

Planning Committee – 6th November 2018

Item 1

Application Number:

2018/0916/RES

Ward:

Oystermouth - Bay Area

Location:

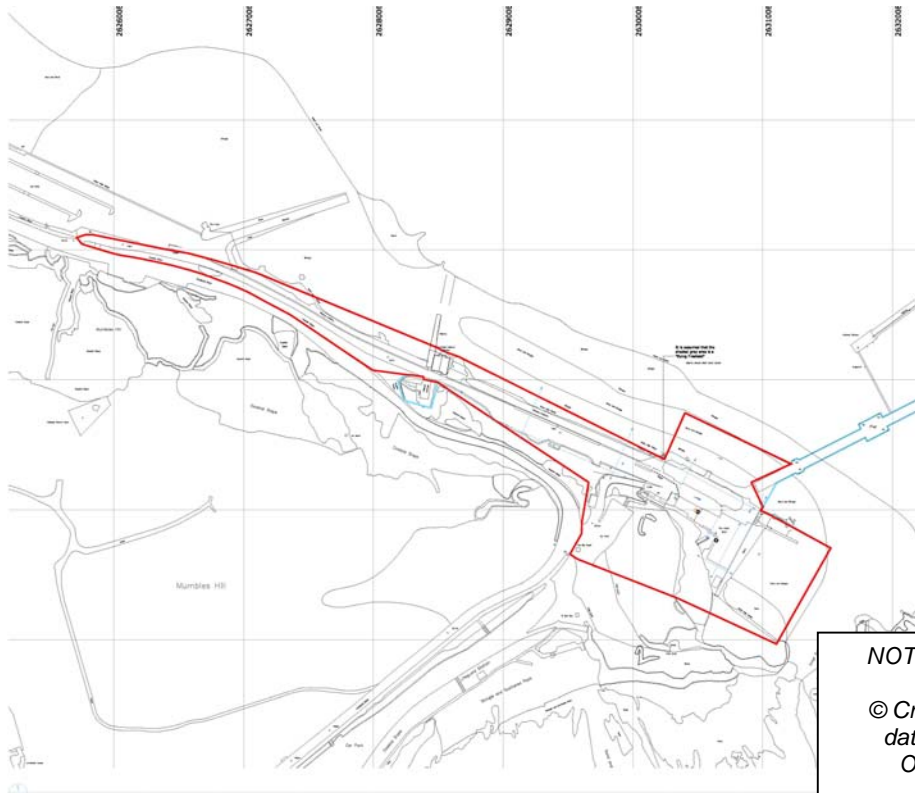
Mumbles Pier Foreshore & Coastal Strip, Mumbles, Swansea,

Proposal:

Comprehensive re-development of land at Mumbles Headland and Foreshore/Coastal Strip comprising: Headland Building (up to 5 storeys) to accommodate a range of retail / food and drink / gallery (Classes A1/A3/D1) at ground and first floor with the upper floors utilised for hotel/visitor accommodation (Class C1) - 69 no hotel rooms; Coastal Strip Building (up to 4 storeys) to accommodate 26 Residential apartments (Class C3) with 32 under-croft car parking spaces; alterations and refurbishment works to existing Pavilion Building to accommodate A1/A3 retail and food and drink uses & amusement arcade at ground floor with function room at first floor (Class D1); new public realm incorporating new pedestrian boardwalk and provision of 61 no. public car parking spaces and retention of headland car parking (32 no spaces for hotel/staff); and associated works - Reserved Matters Approval - Details of Appearance, Landscaping, Scale and Layout pursuant to Conditions 1, 3, 4, 7, 9 & 16 of Section 73 outline permission 2017/2641/S73 (which varied the Sec73 permission under ref: 2014/1946 which previously varied the original outline planning permission under ref:2010/1451)

Applicant:

Mr Fred Bollom



*NOT TO SCALE – FOR
REFERENCE*

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Background Information

Policies

UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

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

UDP - EV1 - Design

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

UDP - EV2 - Siting

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

UDP - EV3 - Accessibility

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

UDP - EV4 - Public Realm

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

UDP - EV5 - Art in the Environment

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

UDP - EV7 - Extensions/Alterations to Listed Buildings

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

UDP - EV20 - New Dwellings in the Countryside

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

UDP - EV21 - Rural Development

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

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UDP - EV24 - Greenspace System

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

UDP - EV26 - Area of Outstanding Natural Beauty

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

UDP - EV27 - SSSI's and National Nature Reserves

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

UDP - EV29 - Common Land

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

UDP - EV31 - Protection of the Undeveloped Coastline

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

UDP - EV34 - Protection of Controlled Waters

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - EV36 - Development and Flood Risk

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

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UDP - EV39 - Land Instability

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

UDP - EC15 - Urban Tourism

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

UDP - EC16 - Swansea Bay Recreational and Tourism Facilities

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

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

UDP - EC18 - Serviced Tourist Accommodation

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

UDP - HC2 - Urban Infill Housing

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

UDP - HC3 - Affordable Housing

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

UDP - HC17 - Planning Obligations

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

UDP - AS1 - New Development Proposals

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

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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 - AS5 - Walking and Cycling

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

UDP - AS6 - Parking/Accessibility

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

Site History

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

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

Statement of Community Involvement

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

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

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

Comments in Opposition to The Proposed Development

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

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Comments in Support of The Proposed Development

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

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

Summary and Conclusions

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

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

RESPONSE TO CONSULTATIONS

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

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

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

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

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

Compliance with approved parameters

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

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

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

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

Requirement to update Environmental Impact Assessment

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

Flood risk and drainage

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

Heritage considerations

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

Encroachment onto Gower Peninsula AONB

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

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Development of common land

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

Proposed timescales

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

Applicant's Response to RPS Objection

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

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

Context / Perspective

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

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

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

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

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

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

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

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

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

Compliance with approved parameters

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

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

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Headland Building

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

Foreshore Building

- o The approved parameters schedule approved 1040 square metres gross first floor area to the Foreshore building. The current proposal measures 945m². Accordingly the proposed scheme represents a reduction in the first floor of the foreshore building of 95 square metres.

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

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

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

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

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

Requirement to update environmental impact assessment

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

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

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

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

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

[see original file for image]

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

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

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

Flood risk and drainage

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

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

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

Heritage considerations

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

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

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

Encroachment onto Gower Peninsula AONB

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

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

Development of common land

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

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

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

Proposed timescales

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

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

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AONB BOUNDARY - MUMBLES ACTION GROUP

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

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

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

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

LOCAL PLANNING AUTHORITY RESPONSE TO AONB BOUNDARY ISSUE

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

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

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

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

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

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

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

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

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

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

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

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

Constituent A

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

Constituent B

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

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Constituent C

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

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

National Piers Society - Support the development.

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

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

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

The Gower Society

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

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

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

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

Design Commission for Wales -

Main Points

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

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

Architectural approach

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

Scale and massing

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

Landscape approach

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

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Movement and pedestrian environment

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

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

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

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

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

Arts and creativity

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

Representation and communication

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

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

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

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

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

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

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

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

CADW-

Advice

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

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Our assessment of the application is given below.

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

Scheduled monuments:

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

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

Registered historic parks and gardens:

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

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

Natural Resources Wales -

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

Conditions 1, 3 and 9

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

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

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

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

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

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

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

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

Condition 4

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

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

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

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

Condition 7

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

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

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

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

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

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

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

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

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Condition 16

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

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

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

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

Dwr Cymru Welsh Water -

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

WATER SUPPLY

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

Highway Authority Observations -

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

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

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

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

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APPRAISAL

Background

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

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

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

Original Planning Permission - ref: 2010/1451

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

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

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

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

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

Section 73 Planning Permission - ref: 2014/1946

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

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

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

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

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

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

Mumbles Pier and Section 106 Planning Obligation

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

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

Need and Alternatives

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

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

Application Site and Surroundings

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

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

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

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

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

Reserved Matters Application

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

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

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

Planning Assessment

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

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

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

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Planning Policy Context

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

Wales Spatial Plan

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Landscape, Design and Visual Impact Assessment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Recladding and roof extension to existing pavilion

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

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

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

Headland building redevelopment and retention

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

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

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

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

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

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

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

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

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

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

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

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

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

Foreshore new development

The outline approval established the principle of a new linear building in the foreshore car park area. The outline parameters specified up to 27 two bed apartments, 3-4 storey building (2-4 floors of accommodation above the ground floor parking level), 1040m² footprint, and 12.1m height above ground and 19.5m height above ordnance datum (AOD).

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

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

The overall length of the foreshore building frontage is approx 105m long and the overall gross footprint is 990m² which falls below the maximum footprint of 1040m² as stipulated in the outline parameters.

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

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

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

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

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

Boardwalk/ public realm

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

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

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

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

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

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

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

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

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Visual impact

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Socio- Economic and Community Effects

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

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

Transportation

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

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

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

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Car Parking

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

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

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

Ecology

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

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

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

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

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

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

Archaeology and Cultural Heritage

Effect on the setting of listed buildings

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

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

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

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

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

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

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

Archaeology

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

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

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

Flood Risk and Drainage

Flood Risk

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

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

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

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

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

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

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

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

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

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

Drainage

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

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

Ground Conditions and Water Resources

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

Services and Utilities

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

Conclusions

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

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

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

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

RECOMMENDATION:

APPROVE, subject to the following conditions:

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

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

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

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

Design Strategy Addendum - plan received 22 October, 2018.

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

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

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

Reason: In the interests of visual amenity.

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

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

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

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

Reason: In the interests of visual amenity.

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

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

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

Reason: In the interests of public amenity.

Informatives

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

Application Number:

2018/1845/FUL

Site History App Number

Proposal

Status

Decision Date

2018/1845/FUL

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

PDE

APPRAISAL

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

RESPONSE TO CONSULTATIONS

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

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

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

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

The comments on the petitions are as follows:

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

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

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

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

Dwr Cymru

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

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

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

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Highway Authority

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

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

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

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

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

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

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

Description

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

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

Principle of Use

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

The criteria of Policy HC5 are as follows:

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

The criterion of the above is addressed below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Appropriate refuse storage arrangements can be provided

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

Response to objectors

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

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

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

Material Planning Appeal Decisions

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

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

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

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

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

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

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

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

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

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

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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."*

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

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

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

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

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

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Conclusion

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

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, ground floor plan, first floor plan received on 12th September 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of five cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.
Reason: In the interests of providing facilities for sustainable transport and general amenity.

Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV40, AS6 and HC5
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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Item 3 (Cont'd)

Application Number:

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

RESPONSE TO CONSULTATIONS

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

APPRAISAL

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

Proposal

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

Policy Issues

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

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Visual Amenity

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

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

Residential Amenity

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

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

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

Access and Highway Safety

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

Conclusions

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

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

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Location Plan, Block Plan, received 3rd September 2018. SMITH_02_A Proposed Plans & Elevations, received 25th October 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

Informatives

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