans and Sections, Design and Access Statement, Design Principles and Public Realm Strategy which set out the vision, objectives, urban design principles, development strategy, masterplan, accessibility and movement, scale, quantum of development, building concept, infrastructure, environmental sustainability and structural landscaping principles of the development.
Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance
- 2 Prior to the commencement of development of an individual phase, a phasing programme of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved under Condition 3, or required by the conditions of the permission and the approved phasing programme. The approved phasing programme shall be reviewed and re-submitted for the further approval of the Local Planning Authority as necessary.
Reason: To ensure that the development is carried out in a logical and comprehensive manner in accordance with sustainable urban design principles.

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- 3 Applications for the approval of the details of the means of access, appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins on each respective phase and shall be supported by a Design and Access Statement for that phase and shall accord with the Parameters Plans and Sections and related plans referred to in Condition 1 of this planning permission.
Reason: To ensure that each phase of the development corresponds to the approved development; and to ensure the development is carried out with best practice in relation to design and the built environment.
- 4 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than five years from the date of this permission.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 5 The development shall begin either before the expiration of seven years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 6 A phased landscaping scheme for the site shall be submitted as part of the reserved matters for each phase and the scheme as approved shall be carried out in accordance with the phased scheme. The landscaping shall follow the principles outlined in the Public Realm Strategy and shall include details of a Public Art Strategy. Any trees, shrubs or plant material which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees of a similar size and species to these already planted, unless otherwise agreed by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved Public Realm Strategy.
- 7 A landscape / public realm and public art management plan for each phase including management responsibilities and maintenance schedules for all landscaped / public realm areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of any phase of the development. The landscape management plan shall be carried out as approved.
Reason: To ensure that the landscaped areas are adequately maintained in the interests of visual amenity.
- 8 All reserved matters applications shall be accompanied by details of the proposed levels for each phase of the development indicating its relationship to the adjoining land and any changes to the site itself. The development shall be completed in accordance with the proposed details.
Reason: To enable the reserved matters application to be properly assessed to ensure that the work is carried out at suitable levels in relation to the adjoining land.

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- 9 All reserved matters applications shall be accompanied by details and disposition of the external finishes for each phase of the development and shall accord with the aspirations outlined within the approved Design and Access Statement and the Design Principles documents. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.
Reason: In the interests of visual amenity.
- 10 Visual transparency shall be retained into each retail/commercial unit in accordance with a Shopfront Code, to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the units. The Code shall apply to the shopfront zone which shall extend 3 metres to the rear of each shopfront.
Reason: To ensure active, attractive and transparent shopfront which will maintain and enhance vitality at street level and avoid dead retail frontages.
- 11 All reserved matters applications shall be accompanied by details of all wind mitigation measures for each phase of the development and shall be referenced to the wind microclimate assessment. The wind mitigation measures shall be implemented in accordance with the approved scheme and retained thereafter to serve the approved development.
Reason: In the interests of visual amenity and to ensure that the wind mitigation measures create an acceptable wind microclimate in and around the development.
- 12 The development shall not begin on any residential building until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme as a phased component and shall meet the definition of affordable housing in Annex B of Technical Advice Note: 2 Planning and Affordable Housing or any future guidance that replaces it. The scheme shall include:
- i. the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] if no affordable housing provider is involved;
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

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13 Prior to the commencement of each phase of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of each site shall be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination of the site.

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

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

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

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

14 Prior to occupation of each building in the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

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- 15 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 16 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 17 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
- 18 Foul water and surface water discharges must be drained separately from the site. All foul drainage must be connected to the public sewerage system. No surface water shall connect (either directly or indirectly) to the public foul sewerage system. No land drainage system shall discharge into the public sewerage system.
Reason: To protect the integrity of the public sewerage system and prevent contamination.
- 19 No phase of the development hereby approved shall be occupied until a scheme for the comprehensive and integrated foul water, surface water and land drainage for that phase of the development has been implemented in accordance with details to be submitted to and approved by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system.
- 20 Prior to the commencement of any development, a strategic site wide surface water drainage strategy for the site, based on sustainable drainage principles, shall be submitted to and approved in writing by the Local Planning Authority. The strategy should be based upon a SUDS hierarchy, as espoused by the CIRIA publication 'The SuDS Manual, C753'. The strategy shall maximise the use of measures to control water at source as far as practicable, to limit the rate and quantity of run-off and improve the quality of any runoff before it leaves the site or joins any water body.

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

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

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

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

- 22 Prior to the commencement of development within Development Zone DZ3, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to protect the 1650mm diameter public combined sewer below Albert Row. The scheme shall incorporate measures for mitigation in the event of a requirement for access to the sewer in the future for maintenance or operational issues. The development shall be constructed in accordance with the approved scheme.

Reason: In order to safeguard the integrity of the 1650mm diameter public combined sewer and to allow access for future maintenance if required.

- 23 Prior to the commencement of each phase of the development a Construction Site Waste Management Plan (CSWMP) for the control, management, storage and disposal of demolition waste / excavated material shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved CSWMP.

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

- 24 Prior to the commencement of each phase of the development a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved CEMP.

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

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- 25 Prior to the commencement of each phase of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement for each phase of the development shall be implemented and adhered to at all times.
Reason: In order to minimise traffic impacts on the surrounding highway network.
- 26 No development shall take place on any phase of the development until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation for that phase which has been submitted to and approved by the Local Planning Authority.
Reason: To identify and record any features of archaeological interest discovered during the works in order to mitigate the impact of the works on the archaeological resource.
- 27 No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.
Reason: To allow for the studying and recording of this site of archaeological interest.
- 28 Prior to the occupation of any phase of the development, a car parking management strategy (including cycling provision) for that phase shall be submitted to and approved in writing by the Local Planning Authority. No phase of the development shall be brought into beneficial use until the parking facilities associated with that part of the development have been laid out and are available for use. The approved car parking strategy shall be implemented in accordance with the approved phasing plan pursuant to condition 2.
Reason: To ensure that each phase of the development is provided with adequate car and cycling parking provision.
- 29 Each phase of the development shall be occupied in accordance with a Travel Plan which should accord with the recommended measures within the submitted Framework Travel Plan which shall be submitted to and approved in writing by the Local Planning Authority, prior to the first occupation of the phase. The Travel Plan shall include arrangements for monitoring and recommending adjustments to the Travel Plan in consultation with the Local Authority.
Reason: In the interests of sustainability and to prevent unacceptable highway congestion
- 30 The proposed highway engineering details shall be implemented in accordance with a phasing programme for each phase of the proposed development, and the detailed design shall be subject to further consultation and assessment, shall be submitted to and approved by the Local Planning Authority and shall include the following:
- i) improvements to the Wellington Street / West Way junction;
 - ii) replacement Albert Row / Oystermouth Road traffic-signalised junction, which shall incorporate an at grade crossing of a 'toucan' type to allow for shared cycle/pedestrian use.

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- iii) provision of bus stops along Oystermouth Road;
- iv) new pedestrian / vehicular and servicing arrangements;
- v) Traffic Regulation Orders;
- vi) associated traffic signals;
- vii) Variable Message Signage.

Reason: In the interests of highway safety.

- 31 Prior to the beneficial use of each phase of the development, details of vehicular servicing, including the timing of deliveries, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular servicing of the site shall thereafter take place in accordance with the approved details.
Reason: In the interests of highway safety.
- 32 Prior to the beneficial use of each phase of the development, details of a Waste / Refuse Management Plan (including recycling facilities) for if future operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.
Reason: To ensure the management and movement of refuse within the site in the interests of site safety.
- 33 Prior to the beneficial use of the Arena, an Arena Management Plan shall be submitted to and approved in writing by the Local Planning Authority. This should incorporate details of the parking management, emergency evacuation and the hour of operation.
Reason: In the interests of safety and in order to protect the amenities of the surrounding area.
- 34 No development, including demolition work, shall commence on site until an Arboricultural Method Statement has been submitted for each phase of the development and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement and all protection fencing, ground protection, and construction methods shall be retained intact for the duration of the development hereby approved, and shall only be removed, or altered with the written approval of the Local Planning Authority.
Reason: To ensure the protection of retained trees on the site whilst the development is being carried out.
- 35 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at the same location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.
Reason: To ensure the protection of the retained trees during construction works.
- 36 The detailed ecological enhancement measures as outlined in the Ecological Appraisal shall be incorporated as part of the submission of reserved matters into each phase of the development prior to that part of the development being occupied.
Reason: In order to enhance the ecology of the site in accordance with the Environment (Wales) Act, 2016.

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

"MNL (LAeq, 15min) created by events inside the development and measured at the façade of any noise sensitive receptor with windows to habitable rooms, shall not exceed a level 10dB below the background sound level (LA90, 15min)"

Also, "MNL (Leq in the 63Hz and 125Hz octave bands shall not exceed a level 3dB below the background sound level (LA90,15min) in that octave band"

To clarify 'Background sound level (LA90, 15min) has the same meaning as in BS4142:2014. Methods for rating and assessing industrial and commercial sound: "A-weighted sound pressure level that is exceeded by the residual sound at the assessment location for 90% of a given time interval, T, measured using time weighting F and quoted to the nearest whole number of decibels"

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

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

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

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

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

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

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

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

All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

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The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

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

- 41 Prior to the beneficial use of any phase of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority 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.

- 42 Prior to the beneficial occupation of any Class A3 unit within the development, a method of ventilation and fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The scheme for each unit shall be implemented in accordance with the approved details.
Reason: to prevent any nuisance from fumes and / or cooking odours to the occupiers of neighbouring premises.

INFORMATIVES

- 1 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 2010. 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.

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 (01792 634960).

- 2 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

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- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 4 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: AS6, EV1, EV2, EV3, EV4, EV5, EV6, EV7, EV33, EV34, EV35, EV36, EV38, EV40, HC1, HC3, HC17, R16, AS1, AS2, CC1, CC2, CC3, EC15.
-

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ITEM 2

APPLICATION NO:

2016/3619/FUL

WARD:

Castle - Bay Area

Location:

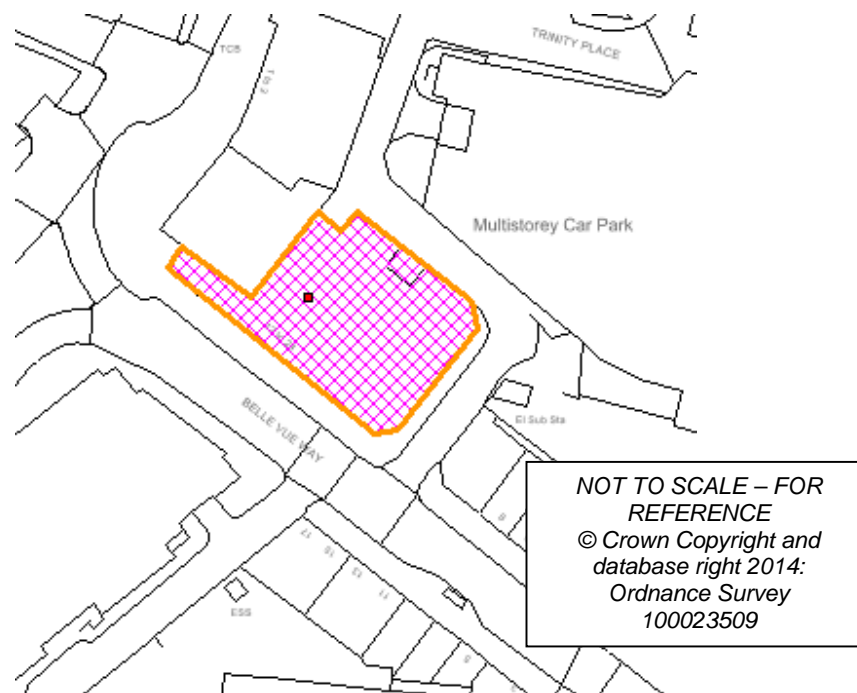
12-24 Belle Vue Way, Swansea, SA1 5BY

Proposal:

Sub-division of existing ground floor to provide 4 retail units with new shop fronts and new residential entrance off Trinity Place. Conversion of existing first and second floors into 1 and 2 bed apartments, addition of 2 new storeys to accommodate additional 1 and 2 bed apartments (total number of 36 self-contained apartments - 18 x 1 bed + 18 x 2 bed apartments) and associated fenestration alterations and external works.

Applicant:

Mr Mike Dawson Estateways plc



BACKGROUND INFORMATION

POLICIES

UDP - EV2 - Siting

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

UDP - EV3 - Accessibility

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

UDP - EV1 - Design

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

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UDP - EV4 - Public Realm

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

UDP - EC4 - New Retail Development

All new retail development will be assessed against need and other specific criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - CC1 - City Centre Mixed Use Development

Within the City Centre, development of the following uses will be supported:-

- (i) Retailing and associated uses (Classes A1, A2, A3),
- (ii) Offices (B1),
- (iii) Hotels, residential institutions and housing (C1, C2, C3),
- (iv) Community and appropriate leisure uses (D1, D2, A3)
- (v) Marine related industry (B1, B2).

Subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC8 - Over the Shop Housing

The conversion of vacant or underused floorspace above commercial properties to residential use will be encouraged, subject to;

- i) Satisfactory design considerations,
- ii) Compatibility with nearby uses, and
- iii) Appropriate pedestrian/cycle access and parking arrangements.

(City & County of Swansea Unitary Development Plan 2008)

UDP - HC6 - Flat Conversions

Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV13 - Shopfronts

Proposals for new or renovated shopfronts, including security grilles, should be sympathetic to the character of the building, adjacent properties and the surrounding area. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS5 - Walking and Cycling

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

UDP - AS6 - Parking/Accessibility

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

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SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/3619/FUL	Sub-division of existing ground floor to provide 4 retail units with new shop fronts and new residential entrance off Trinity Place Conversion of existing first and second floors into 1 and 2 bed apartments, addition of 2 new storeys to accommodate additional 1 and 2 bed apartments (total number of 36 self-contained apartments - 18 x 1 bed + 18 x 2 bed apartments) and associated fenestration alterations and external works.	PDE	
2016/0506	Pre- Application - Proposed sub division of ground floor to provide 4 retail units, with basement storage, provision of 36 apartments on upper floors and associated external alterations	PREMI X	07.04.2016
2005/1873	Retention of use of part of second floor from wholesale warehouse (Class B8) to restaurant (Class A3)	APP	26.10.2005

RESPONSE TO CONSULTATIONS

The planning application was advertised in the local press and on site by notice date 1st March 2017. NO RESPONSE.

Pre-application consultation report (PAC)

The Wales Planning Act 2015 introduced the requirement for pre-application consultation in respect of applications for major developments which came into force in March 2016 and the requirement for applicants to submit the pre-application consultation report (PAC) as a validation requirement for applications made after 1 August 2016. The agent submitted the PAC report as part of this application submission. Responses received detailed below:

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GGAT	No objection
CADW	No Objection
Dwr Cymru Welsh Water	No objection
NRW	No objection
Welsh Government	No objection
LPA Highways	see comments
National Grid	No objection
Coal Authority	No objection

One letter of objection was received as part of the PAC process from the occupier of the adjoining business use (PAC report page 14) raising concerns that the proposed development will cause noise disturbance for a long period of time.

Head of Transportation: - I recommend that no highway objections are raised to the proposal subject to:

1. The doors opening onto the rear of the site at ground floor level (retail units) should open inwards and not outwards.
2. The applicant to provide a sum to the value of £23,000 prior to beneficial occupation of any part of the development for Section 106 Highways enhancements to walking/cycling.
3. A parking strategy to be submitted for approval to deal with the lack of parking facilities being made available for use by the residents.
4. Cycle parking in accordance with the approved plans to be laid out and maintained as such in perpetuity.
5. Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force on in the area.
6. 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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Urban Design: - The above application seeks the redevelopment and extension of the existing building with works comprising of:

- o sub-division of existing ground floor to provide 4 smaller retail units with new shop fronts and renovated interiors, 2 of which have access to basement storage areas;
- o introduction of a new residential entrance and core off Trinity Place;
- o conversion of existing first and second floors (currently open plan) into 1 and 2 bed apartments around a central internal atria;
- o addition of 2 new storeys above to accommodate additional 1 and 2 bed apartments;
- o third floor facade to be brick faced to match floors below, with the existing parapets and coping raised;
- o fourth floor facade set back from existing facade line with a metal clad finish.
- o total number of 36 self-contained apartments proposed (18 x 1 bed + 18 x 2 bed apartments).

Comments:

- o The amendments to the current proposals address my previously raised points from the pre-application and are considered acceptable.
- o The proposed splayed residential entrance adds interest to the façade and improves legibility for this entrance.
- o The new larger ground floor windows and street facing entrances for all the proposed retail units as well as the corner entrance for retail unit 4 are strongly welcomed to add visual interest and encourage activity to enliven the streetscene in this location.
- o The proposed coloured half frames/surrounds for the upper floor windows are welcomed to add visual interest and colour to the existing homogenised elevations. Details of the appearance and robustness of the fixings of these should be considered. In order to ensure a crisp finish these should have secret or minimal internal fixings which are robust enough to avoid high wind shearing effects.
- o The more vertically emphasised windows to the recessed top floor are welcomed to provide more vertical emphasis to the building mass and an appropriate contrast to the 1st - 3rd floors below which are of different materiality and set forward of this.

In summary the proposals are welcomed to provide a new mixed use development which will help to reinvigorate the visual appearance and levels of activity in this location.

Pollution Control: - No objection subject to conditions

Planning Obligations:

Education: - There is no request for a Developer's Contribution towards Education in respect of any of the named catchment schools in question from this proposed development due to the limited impact of the low number and type of flats involved.

Parks: - No comments or objection

Housing Enabling: - This site falls within the Castle Ward, Central Sub Area, the Local Housing Market Assessment indicates a high need for affordable housing. Require 30% affordable housing onsite, a mix of 1 & 2 bedroom DQR complaint flats.

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The affordable housing units shall be transferred to the Council/RSL. (mix/tenure to be agreed). To ensure affordability they need to have either a low or nil service charge applied.

APPRAISAL

Introduction

This application is reported to Committee for decision as a major development which meets the development threshold.

In terms of the planning history for this site, the existing building was formerly occupied by JT Morgan an independent department store built around the 1960's. After many years of successful trading JT Morgan went into administration around 2008 and the building has been subsequently vacant, despite efforts to secure a new retail use. The existing building is three storeys in height with an existing basement formerly used for storage, staff and servicing. The upper floors are mainly open plan and were previously used as retail trading space.

Application Site and Surroundings

The above site lies within the Swansea Central Area Regeneration Framework (SCARF) designation (February 2016)

The Regeneration Framework presents a Masterplan which focuses on development opportunities in a Retail and Leisure Led Mixed Use area and identifies a future role and function for a range of Complementary Areas set within the context of a Vision for the 4 following broad areas:

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

The application site is located within the Swansea Central Area - Mansel Street/Alexandra Road Appraisal Area. The Key Vision Theme for this area is the City Living, Working and Learning.

Proposed Development

The application seeks the conversion of the existing ground floor to provide 4 retail units with new shop fronts and new residential entrance off Trinity Place. The conversion of existing first and second floors into 1 and 2 bedroom apartments, addition of a third and fourth floor to accommodate additional 1 and 2 bedroom apartments (total number of 36 self-contained apartments - 18 x 1 bed and 18 x 2 bed apartments) and associated fenestration alterations.

The proposed extensions are to comprise of a new 3rd floor which matches the proportions, materials and appearance of the existing floor below whilst the proposed 4th floor will be set back from these and will be finished in metal cladding.

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Material Planning Considerations

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

- o Principle of development having regard to Development Plan Policy and Supplementary Planning Guidance;
- o Townscape and visual impact;
- o Impact on residential amenity;
- o Highways, traffic, car parking, access and pedestrian movements;
- o Affordable Housing

Principle of development

In terms of the location the site itself is contained within the 'City Centre Action Area', as specified within the UDP. In this respect the development of the site for mixed use residential and retail A1 units is supported in principle by development plan policy.

Policy CC1 supports the development of the following uses within the city centre; retailing and associated uses, office, hotels, residential institutions and housing, community and appropriate leisure uses and marine related industry. This policy also supports the re-use of historic buildings and the redevelopment/enhancement of post war buildings will be encouraged and proposals will be considered against the following criteria: impact on existing uses or residential amenity, potential for noise, disturbance and pollution, traffic generation, access and parking, and in the case of retail development, the criteria specified in Policy EC4.

Policy CC5 requires all new development schemes to make a positive contribution to enhancing the City Centre's environment. A programme of improvements will be implemented and, where appropriate, developer contributions will be sought towards this process.

Policy HC8 encourages the conversion of vacant or underused floorspace above commercial properties to residential use subject to: satisfactory design considerations, compatibility with nearby uses, and appropriate pedestrian/cycle access and parking arrangements.

Policy HC6 states that proposals for the conversion of larger dwellings and vacant or underutilised commercial and industrial buildings to flats or other self-contained units of accommodation will be permitted subject to satisfaction of the following criteria:

- i. In the case of buildings with an employment use, it can be demonstrated that the current or previous use is no longer viable,
- ii. There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance,
- iii. The development would not result in an over-intensive use of a dwelling or building,
- iv. There would be no significant adverse effect on the external appearance of the property and the character of the locality,
- v. There would be no significant adverse effect on local car parking and highway safety, and
- vi. Appropriate refuse storage arrangement can be provided.

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Further consideration can be given to the remaining design criteria in the paragraphs below along with the requirements of UDP Policies EV1, EV2, EV3, EV4 and EV13 and the relevant Adopted SPG including:

- o Swansea Central Area Regeneration Framework (SCARF) (February 2016)
- o Places to Live Residential Design Guide (2014)
- o Planning for Community Safety (December 2012)
- o Planning Obligations (March 2010)
- o Car Parking Standards (March 2012)

Subject to compliance with the above mentioned policies and guidance it can be considered that the principle of development is acceptable.

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

Townscape and visual impact

Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design. In this respect, the proposal was subject to pre-application advice and the current proposals have addressed the points raised during the pre-application process.

The proposed splayed residential entrance adds interest to the façade and improves legibility for this entrance. The new larger ground floor windows and street facing entrances for all the proposed retail units as well as the corner entrance for retail unit 4 add visual interest and encourage activity to enliven the streetscene in this location.

The proposed coloured half frames/surrounds for the upper floor windows add visual interest and colour to the existing homogenised elevations. Details of the appearance and robustness of the fixings of these should be considered. In order to ensure a crisp finish these should have secret or minimal internal fixings which are robust enough to avoid high wind shearing effects. The details can be secured by an appropriate condition.

The more vertically emphasised windows to the recessed top floor provide more vertical emphasis to the building mass and an appropriate contrast to the 1st - 3rd floors below which are of different materiality and set forward of this.

Given the scale of the surrounding buildings, it is not considered that the proposal will look out of place and will effectively integrate with the general scene as a whole. On this basis it is considered that the proposal is appropriate to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, layout, form, mix and density. It is also considered that the proposal will provide a significant contribution to bring a vacant and underused building back into beneficial use and provide a much needed enhancement of the general street scene.

The site is also well linked in an accessible manner to adjacent attractions and areas of public realm and the city centre shopping areas. The site is located on a bus route and has good access to the public transport network, with the Train Station and Quadrant bus and coach station all within walking distance. The site is also in close proximity the National Cycle Network. Accordingly it is considered that the proposal accords with the requirements of Policy EV3.

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Policy EV4 of the UDP states that where development and ancillary features impact on the public realm designs should ensure that schemes integrate with areas to produce spaces that result in quality townscape and building frontages that actively engage with the public, that are "people friendly" in terms of perceived and actual safety levels, and provide attractive detail through the use of high-quality, durable materials. In this respect the main entrance to the residential accommodation is off Trinity Place, and along with the retail units to ground floor and level of glazing and active frontage to the road, it is considered that the proposal will provide for a good deal of natural surveillance at all times of the day. The proposal is considered in compliance with the provisions of UDP Policy EV4.

Impact of residential amenity

In the first instance the principle of a mixed use development at this location is supported by development plan policy. The application site is located within the SCARF Swansea Central Area - Mansel Street/Alexandra Road Appraisal Area where the key vision is City Living, Working and Learning.

Residents therefore should realistically expect a level of activity akin to a mixed use urban area rather than a suburban location. It is not considered that the proposal would result in demonstrable unacceptable level of disturbance from this proposed residential use that would be considered so harmful in a mixed use urban area that would warrant a recommendation of refusal.

Consideration can also be given to Adopted SPG entitled 'Place to Live Residential Design Guide'. Whilst this guide is generally aimed at housing developments, it is relevant to this proposal in terms of high density city centre living considerations and the residential amenity tests.

The relevant requirements of the Residential Design Guide include:

- * Density and Mixed Uses - the design guide highlights the importance of maximising density in accessible locations. The site is well served by public transport, walkable to the city centre and a cycle ride to the various university areas and as such is located in a highly accessible location. Furthermore the scale, height and massing of the proposed development would not appear out of place at this location.
- * Community Safety - Legible and welcoming entrances - a key requirement for all forms of development is that the entrances are legible (easy to locate), and are safe and welcoming. This can be ensured by facing the entrances onto streets and public realm areas and also by emphasising the entrances as part of the architectural design.

A new residential entrance and core are introduced to the Trinity Place façade to give access to the residential apartments.

- * Privacy and Amenity - The Design Guide also sets the requirement to avoid cramped living environments in high density developments and it is considered that the density is appropriate for city centre living.

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In terms of residential amenity, the residential design guide sets out tried and tested considerations to assess the impact on residential amenity of existing residents around the site. At this location within the city centre there are no adverse impacts on the residential amenity of any existing residential uses, or any adverse impacts on the surrounding business uses from the proposed residential use.

The Authority's Pollution Control Officer has raised no objection to this proposal subject to conditions being imposed to deal with sound insulation measures for habitable rooms, building services plant noise details, details of condensing units and schemes of ventilation and fume extraction for the commercial units and control of amplified sound from the site. Such conditions would be reasonable in the interests of providing for an acceptable development. As such it is considered that the proposals are compliant with the requirements of UDP policies and the adopted residential design guide in relation to residential amenity impacts.

Highways and car parking

Planning Policy Wales aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys.

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles.

Moreover, as stated within the Swansea Central Area: Regeneration Framework (SCARF) under Section 5: Framework for Regeneration and Movement which seeks to promote sustainable transport by reducing car dependency and with regard to the central area car parking standards provide the following advice:

To facilitate new land uses and regeneration initiatives in the Central Area which align with the aims, objectives and proposals of the Regeneration Framework, such as the re-use of vacant upper floors and vacant underused buildings for residential use, a limited relaxation of car parking standards will be considered where appropriate and where there are no adverse effects on highway conditions.

Each site will be treated on its merit, however there will be instances where assessed parking demand cannot be met onsite and for such circumstances there is provision within adopted parking standards to require developer contribution towards Transportation initiatives to enhance alternative modes of transport or off-site parking provision. This approach would require the applicant to enter into a Section 106 Agreement.

The Head of Transportation has raised no highway objection subject to a number of conditions. It is reasonable to assume that walking is a viable and growing means of travel which this development should be designed to promote.

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In such circumstances, in order to provide for an acceptable form of development that integrates with the surrounding infrastructure developers will be expected to make contributions towards transportation initiatives to enhance alternative modes of transport or off-site parking provision secured through a Section 106 Agreement. As indicated, this can be secured via a Section 106 Planning Obligation to require the developer to provide a sum to the value of £23,000 for Highway enhancements to walking and cycling.

A parking strategy is also requested to be submitted to deal with the lack of parking facilities being made available for residents of the developments; and arrangement put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force on in the area.

However, this is a city centre site where there is no parking available on site to serve future residents. Residents would either be non car owners or have to use the public car parks within the area. Therefore it is not considered reasonable or necessary to request a parking strategy or control parking permits as this is controlled by a separate process. Cycle parking is being provided on site and can be secured by an appropriate condition to encourage alternative forms of transport.

On this basis, it is considered that the scheme complies with the aims and requirements of policies EV1, EV2, AS1, AS5, AS6 and the Adopted Supplementary Planning Guidance 'Parking Standards' in regard to the impact of the development upon highway safety in the area.

Planning Obligations - Affordable Housing

This site falls within the Castle Ward, Central Sub Area, the Local Housing Market Assessment indicates a high need for affordable housing. There is a requirement for 30% affordable housing onsite, a mix of 1 & 2 bedroom DQR complaint flats. The affordable housing units shall be transferred to the Council/RSL. (mix/tenure to be agreed). To ensure affordability they need to have either a low or nil service charge applied. This will be secured through the Section 106 Agreement.

Other Issues

Impact on archaeology and cultural heritage

In response to the pre application consultation submitted by the developer's agent, Glamorgan Gwent Archaeological Trust (GGAT) raised no objection to this proposal.

Flood risk and Drainage

In response to the pre-application consultation submitted by the developer's agent, Dwr Cymru and NRW raised no objection to this proposal.

Pollution control

The Authority's Pollution Control Officer has recommended conditions in relation to sound insulation for habitable rooms.

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The nature of the proposal is such that it would not result in any environmental pollution issues nor would it result in the creation of any environmental pollution to the detriment of neighbouring occupiers in terms of light, air and noise. No objection has been received from the Authority's Pollution Control Division subject to conditions

Impact on ecology

An informative is recommended in relation to bats/birds.

Response to public consultation

No formal response to public consultation has been received. It is noted that an objection was received with the PAC report submitted by the agent. As addressed in the previous paragraphs, a degree of noise and disturbance has to be expected during any building project, but hours of operation are more properly controlled by environmental health legislation and would cease on completion of the project. It is not considered that there would be any demonstrable unacceptable impacts of noise from the proposed residential use on any surrounding business uses that would be so harmful to warrant a recommendation of refusal.

Conclusion

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

In conclusion it is considered that the details submitted in accordance with development plan policy subject to conditions and Section 106 Agreement. It is considered that the proposals would bring a long term vacant building back into beneficial use in accordance with the regeneration aims of the Swansea Central Area Regeneration Framework City Centre. Approval is therefore recommended subject to first entering into a Section 106 Agreement.

RECOMMENDATION

APPROVE subject to the completion of a Section 106 Planning Obligation to include the following clauses:

- 1. Affordable Housing**
 - a. This site falls within the Castle Ward, Central Sub Area, the Local Housing Market Assessment indicates a high need for affordable housing. Require 30% affordable housing onsite, a mix of 1 & 2 bedroom DQR complaint flats. The affordable housing units should to be transferred to the Council/RSL. (mix/tenure to be agreed). To ensure affordability they need to have either a low or nil service charge applied.**

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2. Highway Infrastructure

S106 financial contributions to the sum of £23,000 to fund:

- a) **Walking and Cycling Enhancement - the off-site improvements to the pedestrian/cycle infrastructure to further enhance and promote sustainable travel and fund a new toucan crossing at the junction of Belle Vue Way with Alexandra Road.**

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies AS1,AS6, EV1, EV3, HC6 and HC8 of the City and County of Swansea Unitary Development Plan (November 2008).

and 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: EX(0)110 Site location plan; EX(0)111 Red line plan; EX(0)100 Existing basement plan; EX(0)101 Existing ground floor plan; EX(0)102 Existing first floor plan; EX(0)103 Existing second floor plan; EX(0)104 Existing roof plan; EX(0)300 Existing south elevation; EX(0)301 Existing east elevation; EX(0)302 Existing north elevation; P(0)100 Proposed basement plan; P(0)101 Proposed ground floor plan; P(0)102 Proposed first floor plan; P(0)103 Proposed second floor plan; P(0)104 Proposed third floor plan; P(0)105 Proposed fourth floor plan; P(0)106 Proposed roof plan; P(0)200 Proposed section A-A; P(0)201 Proposed section B-B; P(0)300 Proposed south elevation; P(0)301 Proposed east elevation; P(0)302 Proposed north elevation; Design and Access Statement December 2016; received on 13th December 2016.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 A scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. The sound insulation works shall be completed as approved before occupation of any residential unit and thereafter retained in perpetuity.

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

- 4 Prior to the beneficial use of the development 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 $D_{nT,w} + (Ctr)$ of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion. The scheme shall be completed as approved before any part of the development hereby approved is brought into beneficial use and thereby retained in perpetuity.

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

- 5 Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

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

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

- 6 The applicant shall conduct and submit to the Local Planning Authority the results of, an air quality assessment of the potential impact upon the proposed development of the surrounding local area.
- o The assessment shall consider the seven key pollutants within the National Air Quality Strategy and Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002 and should pay particular attention to the 1 hour NO₂ objective and NO₂ annual mean objective.
 - o In addition the assessment should also pay particular attention to the PM₁₀ objectives set in regulation (24 hour mean objective of 50µg/m³ - 35 exceedences and the annual mean objective of 40µg/m³ to be achieved by the 31/4/2004 and maintained thereafter). Also, an indication of the new particles (PM 2.5) Exposure Reduction objective (contained within the Air Quality strategy 2007) of 25µg/m³ in 2010 and 2020 should be made.

The scope of the assessment and all modelled receptor locations shall be agreed with the Pollution Control Division prior to submission of the assessment.

If the assessment indicates non-compliance with the air quality objectives, set out within the Air Quality (Wales) Regulations 2000 as amended by the Air Quality (Amendment) (Wales) Regulations 2002, then a scheme shall be submitted specifying potential methods to be utilised within the façade design in order to mitigate the potential exposure.

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Any approved measures shall be carried out prior to the commencement of development and retained thereafter in accordance with the approved details.

Reason: In the interests of residential amenity and to prevent unacceptable levels of pollution.

- 7 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 8 Prior to the commencement of works, details of the fixings of the window frames and cladding at a scale of 1:10 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

- 9 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.

- 10 The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details shown on drawing no.P(0)100 and the cycle storage shall be retained as approved at all times.

Reason: In the interests of providing facilities for sustainable transport.

- 11 Notwithstanding the details shown on any plan, the doors opening onto the rear of the site at ground floor level (retail units) should open inwards and not outwards.

Reason: In the interest of public and highway safety.

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- 12 Notwithstanding the details submitted, prior to the first beneficial occupation of any retail unit, details of the allocation of space for the provision of dedicated waste and recycling bins for each retail unit within the curtilage of the site, shall be submitted to and approved in writing by the Local Planning Authority. The waste storage shall be completed in accordance with the approved details prior to the first occupation of any retail unit and thereafter retained in perpetuity.

Reason: In the interests of visual amenity and to ensure that adequate waste storage facilities are retained within the site curtilage for commercial waste.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV4, EV13, EV40, CC1, CC5, EC4, HC6, HC8, AS5, AS6.

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

- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. 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.

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 (01792 634960).

- 4 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.

- 5 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.

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The Local Authority has the power to impose the specified hours by service of an enforcement notice.

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

6 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.

7 Dust Control:

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

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

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

Lighting

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

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UDP - EV1 - Design

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

UDP - EV2 - Siting

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

UDP - EV3 - Accessibility

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

UDP - EV33 - Sewage Disposal

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

UDP - EV34 - Protection of Controlled Waters

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - AS1 - New Development Proposals

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

UDP - AS2 - Design and Layout

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

UDP - AS6 - Parking/Accessibility

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

UDP - HC3 - Affordable Housing

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

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UDP - HC1 - Housing Sites

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

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0795/FUL	Construction of 36 residential units with associated works and car parking	PDE	

This application is reported to Committee as the number of dwellings proposed exceeds the development threshold in the scheme of delegation.

RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a site notice and in the local press and TWENTY neighbouring properties were consulted individually. TEN LETTERS of OBJECTION have been received which may be summarised as follows:

- o The site is liable to flooding during wet weather.
- o The developers could be liable for insurance and compensation claims from householders during wet weather. This may also influence the value of properties.
- o Increase in traffic in an already busy area would create more problems with parked cars in the area including emergency vehicles which can't get through.
- o Concern regarding the decreasing volume of greenery around Melin Mynach.
- o This area has been developed enough recently with the extension of the Gwalia homes.
- o What happened to the children's play area that was supposed to be built on this land. How does an out of character swathe of dwellings supersede a much needed community item?
- o Something like this should be accompanied by extensive data packs sent to every house on the estate and not rely on word of mouth of diligent neighbours
- o Impact of 36 houses on an already overcapacity sewerage system.
- o Potential noise pollution and disruption (albeit temporary) with construction of such dwellings.
- o Inevitable risk of increased noise levels on our estate and possible anti-social behaviour simply due to increased number of residents.
- o Disruption and destruction of wildlife habitats.
- o Concern how these buildings will look. The existing Gwalia houses are looking run down with damaged solar panels in disrepair.
- o Three storey properties not in keeping with the area.
- o Increase in traffic will be safety risk to both children and elderly residents.
- o Parking provision provided could be exceeded by demand leading to surrounding streets being used for parking.

Council's Pollution Control Division -

Due to the historical land use at the site please, attach the following condition regarding contaminated land: -

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- o Land Contamination

Unless otherwise agreed in writing with the Local Planning Authority the applicant shall be required to undertake and submit for approval the following:

Site Characterisation

The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- o a list of potential receptors
- o an assessment of the extent of the contamination
- o an assessment of the potential risks
- o an appraisal of remedial options, and proposal for the preferred remedial option(s).

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/remediation is required.

Phase 1 report: Desk Top Study

this shall:

- o Provide information as to site history, setting, current and proposed use.
- o Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- o Identify if further investigation or remediation is required.
- o In the event that the Local Planning Authority is then of the opinion that further investigation/information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation

this shall:

- o Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.
- o Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.
- o Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.
- o In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Remediation Strategy Options Appraisal

this shall:

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- o Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report

- o On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that the safety of future occupiers is not prejudiced.

Advisory:

http://www.swansea.gov.uk/media/pdfwithtranslation/g/3/WLGAEAW_Guide_for_Developers_re_v_2012.pdf

Development of Land Affected by Contamination: A Guide for Developers

Given the proximity of the service yard to the superstore, I would like to attach the following condition:

Unless otherwise agreed in writing, prior to commencement of the development a report shall be submitted to in writing by the Local Planning Authority for approval; taking into consideration BS 4142:2014. Methods for rating and assessing industrial and commercial sound and BS 8233:2014. Guidance on sound insulation and noise reduction for buildings with regard to the land use to the south of the application site, the Asda Superstore. The report shall set out potential mitigation requirements required to ensure that the guidance documents are adhered to.

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

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.

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 arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

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

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

Council's Drainage Division -

In regards to the proposed surface water removal scheme shown on dwg SK-05, this scheme is as far as we are aware only applicable to the nearby TA Centre re-development therefore an alternative SW removal scheme with supporting calculations must be submitted.

In regards to the proposed surface water scheme shown on dwg C-002 which is acceptable in principle subject to DCWW agreeing the discharge rates we would recommend the following -

Condition 1:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D, E and F of Schedule 2, part 1 shall not apply.

Reason 1:

To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate.

Condition 2:

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason 2:

To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

Council's Housing Division -

The Housing Service can confirm that the site at the land off Heol Eifion is a 100% affordable, grant funded scheme with Pobl, for the purpose of the Section 106 we will expect to see 30% of the site conditioned to remain affordable in perpetuity.

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Councils' Education Division -

Primary

English Medium: due to the low numbers of pupils likely to be generated from this development, there is no request for contributions at this time.

Welsh-medium: the Welsh-medium catchment school is projected to be over-capacity and there are a large number of developments that have successfully obtained planning approvals that will further exacerbate the situation, without the impact of the LDP. However, due to the low numbers of pupils likely to be generated from this development, there is no request for contributions at this time.

Secondary

English-medium: whilst there is currently capacity at Penyrheol Comprehensive school, the surplus capacity is operating at below 10%, which is the percentage Welsh Government deem to be sufficient to allow flexibility for the school to operate sufficiently and effectively. This is without taking out the capacity within the demountable on site. The existing commitments, without the combined impact of the LDP, will create significant pressures and a shortfall in accommodation for Penyrheol Comprehensive School. However due to the low numbers of pupils likely to be generated from this development, there is no request for contributions at this time.

Welsh-medium: the Welsh-medium secondary school is projected to be over-capacity and there are a large number of developments that have successfully obtained planning approvals that will further exacerbate the situation, without the impact of the LDP. However, due to the low numbers of pupils likely to be generated from this development, there is no request for contributions at this time.

Conclusion: Providing the above information, there is no request for education contributions for any of the schools in question from this development due to the low number and type of flats/apartments involved. However, as always it is the cumulative impact of a host of such developments over time that could be difficult to manage.

Council's Urban Design Comments -

The application seeks the erection of 36 dwellings comprising of 22 no. flats and 14 no. houses at the above site. A previous pre-application was submitted under application ref: 2016/1800 for which comments were provided. Following these comments amendments were made to the scheme and the majority of the concerns previously raised were addressed.

Comments:

- o As highlighted above the majority of the concerns raised in the pre-application comments were addressed in subsequent amendments to the scheme.
- o The one remaining concern related to the lack of a route east-west through the site to formalise an existing informal route across the site. Justification for the lack of this route was previously based upon concerns relating to community safety and the potential for anti-social behaviour.

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However these concerns were not supported by any evidence such as crime statistics within the locality etc. and given the relatively short route, the wide nature of the space to accommodate this as well as the direct sightlines from one end of this to the other questions were raised as to this justification on community safety grounds. Given the lack of evidence provided for the omission of the route based on community safety concerns this was not considered to be an acceptable approach as this runs contrary to the guidance set out in the Residential Design Guide SPG which broadly supports a connected highway network over a more fragmented one (i.e. cul-de-sacs) particularly for the negative impacts upon pedestrian and cyclist connectivity/movement that can arise in the latter approach.

- o However in this instance there are additional considerations in the form of the level differences between the internal road within the site and existing highway at Heol Eifion as well as the presence of a utilities easement within this space also which, after exploration of potential design solutions, would result in an overly complex set of ramps to meet accessibility standards. Therefore in this instance the omission of the through route is justified for this reason.

In summary the proposals are considered to be acceptable.

Council's Planning Ecologist -

An ecological survey has been carried out on the site. The area of woodland to the south of the site is to be retained; this area should be protected during the development. The preliminary ecological appraisal recommends a series of mitigation (sections 5.2 and 5.3) these should be followed. The surveyor recommends that further reptile surveys are carried out. A condition should be added to any permission we give requiring a reptile survey to be carried out and if reptiles are found a reptile mitigation scheme to be submitted for our approval prior to work starting on the site. Please include the informative below

BIRDS

Birds may be present. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to: -

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

Care should be taken when working on buildings, trees and clearing bushes particularly during the bird nesting season, March to August

Dwr Cymru Welsh Water

Sewerage:

This proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European Natura 2000 designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area.

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A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water provide ultra violet treatment and phosphate removal.

Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions. Therefore we seek your Authority's cooperation in imposing the following condition to any grant of planning permission.

Condition:

No development shall take place until full details of a scheme for the foul and surface water sewerage disposal (incorporating sustainable drainage principles) of the whole site has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved details. Surface water shall not be connected to the foul sewerage system.

Reason: To ensure the integrity of the public sewerage system and designated water is protected through the implementation of sustainable practices.

Condition:

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.

Reason: To protect the integrity of the public sewer and avoid damage thereto, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes:

The applicant may need to apply to Dwr Cymru Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

Sewage Treatment:

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water Supply:

Dwr Cymru Welsh Water has no objection to the proposed development.

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Natural Resources Wales -

NRW does not object to the above proposal, however we wish to make the following comments.

Foul Water Disposal and Memorandum of Understanding

As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Loughor WFD water body. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.

We strongly recommend that your Authority consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution.

We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

For larger scale developments such as this, bespoke solutions will be necessary, depending on the size and location of the particular development. We recommend that applications such as this are discussed with the Technical Advisors Group.

The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

With regard to surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in order to avoid hydraulic overloading of the sewerage system.

We also recommend that your Authority's Drainage Engineers are consulted in relation to the surface water proposals. This is in order to ensure there is no connection of surface water to the main sewerage system.

Ecology and Protected Species

We note the submission of the document entitled; 'Land Adjacent to Heol Eifion, Gorseinon: Preliminary Ecological Appraisal', dated December 2016, By Acer Ecology Ltd.

We note from Section 4.1.1 that the area of semi-natural broadleaved woodland at the south of the site is to be retained. We advise that appropriate fencing and root protection zones are established to protect the habitat.

The preliminary ecological appraisal also recommends a number of mitigation and precautionary measures, within Sections 5.2 and 5.3 of the document. NRW are supportive of these proposals and advise that the method of delivering and securing these measures is discussed and agreed with your Authority's Planning Ecologist.

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We also note that Section 5.1.1 of the document recommends that reptile surveys are required in order to assess any potential impacts, which the development might have. We recommend that you discuss and agree the scope of such surveys and any subsequent reptile mitigation/management strategy with your Authority's Planning Ecologist.

Please note, 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.

Rebecca Evans AM -

My constituent expressed concerns that in their Design and Access Statement the architects underestimated the possibility that flooding will severely affect the site. My constituent questions whether the developers are aware of the extent of flooding during wet weather and has concerns about how that might affect the value of the properties built there.

Glamorgan Gwent Archaeological Trust -

We noted this application when we reviewed your weekly planning list; consequently we have consulted the detailed information contained on your website and identified that the proposal has an archaeological restraint.

The Historic Environment Record shows that the proposed development area lies directly over the remains of the principle buildings of the Grovesend Steel and Tinplate works. The works were constructed in 1886 and opened in 1890. It first appears on the 2nd Edition of the Ordnance Survey Map of 1898, by which time it is a fully developed industrial complex complete with large scale buildings and associated infrastructure. Records show that the Grovesend Company continued until 1946 when the company was merged with RTB.

The area has been cleared and remediated but it is possible that significant buried remains of the industrial buildings exist below ground level. You may recall that when this office was consulted in relation to the Local Development Plan we advised that archaeological work would be required prior to any positive determination of any planning application and parts of the area may need to be left as open space.

Furthermore, from the documentation submitted with this application the developers do not appear to have considered the impact of the development on the potential buried archaeological remains or the significant risk that the discovery of such remains could have on the viability of their proposed development. In such circumstances Planning Policy Wales 2016 (Edition 9) Section 6.5.6 notes that:

"Where archaeological remains are known to exist or there is a potential for them to survive and a study has not already been undertaken by the applicant, the local planning authority should request an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation. The results of any assessment and/or field evaluation should be provided as part of a planning application and form part of the local planning authority's consideration of that application."

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More detail on this guidance can be found in Welsh Office Circular 60/96 sections 13 and 14. It is our assertion that a field evaluation is appropriate in this particular case.

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission the required archaeological work. Consequently, as the impact of the development on the archaeological resource will be a material consideration in the determination of the current planning application this should be deferred until a report on the archaeological evaluation has been submitted to your Members.

We recommend that this work be undertaken to a brief approved by yourselves and upon request, we can provide a suitable document for your approval.

Amended Consultation Response (received 18th May following receipt of site investigation reports and plans):

The area has been remediated, but on similar industrial sites in the area, substantial and important below-ground remains have survived and been adversely affected by developments. As a result, in our letter dated 11th May 2017 we recommended that an archaeological field evaluation be conducted in order to determine if any such remains are located on the present site.

However, subsequently we have received a recent site investigation report commissioned by CB3, as well as a 1996 site investigation by CCS. A total of eleven trial pits and six windowless sample boreholes were excavated during the recent investigations, with excellent coverage of the proposed development area. They indicated a consistent stratigraphy of sands and gravels across the application area, with no ground obstructions noted within any of the trial pits or boreholes. Such results echoed the 1996 investigation. Therefore it is likely that, in this particular case, the remediation of the site has indeed removed any below-ground structures associated with the Grovesend Steel and Tinsplate works and it is unlikely that any archaeologically significant structures will be encountered during the course of the development.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

Highway Observations -

No objection raised at pre-application stage subject to appropriate details. Concerns raised over parking layout. Amended plans submitted and no further comments received.

APPRAISAL

The proposal seeks full planning permission for the construction of 36 residential units with associated works and car parking on land adjacent to Heol Eifion, Gorseinon. The proposal is for 100% affordable housing. The site forms part of the remaining UDP housing allocation at Parc Melin Mynach (HC1(101) refers).

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The proposal was the subject of a formal pre-application submission in September 2016 (ref 2016/1800/PRE) where-in the principle of re-developing the site for residential development was confirmed to be acceptable. The design of the scheme has evolved over time taking into account comments provided by consultees including urban design following pre-application advice.

The 36 residential units will comprise of 8 no. 3 bed.5 person houses, 6 no. 2bed/4person houses, 4 no. 1 bed/2person walk-up flats and 18 no. 1 bed/2person flats. The units are of varying size and scale tailored to the schedule of accommodation and house type.

Site & Surrounding Area

The application site is a relatively flat area of reclaimed land (periodically maintained scrub) elevated above and located due west of Heol Y Mynydd. The site area measures approximately 0.74ha. The site formerly formed part of Grovesend Steel and Tinplate works. The site has subsequently been remediated with housing developed to the west off Heol Eifion and further housing to the north off Ffordd Eira. The site is bound to the south by a belt of woodland, beyond which lies the Asda superstore. Due east of the site, the topography slopes down to Heol Y Mynydd. There is a known DCWW water main (and associated easement) running parallel with Heol Y Mynydd. The site is not at risk of flooding according to data held by NRW.

The site is located in a predominantly residential area which comprises of flats and semi-detached and terraced dwellings. These dwellings are both single storey and two storeys with "towers" of 3 storey equivalent height in places. The surrounding dwellings are finished in a variety of materials including concrete tile, render and brick external finishes with white uPVC windows. Given this mixed street scene, this has afforded an opportunity for the proposed development to create its own contemporary identity whilst still remaining sympathetic to the surrounding area in terms of scale and massing.

A new pedestrian and vehicular access to the site will be provided from Heol Eifion. The new access road will comprise of a 5.5m carriageway and 2m pedestrian footway. Generally the new boundary treatments between the new dwellings will be timber close boarded fencing to meet the requirements of 'Secured by Design'.

Main Issues

The main issues to consider in the determination of this application relate to the principle of the development, the design/visual impact of the proposals, impact on neighbouring amenity, highway safety, ecology, drainage and water quality issues, and the historic land use of the site, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Development Plan Policy and Land Uses

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National Planning Policy

In line with recent Welsh Assembly Government guidance provided by Planning Policy Wales (PPW) (Jan 2016 8th Edition), the redevelopment of this site for housing, would ensure that previously developed land is used in preference to Greenfield site, and seeks to ensure new housing is well designed, meets national standards for the sustainability of new homes, makes a significant contribution to promoting community regeneration to improve the quality of life, and provides a greater choice and variety of homes in sustainable communities.

Unitary Development Plan (UDP)

In terms of the principle of development, the application site lies within the defined urban area and the proposed development is consistent with the surrounding land use context which is predominantly characterised by residential dwellings. The site forms part of the remaining housing land allocation at Parc Melin Mynach (HC1 (101) refers). The site lies in a central location with easy access to the wider road network and public transport modes. As such the principle of the development is acceptable and is considered to be in compliance with the overriding aims of national planning guidance and the provisions of policies set out in the UDP which are included below.

UDP Policy EV1 requires new developments to display a standard of design and layout sympathetic to the character and amenity of the site, its immediate surroundings and the broader area, which has regard to local amenities in terms of visual impact, loss of light or privacy, shared activity, traffic and parking implications.

Policy EV2 requires the siting of new developments to give preference to the use of previously developed land over Greenfield sites and for them to have regard to the physical character and topography of the site and its surroundings.

Policy EV3 requires proposals for new development to provide access and facilities for all, provide satisfactory parking levels, contribute to a high quality public realm, and are accessible to pedestrians, cyclists and users of public transport.

Policy EV30 seeks to encourage the protection and improved management of woodlands, trees and hedgerows.

Policy EV33, EV34 and EV35 seek to ensure proposals are served by public mains sewer; do not pose a significant risk to the quality and quantity of controlled waters, and with respect to surface water, incorporate sufficient mitigation measures.

Policy AS1, AS2, AS5 and AS6 concern the design, siting and layout of development ensuring that they have regard to sustainable modes of transport in addition to requiring satisfactory parking levels.

Policy HC1 (101) allocates the site for housing development.

Policy HC3 encourages the inclusion of affordable housing in areas where a demonstrable lack of affordable housing exists and seeks the retention of affordable housing for such use through planning conditions, legal obligations and secure tenancy agreements.

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Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted the Planning Obligations Supplementary Planning Guidance (2010) which is also relevant to the consideration of this application.

The Council has produced Supplementary Planning Guidance (SPG) entitled 'Places to Live: Residential Design Guide', which relates to developments of 10 or more houses. The SPG is therefore also a material consideration in this instance.

Site Layout, Character and Appearance

The proposed development has been the subject of pre-application discussions which has fed into the overall proposed design. The proposed development will comprise a mix of dwellings providing a mix of tenures and types of contemporary dwelling design, incorporating high quality and robust materials (contrasting brickwork and stone window surrounds) that are considered sympathetic to the mixed design context of the street-scene. Building forms are conventional and straightforward with pitched roofs. The pattern of fenestration is simple and straightforward with a conventional solid to void and windows will have a predominantly vertical emphasis. The buildings will be simply detailed and finished with commonly used materials which will be in keeping with the general character of the locality.

The proposed units comprise of a mixture of two storey house type units (types A-C) and 3 storey blocks of flats (types D & E). The proposed two storey semi-detached properties (A-B) are positioned fronting onto Ffordd Eira and Heol Eifion with their respective driveways accessed off these roads. The proposed flats (C-E) occupy the remainder of the site and in particular provide a strong built frontage to Heol Y Mynydd with a central access route provided off Heol Eifion serving communal courtyard style parking areas. The approach of fronting rows of dwellings onto the respective western and northern boundaries of the site with direct driveways is appropriate to integrate the development into the existing area. The blocks of flats provide a dual aspect design onto Heol Y Mynydd.

The proposed house types A and B are well-proportioned 3 and 2 bed semi-detached dwellings. Type C is a walk up flat unit taking the form of a two storey house with 2 front entrance doors. Type D is a three storey block and presents front and rear elevations with a split projection which presents a staggered form to this block. Type E is a well-proportioned three storey block located adjacent to the southern boundary of the site.

During pre-app stage consideration was given to formalising an informal diagonal pedestrian route which crosses the site from west to east. After exploration of potential design solutions, which would result in an overly complex set of ramps to meet accessibility standards, the omission of this route is considered justified for this reason.

Overall it is considered the proposal, whilst representing a high density form of development, achieves its own local distinctiveness with strong built frontages and a contemporary urban fabric. It is considered to be of an appropriate scale and massing and is commensurate to site coverage and the context of existing properties.

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On balance it is considered the proposed development would have no detrimental impact upon the visual amenities of the surrounding area. The proposal is therefore in accordance with UDP Policies EV1, EV2 and HC2 of the UDP and the guidance set out in Places to Live: Residential Design Guide SPG.

Residential Amenity

The surrounding land use is predominantly characterised by residential dwellings. The proposed units range from two-to three storeys in height. Notwithstanding this, the proposed units are sited at a sufficient distance from directly opposing elevations of neighbouring dwellings, and as such it is considered that the relationship and distance of neighbouring properties to the site is sufficient to ensure there would be no unacceptable impact on neighbouring residential amenity by virtue of any overlooking, overshadowing or overbearing impacts.

Due regard has been taken with respect to separation distances between proposed residential units and these are compliant with the guidelines set out in the Places to Live: Residential Design Guide SPG. Furthermore, the proposed units benefit from modest sized garden plots which will provide for sufficient sized amenity space for future occupiers. Overall it is therefore considered the proposal is compliant with Policies EV1, EV2 and HC2 of the UDP and the guidance set out in Places to Live: Residential Design Guide SPG.

Ecology

The preliminary ecological appraisal recommends a series of mitigation measures (sections 5.2 and 5.3). It is recommended to include a condition requiring the submission of a strategy to implement these mitigation measures. The surveyor also recommends that further reptile surveys are carried out. A condition is proposed to be included requiring the submission of a reptile survey and if reptiles are found a reptile mitigation scheme to be submitted for approval prior to work starting on the site.

Access & Highway Safety Considerations

Turning to access and highway safety, the application was subject to pre-consultation with the Highways Department. The Council's Highways Officer raised no objection in principle to the proposal subject to appropriate detail. Amended plans were submitted in order to address highways comments and no further objections were raised on access and highway safety grounds. Therefore subject to the inclusion of a planning condition in respect of the laying out of parking bays within the site the proposed development is considered acceptable in highway safety terms.

Drainage & Water Quality

It is understood the applicants have held ongoing discussions with Dwr Cymru Welsh Water both prior to submitting this planning application and during its consideration.

The Memorandum of Understanding (MoU) sets out a hierarchy of options to achieve a set amount of betterment of surface water removal for each proposed dwellings. In order to achieve an acceptable drainage solution there is therefore a need to satisfy the requirements of the MoU.

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The planning application is accompanied by a Drainage Strategy plan and surface water removal plan. The Council's Drainage Section have advised that an amended surface water removal scheme and supported calculations will need to be submitted and has suggested the inclusion of appropriately worded comprehensive conditions to be included on the grant of any planning permission. DCWW have confirmed in their consultation response that they recommend the inclusion of a similar appropriately worded condition to ensure that surface water does not connect to the foul sewerage system. Notwithstanding this, it is understood the applicant is working with Dwr Cymru Welsh Water regarding a suitable surface water removal scheme at the site.

It is therefore considered that subject to the inclusion of appropriately worded drainage conditions, an acceptable drainage strategy can be achieved on site, which is compliant with the requirements of Policies EV33, EV34 and EV35 as well as the MoU to ensure no detrimental impacts are caused to the public sewer system and surrounding water environment.

Burry Inlet Habitat Regulations Assessment

Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation and Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European site, or candidate/ proposed European site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMs), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and Ramsar site. Before deciding to give permission the LPA must therefore first consider whether this development is likely to have a significant effect on the CBEEMs either alone or in combination with other plans or projects in the same catchment area. Following an investigation of likely significant effects on the CBEEMs features water quality was identified as the only factor that might have an effect as discussed below.

Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea has followed the statutory advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under Regulation 63 the former Environment Agency (now NRW) undertook a detailed Habitats Regulations Assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMs in respect of their consents operating at their maximum consented limits.

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As the consents in question have already been subject to a full assessment (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

The overarching Statement of Water Quality identified two areas of concern where development could potentially affect water quality in the estuary. The first point of concern related to the hydraulic load on the existing combined sewerage systems. The discharge of surface water to the combined system is the main cause of the problem and the MoU has addressed this by stipulating that no surface water from new developments shall discharge to the combined sewer. The second concern relates to nutrient loading on the Estuary. Certain nutrients are removed from the sewage by appropriate treatment at the WWTW but it has been determined that WWTW effluent discharges contain the highest percentage of phosphates when compared with other nutrient sources.

The removal of any surface water from the combined system would be greatly beneficial in that its removal would result in fewer CSO spills, reducing bacterial and nutrient impact on the controlled waters. The removal of surface water from combined sewers generally would reduce the volume of flow (even within developments) such that storage facilities at the pumping stations would more efficiently cater for more frequent storm events or greater population equivalence.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and would not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and Ramsar. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

Other possible effects on CBEEMs features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in-combination with other plans or projects on the above protected European sites.

On this basis, there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with Regulation 61(1). The former Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, has confirmed that they are content with the above approach.

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitats Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

Conclusion

In conclusion, DCWW have not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up until the end of 2017.

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The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet Spa and Ramsar. Such effects can be excluded on the basis of the objective information available through the 2010 Environment Agency review.'

In summary, there are no known hydraulic capacity or new water quality issues to address and subject to further control by conditions, it is considered that the drainage arrangements for this scheme, which can be secured by condition, are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34 and EV35.

Ground Conditions & Land Contamination

The Historic Environment Record held by GGAT shows that the proposed development area lies over the remains of the Grovesend Steel and Tinplate works. The works were constructed in 1886 and opened in 1890. The area has been remediated. GGAT originally recommended that an archaeological field evaluation be conducted in order to determine if any remains are located on the present site. However, following the submission of a recent site investigation report as well as a 1996 site investigation by City & County of Swansea, GGAT have subsequently advised that in this particular case the remediation of the site has removed any below-ground structures associated with the Grovesend Steel and Tinplate works and it is unlikely that any archaeologically significant structures will be encountered during the course of the development.

As a result there is unlikely to be an archaeological restraint to this proposed development. GGAT have therefore offered no objection to the positive determination of this application. If however, features are disturbed during the course of the work GGAT should be advised accordingly. An informative will be added advising the applicant of this obligation.

In view of the historic land use of the site the Council's Pollution Control division have requested the inclusion of conditions relating to contaminated land. They have also requested the inclusion of a condition requiring the submission of a noise assessment, due to the proximity of the Asda superstore to the south of the site and to protect the existing commercial and proposed residential uses against noise from building services plant.

S106 Contribution Requests

HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations, which can enhance the quality of the development and enable proposals to go ahead which might otherwise be refused. Any proposed obligation must be: necessary, relevant to planning, directly related to the development, fair and reasonable in scale and kind to the proposed development and reasonable in all other respects

The Council's Education Department has advised that due to the low number and type of flats/apartments involved no request is made for a developer contribution on this scheme.

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Whilst the proposal is for 100% affordable housing, in order to ensure the scheme is brought forward as affordable housing, a Section 106 agreement will be necessary to ensure a minimum of 30% affordable housing, in line with Council policy, is retained in the development at all times.

The application site is currently owned by the Council, and the Council cannot covenant with itself in a Section 106 agreement on land within its ownership. Therefore, as a way forward, the Council's Legal Officer recommends that an additional condition and informative be included in the planning consent instead of the requirement for the signing of a Section 106 Planning Obligation prior to the grant of planning permission. This will have the effect of securing the necessary obligations as no development can commence until a planning obligation is completed. The Council currently own the land but does not intend to develop the land itself. Planning permission runs with the land so once the Council cease to have a legal interest in the site then it will be able to covenant with the developer to secure the obligations by way of Section 106 agreement. It is not a practise that would be utilised in respect of land not owned by the Council and is only suggested here to bridge an anomalous gap in the planning legislation which only affects unitary authorities.

Other Issues

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to the impact on character and appearance of the area, the impact on the residential amenities of existing occupiers, drainage, sewerage, parking and highway safety issues.

Concerns have also been raised in letters of objection regarding the potential impact of the development on property values in the area. This is not a planning matter and would carry little weight in the determination of this planning application.

Concerns have been raised regarding impact on local wildlife. The existing woodland to the south of the site will be retained and it is proposed to include a condition requiring the erection of protective fencing to this area during construction works. The site has been the subject of an ecological survey which recommends a number of mitigation measures and the submission of a reptile survey and appropriate mitigation measures if any are subsequently found.

Concerns have been raised regarding lack of play facilities in the area and that this site was promised as a children's play area. The Council's Parks & Recreation Department have offered no objection to the proposal and the site is allocated as a housing site within the Council's UDP. There is no requirement for a play area being provided on this site.

Concerns have been raised in letters of objection regarding the impact of construction activities on neighbouring residents in terms of noise and disturbance. Whilst it is acknowledged that there may be some disturbance in this respect, this will be limited to the duration of the build programme and any potentially significant impacts should be mitigated through good building practices and site management. A construction pollution management plan will be required by condition and any statutory nuisance would be dealt with under separate legislation.

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Concerns have been raised regarding the level of public consultation on the proposal. The planning application was advertised on site and in the local press. The level of consultation carried out was in accordance with the requirements as set out in the Town & Country Planning, (Wales) Development Management Procedure Order 2015.

Conclusion

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 assessing this proposal, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

Having regard to all material considerations, including the Human Rights Act, overall it is considered the proposal makes efficient use of this brownfield site in a sustainable urban location. The development is considered to provide an appropriate contextual response that would have an acceptable impact on the character and appearance of the area. Moreover, the development would not result in any significant residential amenity impacts to neighbouring properties and is considered to be acceptable in parking and highway safety terms. The proposal development would therefore accord with the above referenced UDP policies and SPG. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations, and as such the application is recommended for conditional approval.

RECOMMENDATION

APPROVE subject to the following conditions:

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

- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan; 1572_1-1-1 PFP 3 BED HOUSE TYPE A; 1572_1-2-1 PFP 2 BED HOUSE TYPE B ; 1572_1-3-1 PFP 1 BED FLAT TYPE C; 1572_1-4-2 PFP 1 BED FLATS TYPE D PLOTS 19-30; 1572_1-5-1 PFP 1 BED FLATS TYPE E PLOTS 31-36; 1572_1-6-1 PFP 1 BED FLATS TYPE D1 PLOTS 19-30; 1572_2-3-2 PROP ELEV 1 BED FLAT TYPE C; 1572_2-4-3 PROP ELEV 1 BED FLAT TYPE D PLOTS 19-30; 1572_2-5-2 PROP ELEV 1 BED FLATS TYPE E PLOTS 31-36; 1572_2-6-2 PROP ELEV 1 BED FLATS TYPE D1 PLOTS 19-30; 1572_2-8 PROP ELEV 3 BED HOUSE TYPE A (STEPPED) Plots 13-14 & 15-16; 1572_2-9 PROP ELEV 2 BED HOUSE TYPE B (STEPPED) Plots 11-12; 1572_3-1 SITE SECTION A-A & B-B; C0746-C-001 CUT-FILL DETAILS; C0746-C-002 DRAINAGE STRATEGY; C0746-C-003 CONSTRUCTION FINISHES; C0746-C-SK02 HIGHWAY CONSTRUCTION DETAIL; SK05 SURFACE WATER REMOVAL received 10th April 2017.

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Preliminary Ecological Appraisal received 13th April 2017; 1572_3-1-1 CROSS SECTION (ADDITIONAL PLAN); 1572_4-5-6 PROPOSED SITE PLAN (AMENDED); 1572_4-6-5 PROPOSED SITE PLAN - BOUNDARIES (AMENDED) received 12th May 2017.

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

- 3 The development shall not commence until a scheme for the provision of affordable housing to contribute to the provision of local needs affordable housing in accordance with Policies HC3 and HC 17 of the City and County of Swansea Unitary Development Plan 2008 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

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

Reason: To ensure the development contributes to the provision of affordable housing in accordance with policies HC3 and HC17 of the City and County of Swansea Unitary Development Plan 2008.

- 4 No development shall take place until the developer has notified the Local Planning Authority of the initiation of 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.

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

- 5 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 (as amended) or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.

Reason: To comply with the requirements of Section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).

- 6 No development shall take place until a scheme has been submitted to and approved in writing by the Local Planning Authority to ensure that the Daytime 35dB LAeq,16hr and that the Night-time 30dB LAeq,8hr are not exceeded within the residential properties. No dwelling shall be occupied until the scheme, as it relates to that property, has been implemented in accordance with the approved details.

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

7 Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- o all previous uses
- o potential contaminants associated with those uses
- o a conceptual model of the site indicating sources, pathways and receptors
- o potentially unacceptable risks arising from contamination at the site.

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

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

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

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: To ensure that the safety of occupiers is not prejudiced.

8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D, E and F of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the surface water system is not designed to accommodate.

9 No development shall commence 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. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

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Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 10 No works of site clearance, demolition or construction shall take place in pursuance of this permission, until a reptile mitigation plan has been submitted to and approved in writing by the local planning authority, and the mitigation has been undertaken in accordance with the approved details.

Reason: In the interests of protecting species under Schedule 5 (sections 9 (1) and 9 (5) of the Wildlife and Countryside Act 1981.

- 11 No development shall take place until details of a strategy to implement the mitigation measures detailed in section 5 of the 'Preliminary Ecological Appraisal' : Land Adjacent to Heol Eifion, Gorseinon, dated December 2016 by Acer Ecology have been submitted to and approved in writing by the Local Planning Authority. These measures shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

- 12 No demolition, site clearance or building operations shall commence until chestnut pale fencing of a height of not less than 1.2 m (4 ft) has been erected around each tree or tree group to be retained on the site in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of the development and no storage of materials or erection of buildings shall take place within the fenced area.

The destruction by burning of materials shall not take place within 6 m (19 ft 8 ins) of the canopy of any tree or tree group to be retained on the site or on land adjoining.

Reason: To prevent damage to the area of semi-natural broadleaved woodland to the south of the site in the interest of the visual amenities of the area

- 13 Notwithstanding the submitted plans, 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.

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- 14 No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 15 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.

- 16 The car parking for each dwelling shall be laid out in accordance with the approved plans before the dwelling to which it relates is occupied, and shall be maintained for parking purposes only in perpetuity.
Reason: To enable vehicles to enter or leave the premises with a minimum of interference to the free flow of through traffic, and to reduce the likelihood of obstruction and danger to road users when vehicles are accessing the site.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: [EV1, EV2, EV3, EV33, EV34, EV35, EV40, HC2, AS1, AS2, AS6]. Supplementary Planning Guidance: Places to Live - Residential Design Guide (January 2014; Parking Standards March 2012; Planning Obligations March 2010.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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3 The Council's Pollution Control Officer has advised the following:

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.

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.

3 Dust Control:

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

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

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

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

4 Birds may be present. 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

Care should be taken when working on buildings particularly during the bird nesting season March-August.

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- 5 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Minister Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoptions - 7th Edition. Further information can be obtained via the Developer Services pages of dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
 - 6 The applicant is hereby advised that should archaeological features be disturbed during the course of the work, they should inform the Glamorgan Gwent Archaeological Trust (tel 01792 655208).
 - 7 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.

To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no foul, surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public sewerage system.
 - 8 The developer is advised that the proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer.
 - 9 The Developer must contact the Highway Management Group, The City & County of Swansea, Guildhall c/o Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Senior Engineer (Development), e-mails to mark.jones@swanea.gov.uk, tel no. 01792 636091.
 - 10 With regard to condition 6, the submitted details shall take into consideration BS 4142:2014. Methods for rating and assessing industrial and commercial sound and BS 8233:2014. Guidance on sound insulation and noise reduction for buildings with regard to the land use to the south of the application site, the Asda Superstore.
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UDP - EV3 - Accessibility

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

UDP - EV30 - Trees, Woodland and Hedgerow Protection

Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV33 - Sewage Disposal

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - EV38 - Contaminated Land

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

UDP - EV39 - Land Instability

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

UDP - HC2 - Urban Infill Housing

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

UDP - HC3 - Affordable Housing

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

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UDP - HC17 - Planning Obligations

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

UDP - HC24 - Play Areas/Public Open Space

Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2016/1510	Residential development comprising of a mix of 41 dwelling units with associated access, landscaping and infrastructure works	PDE	
2015/1932	PRE APP for 41 dwellings	PREMIX	29.10.2015
2005/1798	Single storey rear extension	APP	17.10.2005

RESPONSE TO CONSULTATIONS

The application was advertised in the press, by site notices and twenty five neighbours were consulted. TWO LETTERS OF OBEJCTION have been received, which may be summarised as follows:

1. Concerns the development will result in increased traffic movements and noise during construction.
2. Concerns there will be insufficient visibility for traffic leaving the site if there is a bus parked at the bus stop and that vehicles straddle the existing speed bumps driving at an unsafe speed.
3. Concerns the existing pedestrian crossing adjacent to 172 is never used and is in a poor condition.
4. Concerns traffic calming on the road is inadequate.
5. Concerns regarding the increase in commercial traffic on Trallwn Road and the speed which vehicles travel on the road.

Highways

Access

The access shows the internal road layout and being laid out over the top of a mine shaft. As advised at pre-app stage this is unacceptable for a road that is going to be adopted. A variety of correspondence has been going back and forth but ultimately the access location has not been changed and as such the road will not be adopted and will have to remain in private ownership.

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The location if the access is in line with the previous access to the Four Seasons Club and as such there should not be any highway safety issues arising from its continued use

Public transport

The site is well served by public transport and as previously requested we are seeking a contribution of £3,000 to enable the refurbishment of the existing bus stop located outside the site on Trallwn Road.

Layout

Following concerns regarding the access and the mine shaft it has been agreed that the internal layout will not be adopted. Notwithstanding this in terms of safety the layout is adequate and swept path analysis has been provide to demonstrate that emergency and refuse vehicles van enter and leave the site in an appropriate manner. In the main the roads are wide enough to allow for two way flow which will reduce the likelihood of any obstruction being caused. The main accesses and shared areas have been laid out with a minimum carriageway of 5.5m with footway provision also being included.

For this level of development a travel plan will also be required to be submitted (can be secured by condition).

Parking

The levels of parking seem to be acceptable at two/one spaces per dwelling and some visitor parking has also been included. The site is well located in terms of local amenities and proximity to regular public transport routes.

An area has been set aside for cycle parking for the flats and this is acceptable, the exact details can be secured by condition.

Conclusion

Given the previous use as a club I do not consider that the proposals will have any impact on highway safety in terms of traffic generation.

Recommendations

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

1. The sum of £3,000 to be secured under a section 106 agreement to be used to refurbish the bus stop outside the site prior to beneficial occupation of any of the units.
2. The parking areas as indicated being laid out in accordance with the approved plans and maintained as such in perpetuity.
3. Cycle parking in accordance with details to be submitted for approval with the LPA to be laid out and maintained as such in perpetuity.
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;

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- 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.

5. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details)

Housing

The development is being supported as 100% affordable grant funded scheme with Pobl, for the purposes of the S106 the Housing Service will expect to see 30% of the site to remain affordable in perpetuity.

Parks

Request approx. £20,000 for a new rubber safety surface at the children's play facility in Trallwn Playing Fields.

In terms of the public open space within the development, if Parks are expected to adopt and maintain these a commuted sum contribution would be required.

Education

Primary:

English-medium: Due to the updated projected surplus capacity at Trallwn Primary school, and the limited impact this development will now have because of the reduction in types of dwellings involved, then there will be no request for English medium contribution from this development.

Welsh-medium: There is no request for Welsh Medium contribution from this development.

Secondary:

English-medium: Due to the updated projected surplus capacity at Cefn Hengoed Comprehensive School, and the limited impact this development will now have because of the reduction in types of dwellings involved, then there will now be no request for English medium contribution from this development.

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Welsh-medium: There is no request for Welsh Medium contribution from this development.

Police Design Out Crime Officer

Recommends various design measure to achieve Secure by Design status.

Planning Ecologist

The ecological survey of the site has shown that there are some habitats of value these include the trees and the bordering hedges. These will provide opportunities for feeding and nesting for birds, and for foraging and commuting bats. These habitats should be retained and should not be lit as this will deter bats from using the site.

There are likely to be nesting birds on the site during the spring and summer please include a bird informative.

The reptile survey found no evidence of reptile use of the site; it is possible there is the odd animal on the site. The surveyor has recommended that if possible the site should be cleared when animals are likely to be still active either in autumn or spring. The detailed recommendations in section 4.2 of the survey should be followed.

Environment Officer

Recommends a condition relating to the treatment of Japanese knotweed at the site.

Dwr Cymru Welsh Water (DCWW)

Recommend a condition relating to surface water management at the site.

No problems are envisaged in terms of sewage treatment or water supply.

Pollution Control Division

Recommend a condition in relation to the presence of unexpected contamination at the site.

Coal Authority

Shallow Coal Mine Workings

The Coal Authority concurs with the recommendations of the Geotechnical & Geoenvironmental Report, dated March 2014 and prepared by Terra Firma (Wales) Ltd; that coal mining legacy poses a risk to the proposed development and that remedial works to treat the areas of shallow coal mine workings or mitigation by means of specialist foundations should be undertaken either prior to commencement of the development or integral to it.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of remedial works/mitigation for approval; and
- * Implementation of that remedial work/mitigation.

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Mine Entry 269197-007

The Coal Authority recommends the following pre commencement condition:

'Prior to the commencement of development hereby permitted, the proposed mine shaft remediation scheme relevant to shaft 269197-007 and detailed in the letter dated 19 January 2017 from Terra Firma (Wales) Ltd, which includes foundations of a specialist design for Plot 30 shall be implemented accordingly.'

Mine Entry 269197-016

'Prior to the commencement of development hereby permitted, the proposed mine shaft remediation scheme relevant to shaft 269197-016 and detailed in the letter dated 19 January 2017 from Terra Firma (Wales) Ltd, which includes foundations of a specialist design for Plots 31 and 32 shall be implemented accordingly.'

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Tree Officer

Following the submission of a revised landscaping scheme, the tree officer has offered no objection to the development, but has indicated that he would seek to place tree protection orders on the new trees within the development.

Drainage Engineer

The Council's drainage engineer has offered no objection to the development subject to conditions requiring: further more detailed information including a sustainable drainage system; a discharge rate limit of 10l/s to the local watercourse; and the removal of permitted development rights to prevent extensions and new hardsurfaces at the site.

APPRAISAL

The application is reported to Committee for decision as the number of dwellings proposed exceeds the development threshold.

This is a full planning application for the development of the former 'Four Seasons Club' and its surrounding grounds for 41 dwellings with associated access road and landscaping. The site fronts directly onto Trallwn Road, it has a landscaped frontage with an existing access to the south which leads to a hardstanding area that previously accommodated the social club buildings at the rear of the site. There are residential properties to the north, south and east. To the west are playing fields. The character of the built form in the area is mixed with a range of architectural styles. Trallwn local shopping centre is sited some 50m to south of the site entrance.

The development comprises a range of house types from single storey bungalows, two storey dwellings and a two and a half storey blocks of flats. The landscaped frontage is proposed to be retained, in part, and enhanced with a public area of open space.

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The position of the existing access would be maintained and the road extended in an L-shaped development along the southern and western boundaries. The proposal would provide 100 per cent affordable housing as defined within TAN 2 Planning and Affordable Housing.

The plans have been amended to take account of officer concerns regarding the layout, design and landscaping of the development. The application is therefore considered on the basis of the amended scheme.

Main Issues

The main considerations with regard to the proposal are the impacts of the development on the character and appearance of the area, the impacts upon the residential amenities of neighbouring occupiers, the impacts upon parking and highway safety, and whether the development can be safely constructed and occupied, having regard to the risks posed by former mine workings.

The City and County of Swansea Unitary Development Plan 2008 (UDP) is the development plan for the area. The following policies are the main UDP policies that are relevant to the consideration of this development:

AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV33 (Sewage Disposal), EV35 (Surface Water Run-Off), EV30 (Trees, Woodland and Hedgerow Protection), EV38 (Contaminated Land), EV39 (Land Instability), HC2 (Urban Infill Development), HC3 (Affordable Housing), HC17 (Planning Obligations) and HC24 (Play Areas/Public Open Space).

The site is not allocated for residential development in the UDP, it is 'white land' in the UDP Proposals Map and can be considered as a windfall site under Policy HC2. This policy allows infill development in the urban area provided the development does not result in:

- (i) Ribbon development or contribute to the coalescence of settlements;
- (ii) Cramped/overintensive development;
- (iii) Significant loss of residential amenity;
- (iv) Significant adverse effect on the character and appearance of the area;
- (v) The loss of urban greenspace;
- (vi) Significant harm to highway safety;
- (vii) Significant adverse effects in relation to:
 - (a) Landscape,
 - (b) Natural heritage,
 - (c) Security and personal safety,
 - (d) Infrastructure capacity,
 - (e) The overloading of available community facilities and services.

The criteria for assessing whether the design and layout is acceptable in the context of the surrounding area is important. UDP Policies EV1 and EV2 seek to ensure that new development is appropriate, inter alia, to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, etc. and integrates into the existing settlement with no detrimental impact on local amenity or the general environment.

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EV2 also states that the siting of new development should give preference to the use of previously developed land over greenfield sites and requires developments to have regard to the physical character of the site, by retaining site features including trees which are also afforded protection under EV30. AS2, AS6 and EV3 require developments to provide satisfactory access and parking arrangements. The above design policies are further expanded upon in the supplementary planning guidance (SPG) 'Places to Live - Residential Design Guide'.

Policy EV33 generally requires developments to be served by mains drainage and Policy EV35 refers to the potential impacts of surface water run off on the environment and encourages the use of sustainable drainage systems (SUDS).

With regard to land contamination and land instability, Policies EV38 and EV39 respectively require development proposals to be accompanied with sufficient information to demonstrate the proposed development can be delivered, whilst fully addressing these technical matters.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted SPG entitled 'Planning Obligations', which is relevant to the consideration of this development. Similarly Policy HC24 is also relevant and specifically relates to outdoor play provision.

In the deposit Local Development Plan (LDP) the site is identified as a non-strategic housing site (H1.19), however, as the LDP is yet to go through its Examination in Public, this can be afforded no weight in the consideration of this planning application.

The Principle of Development

The application site is not allocated for housing in the UDP, it is a brown field site identified as white land within the urban area. The site is located within a sustainable location close to local facilities and services including public transport routes, shops and schools. In land use terms therefore, the use of the land for residential development is considered to be acceptable, in principle.

Visual Amenity

Access to the site would be derived from the existing access point on Trallwn Road, where a new access road would extend along the southern portion of the site before turning at right angles to create two L-shaped streets. Two pairs of bungalows would front onto the access road and back onto the side boundary of the neighbouring property at No. 165 Trallwn Road.

The application site currently has an open character owing to the tree lined street frontage and perimeter trees. The proposals seek to retain a reduced area of public open space along the frontage which would be overlooked by the development.

The development comprises the following housing mix:

- 2 x 2.5 storey apartment blocks (6x2 bed & 8x1 bed)
- 33 x two storey dwellings (11x2 bed & 12x3 bed)

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4 x bungalows (2 bed)

The main impact on the street scene would be the development of a 2.5 storey apartment block on the same building line as the adjacent property at 179 Trallwn Road. The remainder of the site frontage would be a landscaped area of open space which would be overlooked by a two storey terrace of three dwellings on plots 31-33 and the bungalow of the left hand side of the site entrance (plot 1).

The levels on the site drop from front to back and drop across the site from south to north. The existing site levels have broadly dictated the proposed finished topography at the site with the frontage part of the development set at a higher level and separated from the lower rear portion of the site by a 1-1.5m retaining wall.

At the rear of the site, sited at a lower land level, a further 2.5 storey apartment block and a run of two storey dwellings would back onto the tree lined boundary with the adjacent playing fields.

The design and access statement explains that the traditional 'heritage' 1930's design has been chosen for the development with the design including the use of brickwork corbels, rough cast style render, plain concrete roof tiles, Georgian style window units, mock facing brick chimneys, mock tile creasing cills and band course. The local vernacular (immediately opposite the site) comprises predominantly 1950's style housing and traditional two storey cottages dating from the 19th century. Despite this mixed context the proposed development would be clearly distinguishable owing to both the scale of the frontage apartment block and the design features highlighted above, however, the proposed material would ensure a degree of consistency and continuity with the existing street scene. The design approach is therefore considered to be appropriate to mixed built form in the local context.

The scheme generally follows good urban design principles with corner units having active frontages on both elevations thus providing natural surveillance and visual interest. Parking areas have been designed to be well overlooked and prominent boundaries are indicated to be constructed in robust materials.

The mixed scales of the proposed street scene is generally reflected in the surrounding streets where the larger terraced buildings of the local centre are flanked by single storey bungalows and two storey dwellings. It is acknowledged that there are no 2.5 storey residential blocks in the surrounding area, however, the site is located in a sustainable location, close to shops and services, which would justify building at a higher density than the surrounding built form. Moreover, a street scene elevation has been submitted with the application which demonstrates that the scale of the frontage building and its design would not appear incongruous within the street scene.

A number of the mature trees within the site will be lost to facilitate the proposed development, however, the majority of the boundary trees are proposed to be retained. To mitigate the loss of those trees which cannot be retained, a landscaping scheme has been submitted which, when mature, would give the frontage a pleasant tree lined appearance. The Council's tree officer confirmed that the proposed landscaping scheme is satisfactory.

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In view of the above the proposed development is considered to be satisfactory in terms of its impacts on the character and appearance of the area. The development would therefore accord with UDP Policies EV1, EV2, EV30, HC2 and the SPG 'Places to Live - Residential Design Guide'.

Residential Amenity

In terms of the impacts of the development on the living conditions of the existing residents on Trallwn Road, there would be a separation distance of some 26m between the front elevations of the 2.5 storey frontage block and the existing bungalows on the opposite side of Trallwn Road, which are sited at a higher land level than the site. This distance is considered to be sufficient to ensure there would be no significant detrimental impacts on the living conditions of those existing occupiers in terms of overbearing, overshadowing or overlooking impacts.

The scheme has been designed with bungalows along the southern boundary of the site, which would ensure that there would be no significant detrimental overbearing, overshadowing or overlooking impacts to the occupiers of No. 165 Trallwn Road, which immediately adjoins the application site.

In the south western portion of the site a 2.5 storey block is proposed. The eastern gable of this block, at its closest, would be sited 1m from the rear boundary with No. 165, however, in view of the 50m+ depth of the rear gardens of both 165 and 163, it is not considered the proposed 2.5 storey block would result in any significant overbearing or overshadowing impacts to the occupiers of these dwellings. The block has been designed without any windows in the eastern gable, however, there would be windows within the main body of the block on its eastern side which would overlook these gardens at a distance of some 8.5m. As the rooms served by these windows are dual aspect and therefore are also served by other windows, in order to prevent any significant overlooking of the rear garden of No. 165 it is recommended that the kitchen/dining room windows facing the rear garden of No. 165 are fitted with obscure glazing. This would mitigate any significant overlooking and associated loss of privacy to No. 165 and could be secured through a planning condition. Whilst the living room windows in the north elevation of the block would be sited close to the rear boundary, the overlooking from the 1st and 2nd floors would, it is considered, not be significant given the acute angle of overlooking and the significant depth of the rear garden.

On its southern side the 2.5 storey block would be sited some 9m from the rear boundaries of properties at 85-95 Glan Y Wern Road. This separation distance and the higher land levels of the existing dwellings is considered to be satisfactory to ensure there would be no significant overbearing impacts to the occupiers of these dwellings. As the block is sited to the north of these properties there would be no overshadowing impacts. In terms of overlooking impacts, the southern elevation of the block includes habitable windows that would face the rear boundary of the existing properties. Any significant overlooking of the rear garden of these dwellings could be mitigated through a condition to ensure that all windows (other than those at ground floor level) in this elevation are fitted with obscure glazing. The proposed flats are dual aspect, therefore, even with obscure glazing to the kitchen area, the occupiers would still benefit from satisfactory light and outlook.

Subject to conditions, therefore, it is considered the proposed development would not result in any significant residential amenity impacts upon neighbouring residential occupiers.

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In terms of the living conditions of the future occupiers, the separation distances within the proposed development would broadly accord with those specified within the SPG 'Places to Live - Residential Design Guide'. The accommodation is provided with sufficient outlook and natural light to habitable rooms. Some of the rear garden areas for the dwellings fall below the size requirements of the SPG, which indicates that private garden areas should, as a minimum, be no smaller than the footprint of the dwelling they serve. On balance, the private gardens within the development would provide sufficient space for sitting out, limited outdoor play and clothes drying etc. Moreover, the site is located within close proximity of playing fields and a play park, therefore, on balance the garden sizes within the development are considered to be acceptable and would not be detrimental to the living conditions of the future occupiers.

Concerns have been raised regarding the potential for increased noise and disturbance from traffic noise during the construction phase. It is acknowledged there may be some additional noise and traffic impacts to local residents during the construction of a development of this scale, however, this would be for a temporary period only and can be mitigated through good site management practices. Any statutory nuisance would be dealt with under separate legislation. Therefore it is not considered that the construction phase or the operation phase when the dwellings are occupied, would result in any significant noise or disturbance to existing local residents that would warrant refusal of the application.

Access and Highway Safety

The access road would be sited over a former mine shaft. Due to this constraint, Highways have confirmed that they would not be prepared to adopt the roads within this development. It will therefore be necessary for the roads to be managed and maintained privately. This matter can be secured by a planning condition.

Concerns have been raised in a letter of objection regarding the visibility from the access and the proximity to the bus stop. The access to the development is on the same alignment as the existing access and in light of the relatively low traffic generation arising from a development of this scale, the highways officer is satisfied that the proposed development would not result in any significant highway safety concerns.

The parking provision is being provided at one or two spaces per dwelling with some visitor parking provided. In view of the sustainable location of the development in close proximity to regular bus services and local facilities, the highways officer is satisfied that the parking provision proposed is acceptable.

In terms of safety the highways officer has confirmed the new road layout is adequate and swept path analysis has been provided to demonstrate that emergency and refuse vehicles can enter and leave the site in an appropriate manner. In the main the roads are wide enough to allow for two way flow which will reduce the likelihood of any obstruction being caused. The main accesses and shared areas have been laid out with a minimum carriageway of 5.5m with footway provision also being included.

The highways officer has requested a financial contribution of £3000 to upgrade the bus stop adjacent to the site, which is in need of maintenance. The applicant has agreed to provide the requested contribution in full and details of the bus stop upgrade can be agreed by a condition (see further discussion below).

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Concerns have been raised in a letter of objection regarding the poor condition of the pedestrian crossing on adjacent to 172 Trallwn Road; that traffic calming is inadequate on the road and that there is an increase in commercial traffic on the road. In response to these concerns, the highways officer is satisfied, having regard to existing highway safety conditions including traffic volumes, traffic speeds and existing pedestrian provision within the highway, that the proposed development would not result in any significant highway safety impacts.

The highways officer has requested conditions requiring parking provision to be retained in perpetuity and cycle parking to be provided. These conditions are considered to be necessary in the interests of highway safety and to encourage alternative modes of transportation respectively. The request for a construction management plan can be secured through an informative note.

In light of the above the proposed development is considered to be acceptable in terms of, access, parking and highway safety and would accord with UDP Policies EV1, EV3 and HC2.

Ecology

The planning application has been accompanied by an ecological survey and a separate reptile survey.

The ecological survey found some habitats of value at the site these including trees and bordering hedges which provide opportunities for feeding and nesting for birds, and for foraging and commuting bats. The planning ecologist has requested that these habitats should be retained and should not be lit as this will deter bats from using the site. Reference to the proposed site plan and tree report indicate that the majority of trees around the perimeter of the site are proposed to be retained and the landscaping scheme for the site, which includes the planting of 38 new trees will, in time, provide adequate mitigation for the loss of the trees within the site.

The reptile survey found no evidence of reptile use at the site, however, following a precautionary approach the planning ecologist has stated that the precautionary mitigation measures within the reptile report should be adopted when clearing the site. It is recommended these measures are included as an informative note, should planning permission be granted.

The environment officer has noted the presence of Japanese knotweed at the site and has recommended a condition requiring a scheme for its eradication. This is considered to be necessary in the interests of the ecology and amenity of the area.

Land Instability

There are three recorded mine entries within the site. The site is also in an area of recorded and likely unrecorded underground coal mine workings at shallow depth. Following an initial objection from the Coal Authority, the applicant has undertaken further intrusive investigations to establish the accurate positions of the mine entries and put forward measures to mitigate the risks posed to the development from these features. In summary the mitigation measures include stabilising the mine entries by a process of grouting, the piling of foundations for the buildings within the zone of influence of the mine entries and the use of a structural geo-grid reinforcement within the access road.

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Following the submission of the proposed mitigation measures, the Coal Authority have offered no objection to the application subject to conditions requiring the submission of further details in respect of the mitigation proposed in areas where there may be shallow coal mine workings and specific conditions relating to the mitigation works proposed at the mine entries within the site. Subject to these conditions, it is considered that the site is capable of being made safe and stable for the development. The development would therefore accord with UDP Policy EV39.

Drainage

The application has been accompanied by a drainage strategy which indicates that surface water from the development would be discharged at an attenuated rate to the existing system which connects into two culverts that cross the adjacent football pitches. Foul water would be connected to the mains system to the north of the site.

The Council's drainage engineer is satisfied that the proposed surface water drainage strategy is acceptable, subject to conditions requiring the submission of further more detailed information, a discharge rate limit of 10l/s and the removal of permitted development rights relating to extensions and hardsurfaces. These conditions are considered to be necessary to ensure the development would not result in any detrimental environmental impacts and to prevent the overloading of the mains drainage system.

Dwr Cymru Welsh Water has offered no objection to the development in terms of sewerage capacity or water supply. Dwr Cymru Welsh Water's surface water recommendations would be covered a condition.

In light of the above, and subject to the conditions recommended by the Council's drainage engineer, it is considered that the proposed development would be in accordance with UDP Policies EV33 (Sewage Disposal) and EV35 (Surface Water Run-Off).

Land Contamination

The application has been supported by a geotechnical and geoenvironmental report. Historically the site has been occupied by a colliery, tramline, refuse tips and more recently a social club. The site investigation found the soils at the site contain asbestos fibres and elevated levels of arsenic and lead. Capping will therefore be required on the site. According to the report capping is to consist of the proposed buildings and hard standings. Garden and landscaped areas will be capped with 600mm of suitable clean imported subsoil/topsoil material. The Council's Pollution Control division are satisfied with the proposed remediation and this can be secured by a conditions. Subject to conditions therefore it is considered that the development has given full regard to land contamination at the site and would therefore accord with UDP Policy EV38.

Section 106 Contribution Requests

HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations, which can enhance the quality of the development and enable proposals to go ahead which might otherwise be refused. Any proposed obligation must be: necessary, relevant to planning, directly related to the development, fair and reasonable in scale and kind to the proposed development and reasonable in all other respects.

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Notwithstanding this, as the Council is the landowner of the site, the City and County of Swansea cannot enter into a S106 planning obligation with itself. Therefore any justified contribution requests may be secured through conditions requiring details of affordable housing provision or other justified works to be submitted for the approval of the local planning authority. Subsequent to the site being sold on, the Council's can then, where necessary, enter into a S106 planning obligation as part of the details required to discharge the relevant planning condition(s).

The Parks department have requested a contribution of £20,000 to upgrade the play facilities at Trallwn playing fields to provide a new rubber safety surface. The condition of the facility is listed as 'Amber' on the Council's 'RAG' list for parks facilities and 'ok' within the Council's Open Space Assessment Report. The facility would therefore benefit from an upgrade, particularly given the proximity of the proposed development to this facility and the likely increase in its usage following the occupation of the development. Following discussions, the applicant has agreed to fully fund a new rubber surface for the park at Trallwn playing fields. This requirement can be secured by a planning condition as described above.

The scheme will provide 41 new dwellings comprising 100% affordable housing on the site and will therefore exceed the provision required under UDP Policy H3. Notwithstanding this it will still be necessary to secure a Policy compliant 30% on site provision in perpetuity and this can be secured through a planning condition.

As indicated above, highways have requested £3000 for upgrade works to the existing bus stop on Trallwn Road. In view of the proximity of the site to this bus stop and the likely increase in its usage should this development be approved, the upgrade request is considered to be justified in this instance. Following discussions the applicant has agreed to fully fund the upgrade works and this can be secured by a condition.

Following the submission of an amended consultation response from the Education department, there will be no requirement for a contribution towards education improvements.

Conclusion

The proposal is for the re-development of this vacant brownfield site to provide a 100% affordable housing scheme with 41 new dwellings in a sustainable location close to existing local shops, services and schools. The development is considered to provide an appropriate design response in an area of mixed character that would have an acceptable impact on the character and appearance of the area. Moreover, the development, on balance, would not result in any significant residential amenity impacts to neighbouring properties and is considered to be acceptable in parking and highway safety terms. Matters relating to ecology, land stability, land contamination and drainage have been given full consideration and, subject to conditions, the development is considered to be acceptable in all respects. Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WCFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WCFG Act. For the above reasons, the proposal is considered to be in accordance with UDP policies and SPG and is accordingly recommended for approval.

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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: LT610.00.01A - Site location plan, LT610.04.05BA - Boundary Treatments, received 16th December 2016. LT1610.04.102 D - Plans and Elevations Plots 5-10, LT1610.04.103 C - Houses Plans and Elevations, LT1610.04.104 C - Houses Plans and Elevations, LT1610.04.105 B - Houses Plans and Elevations, LT1610.04.106 C - Houses Plans and Elevations, received 25th April 2017. LT1610.04.107 D - Plots 34-41 Plans, LT1610.04.108 D - Plots 34-41 Elevations, received 11th May 2017. LT1610.04.01 F - Site Layout, LT1610.04.02 F - Site Sections, LT1610.04.03 F - Landscaping Layout, LT1610.04.101 B - Plans and Elevations Plots 1-4, received 15th May 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of development hereby approved a scheme for the remediation of shallow mine workings or mitigation measures to deal with the risks posed to the development from such workings shall be submitted to and approved in writing by the local planning authority together with a scheme for the phasing and implementation of the works. The development shall be completed in accordance with the approved details and timescales.
Reasons: To ensure the land is safe and stable to accommodate the proposed development.
- 4 Prior to the commencement of development hereby permitted, the proposed mine shaft remediation schemes for shafts 269197-007 and 269197-016, shall be undertaken in accordance with the details submitted by letter dated 19 January 2017 from Terra Firma (Wales) Ltd.
Reasons: To ensure the land is safe and stable to accommodate the proposed development.
- 5 The specialist foundation designs for Plots 31 & 32 shall be in accordance with the details submitted by letter dated 19 January 2017 from Terra Firma (Wales) Ltd.
Reasons: To ensure the land is safe and stable to accommodate the proposed development.
- 6 No development shall take place until a detailed scheme for the eradication of Japanese Knotweed, including timescales, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of the ecology and amenity of the area.

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- 7 The landscaping of the site shall be provided in accordance with the details indicated on plan no. LT1610.04.03 'Landscaping layout'. 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 occupation of the buildings 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 providing a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the 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.
- 8 A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved for the lifetime of the development.
Reason: In the interest of protecting visual amenity and the qualities of the area.
- 9 Prior to the construction of the dwellings hereby approved details of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 10 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 11 The development shall not discharge to the local watercourse network at any rate greater than 10 litres per second as stated within the Drainage Strategy dated July 2016 by Blackburn Griffiths Ltd.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

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12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D, E and F of Schedule 2, part 1 shall not apply.
Reason: To protect the integrity of the surface water management system from additional impermeable areas that the surface water system is not designed to accommodate.

13 The development shall not commence until schemes to provide the following have been submitted to and approved in writing by the Local Planning Authority:

- affordable housing to contribute to the provision of local needs affordable housing
- a replacement play surface at Trallwn Park
- upgrade of the bus stop/shelter on Trallwn Road

in accordance with Policies HC3 and HC 17 of the City and County of Swansea Unitary Development Plan 2008 . The schemes shall include:

- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units;
- (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider (if no RSL involved);
- (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced; and
- (vi) the arrangements for upgrading the existing bus stop/shelter on Trallwn Road.
- (vii) the arrangements for replacing the existing safety surface with a "wet-pour rubber safety surface" at the children's play facility in Trallwn Park.

Reason: To ensure the development contributes to the provision of affordable housing and essential community facilities in accordance with policies HC3 and HC17 of the City and County of Swansea Unitary Development Plan 2008.

14 No development shall take place until the developer has notified the Local Planning Authority of the initiation of 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.

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

15 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 (as amended) or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.

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Reason: To comply with the requirements of Section 71ZB(2) of the Town and Country Planning Act 1990 (as amended).

- 16 Prior to the occupation of the dwellings hereby approved, the boundary treatments for that dwelling shall be constructed in accordance with the details indicated on plan nos. LT610.04.05BA 'Boundary Treatments' & LT1610.04.01F 'Site Layout' and shall thereafter be retained as approved for the duration of the development.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 17 The land contamination remediation measures detailed in Section 7.3 'Mitigation and Remedial Measures' of the Geotechnical & Geoenvironmental Report dated March 2014 prepared by Terra Firma shall be fully implemented as set out within the report prior to the occupation of any of the dwelling units hereby approved.
Reason: In the interest of conserving public health and local amenity.
- 18 If, during the course of development, contamination not previously identified is found to be present at the site no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination. The approved strategy shall be implemented in accordance with the approved details.
Reason: In the interest of conserving public health and local amenity.
- 19 No development shall take place, nor any demolition works or site clearance, until there has been submitted to and approved in writing by the local planning authority details of a scheme for the protection of trees shown to be retained within the approved drawings. The approved scheme shall be implemented in accordance with the approved details and retained throughout the construction phase of the development.
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area.
- 20 All kitchen/dining and hall windows in the east elevation and all kitchen/dining, hall and lobby windows in the south elevation within the block on plots 5-10, hereby approved shall be fitted with obscure glazing and shall be non-opening unless any part of the window which can be opened is, when measured at any point along the lowest edge of that part, at least 1.7 metres above the internal floor or stair of the flat directly below that point and shall be permanently maintained as such for the lifetime of the development.
Reason: To prevent overlooking and loss of privacy to existing properties on Trallwn Road and Glan Y Wern Road.
- 21 Prior to the occupation of any of the dwellings hereby approved details of a lighting scheme for the roads, landscaped areas and residential properties shall be submitted to and approved in writing by the local planning authority. The development shall be undertaken and thereafter retained in accordance with the approved details for the lifetime of the development.
Reason: In the interests of ecology and highway safety.

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- 22 Prior to the beneficial occupation of any of the flats hereby approved, the cycle storage areas shall be provided in accordance with the details indicated on plan nos. LT1610.04.01F 'Site Layout' and 31477 - 'Mayfair Cycle Shelter' and shall thereafter be retained as approved for the lifetime of the development.
Reason: In the interests of promoting sustainable modes of transportation.
- 23 All parking areas hereby approved as indicated on plan no. LT1610.04.01F 'Site Layout' shall be provided before the dwellings to which they relate are occupied and shall be retained for the parking of vehicles only in association with the dwellings hereby approved for the lifetime of the development.
Reason: In order to provide satisfactory off street parking for the development in the interests of highway safety.
- 24 Prior to the commencement of development, full details of the proposed arrangements for the future management and maintenance of the proposed streets within the development, shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
Reason: In the interests of highway safety and to ensure that the highways within the development are provided at an appropriate time and maintained thereafter.
- 25 No development shall take place until full engineering details of the highways and footpaths within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the phasing of the highways and footpath construction. The highways and footpaths shall be provided in accordance with the approved details and timescales.
Reason: In the interest of highway safety.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV30 (Trees, Woodland and Hedgerow Protection), EV33 (Sewage Disposal), EV35 (Surface Water Run-Off), EV38 (Contaminated Land), EV39 (Land Instability), HC2 (Urban Infill Development), HC3 (Affordable Housing), HC17 (Planning Obligations), HC24 (Play Areas/Public Open Space) and the supplementary design guide 'Places to Live - Residential Design Guide' and 'Planning Obligations'.
- 2 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:

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- 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

Care should be taken when working on buildings particularly during the bird nesting season March-August.

- 3 The precautionary mitigation measures within Section 4.2 of the 'Reptile Survey & Report' dated 25th October 2016 shall be adopted when clearing the site.
 - 4 The developer is advised to consult the Highway Authority regarding the provision of a Construction Management Plan.
-

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ITEM 5

APPLICATION NO:

2017/0262/FUL

WARD:

Castle - Bay Area

Location:

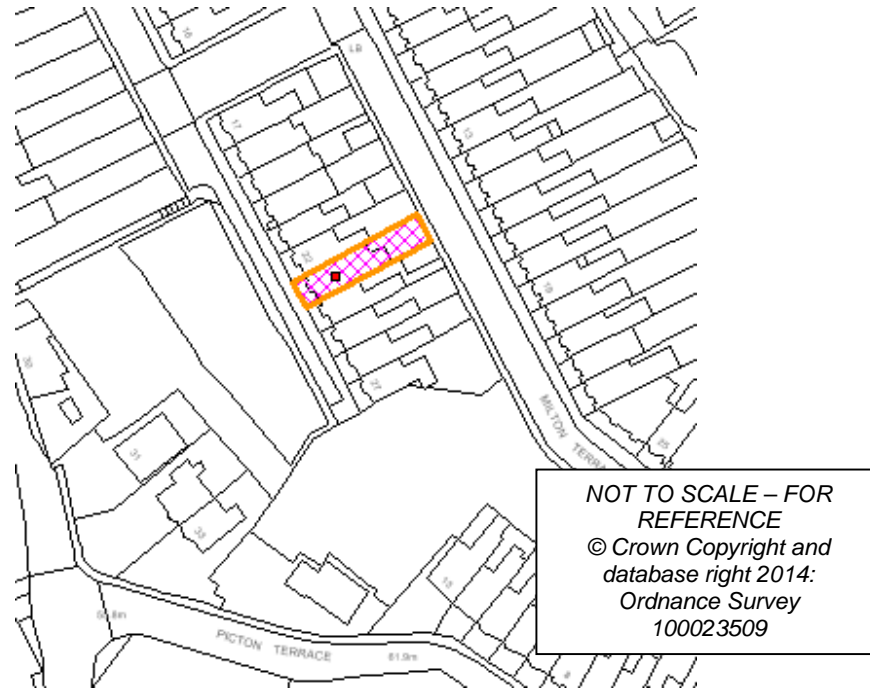
23 Portia Terrace, Mount Pleasant, Swansea, SA1 6XW

Proposal:

Replacement front bay window to ground floor with fenestration alterations and Juliette balconies to first floor front

Applicant:

Mrs. Kirchner



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - HC7 - Residential Extensions and Alterations

Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, effect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0262/FUL	Replacement front bay window to ground floor with fenestration alterations and Juliette balconies to first floor front	PDE	

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APPLICATION NO:

2017/0262/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
ENQ2006/0315	Extensions, Outbdgs	REC	

RESPONSE TO CONSULTATIONS

Public Response - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to 22 and 24 Portia Terrace, Mount Pleasant on 13th March 2017. To date no letters of response have been received.

APPRAISAL

The application is submitted on behalf of Mrs Ericka Kirchner, who is a local ward member for the Castle Ward. In line with the Council Constitution the application is, therefore, brought before this Committee for determination.

Description

Full planning permission was originally sought on the front elevation of the dwellinghouse for a replacement bay window on the ground floor with balcony above, along with alterations to the first floor front windows to doors. An existing angled bay window, measuring 0.75m deep by 1.9m wide and 3m high, was to be replaced by a square bay measuring 1m deep by 1.7m wide and 3m high, with the roof being carried over the existing front door. This would create a balcony measuring 1.2m deep by 4.3m wide which is to be surrounded by 1.1m high balustrade. The upper floor front windows, currently top opening windows, were to be replaced with doors.

Following discussions the application has been revised to omit the first floor balcony from the scheme and instead to include the addition of two glazed Juliette balconies to be fitted in front of the proposed upper floor inward opening full length doors. The amended plans received on 4th May 2017 now form the basis of the application and the application description was amended to reflect the amended proposal.

ISSUES

The main issues to consider in this application relate to the impact of the development upon visual amenity in terms of the character of the property and the street scene and any impact upon the residential amenity of neighbouring occupiers. Regard can principally be given to Policy EV1 of the Adopted Swansea Unitary Development Plan in addition to advice contained within the Supplementary Planning Guidance for Householder Developments.

Visual Amenity

The size of the proposed ground floor bay window is considered to relate satisfactorily to the main front elevation of the mid-terrace property with a small increase in scale from the existing bay (0.7m to 1m). A porch feature is proposed to be positioned above the bay window and front door and this is of a similar form to existing features within the street scene. In this respect the design would not harm the character of the property or street scene.

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ITEM 5 (CONT'D)

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The upper floor windows are proposed to be altered and fitted with a juliette balcony. Whilst there are no examples of juliette balconies in the street scene currently, this feature would not harm the overall character of the property.

The development is therefore considered to be of an appropriate form and scale which will relate satisfactorily to the character and appearance of the dwelling and streetscene and complies with policies EV1 and HC7.

Residential Amenity

The design and siting of the proposal in relation to neighbouring properties, along with its relatively limited proportions, are not considered to result in any unacceptable overshadowing, overbearing physical impact or overlooking of windows or outdoor amenity spaces.

CONCLUSION

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

Having regard to all material planning considerations, including the Human Rights Act, the proposal is considered to represent an acceptable form of development, complying with the criteria of Policies EV1 and HC7 of the adopted City & County of Swansea Unitary Development Plan (2008) and the guidance contained in the Supplementary Planning Guidance document 'A Design Guide for Householder Development' (2008).

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin no later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, Block Plan received 1st February 2017; Amended Plan: Existing and Proposed Elevations and Floor Plan received on 4th May 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1 and HC7.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 5 (CONT'D)

APPLICATION NO:

2017/0262/FUL

2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. 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.

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 (01792 634960).

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

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

Care should be taken when working on buildings particularly during the bird nesting season March-August.

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

5 PARTY WALL ETC ACT 1996

The developer is advised that the provisions of the Party Wall etc. Act 1996 may be applicable to the proposal and is advised to seek appropriate advice prior to any work commencing on site.

6 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 6

APPLICATION NO:

2017/0196/FUL

WARD:

St. Thomas - Bay Area

Location:

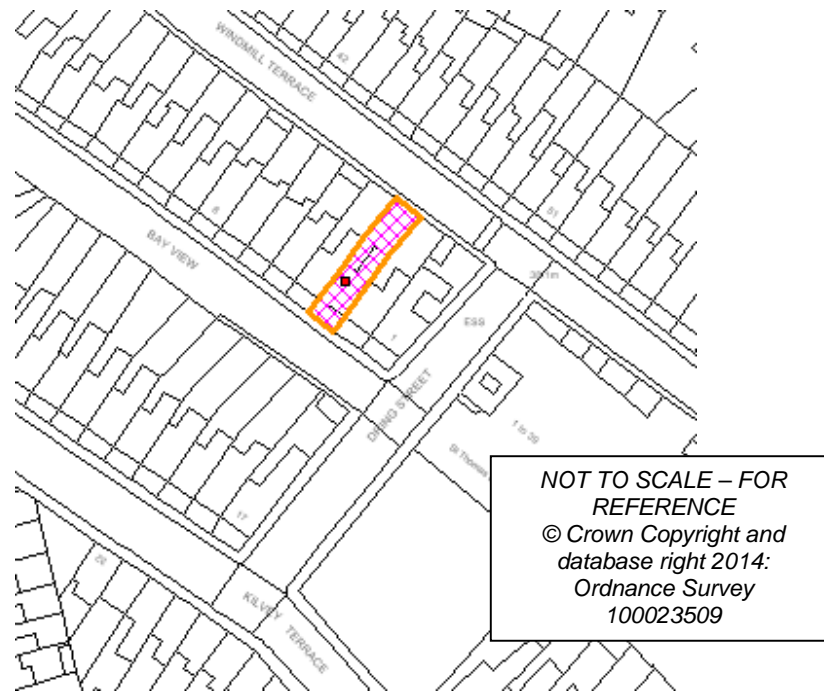
3 Bay View, St Thomas, Swansea, SA1 8BB

Proposal:

Change of use from residential dwelling (Class C3) to 3 bedroom HMO (Class C4)

Applicant:

Mr Gareth Howells



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - AS6 - Parking/Accessibility

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

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/0196/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0196/FUL	Change of use from residential dwelling (Class C3) to 3 bedroom HMO (Class C4)	PDE	

RESPONSE TO CONSULTATION

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to No. 2 and 4 Bay View and through display of a site notice dated 15th March 2017.

ELEVEN LETTERS OF OBJECTION have been received which are summarised as followed:

1. Bay View is a small cul-de-sac of 16 houses;
2. Bay View is probably one of a handful of streets left in the area that are solely owner occupied. This has the benefit of each household "investing" in the surrounding area and taking pride in the upkeep of their properties;
3. A HMO would be totally out of character for this street;
4. Too many HMOs in the area causing issues with parking and anti-social behaviour and noise complaints;
5. There are considerable parking issues in the vicinity of Kinley Street already and further increasing resident populous via HMO property will further compound this;
6. Anti-social behaviour that goes in tandem with this type of property use is also a concern particularly with the proximity of local schools. Ultimately, the East side ward is a family area with a strong community spirit and this should be preserved with the focus on retaining housing stock as residential for future generations.
7. The current consultation (on HMO properties SPG) has not progressed far enough and until that is completed there should be a blanket ban on approving HMO'S;
8. We need to encourage families to remain and return to this area if we are going to preserve community spirit. There is plenty of accommodation available already for single people. We are being swamped out by the needs of SA1 businesses and now two Universities.

TWO PETITIONS OF OBJECTION have been received (11 and 22 signatures) which raised concerns relating to highway safety and local highway conditions.

Highways: No highway objection subject to conditions

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/0196/FUL

APPRAISAL

This application is reported to committee at the request of Councillor Joe Hale. A petition of objection has been received containing more than 30 signatures, thereby satisfying the Council's Constitution requirements.

Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a HMO for 3 bedrooms (Class C4) at No. 3 Bay View, St. Thomas, Swansea.

The application property is a two storey mid terraced property currently occupied as a three bedroom dwelling house located on Bay View, a no-through residential street with terraced properties set up on the northern side of the street. No external alterations are proposed and as such the proposal will have no impact on visual amenity.

The applicant has provided drawings setting out that refuse and cycle storage shall be provided in the rear amenity space of the property including wall mounted cycle racks.

Change in Use Classes Order

On 25th February 2016 the Welsh Government introduced the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 which amended the Town and Country Planning (Use Classes) Order 1987 to:

- amend use class C3 (dwellinghouses) to:
- include a definition of "single household" which applies to use class C3(a) only;
- remove from the scope of use class C3(c) houses in multiple occupation falling in new use class C4; and
- introduce a new use class C4 (houses in multiple occupation).

The new C4 use introduced covered use of a dwelling house as a small House in Multiple Occupation as defined in section 254 of the Housing Act 2004. The use occurs where tenanted living accommodation is occupied by 3 to 6 people who are not related and who share one or more basic amenities, as their only or main residence.

ISSUES

The main issues for consideration during the determination of this application relates to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/0196/FUL

The Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently gone to public consultation. The consultation period ran from 23rd January until 5th March 2017. The draft SPG has yet to be adopted and can therefore be afforded no weight in the process

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however whilst Swansea Local Authority has now produced a SPG related to HMOs this is currently at consultation stage and until formally adopted does not carry any weight.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

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

The criteria of the above is addressed below:

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

On the basis of the information provided it is noted that the scheme relates to the creation of a 3 bedroom HMO. The application drawings show there are 3 existing bedrooms and as such there would be no net gain in bedrooms provided.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/0196/FUL

Regard needs to be given to the fact that a large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 3 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

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

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

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

From viewing the Councils own HMO register there are no registered HMO properties on Bay View (as of the 22nd May 2017), however, it is acknowledged that there may be HMO's on the street which have been used pre March 2016. It should also be noted, however, that outside of the Castle and Uplands Wards only larger properties are captured by Mandatory Licencing. As a result there may be instances where HMOs exist in the area albeit that they would have been implemented prior to the use class change in February 2016 and not required planning permission and are not subject to licensing requirements. No consultation responses provided from objectors have raised information on existing HMOs in the area. It is noted that there is 1 property showing on Rent Smart Wales as a rental property on Bay View. However this information does not demonstrate use of the property itself as a HMO only demonstrate that it is a rental property.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/0196/FUL

On the basis of the current information there are 16 properties on Bay View and so approval of the application would result in 6.25% of the street being in HMO use.

In the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Given there are limited numbers of HMOs in this area, without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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

There are no external alterations proposed at the property and as such the proposal will have no adverse impact on visual amenity.

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

Whilst the objections received from local residents are noted, regard needs to be given to the Adopted SPG Parking Standards. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwelling house. Details have been submitted of the location of cycle storage to the rear of the property which can be secured by planning condition.

In view of the above, subject to an appropriately worded condition in respect of cycle parking, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The refuse storage is to be provided within the rear yard.

Response to Consultations

Notwithstanding the above, letters of objection have been received and petitions of objection which raised concerns relating to the impact of the proposal upon the number of HMO's in the area, local car parking and highway safety, impact on the character of the area. The issues pertaining to which have been addressed above. Issues in respect of antisocial behaviour including noise are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration which is taken into account during the determination of an application.

Regard can be given to recent appeal decisions by the Planning Inspectorate (105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603, 96 King Edwards Avenue - APP/B6855/A/16/31650557, 57 St Helens Avenue - APP/B6855/A/16/3165327 and 124 St Helens Avenue - APP/B6855/A/17/3167108) in connection with similar applications for HMOs.

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

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/0196/FUL

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

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

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

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

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage."

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/0196/FUL

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

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

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

Planning Conditions

Conditions requiring the commencement of the development within 5 years and to be carried out in accordance with the approved plans are necessary. A condition requiring cycle and refuse storage is recommended and this is reasonable in the interests of sustainable travel and visual amenity. The Highway Authority requested that the property be restricted for no more than 3 people, however, it is considered unreasonable to restrict the HMO to 3 persons in light of the SPG requirements being met for this proposal for upto 6 people. Therefore the restrictive condition is not recommended.

Conclusion

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

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

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 6 (CONT'D)

APPLICATION NO:

2017/0196/FUL

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, received 26th January 2017 and floor plans received 13th March 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the beneficial use of the development, the cycle and refuse storage shall be implemented in accordance with the floor plans and applicants email received on 13th March 2017 and shall thereafter be retained and not used for any other purpose. The cycle and refuse storage shall be made available for use and retained thereafter for the approved purposes.
Reason: In the interest of visual amenity, residential amenity and providing facilities for sustainable transport.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, AS6 and HC5
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 7

APPLICATION NO:

2017/0257/FUL

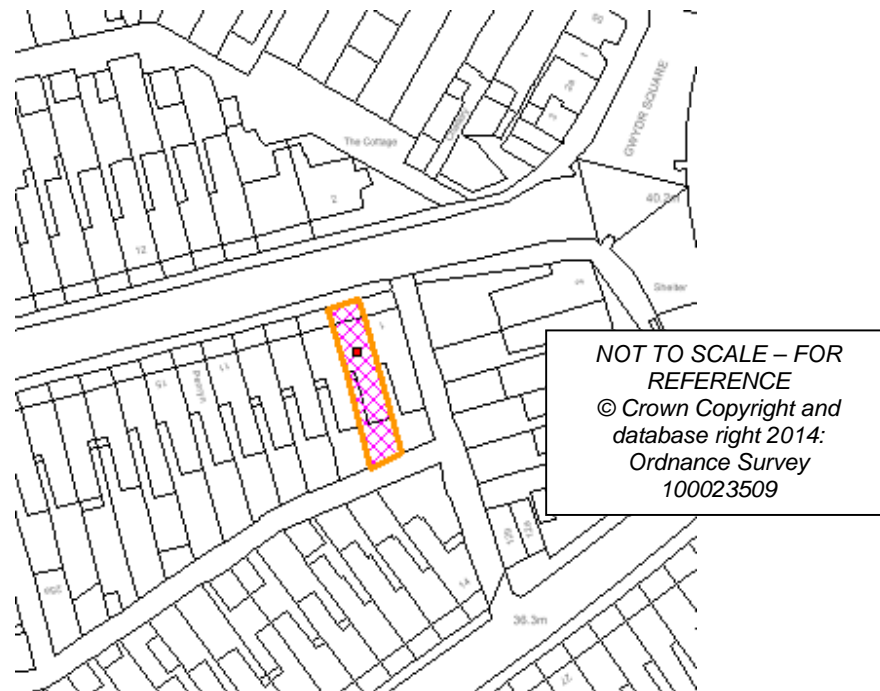
WARD:

Uplands - Bay Area

Location: 3 Beechwood Road, Uplands, Swansea, SA2 0HL

Proposal: Change of use from residential (Class C3) to 5 bedroom HMO (Class C4)

Applicant: Mr & Mrs Frank Ciccotti



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - EV3 - Accessibility

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

UDP - AS6 - Parking/Accessibility

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

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 7 (CONT'D)

APPLICATION NO:

2017/0257/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0257/FUL	Change of use from residential (Class C3) to 5 bedroom HMO (Class C4)	PDE	

RESPONSE TO CONSULTATIONS

TWO neighbouring properties were consulted and the proposal was advertised on site. NO RESPONSE has been received.

A petition of objection has been received which outlines concerns regarding the number of HMOs in the area and their impact on parking, refuse and quality of life.

The petition states:

"We the undersigned wish to object to the proposal to convert 3 Beechwood Road, Uplands, Swansea SA2 0HL into a 5 bedroom House in Multiple Occupation (Application 2017/0257/FUL). If approved, it will add to the existing over-density of HMOs in Uplands and Brynmill. We are concerned that the number of vehicles parking at or near the premises and the increased amount of refuse being put out will disrupt the residential amenity of the area and harm the quality of life of existing residents."

A letter of support has been submitted by the applicant in response to the petition of objection received. It states that of the 39 legible addresses on the petition, many do not live in Uplands and none live within 100m of the application site. The applicant argues the claim that the development would 'harm the quality of life of existing residents' is not supported by signatures of anyone directly affected. The applicant also states that residents' parking areas are underutilised with pressure only seen in unregulated areas. The most likely tenants are students many of whom do not have cars and as the property is substantial, an ordinary family could have several cars. Bicycle storage will be provided.

Welsh Water - No objection

Pollution Control - No objection

Highways - No objection subject to conditions relating to bike storage and occupancy number restriction.

APPRAISAL

This application is reported to committee at the request of Councillor Nick Davies. A petition of objection has been received containing 39 Signatures, thereby satisfying the Council's Constitution threshold of 30 signatures from 30 separate addresses.

Description

Full planning permission is sought for the change of use of 3 Beechwood Road, Brynmill from residential (C3) to a 5 Bedroom HMO (C4).

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 7 (CONT'D)

APPLICATION NO:

2017/0257/FUL

Change in Use Classes Order

On 25th February 2016 the Welsh Government introduced the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 which amended the Town and Country Planning (Use Classes) Order 1987 to:

- amend use class C3 (dwellinghouses) to:
- include a definition of "single household" which applies to use class C3(a) only;
- remove from the scope of use class C3(c) houses in multiple occupation falling in new use class C4; and
- introduce a new use class C4 (houses in multiple occupation).

The new C4 use introduced covered use of a dwelling house as a small House in Multiple Occupation as defined in section 254 of the Housing Act 2004. The use occurs where tenanted living accommodation is occupied by 3 to 6 people who are not related and who share one or more basic amenities, as their only or main residence.

ISSUES

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

The Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently gone to public consultation. The consultation period ran from 23rd January until 5th March 2017. The draft SPG has yet to be adopted and can therefore be afforded no weight in the process.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however whilst Swansea Local Authority has now produced a SPG related to HMOs until formally adopted does not carry any weight.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 7 (CONT'D)

APPLICATION NO:

2017/0257/FUL

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

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

The criteria of the above is addressed below:

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

On the basis of the information provided, in that the downstairs bedrooms 1 and 2 were originally reception rooms (although bedroom 2 had been used by the applicant's father for some time) the proposal results in an increase of 2 bedrooms to provide a 5 bedroom property. A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 5 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

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

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

There are 64 properties along Beechwood Road and based on the current HMO Register (22nd May 2017) 23 of these are HMOs resulting in 35.9% of existing properties being in HMO use. Approval of the application would result in a percentage of 37.5% HMOs on the street. It is considered that this would not result in an increase in concentration or intensification of HMOs in the street that would justify a refusal in this instance as in the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 7 (CONT'D)

APPLICATION NO:

2017/0257/FUL

There are no external alterations proposed at the property and as such the proposal will have no adverse impact on visual amenity.

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

The application site on Beechwood road is restricted to resident permit holders only. The Adopted Parking Standards SPG sets out that for proposals for up to 6 people sharing facilities that it will be treated as a large single household with each additional bedroom requiring 1 space each. On the basis that the existing dwellinghouse has no available off street parking and the proposal remains below the 6 person threshold there is no requirement for off street parking in accordance with the SPG. The Highway Authority raises no objection on this basis and refers to the fact that parking is restricted on the street currently and the house would remain eligible for 2 parking permits as is currently the case.

In order to ensure that the HMO provides opportunities for sustainable transport the applicant was requested to submit details of cycle storage. The applicant has specified that an existing shed to the rear of the property provides space to house several bicycles and it will be renovated and made secure. Subject to this being provided for the application is considered to result in no adverse impact upon highway safety in the area.

Appropriate refuse storage arrangements can be provided

The applicant provided sketch information that bin storage can be provided in the rear garden opposite the existing shed. This gives the option of removal via the rear garden gate or through the house to the kerb-side collection point. This is considered suitable to serve the HMO.

Response to consultation

The petition received raises concern about the application, stating that if approved, it will add to the existing over-density of HMOs in Uplands and Brynmill. It raises this issue in the general sense of the area and not specifically in relation to Beechwood Road or its immediate context within the Uplands area. In terms of the density itself as recognised in the report this will increase marginally, however, it cannot be said that this would result in a harmful density of HMOs. Concerns are raised about vehicle parking and in relation to increased amount of refuse being put out. Vehicle parking is addressed in the above paragraphs relating to highway safety. As mentioned sufficient space is provided within the rear area to provide for refuse storage.

In respect of the concerns raised it is not considered that these would amount to reasons for refusal in this application. In support of this position regard can be given to recent appeal decisions by the Planning Inspectorate (105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603, 96 King Edwards Avenue - APP/B6855/A/16/31650557, 57 St Helens Avenue - APP/B6855/A/16/3165327 and 124 St Helens Avenue - APP/B6855/A/17/3167108) in connection with similar applications for HMOs.

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

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 7 (CONT'D)

APPLICATION NO:

2017/0257/FUL

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

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

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

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

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type."

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 7 (CONT'D)

APPLICATION NO:

2017/0257/FUL

The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

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

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

Planning Conditions

Conditions requiring the commencement of the development within 5 years and to be carried out in accordance with the approved plans are necessary. In the consultation response from the Highway Authority, a condition requiring cycle storage is recommended and this is reasonable in the interests of sustainable travel. It is, however, considered unreasonable to restrict the HMO to 5 persons in light of the SPG requirements being met for this proposal for up to 6 people. Therefore the restrictive condition is not recommended.

Conclusion

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

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

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 7 (CONT'D)

APPLICATION NO:

2017/0257/FUL

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, block plan received 6th February 2017; floor plans received on 19th February 2017 and details in relation to waste and cycle storage received via email on 19th February 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to first beneficial use of the HMO hereby approved the cycle storage facilities, as set out on the details received via email on 19 February 2017, shall be made available and retained in perpetuity to serve the HMO.
Reason: In the interest of providing for alternative modes of transport and sustainability.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV3, AS6 and HC5 of the City and County of Swansea Unitary Development Plan 2008.
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PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 8

APPLICATION NO:

2017/0391/FUL

WARD:

Uplands - Bay Area

Location:

25 Mirador Crescent, Uplands, Swansea, SA2 0QX

Proposal:

Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)

Applicant:

Mr David Jolleys



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - EV3 - Accessibility

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

UDP - AS6 - Parking/Accessibility

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

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 8 (CONT'D)

APPLICATION NO:

2017/0391/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0391/FUL	Change of use from residential (Class C3) to 4 bedroom HMO (Class C4)	PDE	

RESPONSE TO CONSULTATION

TWO adjacent neighbouring properties were consulted and the proposal was advertised on site. THREE LETTERS OF OBJECTION have been received which are summarised as follows:

- 1) There are too many HMOs on the street to the detriment of the area
- 2) Bins are left in the street
- 3) Parking concerns
- 4) Noise concerns

Additionally a petition of objection has been received containing 40 signatures citing the number of HMOs in the area as being too many; parking concerns; and refuse issues. The petition states:

"We the undersigned wish to object to the proposal to convert 25 Mirador Crescent, Uplands, Swansea, SA2 0QX into a 4 bedroom House in Multiple Occupation (Application 2017/0391/FUL). If approved, it will add to the existing over-density of HMOs in Uplands and Brynmill. We are concerned that the number of vehicles parking at or near the premises and the increased amount of refuse being put out will disrupt the residential amenity of the area and harm the quality of life of existing residents."

Welsh Water - No objection

Pollution Control - No objection

Highways - No objection subject to conditions relating to parking provision, bike storage and occupancy numbers.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Nick Davies. The Constitutional threshold has been met as a petition of objection containing 40 signatures from a minimum of 30 separate addresses has been received.

Description

Full planning permission is sought for the change of use from residential (Class C3) to a 4 bedroom HMO (Class C4) at 25 Mirador Crescent.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 8 (CONT'D)

APPLICATION NO:

2017/0391/FUL

The existing dwelling is three storey 5-bedroom terraced property which is situated within the residential area of Uplands. The area comprises traditionally designed dwellings and commercial properties. No external alterations are proposed to the host dwelling.

Change in Use Classes Order

On 25th February 2016 the Welsh Government introduced the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 which amended the Town and Country Planning (Use Classes) Order 1987 to:

- amend use class C3 (dwellinghouses) to:
- include a definition of "single household" which applies to use class C3(a) only;
- remove from the scope of use class C3(c) houses in multiple occupation falling in new use class C4; and
- introduce a new use class C4 (houses in multiple occupation).

The new C4 use introduced covered use of a dwelling house as a small House in Multiple Occupation as defined in section 254 of the Housing Act 2004. The use occurs where tenanted living accommodation is occupied by 3 to 6 people who are not related and who share one or more basic amenities, as their only or main residence.

ISSUES

The main issues for consideration during the determination of this application relates to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

The Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently gone to public consultation. The consultation period ran from 23rd January until 5th March 2017. The draft SPG has yet to be adopted and can therefore be afforded no weight in the process.

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 8 (CONT'D)

APPLICATION NO:

2017/0391/FUL

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however the Local Planning Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

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

The criteria of the above is addressed below:

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

On the basis of the information provided, there would be no increase in the number of bedrooms. In fact the number of bedrooms would decrease by one. A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 4 people within 4 bedrooms as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwellinghouse.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

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

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 8 (CONT'D)

APPLICATION NO:

2017/0391/FUL

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

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

From viewing the Councils own HMO register, there are currently 12 HMOs registered on Mirador Crescent out of a total of 38 properties (22nd May 2017). This results in 31.5% of properties along Mirador Crescent being in HMO use. Approval of the application would take this figure to 34.2%. It is considered that this would not result in an increase in concentration or intensification of HMOs in the street that would justify a refusal in this instance as in the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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

There are no external alterations proposed at the property and as such the proposal will have no adverse impact on visual amenity.

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

The existing property at Mirador Crescent is within walking distance of the local Uplands centre and parking provision on street is, in the majority, restricted by residents permit only. The property has an existing double garage which is to be retained by the HMO for parking of up to 2 vehicles and cycle storage is to be provided by an existing shed both to the rear of the property.

The Highway Authority has been consulted and raises no objection on the basis of retention of the existing parking provision and notes compliance with the current Parking Standards which allow for up to six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 up to six people could share without the need for planning permission.

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ITEM 8 (CONT'D)

APPLICATION NO:

2017/0391/FUL

Whilst it is accepted that parking within the street is already at a premium and parking within the Uplands area in general can be difficult, it cannot be regarded that the approval of this application would result in harm to highway safety. The property complies with the provision of the SPG, suitable parking can be made available within the existing garage and cycle storage can be provided to serve future occupiers as a HMO thus promoting sustainable travel.

Appropriate refuse storage arrangements can be provided

The submitted information set out photographs to identify suitable provision for refuse storage within the rear amenity space and existing shed. This is considered suitable to serve the HMO.

Response to consultation

The petition received raises concern about the application, stating that if approved, it will add to the existing over-density of HMOs in Uplands and Brynmill. It raises this issue in the general sense of the area and not specifically in relation to Mirador Crescent or its immediate context within the Uplands area. In terms of the density itself as recognised in the report this will increase marginally, however, it cannot be said that this would result in a harmful density of HMOs. Concerns are raised about vehicle parking and in relation to increased amount of refuse being put out. Vehicle parking is addressed in the above paragraphs relating to highway safety. As mentioned sufficient space is provided within the rear area to provide for refuse storage.

In respect of the concerns raised it is not considered that these would amount to reasons for refusal in this application. In support of this position regard can be given to recent appeal decisions by the Planning Inspectorate (105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603, 96 King Edwards Avenue - APP/B6855/A/16/31650557, 57 St Helens Avenue - APP/B6855/A/16/3165327 and 124 St Helens Avenue - APP/B6855/A/17/3167108) in connection with similar applications for HMOs.

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

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

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 8 (CONT'D)

APPLICATION NO:

2017/0391/FUL

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

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

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

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

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

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated "Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type."

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 8 (CONT'D)

APPLICATION NO:

2017/0391/FUL

Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

Planning Conditions

Conditions requiring the commencement of the development within 5 years and to be carried out in accordance with the approved plans are necessary. In the consultation response from the Highway Authority, a condition requiring cycle storage is recommended and this is reasonable in the interests of sustainable travel along with retention of the double garage for parking purposes. It is, however, considered unreasonable to restrict the HMO to 4 persons in light of the SPG requirements being met for this proposal for upto 6 people and parking and cycle storage being provided on site. Therefore the restrictive condition is not recommended.

Conclusion

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

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: site location plan, proposed site plan, proposed ground floor plan, proposed first floor plan, proposed second floor plan received on 8th March 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 8 (CONT'D)

APPLICATION NO:

2017/0391/FUL

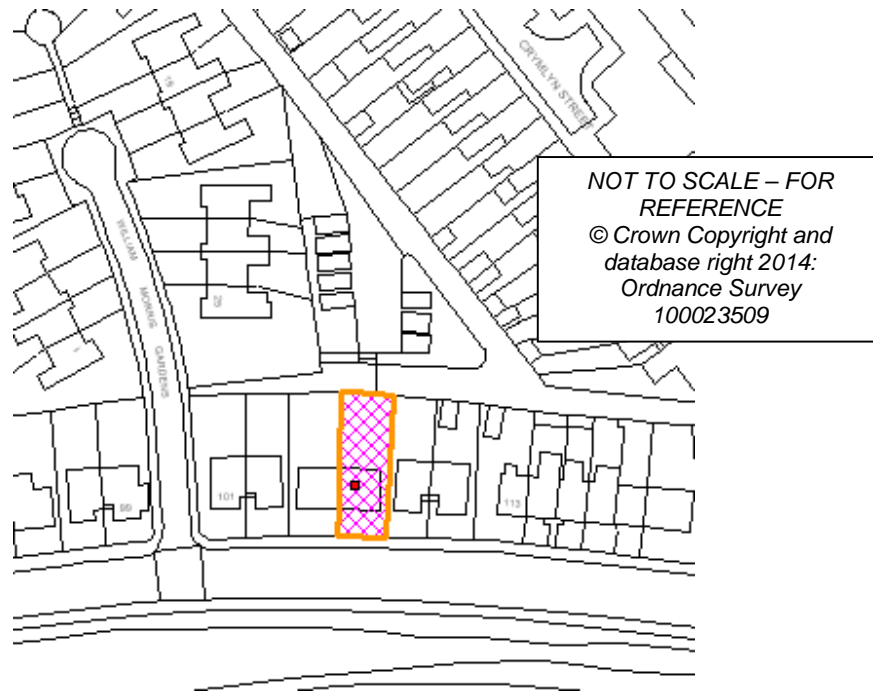
- 3 Notwithstanding the submitted photographs and sketch plans full details of cycle storage, bin storage and vehicle parking to serve the HMO shall be submitted to and approved in writing by the Local Planning Authority. The cycle storage, bin storage and vehicle parking shall be made available for use prior to first beneficial use of the HMO and retained thereafter for the approved purposes.
Reason: In the interest of providing for suitable cycle storage, parking and refuse storage to serve the HMO.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV3, AS6 and HC5 of the City and County of Swansea Unitary Development Plan 2008.
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PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 9 **APPLICATION NO:** 2017/0840/FUL
WARD: St. Thomas - Bay Area
Location: 107 Wern Fawr Road, Port Tennant, Swansea, SA1 8LN
Proposal: Change of use from 3 bedroom residential dwelling (Class C3) to 4 bedroom HMO (Class C4).
Applicant: Mr J.D. Waygood



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - EV3 - Accessibility

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

UDP - AS6 - Parking/Accessibility

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

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

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ITEM 9 (CONT'D)

APPLICATION NO:

2017/0840/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0840/FUL	Change of use from 3 bedroom residential dwelling (Class C3) to 4 bedroom HMO (Class C4).	PDE	
2008/0113	Conversion of dwelling into two flats	REF	02.09.2008

RESPONSE TO CONSULTATION

TWO neighbouring adjoining properties were consulted and the proposal was advertised on site. THREE LETTERS OF OBJECTION have been received which are summarised as follows:

- 1) Highway safety concerns
- 2) Long term impact on schools
- 3) House value impact
- 4) Refuse issues
- 5) Impact on community
- 6) Building works will affect my health

Additionally, a petition of objection containing 32 signatures has been received although no reasons for objection were given.

Pollution Control - No objection

Highways - No highway objection subject to conditions

APPRAISAL

This application is reported to committee at the request of Councillor Joe Hale. A petition of objection has been received containing more than 30 signatures, thereby satisfying the Council's Constitution requirements.

Description

Full planning permission is sought for the change of use from a 3 bedroom residential dwelling (Class C3) to 4 bedroom HMO (Class C4) at 107 Wern Fawr Road. The existing dwelling is two storey semi-detached property which is situated within the residential area of St. Thomas. The area comprises traditionally designed dwellings.

No external alterations are proposed to the host dwelling.

Change in Use Classes Order

On 25th February 2016 the Welsh Government introduced the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 which amended the Town and Country Planning (Use Classes) Order 1987 to:

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 9 (CONT'D)

APPLICATION NO:

2017/0840/FUL

- amend use class C3 (dwellinghouses) to:
- include a definition of "single household" which applies to use class C3(a) only;
- remove from the scope of use class C3(c) houses in multiple occupation falling in new use class C4; and
- introduce a new use class C4 (houses in multiple occupation).

The new C4 use introduced covered use of a dwelling house as a small House in Multiple Occupation as defined in section 254 of the Housing Act 2004. The use occurs where tenanted living accommodation is occupied by 3 to 6 people who are not related and who share one or more basic amenities, as their only or main residence.

ISSUES

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

The Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently gone to public consultation. The consultation period ran from 23rd January until 5th March 2017. The draft SPG has yet to be adopted and can therefore be afforded no weight in the process

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however the Local Planning Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

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ITEM 9 (CONT'D)

APPLICATION NO:

2017/0840/FUL

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

The criteria of the above is addressed below:

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

On the basis of the information provided, it is acknowledged that the proposal would result in the use of the property as a 4 bedroom/ 4 person HMO. A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 4 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

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

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

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ITEM 9 (CONT'D)

APPLICATION NO:

2017/0840/FUL

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

From viewing the Councils own HMO register there are no registered HMO properties on Wern Fawr Road (as of the 22nd May 2017). There are 76 properties in total along Wern Fawr Road. It is acknowledged, however, that there may be HMO's on the street which have been used pre March 2016. It should also be noted, however, that outside of the Castle and Uplands Wards only larger properties are captured by Mandatory Licencing. As a result there may be instances where HMOs exist in the area albeit that they would have been implemented prior to the use class change in February 2016 and not required planning permission and are not subject to licensing requirements. No consultation responses provided from objectors have raised information on existing HMOs in the area.

There are some properties showing as being listed on Rent Smart Wales as rental properties along Wern Fawr Road which include the nearest at Nos. 111 and 117 in proximity to the application property. However this information does not demonstrate use of the properties as HMOs only demonstrate that they are rental properties.

In the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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

There are no external alterations proposed at the property and as such the proposal will have no adverse impact on visual amenity.

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

There are no dedicated parking spaces available at the application property and parking on the street is unrestricted. The Adopted SPG sets out that for a HMO for upto 6 persons there is no requirement for additional parking over and above that of a dwellinghouse. As such with no existing provision for the dwellinghouse there is no requirement for additional parking. The application form submitted makes reference to cycle parking being included and this would provide an alternative means of travel for future occupiers. Consultation with the Highway Authority has been undertaken and no objections have been raised. As such the scheme will not raise a significant effect on local car parking and highway safety in the area.

Appropriate refuse storage arrangements can be provided

An area for bin storage is proposed to the rear of the property.

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ITEM 9 (CONT'D)

APPLICATION NO:

2017/0840/FUL

Response to consultation

The petition doesn't provide any reason or reasons for objection other than being titled 'Petition to Oppose Planning Application 2017/0840 107 Wern Fawr Road, Port Tennant, Swansea, Convert Existing Family Home to HMO'.

In respect of the concerns raised by the 3 letters of objection it is not considered that these would amount to reasons for refusal in this application. One objection letter refers to concerns about building works and dust. The application proposes to change use of the property only and there are no external building works proposed only internal works to subdivide a lounge into a bedroom and lounge on the ground floor. The concern raised about erosion of the residential area and long term impact on schools in the area is not supported by evidence to suggest that this HMO will bring harm to the area. As supported in recent appeal decisions by planning inspectors HMO uses do add to the mix of affordable housing in areas of the City.

In support of this position regard can be given to recent appeal decisions by the Planning Inspectorate (105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603, 96 King Edwards Avenue - APP/B6855/A/16/31650557, 57 St Helens Avenue - APP/B6855/A/16/3165327 and 124 St Helens Avenue - APP/B6855/A/17/3167108) in connection with similar applications for HMOs.

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

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

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

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated "whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area. The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage.

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ITEM 9 (CONT'D)

APPLICATION NO:

2017/0840/FUL

Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."

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

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

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

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

Planning Conditions

Conditions requiring the commencement of the development within 5 years and to be carried out in accordance with the approved plans are necessary.

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ITEM 9 (CONT'D)

APPLICATION NO:

2017/0840/FUL

A condition requiring cycle and refuse storage is recommended and this is reasonable in the interests of sustainable travel and visual amenity. The Highway Authority requested that the property be restricted for no more than 4 people, however, it is considered unreasonable to restrict the HMO to 4 persons in light of the SPG requirements being met for this proposal for upto 6 people. Therefore the restrictive condition is not recommended.

Conclusion

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

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: block plan, site location plan, proposed floor plans (04.17.107W.D1) received on 13th April 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of the facilities to be provided for secure storage of 4 cycles and refuse storage shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed detail before the development is occupied. The cycle and refuse storage shall be made available for use and retained thereafter for the approved purposes.
Reason: In the interest of providing for alternative modes of transport, sustainability and visual amenity.

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ITEM 9 (CONT'D)

APPLICATION NO:

2017/0840/FUL

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV3, AS6 and HC5 of the City and County of Swansea Unitary Development Plan 2008.
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PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 10 (CONT'D)

APPLICATION NO:

2017/0843/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0843/FUL	Change of use from 2 bedroom residential dwelling (Class C3) to 3 bedroom HMO (Class C4)	PDE	

RESPONSE TO CONSULTATION

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to No. 37, 38 & 40 Sebastopol Street and 32F Leger Crescent and through display of a site notice dated 26th April 2017.

TEN INDIVIDUAL LETTERS OF OBJECTION have been received which are summarised as followed:

1. Impact on highway safety and local highway conditions;
2. Antisocial behaviour;
3. Noise;
4. Refuse management;
5. Safety / security;
6. Impact on the character of the area / loss of community cohesion;
7. Established precedent for similar development;
8. Nos 49 & 67 Sebastopol Street are already HMO's;
9. The size of the application property is not suitable for conversion;
10. Loss of family housing;
11. Strain on local resources;
12. Loss of value of properties; and
13. I object to my community being treated in the same way Brynmill, Uplands and Sandfields area of Swansea by the Local Planning Authority.

ONE PETITION OF OBJECTION has been received with 52 signatures. The petition does not raise any specific concerns to the proposal just states its opposition to the development.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 10 (CONT'D)

APPLICATION NO:

2017/0843/FUL

Highways - No highway objection subject to conditions to require cycle storage and the property being used by no more than 3 persons in the interest of highway safety.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Joe Hale and due to the fact there has been a petition submitted containing 52 signatures in total of objection which meets the identified threshold set out in the Council Constitution.

Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a HMO for 3 people (Class C4) at No. 39 Sebastopol Street.

The application property is a two storey mid terraced property currently occupied as a two bedroom dwelling house located on Sebastopol Street within the residential area of St. Thomas. No external alterations are proposed and as such the proposal will have no impact on visual amenity.

Change in Use Classes Order

On 25th February 2016 the Welsh Government introduced the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 which amended the Town and Country Planning (Use Classes) Order 1987 to:

- amend use class C3 (dwellinghouses) to:
- include a definition of "single household" which applies to use class C3(a) only;
- remove from the scope of use class C3(c) houses in multiple occupation falling in new use class C4; and
- introduce a new use class C4 (houses in multiple occupation).

The new C4 use introduced covered use of a dwelling house as a small House in Multiple Occupation as defined in section 254 of the Housing Act 2004. The use occurs where tenanted living accommodation is occupied by 3 to 6 people who are not related and who share one or more basic amenities, as their only or main residence.

ISSUES

The main issues for consideration during the determination of this application relates to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 10 (CONT'D)

APPLICATION NO:

2017/0843/FUL

The Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently gone to public consultation. The consultation period ran from 23rd January until 5th March 2017. The draft SPG has yet to be adopted and can therefore be afforded no weight in the process

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however whilst Swansea Local Authority has now produced a SPG related to HMOs this is currently at consultation stage and until formally adopted does not carry any weight.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

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

The criteria of the above is addressed below:

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

On the basis of the information provided, it is acknowledged that the proposal would result in the increase of one bedroom to provide a three bedroom property.

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ITEM 10 (CONT'D)

APPLICATION NO:

2017/0843/FUL

Regard needs to be given to the fact that a large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 3 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

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

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

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

From viewing the Councils own HMO register, there are no registered HMO properties on Sebastopol Street (as of the 24th May 2017). There are 67 properties in total along Sebastopol Street. Whilst two properties (Nos. 49 & 67) have been highlighted in letters of objection received as being used as HMO's on Sebastopol Street, it may be the case that the properties have been used as HMO's pre March 2016. It should also be noted that outside of the Castle and Uplands Wards only larger properties are captured by Mandatory Licencing. As a result there may be instances where HMOs exist in the area albeit that they would have been implemented prior to the use class change in February 2016 and not required planning permission and are not subject to licensing requirements.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 10 (CONT'D)

APPLICATION NO:

2017/0843/FUL

There are some properties showing as being listed on Rent Smart Wales as rental properties along Sebastopol Street, however this information does not demonstrate use of the properties as HMOs only demonstrate that they are rental properties.

In the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Given there are limited numbers of HMOs in this area, without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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

There are no external alterations proposed at the property and as such the proposal will have no adverse impact on visual amenity.

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

Whilst the objections received from local residents are noted, regard needs to be given to the Adopted SPG Parking Standards. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwelling house. Whilst no details have been provided for cycle storage, there is adequate space at the rear of the property to provide such provision which can be secured by planning condition. The Highway Authority has raised no objection in that respect.

In view of the above, subject to an appropriately worded condition in respect of cycle parking, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The refuse storage can be provided within the rear yard secured by planning condition.

Response to Consultations

Notwithstanding the above, letters of objection have been received and a petition of objection which raised concerns relating to the principle of the development, increasingly numbers of HMO's in the area, local car parking and highway safety and impact on the character of the area/cohesion of the local community. The issues pertaining to which have been addressed above. Issues in respect of antisocial behaviour including noise, management of refuse/increased litter and personal safety are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration which is taken into account during the determination of an application. Similarly the loss of value of properties is not a material planning consideration.

Regard can be given to recent appeal decisions by the Planning Inspectorate (105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603, 96 King Edwards Avenue - APP/B6855/A/16/31650557, 57 St Helens Avenue - APP/B6855/A/16/3165327 and 124 St Helens Avenue - APP/B6855/A/17/3167108) in connection with similar applications for HMOs.

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ITEM 10 (CONT'D)

APPLICATION NO:

2017/0843/FUL

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

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

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

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

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

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

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 10 (CONT'D)

APPLICATION NO:

2017/0843/FUL

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

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

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

Planning Conditions

Conditions requiring the commencement of the development within 5 years and to be carried out in accordance with the approved plans are necessary. In the consultation response from the Highway Authority, a condition requiring cycle storage is recommended and this is reasonable in the interests of sustainable travel. Details of refuse storage can also be secured via condition. The Highway Authority requested that the HMO be restricted for no more than 3 people, however, it is considered unreasonable to restrict the HMO to 3 persons in light of the SPG requirements being met for this proposal for upto 6 people. Therefore the restrictive condition is not recommended..

Conclusion

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

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act").

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 10 (CONT'D)

APPLICATION NO:

2017/0843/FUL

In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: site location plan, block plan, existing and proposed floor plans and elevations, received on 13th April 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The development shall not be occupied until facilities for the secure storage of 3 bicycles and refuse storage have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained as approved at all times.
Reason: In the interests of providing facilities for sustainable transport and general amenity.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
 - 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, HC5 and AS6.
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PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 11

APPLICATION NO:

2017/0844/FUL

WARD:

St. Thomas - Bay Area

Location: 3 Benthall Place, St Thomas, Swansea, SA1 8AY

Proposal: Change of use from 3 bedroom residential dwelling (Class C3) to 3 bedroom HMO (Class C4)

Applicant: Mr J.D. Waygood



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - EV3 - Accessibility

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

UDP - AS6 - Parking/Accessibility

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

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 11 (CONT'D)

APPLICATION NO:

2017/0844/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0844/FUL	Change of use from 3 bedroom residential dwelling (Class C3) to 3 bedroom HMO (Class C4)	PDE	

RESPONSE TO CONSULTATION

THREE neighbouring adjoining properties were consulted and the proposal was advertised on site. 15 LETTERS OF OBJECTION have been received which are summarised as follows:

- 1) Highway safety concerns
- 2) The property is a 2 bedroom house not 3
- 3) The proposal will destroy my community
- 4) There are no family houses available in the area
- 5) Noise and disturbance
- 6) House value concerns
- 7) Refuge concerns

Additionally, a petition of objection containing 56 signatures has been received although no reasons for objection were given.

Pollution Control - No objection

Highways - No highway objection subject to conditions

APPRAISAL

This application is reported to committee at the request of Councillor Joe Hale. A petition of objection has been received containing more than 30 signatures, thereby satisfying the Council's Constitution requirements.

Description

Full planning permission is sought for the change of use from residential (Class C3) to a 3 bedroom HMO (3 person) (Class C4) at 3 Benthall Place, St. Thomas. The existing dwelling is two storey terraced property which is situated within the residential area of St. Thomas. The area comprises traditionally designed dwellings and a limited number of commercial properties.

No external alterations are proposed to the host dwelling.

Change in Use Classes Order

On 25th February 2016 the Welsh Government introduced the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 which amended the Town and Country Planning (Use Classes) Order 1987 to:

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 11 (CONT'D)

APPLICATION NO:

2017/0844/FUL

- amend use class C3 (dwellinghouses) to:
- include a definition of "single household" which applies to use class C3(a) only;
- remove from the scope of use class C3(c) houses in multiple occupation falling in new use class C4; and
- introduce a new use class C4 (houses in multiple occupation).

The new C4 use introduced covered use of a dwelling house as a small House in Multiple Occupation as defined in section 254 of the Housing Act 2004. The use occurs where tenanted living accommodation is occupied by 3 to 6 people who are not related and who share one or more basic amenities, as their only or main residence.

ISSUES

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

The Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently gone to public consultation. The consultation period ran from 23rd January until 5th March 2017. The draft SPG has yet to be adopted and can therefore be afforded no weight in the process

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however the Local Planning Authority has not produced any evidence or Supplementary Planning Guidance as of yet to quantify the harm caused by the concentration of these types of uses.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 11 (CONT'D)

APPLICATION NO:

2017/0844/FUL

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

The criteria of the above is addressed below:

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

On the basis of the information provided, it is acknowledged that the proposal would result in the use of the property as a 3 bedroom HMO. A large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 3 people/3 bedrooms as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

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

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

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ITEM 11 (CONT'D)

APPLICATION NO:

2017/0844/FUL

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

From viewing the Council's own HMO register there are no registered HMO properties on Benthall Place (as of the 22nd May 2017). There are 30 properties in total along Benthall Place. Responses received via public consultation indicate that there is an existing HMO property along Benthall Place although do not indicate which property. Taking this local knowledge into account the street could be regarded as having 3.3% HMOs within the street and if approved there would be 6.6% HMOs. It needs to be acknowledged that there may be HMOs on the street which have been used pre March 2016. It should also be noted, however, that outside of the Castle and Uplands Wards only larger properties are captured by Mandatory Licensing. As a result there may be instances where HMOs exist in the area albeit that they would have been implemented prior to the use class change in February 2016 and not required planning permission and are not subject to licensing requirements.

There are 11 properties showing as being listed on Rent Smart Wales as rental properties along Benthall Place. However this information does not demonstrate use of the properties as HMOs and only demonstrate that they are rental properties.

In the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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

There are no external alterations proposed at the property and as such the proposal will have no adverse impact on visual amenity.

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

There are no dedicated parking spaces available within the application site boundary. Existing parking on street is controlled via the use of residents' permits and the dwelling will remain eligible for two permits as is currently the case. The application form makes reference to cycle parking being included although no details have been provided.

The Adopted SPG sets out that for a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwellinghouse. As such with no existing provision for the dwellinghouse there is no requirement for additional parking. Parking on street can continue to be controlled through parking permits outside of the planning process. The provision of cycle storage would provide an alternative means of travel for future occupiers. Consultation with the Highway Authority has been undertaken and no objections have been raised. As such the scheme will not raise a significant effect on local car parking and highway safety in the area

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 11 (CONT'D)

APPLICATION NO:

2017/0844/FUL

Appropriate refuse storage arrangements can be provided

There is suitable space for an for refuse storage to the rear of the property and details can be secured by condition.

Response to Consultations

With regard to the issues raised in the letters of objection, material issues have been addressed above. Issues in respect of antisocial behaviour including noise are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration during the determination of this application. House values are also not material planning considerations and therefore cannot be taken into consideration. It is noted that the consultation responses have stated the property was 2 bedrooms not 3. However planning permission is not required to alter an existing dwellinghouse to provide for an additional dwellinghouse. For the purposes of determining this application therefore it is immaterial whether the property is described as a 2 or a 3 bedroom house. The submitted application forms indicate 3 bedrooms and the application is assessed on this basis on the proposal to change the use to a HMO.

Responses indicate concerns with student properties and it should be noted that whilst students may occupy a HMO the use as a HMO is not exclusive to students and relates to use by any person sharing facilities.

Regard can be given to recent appeal decisions by the Planning Inspectorate (105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603, 96 King Edwards Avenue - APP/B6855/A/16/31650557, 57 St Helens Avenue - APP/B6855/A/16/3165327 and 124 St Helens Avenue - APP/B6855/A/17/3167108) in connection with similar applications for HMOs.

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

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

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ITEM 11 (CONT'D)

APPLICATION NO:

2017/0844/FUL

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

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

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

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

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

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated "Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type."

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 11 (CONT'D)

APPLICATION NO:

2017/0844/FUL

Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."

Planning Conditions

Conditions requiring the commencement of the development within 5 years and to be carried out in accordance with the approved plans are necessary. In the consultation response from the Highway Authority, a condition requiring cycle storage is recommended and this is reasonable in the interests of sustainable travel. In addition details of refuse storage can be approved via condition. The Highway Authority requested that the property be restricted for no more than 3 people, however, it is considered unreasonable to restrict the HMO to 3 persons in light of the SPG requirements being met for this proposal for upto 6 people. Therefore the restrictive condition is not recommended.

Conclusion

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

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location plan, proposed floor plans 04.17.3BP.D1), block plan received on 13th April 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 11 (CONT'D)

APPLICATION NO:

2017/0844/FUL

- 3 Details of the facilities to be provided for secure storage of 3 cycles and refuse storage shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed detail before the development is occupied. The cycle and refuse storage shall be made available for use and retained thereafter for the approved purposes.
Reason: In the interest of providing for alternative modes of transport, sustainability and visual amenity.

INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV3, HC5 and AS6 of the City and County of Swansea Unitary Development Plan 2008.
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PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 12

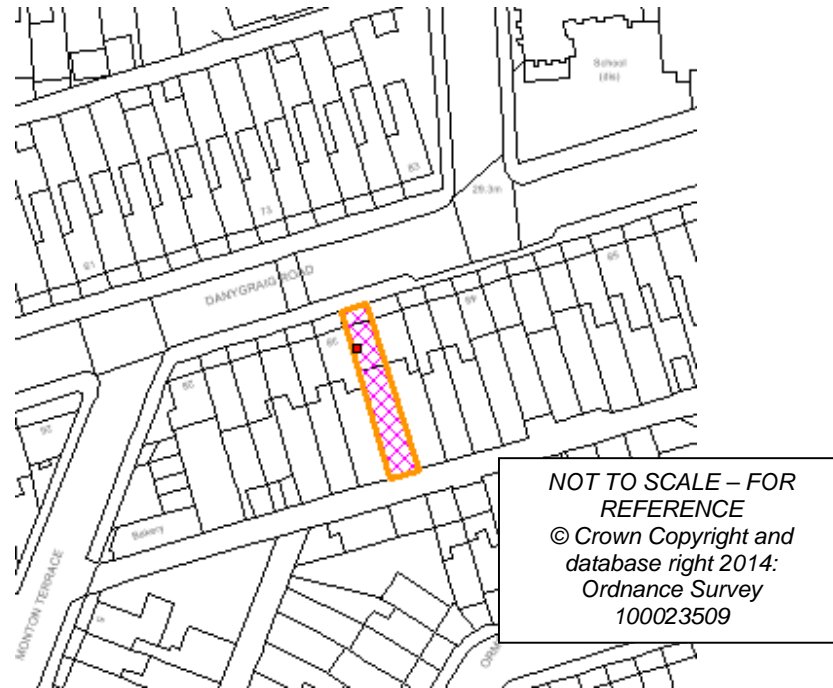
APPLICATION NO: 2017/0845/FUL

WARD: St. Thomas - Bay Area

Location: 40 Danygraig Road, Port Tennant, Swansea, SA1 8LZ

Proposal: Change of use from 2 bedroom residential dwelling (Class C3) to 3 bedroom HMO (Class C4)

Applicant: Mr J.D. Waygood



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

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

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 12 (CONT'D)

APPLICATION NO:

2017/0845/FUL

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0845/FUL	Change of use from 2 bedroom residential dwelling (Class C3) to 3 bedroom HMO (Class C4)	PDE	

RESPONSE TO CONSULTATION

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to No. 38 and 42 Danygraig Road and through display of a site notice dated 26th April 2017.

ELEVEN INDIVIDUAL LETTERS OF OBJECTION have been received which are summarised as followed:

1. This development further erodes affordable family housing stock in the locality, parking for additional 4 cars in an area with an already existing parking problem;
2. Highway safety issues;
3. Antisocial behaviour;
4. Noise;
5. Litter;
6. Change the character and quality of life in the community / loss of community cohesion;
7. Safety of children and elderly;
8. Management of refuse; and
9. The proposed HMO is adjacent to another HMO recently approved at No. 42

THREE PETITIONS OF OBJECTION have been received. Petitions with 25 and 44 signatures have been received which are summarised as followed:

1. Highway safety and local highway conditions;
2. Loss of community cohesion;
3. Continuing approval of HMOs in the area contravenes the Social Services and Well Being Act (2014); and
4. Management of refuse.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 12 (CONT'D)

APPLICATION NO:

2017/0845/FUL

A petition with 40 signatures has been received which is summarised as followed:

1. Impact of the residential amenities of surrounding neighbouring properties;
2. The proposal represents an over intensive use of the site harming residential amenity;
3. Change in the character of the area; and
4. Impact on car parking and highway safety.

A letter of objection has been received from MIKE HEDGES AM objecting on the following grounds:

1. Not in keeping with the area;
2. Effect on parking; and
3. Over intensification.

Highways: No highway objection subject to conditions

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Joe Hale and due to the fact there has been three petitions submitted containing 109 signatures in total of objection which meets the identified threshold set out in the Council Constitution.

Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a 3 bedroom HMO (Class C4) at No. 40 Danygraig Road. The application property is a two storey mid terraced property currently occupied as a two bedroom dwelling house located on Danygraig Road within the residential area of St. Thomas. No external alterations are proposed and as such the proposal will have no impact on visual amenity.

Change in Use Classes Order

On 25th February 2016 the Welsh Government introduced the Town and Country Planning (Use Classes) (Amendment) (Wales) Order 2016 which amended the Town and Country Planning (Use Classes) Order 1987 to:

- amend use class C3 (dwellinghouses) to:
- include a definition of "single household" which applies to use class C3(a) only;
- remove from the scope of use class C3(c) houses in multiple occupation falling in new use class C4; and
- introduce a new use class C4 (houses in multiple occupation).

The new C4 use introduced covered use of a dwelling house as a small House in Multiple Occupation as defined in section 254 of the Housing Act 2004. The use occurs where tenanted living accommodation is occupied by 3 to 6 people who are not related and who share one or more basic amenities, as their only or main residence.

PLANNING COMMITTEE – 6TH JUNE 2017

ITEM 12 (CONT'D)

APPLICATION NO:

2017/0845/FUL

ISSUES

The main issues for consideration during the determination of this application relates to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of the Swansea UDP and the Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

The Supplementary Planning Guidance 'Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation' (PBSA) has recently gone to public consultation. The consultation period ran from 23rd January until 5th March 2017. The draft SPG has yet to be adopted and can therefore be afforded no weight in the process

Principle of Use

Up until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

It is acknowledged that large concentrations of HMOs can bring their own problems to local areas, however whilst Swansea Local Authority has now produced a SPG related to HMOs this is currently at consultation stage and until formally adopted does not carry any weight.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

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

The criteria of the above is addressed below:

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

On the basis of the information provided, it is acknowledged that the proposal would result in the increase of one bedroom to provide a three bedroom property.

Regard needs to be given to the fact that a large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 3 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

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

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

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

From viewing the Council's own HMO register, Nos. 1, 4 and 101 Danygraig Road (out of 327 properties) are registered HMO properties (as of the 11th May 2017) however it is acknowledged that there may be HMO's on the street which have been used pre March 2016. In addition No. 42 was recently approved planning permission for the change of use from residential (Class C3) to HMO for 3 people (Class C4), planning application reference 2017/0007/FUL.

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It should also be noted, however, that outside of the Castle and Uplands Wards only larger properties are captured by Mandatory Licencing. As a result there may be instances where HMOs exist in the area albeit that they would have been implemented prior to the use class change in February 2016 and not required planning permission and are not subject to licensing requirements. There are some properties showing as being listed on Rent Smart Wales as rental properties along Danygraig Road, however, this information does not demonstrate use of the properties as HMOs only demonstrate that they are rental properties.

In the absence of a percentage or other similar calculation based approach, it is difficult to determine what number of HMOs in an area would constitute a 'harmful concentration'. Given there are limited numbers of HMOs in this area, without empirical evidence, it is regarded that this is not a harmful concentration such that it complies with the aims of this criterion.

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

There are no external alterations proposed at the property.

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

Whilst the objections received from local residents are noted, regard needs to be given to the Adopted SPG Parking Standards. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwelling house. Whilst no details have been provided for cycle storage, there is adequate space at the rear of the property to provide such provision which can be secured by planning condition. No objection is raised by the Highway Authority on this basis.

In view of the above, subject to an appropriately worded condition in respect of cycle parking, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5 and AS6.

Appropriate refuse storage arrangements can be provided

The refuse storage can be provided within the rear yard secured by planning condition.

Response to Consultations

Notwithstanding the above, letters of objection have been received and petitions of objection which raised concerns relating to the impact of the proposal upon the number of HMO's in the area, local car parking and highway safety, impact on the character of the area/cohesion of the local community. The issues pertaining to which have been addressed above.

Issues in respect of antisocial behaviour including noise and litter and safety of children and older persons are covered under separate legislation via Environmental Health or the Police and as such cannot be taken into consideration which is taken into account during the determination of an application. Similarly it has been raised that the proposal contravenes the Social Services and Well Being Act (2014), this legislation does not however form primary or subordinate legislation which is material when determining planning applications.

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Regard can be given to recent appeal decisions by the Planning Inspectorate (105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603, 96 King Edwards Avenue - APP/B6855/A/16/31650557, 57 St Helens Avenue - APP/B6855/A/16/3165327 and 124 St Helens Avenue - APP/B6855/A/17/3167108) in connection with similar applications for HMOs.

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

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

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

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

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

In allowing this appeal the inspector stated "The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances."

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

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

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

Planning Conditions

Conditions requiring the commencement of the development within 5 years and to be carried out in accordance with the approved plans are necessary. A condition requiring cycle and refuse storage is recommended and this is reasonable in the interests of sustainable travel and visual amenity. The Highway Authority requested that the property be restricted for no more than 3 people, however, it is considered unreasonable to restrict the HMO to 3 persons in light of the SPG requirements being met for this proposal for up to 6 people. Therefore the restrictive condition is not recommended.

Conclusion

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

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: site location plan, block plan, existing and proposed floor plans and elevations, received on 13th April 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of the facilities to be provided for secure storage of 3 cycles and refuse storage shall be submitted to and agreed in writing by the local planning authority. The development shall be carried out in accordance with the agreed detail before the development is occupied. The cycle and refuse storage shall be made available for use and retained thereafter for the approved purposes.
Reason: In the interest of providing for alternative modes of transport, sustainability and visual amenity.

INFORMATIVES

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