

taflen ddiweddaru

Agenda Item No. 4 Deferrals/Withdrawals

Item	App. No.	Site Location	Officer Rec.
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Agenda Item no. 5 Determination of Planning Applications

Item	App. No.	Site Location	Officer Rec.
1	2021/0453/FUL	260 Oystermouth Road, City Centre, Swansea, SA1 3UH	Approve
2	2021/0061/S73	Land At Upper Bank Pentrechwyth, Nantong Way, Pentrechwyth, Swansea, SA1 7DB	Approve

Whilst the Committee report states that the original S106 ties the application to subsequent S73 applications on Page 43, recent case law has indicated that all new planning permissions should have obligations secured by S106 agreement attached to that individual permission for the avoidance of any doubt as to what obligations are relevant to the permission. A Deed of Variation will therefore be required linking this planning application to the obligations contained within the original S106 agreement. There are also two errors in the report relating to the contributions.

Firstly, the previously agreed Education contribution is £95,000, not £128,836.

Secondly, 6 affordable housing units (Scott house type) would be provided, rather than 10%, and they will not be to DQR standard.

Notwithstanding the above corrections, there are no changes proposed to the obligations

themselves from that previously approved.

The recommendation therefore needs to be amended from:

“APPROVE, subject to the following conditions,”

To:

“That the application be APPROVED, subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation / Deed of Variation in respect of the contributions listed and amended above.”

3	2020/1590/FUL	Former Swansea Boys Club, Berwick Terrace, Mount Pleasant, Swansea, SA1 6UT	Approve
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Addition to report.

At the Site Meeting of the Planning Committee on 27th April 2021 members enquired about the proximity of existing telecommunication masts to the proposed development and the potential impact of these masts upon future residents.

Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended in 2019) allows for the provision on land of apparatus for telecommunication equipment. In the case of masts this allows for masts up to 20m in height on protected land or 25m in height of unprotected land. Replacement masts are allowed up to 20m.

In the case of the 2 No. masts at the site the planning history reveals that these have been approved under the prior notification procedure prior to the legislation changes in 2019.

The 2 No. masts at the application site have been subject to planning history which includes 2 No. allowed appeals from 2003 (2002/1615) and 2007 (2006/2746). The most recent approval was that of a prior notification scheme for a 15m high replacement street works monopole and two equipment cabinets in February 2014 (reference 2014/0098).

In planning terms Local Planning Authorities

should not question the need for telecommunications equipment and nor should they impose any precautionary policies or insist on minimum distances from existing/proposed development. Planning Policy Wales (Edition 11, February 2021) states the following:

5.2.15 Provided that the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, planning authorities should not consider the health aspects of mobile telecommunication equipment. All new base stations are expected to meet the ICNIRP guidelines.

5.2.16 Planning authorities should not implement their own precautionary policies, such as imposing a ban or moratorium on new telecommunications development or insisting on minimum distances between new telecommunications development and existing development.

The masts at the development site have been subject to permissions in which the applicants have previously submitted Declarations of Conformity Certificates stating that the proposed development satisfies the ICIRP guidelines.

On this basis, there is no evidence to suggest that future residents would be adversely impacted by the existence of masts at the development site.

4	2021/0575/FUL	567 Pentregethin Road, Ravenhill, Swansea, SA5 5ET	Approve
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One additional email to the Leader was copied into the Local Planning Authority reiterating concerns raised and already included in the report. In addition, it has been stated that one vehicle was parked illegally for a duration of 1.5 days and was causing an obstruction to the flow of traffic. The neighbour has also contacted First Cymru given the location of the site on bus routes 25 and 43. Finally, concerns were raised that the application isn't being considered in a transparent manner.

