

DINAS A SIR ABERTAWE

HYSBYSIAD O GYFARFOD

Fe'ch gwahoddir i gyfarfod

PWYLLGOR RHEOLI DATBLYGIAD ARDAL 1

Lleoliad: Siambr y Cyngor, Canolfan Ddinesig, Abertawe

Dyddiad: Dydd Mawrth, 9 Rhagfyr 2014

Amser: 2.00 pm

AGENDA

Rhif y Dudalen

- 1 Ymddiheuriadau am Absenoldeb.
- 2 Datgeliadau o Fuddiannau Personol a Rhagfarnol. 1 - 2
- 3 Cofnodion. 3 - 6
Cymeradwyo fel cofnod cywir gofnodion cyfarfod Pwyllgor Rheoli Datblygiad Ardal 1 a gynhaliwyd ar 11 Tachwedd 2014.
- 4 Eitemau i'w gohirio/tynnu yn ôl.
- 5 Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990. 7 - 26
- 6 Cais Cynllunio Cyfeirnod 2009/1435 - Tir hyd at ac ar ochr 28 Christopher Rise, Pontlliw 27 - 47



Patrick Arran

Pennaeth Gwasanaethau Cyfreithiol, Democrataidd a Chaffael

Dydd Iau, 4 Rhagfyr 2014

Cyswllt: Gwasanaethau Democrataidd (01792) 636820

Disclosures of Interest

To receive Disclosures of Interest from Councillors and Officers

Councillors

Councillors Interests are made in accordance with the provisions of the Code of Conduct adopted by the City and County of Swansea. You must disclose orally to the meeting the existence and nature of that interest.

NOTE: You are requested to identify the Agenda Item / Minute No. / Planning Application No. and Subject Matter to which that interest relates and to enter all declared interests on the sheet provided for that purpose at the meeting.

1. If you have a **Personal Interest** as set out in **Paragraph 10** of the Code, you **MAY STAY, SPEAK AND VOTE** unless it is also a Prejudicial Interest.
2. If you have a Personal Interest which is also a **Prejudicial Interest** as set out in **Paragraph 12** of the Code, then subject to point 3 below, you **MUST WITHDRAW** from the meeting (unless you have obtained a dispensation from the Authority's Standards Committee)
3. Where you have a Prejudicial Interest you may attend the meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, **provided** that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. In such a case, you **must withdraw from the meeting immediately after the period for making representations, answering questions, or giving evidence relating to the business has ended**, and in any event before further consideration of the business begins, whether or not the public are allowed to remain in attendance for such consideration (**Paragraph 14** of the Code).
4. Where you have agreement from the Monitoring Officer that the information relating to your Personal Interest is **sensitive information**, as set out in **Paragraph 16** of the Code of Conduct, your obligation to disclose such information is replaced with an obligation to disclose the existence of a personal interest and to confirm that the Monitoring Officer has agreed that the nature of such personal interest is sensitive information.
5. If you are relying on a **grant of a dispensation** by the Standards Committee, you must, before the matter is under consideration:
 - i) Disclose orally both the interest concerned and the existence of the dispensation; and
 - ii) Before or immediately after the close of the meeting give written notification to the Authority containing:

- a) Details of the prejudicial interest;
- b) Details of the business to which the prejudicial interest relates;
- c) Details of, and the date on which, the dispensation was granted; and
- d) Your signature

Officers

Financial Interests

1. If an Officer has a financial interest in any matter which arises for decision at any meeting to which the Officer is reporting or at which the Officer is in attendance involving any member of the Council and /or any third party the Officer shall declare an interest in that matter and take no part in the consideration or determination of the matter and shall withdraw from the meeting while that matter is considered. Any such declaration made in a meeting of a constitutional body shall be recorded in the minutes of that meeting. No Officer shall make a report to a meeting for a decision to be made on any matter in which s/he has a financial interest.
2. A “financial interest” is defined as any interest affecting the financial position of the Officer, either to his/her benefit or to his/her detriment. It also includes an interest on the same basis for any member of the Officers family or a close friend and any company firm or business from which an Officer or a member of his/her family receives any remuneration. There is no financial interest for an Officer where a decision on a report affects all of the Officers of the Council or all of the officers in a Department or Service.

CITY AND COUNTY OF SWANSEA

MINUTES OF THE AREA 1 DEVELOPMENT CONTROL COMMITTEE

HELD AT THE COUNCIL CHAMBER, CIVIC CENTRE, SWANSEA ON
TUESDAY, 11 NOVEMBER 2014 AT 2.00 PM

PRESENT: P Lloyd (Vice-Chair) Presided

Councillor(s)	Councillor(s)	Councillor(s)
J C Bayliss	E T Kirchner	I M Richard
U C Clay	A S Lewis	P B Smith
S E Crouch	R D Lewis	D G Sullivan
N J Davies	C E Lloyd	L G Thomas
P Downing	K E Marsh	G D Walker
R Francis-Davies	P M Meara	L V Walton
C A Holley	B G Owen	T M White
J W Jones	I M Richard	

30 **ELECTION OF A CHAIR FOR THE REMAINDER OF THE MUNICIPAL YEAR
2014-2015.**

RESOLVED that Councillor P Lloyd be elected Chair of the Committee for the remainder of the Municipal Year 2014-2015.

Councillor P Lloyd (Chair) Presided

31 **ELECTION OF A VICE CHAIR FOR THE REMAINDER OF THE MUNICIPAL YEAR
2014-2015.**

RESOLVED that Councillor J C Bayliss be elected Vice Chair of the Committee for the remainder of the Municipal Year 2014-2015.

32 **APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillors FM Gordon, JA Hale, B Hopkins, PM Matthews, J Newbury and C Thomas.

33 **DISCLOSURES OF PERSONAL AND PREJUDICIAL INTERESTS.**

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

34 **MINUTES.**

RESOLVED that the Minutes of the meeting of the Area 2 Development Control Committee held on 16 September 2014 be approved as a correct record.

35 **ITEMS FOR DEFERRAL / WITHDRAWAL.**

None.

36 **DETERMINATION OF PLANNING APPLICATIONS UNDER THE TOWN AND COUNTRY PLANNING ACT 1990.**

The Head of Economic Regeneration and Planning submitted a Planning Application.

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

RESOLVED that:

(1) the undermentioned planning application **BE APPROVED** subject to the conditions in the report and/or indicated below

#(Item 1) Application No.2014/0739 - Installation of a solar PV array, construction of a storage room, inverter cabin, a substation, switchgear building and fencing at Land to South of Gelliwern Isaf, Felindre, Swansea.

Mrs H Morrall (agent) addressed the Committee.

A visual presentation was given to Committee.

Report updated as follows:

Page 14, paragraph 5, lines 1 & 2 : delete '(which will last approximately one month)'

Application approved subject to the following amended conditions 2, 3, 4, 6, 7, 8,10,11 and 13.

2. *No later than 12 months from the first generation of electricity, the following schemes shall be submitted in writing for the written approval of the Local Planning Authority:*

- (i) *A scheme detailing the removal of all surface elements of the photo voltaic solar farm and any foundations or anchor systems to a depth of 300mm below ground level;*
- (ii) *A scheme detailing the restoration and aftercare, following consultation with such other parties as the Local Planning Authority considers appropriate.*

These schemes shall be implemented in accordance with such details as may be approved by the Local Planning Authority within 12 months from the date of the last electricity generated should the site no longer be utilised for the development hereby permitted.

Reason: In the interest of visual amenity and to ensure the land is restored in an acceptable manner.

3. *No development approved by this permission shall take place until a method statement detailing the provisions of suitable facilities on site to ensure vehicles leaving the site do not deposit mud or debris on the adjacent highway has been*

submitted to and approved in writing by the Local Planning Authority. The method statement shall be implemented in accordance with the approved details.

Reason: In the interests of highway safety.

4. *No development approved by this permission shall take place until details of the methodology for the scope and nature of the dilapidation surveys to be undertaken on the adopted highway have been submitted to and approved in writing by the Local Planning Authority. The dilapidation surveys shall be undertaken in accordance with the approved details.*

Reason : In the interest of highway safety

6. *No development approved by this permission shall take place until details of a scheme for the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the Local Planning Authority. The details shall include calculations of the proposed swale to ensure that it is of adequate size.*

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

7. *No development approved by this permission shall be commenced until a Site Waste Management Plan has been submitted in writing for approval by the Local Planning Authority. The plan shall be implemented in accordance with the approved details.*

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

8. *No development approved by this permission shall take place until details of a scheme showing how the area in Compartment 8 that supports whorled caraway will be protected during construction and demarcated by fencing or similar has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.*

Reason: In the interests of biodiversity

- 10 *No development approved by this permission shall take place until a scheme containing details of bird and bat boxes to be placed around the site have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented in accordance with the approved details and shall be retained at all times unless otherwise agreed in writing by the Local Planning Authority.*

Reason: In the interests of biodiversity

11. *Notwithstanding the details submitted, details of a scheme for the design and siting of the access tracks, including enlarged turn areas, shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall be implemented in accordance with the approved details.*

Reason: To protect the integrity of the pipeline easement in the interest of public safety.

13. *No development approved by this permission shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation in the form of an archaeological watching brief which has been submitted by the applicant and approved in writing by the Local Planning Authority.*

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

The meeting ended at 2.50 pm

CHAIR

TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members. The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on pages 89 and 90 of the Constitution) will need to be reported to Planning Committee and this report will include any appropriate conditions/obligations.

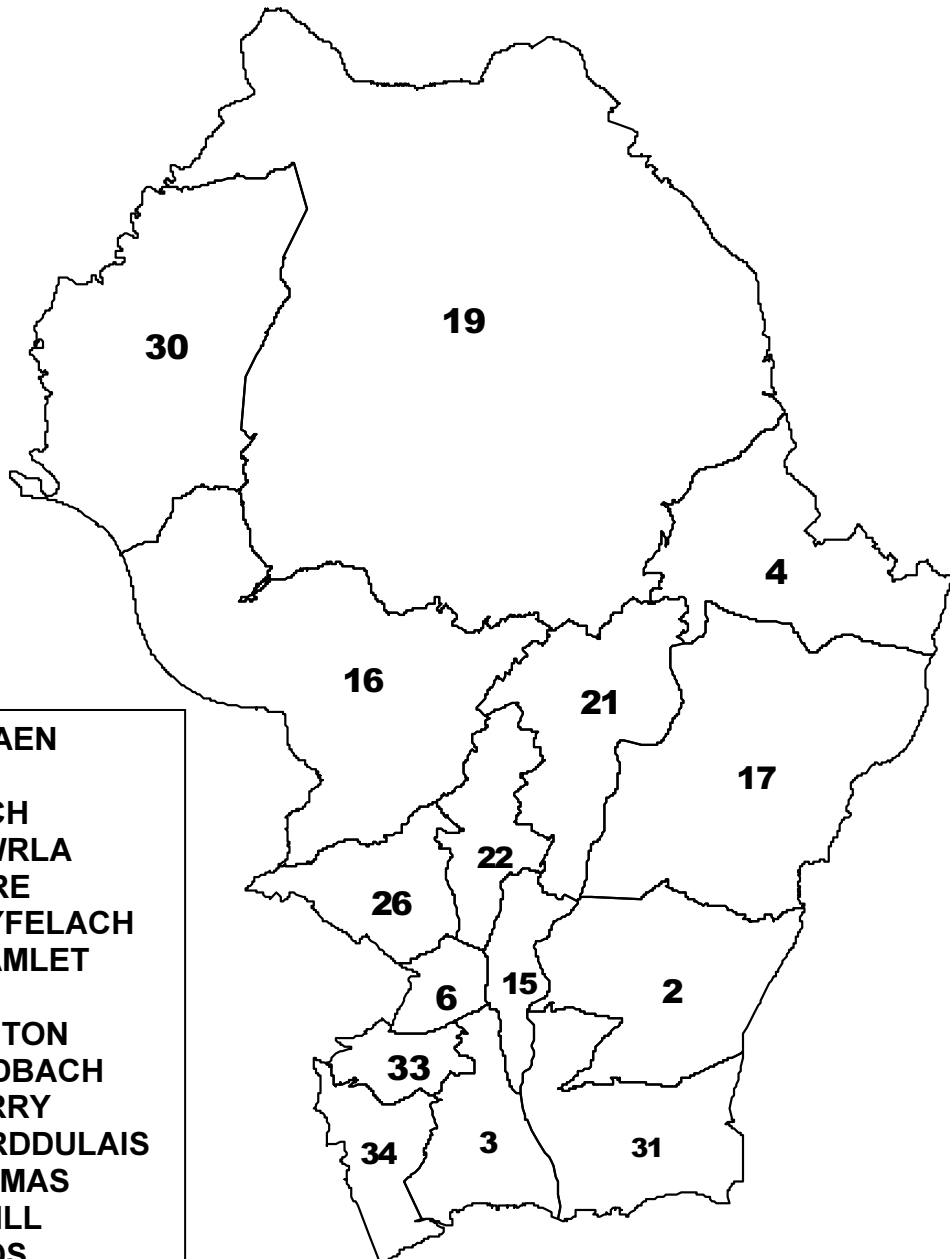
The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

CITY AND COUNTY OF SWANSEA
DINAS A SIR ABERTAWE

Report of the Head of Economic Regeneration & Planning to Chair and Members
of
Area 1 Development Control Committee

DATE: 9TH DECEMBER 2014



2. BONYMAEN
3. CASTLE
4. CLYDACH
6. CWMBWRLA
15. LANDORE
16. LLANGYFELACH
17. LLANSAMLET
19. MAWR
21. MORRISTON
22. MYNYDDBACH
26. PENDERRY
30. PONTARDDULAIS
31. ST. THOMAS
33. TOWNHILL
34. UPLANDS

Phil Holmes
BS(Hons), MSc, Dip Econ
Head of Economic Regeneration & Planning



CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2014/1334	Russell House 31 Russell Street Swansea SA1 4HR Demolition of existing office building and replacement with 18 no. flats with associated parking and works – amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall	APPROVE
2	2014/1483	56 Glanmor Road, Uplands, Swansea. SA2 0QB To fell 2 Yew trees covered by TPO No. 228	REFUSE

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 1

APPLICATION NO.

2014/1334

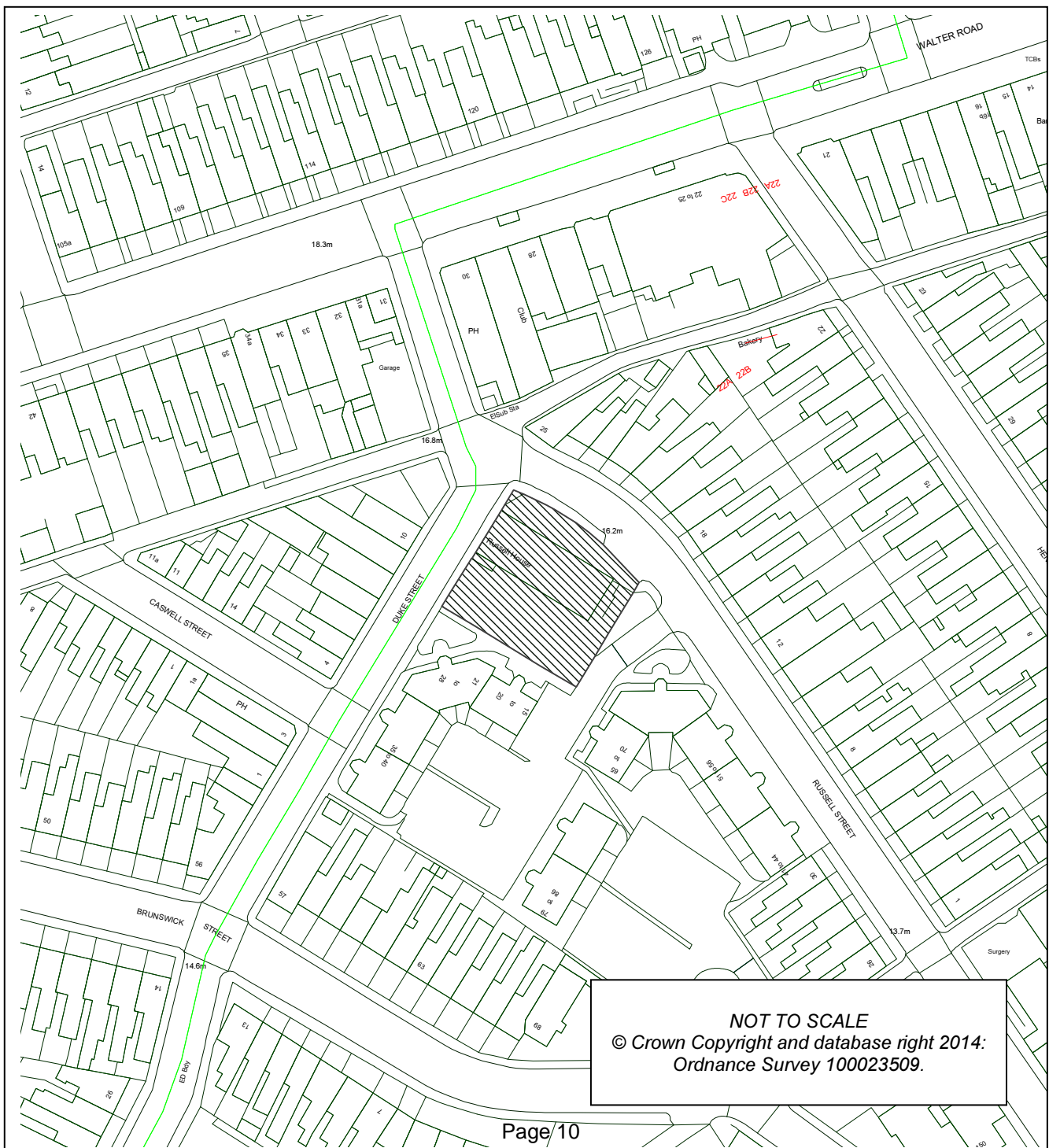
WARD:

Castle
Area 1

Location: Russell House 31 Russell Street Swansea SA1 4HR

Proposal: Demolition of existing office building and replacement with 18 no. flats with associated parking and works – amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall

Applicant: Grwp Gwalia



AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1334

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	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).

SITE HISTORY

App No.	Proposal
2011/1310	Demolition of existing office building and replacement with 18 no. flats with associated parking and works Decision: Grant Permission Conditional Decision Date: 29/02/2012

RESPONSE TO CONSULTATIONS

Sixty five neighbouring properties were directly consulted. The application was also advertised by way of a site notice.

TWO LETTERS OF OBJECTION have been received which raise the following concerns:

1. I am a tenant of Russell Street and have viewed the proposal for the new development at no. 31. My concern is that there is already limited parking on our street as people tend to park here for work in town. I do not suggest permit parking on the whole street as we need somewhere for visitors to park but there is a problem in Swansea with a lack of parking and this new development will only add to the problem. The more people you squeeze into an area the more cars there will be.
2. The previously accepted planning application 2011/1310 enclosed the rear elevation and in addition, in response to comments from local residents, an additional requirement was added by the planning office that obscured glass be used to prevent loss of privacy to those facing the rear elevation. This latest application proposes to open up the rear elevation and use external communal balconies which appears to be an attempt to circumvent the restriction added by the planning office.
3. The previously accepted proposal is one full storey higher than the existing occupation level of the building, significantly adding overlook on to neighbouring properties and associated loss of privacy. The new proposed change to remove the rear building wall and open up the rear elevation with communal balcony walkways now exacerbates that increasing overlook and loss of privacy to neighbouring properties.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO.

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4. The application is for a change of use – the previous commercial use only occupied the building during working hours. The change to residential, coupled with the new proposed changes to the rear elevation means all residents on all floors will now face loss of privacy and overlook at all times of the day which was not experienced during the commercial building use.
5. The previously accepted application had a clause added by the planning office requiring obscured glass to be used to prevent this loss of privacy. Opening up the rear elevation is contrary to that requirement added by the planning office after acceptance of 2011/1310.
6. The proposed opening up of the rear elevation – where residents walk about of their front doors in to an open communal balcony is reminiscent of the worst high rise blocks of flats. This is not in keeping with the local area, not of a sufficient standard for the residents who will live there, and damages the visually amenity for local residents. None of the existing apartment blocks in this area use such open external walkways.
7. An enclosed rear aspect would have kept additional noise from individual properties within the building as a whole. Using open exposed communal walkways on all floors of the rear aspect means any noise from an individual apartment will directly feed outside, adding to the disturbance to existing neighbours who face the rear of the development.

APPRAISAL

The application is reported to Area 1 Committee for decision at the request of Councillor Fiona Gordon to allow consideration of the proposals impact on visual amenity and the amenity of the occupiers of adjoining properties. A site visit has been requested.

This application seeks amendments to planning permission Ref:2011/1310 granted on 29th February 2012 for the demolition of the existing vacant office building and the construction of a new 4 storey building containing 18 flats (9 x 1 bed and 9 x 2 bed) with a car park containing 20 car parking spaces (including 2 disabled parking spaces). All of the 18 flats are proposed to be 'affordable housing' managed by Gwalia Housing Association.

For clarification and the avoidance of doubt, the principle of residential development has been clearly established under planning permission 2011/1310. This application seeks only amendments to the external materials and the boundary treatments. There is no change to the overall footprint, layout, number of flats or parking provision which remains as previously approved. The building approved under planning permission Ref:2011/1310 is 4 storeys in height with a basement / lower ground level car park with 20 car parking spaces. The basement level would also have a cycle store for 27 bicycles, a plant / equipment room and a large enclosed bin store room for recyclables and residual waste.

The ground floor level would contain 4 flats (2 x 2 beds & 2 x 1 beds) & the main entrance
The first floor level would contain 5 flats (3 x 2 beds & 2 x 1 beds)
The second floor level would contain 5 flats (3 x 2 beds & 2 x 1 beds)
The third floor level would contain 4 flats (1 x 2 bed & 3 x 2 beds)

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO. 2014/1334

The scheme approved under planning permission Ref:2011/1310 detailed that the flats on the rear elevation would be served by semi-enclosed external walkways. The walkways would be enclosed by clear glazed panels and louvers, and would be partially open to allow for natural ventilation. Each floor would be served by a lift and staircase. Vertical fins have been incorporated at the end of each walkway and obscure glass is proposed for the stairwell to prevent overlooking.

The main differences to be considered in this application relate to:

- **Flat Entrance Doors.** Glazed panels to individual flat entrance doors omitted.
- **Rear Walkway + Stair/lift core.** Full height glazed balustrade removed to rear walkway and stair / lift core. Metal railings added to rear walkway in lieu of full height glazed balustrade. Metal railings added to NW end of staircase in lieu of full height glazing. Solid rendered wall added to SW staircase in lieu of full height glazing with metal trellis attached for green wall to grow up over time. Raised planting bed added at bottom of staircore for green wall. Glazed screen and doors omitted on all floors between staircore and rear walkway.
- **Internal.** Built in wardrobes removed within individual flat bedrooms.
- **External Works - Perimeter Wall.** External perimeter brick / rendered wall to car park to be retained as existing. Note: some structural remedial work is required to south west corner. Minimum 1.8m height from adjoining pavements to be achieved to comply with Secure by Design, where necessary height of wall will be increased slightly to achieve the 1.8m throughout, finish will match existing.
- **External Works - Paving.** Area of block paving reduced to include area fronting onto Russell Street and vehicular access ramp down to gridline C only. Remainder of car park to be surface suitable to meet CFSH surface water drainage requirements.
- **Main entrance Lobby RM.12.** Brick face to both sides of this area omitted in lieu of rendered walls.

Issues

As stated earlier, the main issues of the principle of the use of the site as residential, the impacts upon the visual amenity of the streetscene, and upon the residential amenities of neighbouring residential dwellings together with the impact upon parking and highway safety was clearly established with the granting of planning permission 2011/1310. It is not the intention of this application to go over the planning merits of the scheme that has already received approval but to consider the impact of the proposed amendments in relation to the materials proposed for the external elevation and the boundary treatment having regard to the provisions of Policies EV1, EV2 of the City & County of Swansea Unitary Development Plan 2008. There are no overriding issues with regard to the human rights act.

Design & Visual Amenity

This current application seeks external alterations to the approved scheme to include alternative treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO. 2014/1334

The proposed changes specifically comprises the removal of the previous glass curtain walling to the rear (south western) side of the proposed block so that the central section (enclosing the vertical circulation core of the stairs and lift) would be a rendered wall with a proposed planting frame attached to one half of this. The remaining parts of the rear elevation are now open with views of walkways and some individual apartment access doors in these locations. Due to the revised open nature of the walkways, balustrades are now proposed for safety reasons. The finishing material of the balustrades is not specified but can be controlled by an appropriate condition. The other proposed change is to the side and rear boundary of the application site so that the previously proposed boundary treatment of a wall topped with railings has been altered to an 1800mm wall.

The proposed changes to the block are to the elevational treatment and are therefore relatively superficial in nature, having no impact on the overall form, massing or scale of the approved block.

The proposed changes to the elevational treatment of the block are all located to the rear (south western) elevation which fronts onto the enclosed rear parking court area. These changes will therefore not impact upon the approved appearance of front or sides of the block as viewed along Russell Street. Views of the proposed changes will be limited to passing alongside the building at Duke Street and from within the private internal road serving the existing apartment development to the south of the application site. The proposed changes to the rear elevational treatment will therefore be minimal in terms of visual impact on the streetscene.

The horizontal banding to the grey rendered wall of the vertical circulation space is welcomed to break up the overall size of this otherwise continuous wall surface. Similarly the proposed planting frame is welcomed to break up the grey rendered wall and to add a green focal feature which helps to soften the appearance of the rear elevation. However the frame appears to be of an arbitrary height and as such should be increased in height to nearer the top of wall and also widened slightly to increase the positive visual impact of this feature again this can be secured by condition.

The revised plans state that the approach to the proposed boundary wall is:

“Existing perimeter wall retained and heightened where required to achieve a minimum 1800mm above street level.”

Given that the existing boundary walls abutting Duke Street and the private access road leading into the existing block of flats to the south are approximately 1500mm tall currently, the proposed increase in these locations is acceptable. However no indication of the boundary treatment to the rear side of the site has been provided. Given that the existing wall in this location steps down and is lower than the sides as well as the fact there are existing ground floor windows of flats in close proximity to this boundary there are concerns regarding the impact on the amenity and outlook from these flats if the wall in this location is to be raised to 1800mm. It is therefore considered that the wall in this location should be retained at its current height with supplementary railings provided on top to protect the outlook and amenity of the existing flats. If it can be demonstrated that the wall would not result in any unacceptable overbearing impact on the residents of the existing flats as the build progresses, this element can be revisited subject to further details being submitted to and agreed in writing with the local planning authority prior to beneficial occupation of the building commencing.

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ITEM 1 (CONT'D)

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In terms of the impact of the proposed amendments on residential amenity of the occupiers of the nearby properties, the main elevational changes are to the rear elevation (west). In respect of the removal of the obscure glazed glass screen to the stair enclosure this would be replaced with a solid wall and as such there would be no additional overlooking impacts or loss of privacy impacts. Turning to the removal of the clear glass screen, whilst the glass curtain walling that enclosed the rear access walkways has been removed and the access walkway would be open with safety balustrading, it is not considered that there would be any significant loss of privacy and overlooking impacts from the use of the walkways as the original enclosure proposed was a clear glass curtain wall with clear views in/out. In addition, the application site is in a densely populated urban area and faces onto the rear car parking area. As such, whilst there may be an element of noise from people coming and going into the flats accessed from this elevation, it is not considered that this would result in any demonstrable or significant harm to the residential amenity of the occupiers of neighbouring properties that would be so detrimental to warrant a recommendation of refusal. Furthermore, the proposed external amendments are considered to be visually acceptable and would not detract from the visual amenity of the neighbouring residents.

In light of the above analysis, it is considered that the proposed amendments would complement the overall scheme approved under planning permission Ref:2011/1310 and would not cause any additional harmful impact to the amenity of the residents of existing dwellings in the local area or the visual impact of the streetscene or surrounding area, over and above the scheme previously approved. As such the application complies with policy EV1 and EV2 of the UDP.

Highways & Parking

There are no additional highway or parking impacts to consider over and above those considered under planning permission Ref:2011/1310.

Response to Objections

The objections raised by local residents have been noted. However, matters relating to the overall layout, siting, design & height of the building, impacts upon residential amenity and highways & parking were carefully considered under planning permission Ref:2011/2014. Matters in relation to the impact of the proposed amendments on residential and visual amenity have been addressed in the above paragraphs.

Conclusion

The proposed amendments are considered acceptable and would not result in any demonstrable harm on residential and visual amenity. The proposal is therefore in accordance with development plan policy and approval is recommended.

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.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO.

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- 2 Notwithstanding the details submitted on Plan No: 1046_GHR 401, no construction works shall commence until details showing how the green wall planting frame to the stairwell panel will be extended in width and increased in height have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and retained as such in perpetuity unless otherwise agreed in writing with the Local Planning Authority.
Reason: In the interests of visual amenity.
- 3 Notwithstanding the submitted plans and unless agreed otherwise in writing with Local Planning Authority, the boundary treatment of the south western site perimeter facing Nos.15-28 Brunswick Court shall be retained at its existing height with any additional increase in height to 1.8m to be achieved through the provision of railings.
Reason: To protect the residential amenity of the occupiers of Brunswick Court.
- 4 A composite sample panel of all external finishes including balustrades shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The development hereby approved shall be completed in accordance with the approved details before the use commences.
Reason: In the interests of visual amenity.
- 5 The car parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of the development hereby approved and shall be retained at all times for parking purposes for the residents of the development only.
Reason: To ensure adequate parking provision on site.
- 6 The cycle parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of the development hereby approved and shall be retained at all times for cycle parking purposes only.
Reason: To ensure adequate cycle parking provision on site.
- 7 The development shall be completed in accordance with details shown within the approved Travel Plan and all residents of the scheme shall be provided with the Travel Plan welcome pack on first occupation of the flats.
Reason: In the interests of promoting sustainable forms of transport to and from the site.
- 8 Before the development hereby approved is occupied, arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in Russell Street and Duke Street or the surrounding streets at any time.
Reason: In the interests of highway safety and sustainability.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1334

9 No construction works shall take place until full details of all external flue and vent apertures and all external pipe work have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details before the use commences.

Reason: To ensure the integrity of the design and to safeguard the visual amenity of the street scene.

10 No construction works shall commence until large scale plans (1:5 or 1:10) of the following elements have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details prior to the use commencing:

- o Ramp, handrail and entrance doors
- o Typical window detail including external balustrade
- o Angled bay windows
- o Entry gates to vehicle ramp
- o Perimeter railings
- o Rear walkway balustrade detail
- o Junctions of materials
- o Eaves/ fascia of projecting roof

Reason: In the interests of safeguarding the visual appearance of the building and the streetscene.

11 No development shall take place until full details of the protective fencing to protect the two trees adjacent to the southern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall conform to British Standard 5837 : 1991 'Trees in Relation to Construction' and shall be erected prior to the commencement of any work on the site and shall be retained and maintained until all building, engineering or other operations have been completed. No works shall be carried out or materials stored within the fenced area without the prior written permission of the Local Planning Authority

Reason: To ensure that the trees are not damaged during the period of construction and in the long term interests of local amenity and to protect the visual appearance of the streetscene.

INFORMATIVES

1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, HC2, HC3, AS1, AS2, AS6.

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

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1334

- 3 The applicant is advised that the development must be carried out in accordance with the approved plans. If, prior to or during the implementation of this permission, any particulars are found to be inaccurate then the Local Planning Authority must be informed and works shall not commence or be continued until the matter has been resolved. Failure to do so could lead to the serving of an enforcement or stop notice.
- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).
- 5 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 6 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
- Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.
- Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
- 7 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste must be licensed waste carriers.
- 8 The activity of importing waste into the site for use as, for example hardcore, must re-registered by the Environment Agency Wales as an exempt activity under the Management Licensing Regulations 1994.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 1 (CONT'D)

APPLICATION NO.

2014/1334

- 9 The developer's attention is drawn to highway related implications of this proposal, including the need for other consents, which are detailed in the enclosed booklet entitled 'Highways Information Pack'.
- 10 The applicant or his contractor should follow the advice given in BS 3998 (2010) 'Recommendations for Tree Work'.
- 11 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.
- 12 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- 13 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 14 If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.
- 15 The developer is advised that the Welsh Government are planning to introduce new legislation that will make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at www.dwrcymru.com or on the Welsh Government's website www.wales.gov.uk.

PLANS

1046_GHR 100 site location plan, 1046_GHR 101 existing topographical survey, 1046_GHR 200 proposed lower ground floor plan, 1046_GHR 201 proposed upper ground floor plan, 1046_GHR 202 proposed first floor plan, 1046_GHR 203 proposed second floor plan, 1046_GHR 204 proposed third floor plan, 1046_GHR 205 proposed roof plan, 1046_GHR 300 section A-A, 1046_GHR 400 proposed front elevation, 1046_GHR 401 proposed rear elevation, 1046_GHR 402 proposed north elevation, 1046_GHR 403 proposed south elevation, 101 drainage layout, 101B drainage layout dated 12th September, 2014

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 2

APPLICATION NO.

2014/1483

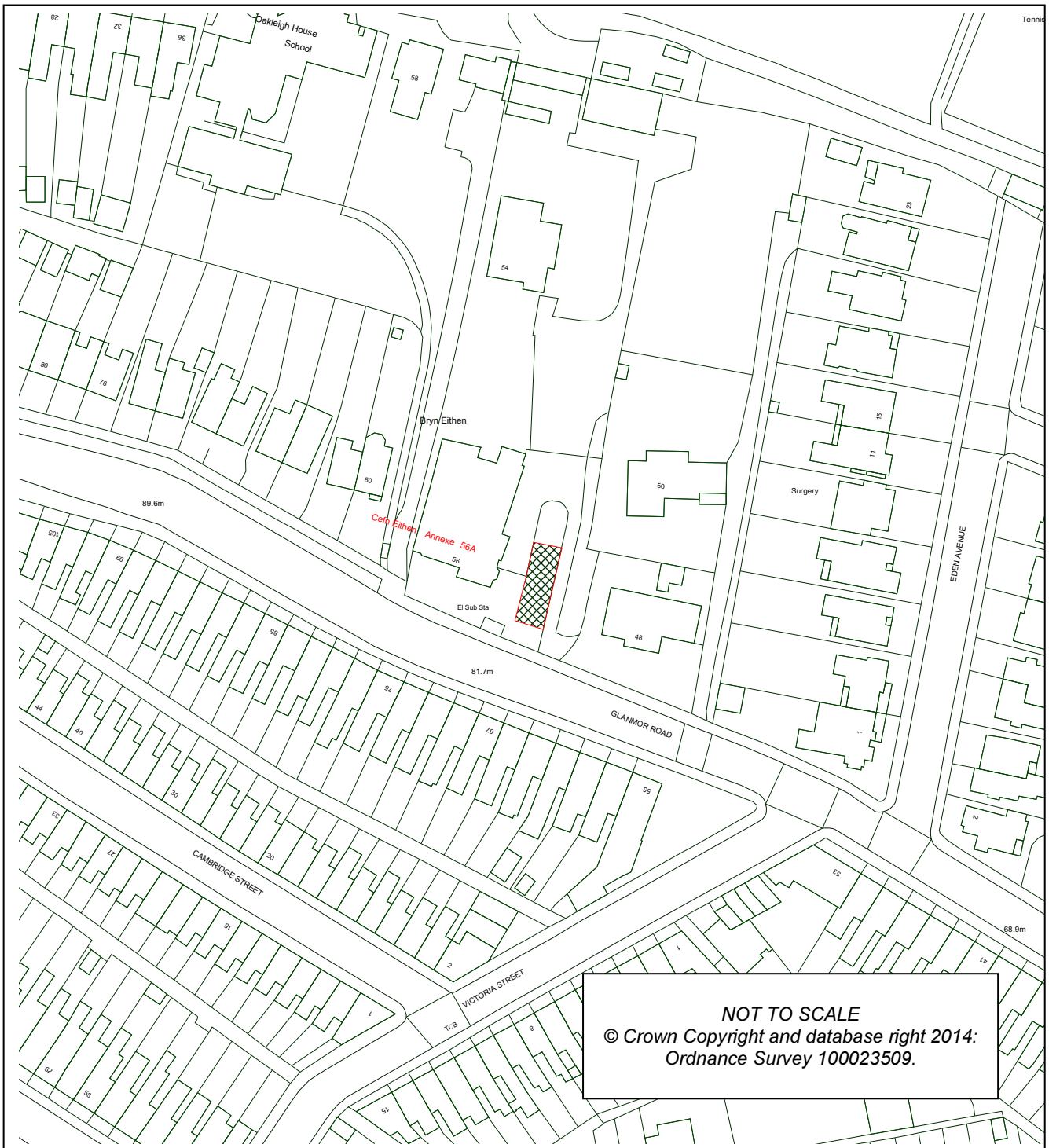
WARD:

Uplands
Area 1

Location: 56 Glanmor Road, Uplands, Swansea. SA2 0QB

Proposal: To fell 2 Yew trees covered by TPO No. 228

Applicant: Mr Ala Tahir



ITEM 2 (CONT'D)

APPLICATION NO. 2014/1483

BACKGROUND INFORMATION

POLICIES

Policy Policy Description

Policy EV30 Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No. Proposal

2013/0816 To fell 2 yew trees covered by TPO No. 228
Decision: Refuse
Decision Date: 12/07/2013

2012/0704 Detached dwelling (outline)
Decision: Refuse
Decision Date: 18/10/2013

2012/0796 To fell 2 yew trees covered by TPO No. 228
Decision: Withdrawn
Decision Date: 01/10/2012

2013/1857 Detached dwelling (outline)
Decision: Grant Permission Conditional
Decision Date: 11/06/2014

CONSULTATIONS

Highway observations – No highway consultation was undertaken as the proposal applied for does not result in any access or highway safety issues.

Conservation Area Team observations –

Comments:

- The trees are relatively tall and form an important group which is visually prominent on approach up Glanmor Road from the east, and form an important part of the streetscene in this location which is recognised through their TPO designation.
- Given the nature of the 'open' frontage of the bungalow dwelling immediately to the east of the application site, which comprises a low front boundary wall with minimal planting, which is uncharacteristic of the northern side of the street, the proposed loss of the trees would have the effect of increasing the openness of this part of the streetscene to the detriment of the character of this area.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 2 (CONT'D)

APPLICATION NO.

2014/1483

- It is also worth noting that the Ffynone Conservation Area is currently undergoing a review (the public consultation for which has recently ended). This review includes a proposal to expand the Conservation Area boundary to take in new areas, including the Listed Buildings (residential dwellings) at Eden Avenue. As such, the proposal to remove the TPO Yew trees would potentially have an adverse impact on the approach to the future expanded Conservation Area and the setting of the Listed Buildings in Eden Avenue.
- In terms of the boundary treatments in close proximity to the TPO trees, these comprise a tall concrete block/brick wall abutting the highway which links to a 'retaining' wall abutting the private access drive serving the application site. This wall comprises a short, low section of stone wall which in turns links to a low concrete block/brick wall for its remainder. The adjacent property to the east has boundary treatments comprising a low, red brick boundary wall with close boarded fencing on top abutting the aforementioned private access drive, as well as a low concrete block/brick wall abutting the highway. The boundary treatments in this part of the street are therefore mixed and do not reflect the overarching character of the streetscene.
- With regard to the existing 'retaining' wall abutting the driveway, the Site Inspection Report undertaken by Vale Consultancy confirms that this wall *"comprises a single leaf concrete brick/block wall of varying height, ranging from approximately 800mm to 1100mm, over the full length of the left side of the driveway"*. Given the uncharacteristic appearance of this wall, as well as its single leaf nature which is most likely unfit for the purposes of acting as retaining structure to hold the weight of the bank behind it, its removal and replacement with a more suitable retaining structure is acceptable. Any replacement structure should be faced in stone in order to enhance the streetscene in this location.
- However, there are concerns regarding the proposed approach to the replacement wall and its potential impact on the protected trees. The application proposes only one possible approach to the construction of the new wall which would require the removal of the TPO trees. Given the visual significance of this group of protected trees, as well as their importance as a part of the character of the streetscene, this approach will not be supported. Further options to replace the wall, which minimise the impact upon the protected trees and result in their retention, should therefore be explored and submitted for consideration.
- Given that the proposals seek the removal of protected trees of significant visual amenity and importance to the streetscene, any such works would require full justification by a fully qualified arboriculturist. It should therefore be noted that the arboricultural survey submitted as part of this application has been undertaken by a chartered surveyor and, in addition to statements regarding the retaining wall, also contains statements in relation to the condition of the trees pertaining to branch structure and root disturbance and development. Given that such statements should fall within the remit of a qualified arboriculturist, a statement of the author's qualifications and experience in this area should be sought to validate the report.
- Further, it should also be noted that the submitted arboricultural survey is exactly that which was submitted in support of the previous 2 applications for the removal of the protected trees, which were withdrawn and refused respectively.

In summary, it is considered that the proposals to remove the protected trees would result in a detrimental and unacceptable impact upon the visual quality and amenity of the surrounding streetscene.

ITEM 2 (CONT'D)

APPLICATION NO. 2014/1483

In addition, these proposals would likely have wider negative implications for the setting of the nearby Listed Buildings as well as the revised Ffynone Conservation Area. As such, the proposals to remove these protected trees are strongly resisted.

Furthermore given the protected nature of these trees, any further proposals/applications for the removal of these protected trees will need to be fully justified in an arboricultural survey report undertaken by a fully qualified arboriculturist. This report should contain a declaration regarding the qualifications and experience of the author to make any statements in relation to the condition/health of any part of these protected trees.

However, it is recognised that the single leaf concrete block/brick wall abutting the private shared access drive is likely not sufficient to act as a retaining structure to hold the weight of the bank behind it. As such, the replacement of this wall is acceptable subject to further exploration of options to minimise the impact of any potential works on the protected trees.

Neighbour consultations

Eighteen neighbouring properties were individually consulted, and ONE LETTER OF COMMENT and FOUR LETTERS OF OBJECTION have been received as a result.

The LETTER OF COMMENT confirms that the writer has *“no observations or objections to the proposal to remove these trees to enable the reconstruction of the retaining walls, only to comment that if the application is approved, the re-construction of the walls is carried out in keeping with the structural survey and that any new structure will maintain the character of the existing structure”*

The FOUR LETTERS OF OBJECTION can be summarised as follows:

1. The trees are approximately 150 years old and as such form part of the fabric of the Uplands and contribute to the beauty of Glanmor Road. To remove these trees for any reason would have a deleterious effect on the local amenities and significant reduction in the visual well-being of the area.
2. The Arboricultural Survey appears to be at the centre of the proposal to fell the two trees but the company who prepared are not members of or affiliated to the Arboricultural Association, and the surveyor and author of the report John Eirian Davies has no formal Arboricultural qualification and as such in my view put in doubt the validity of all aspects of the report.
3. It is clear to me that the report has been commissioned with the specific rationale of removing the trees, and in reality the trees present no greater danger than any other tree... Any potential destabilisation of the root structure, subsidence and dilapidation of the retaining wall can be remedied with the construction of a properly engineered retaining wall.
4. I write to object in the strongest terms to the ... application ... to fell two Yew trees ... To even consider allowing them to be cut down should be resisted at all costs. I live adjacent to them and do not consider them a danger.
5. At no point in any of the reports that Mr Tahir has privately sponsored is there any suggestion other than that of felling the trees. Why hasn't the feasibility of building a modern engineered wall been undertaken? It seems incredible to suggest that with all humankind's prowess over nature we have failed at building a simple strong wall. I think it is essential that the council explores this possibility before any other decisions are made.

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 2 (CONT'D)

APPLICATION NO.

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6. I feel I must register my observations and objections to the aforementioned application. I along with other interested parties am deeply saddened by the proposed plan to remove these gracious and ancient Yew trees. They are clearly older than every single Swansea resident and I heartfully believe that every effort must be made to ensure they are preserved for the enjoyment and pleasure of future generations.
7. I have looked over all the documentation quite carefully and what has struck me enormously is the bias that every document has in favour of cutting down these wonderful trees.
8. Two previous applications for planning permission have been granted but both Decision Notices stipulate no work may commence without the approval of site access. It is self-evident that to achieve the required access and to comply with Highway Safety standards the applicant needs to fell these two impressive trees. Unbelievable!
9. Previous applications to fell the trees covered under Tree Preservation Order No. 288 have been made for the exact same "safety" reasons. Application (2013/0816) was refused and an earlier application (2012/0796) was withdrawn.

APPRAISAL

The application is called to Committee for determination at the request of Councillor John Bayliss to allow Members to consider the impact of the removal of the trees on the area.

BACKGROUND

The application site lies on the northern side of Glanmor Road between the junctions of this road with Penlan Crescent and Eden Avenue. To the west of the junction with Penlan Crescent, the nature of this street is that of a tree lined avenue, albeit of standard road width, with grass verges incorporating trees on either side. To the east of the aforementioned junction, the character of the street changes so that the grass verges are no longer present apart from a section on the northern side only, running between the junction of Glanmor Road with Edgware Road and running up to the western side of the application site. Despite the lack of verges to the east, the street still retains a relatively green character as a result of the numerous trees and dense hedges in private gardens abutting Glanmor Road, particularly on its northern side. Boundary treatments along Glanmor Road predominantly comprise stone walls abutting the back of the footway with some instances of other materials used.

The focus of the application is the 2 Yew trees (trees T2 and T3 of TPO 228) which lie adjacent to the western side of a private access drive which serves the dwelling known as Cefn Eithin (56 Glanmor Road). This access drive also provides access to 3 existing dwellings to the rear (north) of this as well as a plot of land with planning permission for a further dwelling (see planning history below). Abutting the eastern side of the access drive lies a mature Copper Beech tree which is also covered by TPO 228 (T4). The TPO schedule also highlights a tree Cotoneaster (T1) on the southern boundary of the site which completes the group of 4 trees covered by TPO 228.

Planning history for the site reveals 2 previous applications for the development of the remaining plot of undeveloped land to the rear of Cefn Eithin. These applications, 2012/0704 and 2013/1857, were refused and granted permission with conditions respectively. The reason for refusal of the 2012 application was as follows:

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9TH DECEMBER 2014

ITEM 2 (CONT'D)

APPLICATION NO. 2014/1483

“1. The proposed 4.5m wide access drive does not adequately provide for the retention of protected trees on the site, the loss of which would be to the detriment of the visual amenity of the area, contrary to the provisions of Policies EV1, EV2, EV3, EV30 and HC2 of the City and County of Swansea Unitary Development Plan 2008.”

The 2013 application was recommended for refusal on the grounds that the proposals did not demonstrate that the widening of the access required to serve the development could be provided without adverse impacts upon the protected trees. However, members did not accept the recommendation and granted planning permission subject to conditions relating to, inter alia, the submission and approval of a suitable scheme for the protection of trees (conditions 8 & 9) as well as an exclusion of the felling of the TPO trees from the application:

“10. Notwithstanding the submitted details regarding removal of TPO trees as indicated on the location and indicative site plan this permission expressly excludes the felling of the TPO protected trees growing on the site.”

In addition to these, 2 applications were submitted for the removal of the Yew trees (applications 2012/0796 and 2013/0816) which were withdrawn and refused respectively. The 2013 application was refused for the following reason:

“The unjustified removal of the two protected trees on the site would result in a significant detrimental impact upon the visual amenities of the area, contrary to the provisions of Policy EV30 of the adopted City and County of Swansea Unitary development Plan 2008.”

The current application seeks the removal of the 2 Yew trees (T2 & T3) covered under TPO 228. It is stated that the trees are required for removal as these have damaged a nearby retaining wall and that they constitute a danger as a result of the instability of the wall.

Inspection of the trees was carried out by the Council's Landscape Assistant (Arboriculture) on 19th November 2014.

Summary of Inspection

Species: 2 Yew trees (locations shown on submitted plan) (T2 and T3 on the Tree Preservation Order plan and schedule)

Age: semi-mature

Safe Useful Life Expectancy: 100+yrs

Amenity Value: The trees are highly visible in the streetscene and offer high amenity value to the surrounding area. The trees are adjacent to Glanmor Road, a major route.

Physiological Condition: Good

ITEM 2 (CONT'D)

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Structural Condition: Good

Inspection conclusions

The trees are in good condition. The twin-stemmed Yew closest to Glanmor Road (T3) is 1.5 metres from the edge of the wall and the other, single-stemmed Yew (T2) is 1 metre away from the edge of the wall. There are no roots visible in the structure of the wall and, whilst it is noted that the wall is in poor condition and cracked, the structure can be repaired without removing the trees.

Comments on objections

The letters of objection received in response to consultation refer generally to the age, health/vitality and high amenity value of the trees concerned, and to the adverse visual impact that would result from their removal, in order to allow for the construction of a replacement retaining wall along the applicant's driveway. This adverse visual impact is the primary consideration for the Local Planning Authority when determining an application for such works, and the comments of the Council's Landscape Assistant (arboriculture) confirm that the trees remain of high amenity value and that their continued protection should be ensured.

In conclusion, and having regard to all material considerations, including the Human Rights Act, the proposal is considered to represent an unacceptable form of works to TPO protected trees, conflicting with the criteria of Policy EV30 of the adopted City & County of Swansea Unitary Development Plan (2008).

RECOMMENDATION

REFUSE TREE PRESERVATION ORDER CONSENT, for the following reason;

- 1 The trees in question are highly visible in the streetscene along Glanmor Road and offer very high amenity value to the surrounding area. The unjustified removal of the two protected trees on this site would result in a significant detrimental impact upon the character and appearance of the area, including the nearby Ffynone Conservation Area and the setting of the Listed Buildings on Eden Avenue to the east, and on the visual amenities of the surrounding area generally. As such, the proposal is contrary to the provisions of Policy EV30 of the adopted City & County of Swansea Unitary Development Plan 2008.

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: Policy EV30 of the adopted City & County of Swansea Unitary Development Plan 2008.

PLANS

dated 3rd October 2014

Report of the Head of Economic Regeneration & Planning

To The Area 1 Development Control Committee

9th December 2014

Land to the side of 28 Christopher Rise, Pontlliw, Swansea

11 Detached Dwellings (Outline)

Planning Application Reference : 2009/1435

1.0 Background

- 1.1 This application was considered by the Area 1 Development Control Committee on the 12th March 2013. The Committee Report is attached at Appendix A. The application was resolved to be approved subject to an amendment to Condition 1 and subject to the applicant entering into a Section 106 agreement to provide two affordable housing units on site and to provide an education contribution of £38,532. The Section 106 agreement was signed 6th November 2014.
- 1.2 Since the application was reported to Committee there has been a change to national planning policy (set out in Planning Policy Wales Edition 7 July 2014) which no longer requires new dwellings to achieve a minimum sustainability standard. These requirements will now be controlled through Building Regulations and not through the planning system. It is therefore no longer necessary for conditions 7, 8 and 9 to be included as part of the planning permission as these conditions require the dwellings achieve a minimum sustainability standard. Such conditions, if imposed, would be contrary to the guidance contained in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'.

2.0 Recommendation

That the decision notice be issued without the minimum sustainability requirements set out in conditions 7, 8 and 9 of the Committee Report.

BACKGROUND PAPERS:

Local Government Act 1972, as amended by the Local Authorities (Access to Information) Act, 1985.

Contact Officer:	Ian Davies	Extension No:	5714
Date of	2 nd December	Document	Land to the side of 28
Production:	2014	Name:	Christopher Rise

ITEM	APPLICATION NO.	2009/1435
	WARD:	Llangyfelach Area 1

Location: Land to the side of 28 Christopher Rise, Pontlliw, Swansea

Proposal: 11 detached dwellings (outline)

Applicant: Ms J Godbeer

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	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).
Policy EV17	Within the boundaries of the large villages as identified on the Proposals Map, development will be limited to existing commitments, small infill plots and, in locations outside the AONB, small scale rounding off, subject to the other defined criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	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)
Policy EV35	Development that would have an adverse impact on the water environment due to: <ul style="list-style-type: none"> 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)

Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy EV25	Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

None

RESPONSE TO CONSULTATIONS

This application was advertised in the press, on site and 18 properties were consulted. 2 LETTERS OF COMMENT were received, 18 LETTERS OF OBJECTION including a letter from Pontlliw and Tircoed Community Council and 1 PETITION OF OBJECTION CONTAINING 115 SIGNATURES. The responses may be summarised as follows:

1. Concerns the site is accessed from Oaklands Road which is narrow due to parked cars and has a sharp bend. This would present a risk to young children, result in more congestion and may affect emergency vehicle access.
2. Concerns the proposal would result in increased congestion at Penllergaer roundabout.
3. Concerns the construction traffic could cause problems.
4. The proposal would result in noise pollution.
5. Concerns regarding the visual impact of the development given that two storey houses are proposed.
6. Concerns regarding the loss of existing trees and shrubs on the site.
7. Concerns the proposal would represent an incursion into the countryside and green wedge and, if approved, would result in further development pressure that would lead to the disappearance of open spaces.
8. Concerns the proposal would not be 'rounding off' as referred to in UDP Policy EV17 (Large Villages).
9. Concerns the proposal would result in overlooking and overbearing impacts upon existing occupiers.
10. Concerns the proposal would exacerbate surface water problems in the area.
11. Concerns further development in Pontlliw is unsustainable as it would increase pressure on existing services (drainage, highways, parks and schools).
12. Concerns regarding the Japanese knotweed at the site.
13. Concerns the proposal would have a detrimental impact on the environment and wildlife through the destruction of a valuable green area including mature trees.

Following the submission of revised plans the application was re-advertised and 20 neighbours were consulted. 7 LETTERS OF OBJECTION were received including a letter from Pontlliw and Tircoed Community Council. The letters raise no additional concerns to those listed above.

Highway Observations

The application is for outline consent for 11 dwellings on land off Christopher Rise.

The indicative layout shows a road layout to adopted standards with sufficient space to provide parking for each plot. The turning head is acceptable.

Access to the site is off Christopher Rise which itself leads off Oaklands Road. Oaklands Road is narrow and to ensure that traffic can remain free-flowing passed the site it will be a requirement to put in suitable Traffic Regulation Orders along Oaklands Road / Woodfield Avenue to protect the passage of vehicles.

Whilst no parking details have been supplied it appears that suitable space is available within each frontage to provide adequate parking and turning in accordance with our guidelines.

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

1. The internal road layout being undertaken under a section 38 agreement with the Highway Authority.
2. Adequate parking and turning being provided for each plot.
3. Oaklands Road / Woodfield Avenue to have Traffic Regulation Orders implemented in accordance with details to be submitted for approval by the Highway Authority to ensure that the vehicular access to the site remains safe and free-flowing. These TRO's to be fully funded by the developer.
4. The applicant be required to submit a Travel Plan for approval, and that the Travel Plan be implemented prior to the occupation of the first dwelling.

Note 1: The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.

Note 2: The Developer must contact the Network Manager City & County of Swansea (Highways), Penllergaer Offices, c/o Civic Centre, Swansea, SA1 3SN (Tel: 01792 636091) before carrying out any work.

Planning Ecologist (29/10/09)

This development may have an adverse impact on the Burry Inlet SAC through increasing foul water discharges. This issue cannot be resolved at the moment however work is being undertaken to find a solution.

The hedges bordering the site should be retained as these are a valuable habitat. Please include a bird informative.

Planning Ecologist (26/05/10)

The central part of the site is of relatively low ecological value, the main interest is in the hedges and trees surrounding the site. These should be retained. The surveyor indicated that two trees an ash and an oak that are situated on the southern boundary have bat roost potential, should any work be done on these a full bat survey should be carried out before any permission is given by a licensed surveyor following the Bat Conservation Trust Guidelines. There will be some ecological loss as a result of the work some compensatory planting should be considered.

This could be enhancement of the existing hedges or landscape planting. There is knotweed present on the site. A bird informative should be added.

Planning Ecologist (31/10/12)

Providing the trees identified as having bat potential are not to be disturbed there is no need for any further survey work. The tree protection condition will prevent any physical damage to the trees in particular no 43. Bats are particularly sensitive to disturbance caused by increased levels of lighting as a precaution please add a condition restricting any additional lighting falling on the trees surrounding the site in particular those identified as having bat potential.

Environment Officer (06/04/10)

Japanese knotweed is present on the site. A planning condition must be placed on any permission to control the plant.

Landscape / Tree Officer (4/03/13)

A comprehensive tree survey showing the appropriate RPA (Root protection area) has been provided by the applicant. The layout of the development has had due regard to the location of existing trees, as a consequence all trees in Category A and a high percentage of the moderate quality trees can be retained. It is inevitable that a number of trees would need to be removed mainly for arboricultural reasons, are young (less than 150mm in diameter) or are of limited merit in order to facilitate the development.

Of note would be the likely loss of:

2 category B trees on the northern side of the site.

The Siting of the dwelling on plot 7 may result in the loss of 2 category B trees and several category C trees on the southern part of the site.

At the time the planning application was submitted none of the trees within the application site were protected by TPOs. A Tree preservation Order (P17/7/4/563) has been placed on the trees on the southern boundary to ensure a measure of control over the better quality trees on the site

Compensatory planting in mitigation of the loss of trees and to create an attractive setting for the development in perpetuity can be provided as part of a landscaping scheme for the site which is a matter reserved for future consideration.

Environment Agency Wales (12/11/09)

No objection to the development subject to a condition requiring the submission of foul and surface water drainage details.

Environment Agency Wales (15/07/10)

We would object to the provision of a private sewerage treatment plant. The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable due to the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

In this instance, we understand that there is sufficient capacity within Gowerton STW to accept foul water flows and as such connection to the mains system must be sought.

Environment Agency Wales (11/02/11)

We have recently been contacted by the agent for the above development regarding on site treatment for disposing of foul water from the development.

We would again advise your authority that we oppose this development proposal based on the intended means of foul water disposal.

Environment Agency Wales (19/06/12)

Would offer no further objection to the proposed development, however, we would wish to make the following comments.

Infiltration on site is not possible due to ground conditions as such the developer is proposing to attenuate surface water flows prior to discharge to a watercourse.

We would offer no adverse comments with regard to the proposals and would accept the proposed surface water discharge rate of 5l/s for this site.

To ensure that a satisfactory form of drainage is implemented we would advise that the proposed method is secured by means of an appropriately worded planning condition.

The developer now intends to connect to the mains foul sewer via a new pumping station. We would offer no adverse comments in respect of the proposals, however, we would advise that the pumping station is designed to adoptable standards and that the developer liaise with DCWW on this matter.

In addition to the above, this development falls within the Gowerton sewerage catchment and as such must accord with the requirements of the agreed Memorandum of Understanding.

Environment Agency Wales (17/10/12)

It is our understanding that the combined sewerage infrastructure which serves the location of the proposed development is hydraulically overloaded. This has manifested itself in the number of spills from a downstream combined sewer outflow (CSO) at Bach Y Gwreiddyn Farm.

In light of this EAW have grave concerns in allowing further connections and input to this hydraulically overloaded system.

DCWW is aware of the capacity issues on this part of the Swansea network and has provisionally programmed works to remedy the problem in AMP 7 (2020 – 2025). This would mean that the issue would not be addressed before 2020. We would therefore recommend that the development be allowed to go forward under a Grampian condition.

If however the developer is not able to wait until these works have been duly completed then they may propose works which will free up adequate capacity in the system to avoid any detriment from their connection.

If, however the developer feels unable to wait for DCWW's programmed works and is unwilling / unable to enter into agreement with DCWW to undertake works to free up capacity in the short term, then we would object to the application and recommend your authority refuse the application.

Countryside Council for Wales (13/11/09)

Would advise the authority carries out a Test of Likely Significant Effect (TLSE) to assess whether the plans/project is likely to have a significant adverse effect alone or in combination with other plans / projects. The issues to be included in the TLSE/AA are surface water drainage and foul water drainage.

Bats have been recorded a short distance from the site and it is possible that bats could use the mature hedges both as roost sites and flight-lines. Therefore it is important that the mature hedges are maintained. Prior to any permission being granted it would be beneficial to carry out an appropriate bat survey.

Further photographs and species/survey details for the whole site should be provided.

To conclude, we can give further views when provided with the information requested above. In the meantime, CCW objects to the proposal.

Countryside Council for Wales (17/06/10)

Having studied the ecological report, CCW are satisfied that the grassland at the site is of limited ecological value. However, we note that two trees were identified as having features suitable for roosting bats.

If the proposals were to involve any works on these trees, then CCW would require that a further bat tree survey be carried out; as recommended in the report.

It is CCW's opinion that CCS as the Competent Authority, should undertake an Appropriate Assessment of the implications of the proposed development for the European Protected sites.

To conclude, we can give further views when provided with the Appropriate Assessment. In the meantime, CCW objects to the proposal.

Countryside Council for Wales (29/10/12)

CCW has no objection in principle to the proposal

CCW recommends that a suitably enforceable planning condition is attached to any planning permission which ensures that the development only proceeds following agreement of the revised drainage scheme with your authority's Planning Ecologist. It may also be advisable to discuss with your planning Ecologist whether an appropriate lighting plan should be implemented which ensures that any security lights do not illuminate the mature trees and hedgerows.

Dwr Cymru Welsh Water (2/12/09)

A 26" diameter public watermain crosses through the proposed development site. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. However, given its strategic nature and current position of the waterman we object to this development.

Dwr Cymru Welsh Water (15/02/10)

We would request that if you are minded to grant planning consent for the above development that the standard conditions and advisory notes are included to ensure no detriment to existing residents or the environment and to DCWW's assets.

APPRAISAL

This application is reported to Committee for decision at the request of Cllr Gareth Sullivan and a site visit has been requested in order to assess the impact of the development on the highway network.

This application seeks outline planning permission for residential development comprising 11 dwellings including the provision of a new vehicular and pedestrian access off Christopher Rise. Whilst the application is in outline form details of access and layout are considered as part of this planning application.

The Site and its Surroundings

The site comprises an irregular shaped parcel of land that forms part of the 'The Poplars', a large house sited within substantial grounds that extend from Christopher Rise to Swansea Road. The site is currently overgrown with ground vegetation and mature trees around the site perimeter. It should be noted that the trees on the southern boundary of the site are protected by a Tree Preservation Order (TPO). According to the design and access statement the land was formerly the orchard for the Poplars but has become neglected and is now described as a paddock.

To the north east the site has a frontage onto Christopher Rise. To the south, south east and south west of the site is land designated within the Llan Valley Green Wedge, the site therefore extends to the village boundary.

Pontlliw itself is an elongated settlement built up around Swansea Road which runs through the village. Older properties generally front onto Swansea Road with new housing branching out to the rear. Local facilities include a post office, pubs, a primary school and church. On the western side of the railway bridge, which bisects the village, there are commercial uses comprising a scrap yard, haulage yard and furniture factory. The haulage yard is the subject of a planning application (Planning Ref: 2008/0912) for 65 dwellings which is currently under consideration.

The site is approached through streets with traditional semi detached properties on Oaklands Road and Woodfield Avenue. The character then changes to a large development of 1960's bungalows and dormer bungalows on Christopher Rise and Vernon Close. The context surrounding the application site is therefore a mix of countryside and low rise low density suburban housing.

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of the proposal in terms of its impacts on the character and appearance of the area, the residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking, highways safety and environmental interests. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

Under the provisions of Section 54A of the Town and Country Planning Act determinations of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10th November 2008.

The UDP policies relevant to this application are: Policies EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV17 (Large Villages), EV25 (Sites of International Importance), EV30 (Trees, Woodland and Hedgerow Protection), EV33 (Sewage Disposal), EV34 (Protection of Controlled Waters), EV35 (Surface Water Run-Off), HC3 (Affordable Housing), HC17 (Planning Obligations), AS1 (New Development Proposals), AS2 (Design and Layout), AS6 (Parking).

The site is not allocated for residential development in the Unitary Development Plan, it is indicated as white land and is therefore considered a windfall site within the village of Pontlliw. As Pontlliw is identified in the UDP as a large village the proposal falls to be considered under Policy EV17 where development will be limited to existing commitments, small infill plots and small scale rounding off provided that it meets with the criteria of Policy EV1. Small scale rounding off is defined in the amplification to the policy as development which takes the developed area up to the village boundary. The proposed development would therefore accord with this definition.

Policies EV1 and EV2 seek to ensure that new development is appropriate, inter alia, to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, etc. and integrates into the existing settlement with no detrimental impact on local amenity.

Within Large Villages where opportunities for housing are more constrained negotiations for the inclusion of a percentage of affordable housing in new housing schemes will be sought on developments of 10 or more dwellings or on sites of 0.4ha or more, in accordance with Policy HC3. The development would exceed these thresholds and as such negotiations have taken place to agree an element of affordable housing provision on site given the demonstrable lack of provision in the area.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted the Planning Obligations Supplementary Planning Guidance which is also relevant to consideration of this application and has been used to consider requests for contributions in respect of an appropriate level of affordable housing on site and an appropriate contribution for education provision. In this instance in view of the scale of the development a contribution towards transport infrastructure was not considered to be reasonable or necessary, the access and layout would, however, need to comply with the provisions of AS1, AS2, AS6 and EV3. Similarly in view of the scale of the development it was not considered reasonable to require a contribution for outdoor play space in the locality.

With regard to the ecology of the site, full regard has been given to Policy EV25 and the impact on the European protected sites in the Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs), and the requirements of related Policies EV33, EV34, EV35 regarding sewage disposal, surface water run-off, and development and flood risk.

There are mature trees located around the perimeter of the site, which have an intrinsic interest in terms of visual amenity and natural heritage. Policy EV30 requires such assets to be protected and since the application was submitted the trees along the southern boundary of the site have been protected by a Tree Preservation Order (TPO).

Finally, whilst this site has been put forward as a 'Candidate Site' by the applicant to be considered in the preparation of the Local Development Plan, (which will in due course supersede the Unitary Development Plan), the LDP is still in a very early stage of its preparation and it is considered premature to place any weight at this stage to this process.

Character and Appearance of the Area

The application site is located to the east of the existing dwelling 'The Poplars' and would extend the built form to the south of the existing dwellings on the southern side of Christopher Rise. Whereas the existing dwellings on Christopher Rise directly face the road the proposal is for the construction of a new cul-de-sac with turning head accessed near the roundabout at the head of Christopher Rise. In total 11 dwellings are proposed arranged either side of the access road.

Details of access and layout are considered as part of this planning application. The original plans indicated the provision of two storey dwellings on the site, however, following officer concerns regarding the impact on the character and visual appearance of the area (given the context is mainly single storey bungalows) the plans have been amended to indicate the provision of dormer bungalows, which is considered to be acceptable in this context as there are dormer bungalows in the street scene on both Christopher Rise and Vernon Close. With the exception of plots 6 and 7, the house types have an L-shaped footprint which comprises the elongated main body with a projecting integral side garage. Whilst scale is a matter reserved for future consideration it is considered necessary and reasonable in this instance, given the prevailing single storey and dormer style bungalows in the vicinity, to impose a condition to limit the scale of the dwellings to single storey only with accommodation within the roof void.

The layout of the development is dictated by the provision of the central access road within the site. Plot 1 is a prominent corner plot when entering the site and it's important this plot has a dual aspect onto both Christopher Rise and the new access road. At the head of the new road a garage has been indicated to terminate the vista. The plots have off street parking to the sides of the dwellings and front and rear gardens of a good size, which may provide opportunities for compensatory planting for any existing vegetation that may be lost as a result of the development.

Around the perimeter of the site on the northern, southern and part of the eastern boundary there are numerous mature trees which form part of the street scene and contribute to the character of the area. At the time the planning application was submitted none of the trees within the application site were protected by TPOs, however, following concerns regarding the potential loss of some of these trees a TPO has been placed on the trees on the southern boundary.

A tree survey has been submitted which identifies a number of good quality trees on or bordering the application site. In total 3 trees have been identified as category A trees of high quality and value, 15 trees of moderate quality and value and over 30 trees of limited merit or young trees with a stem diameter of below 150mm of low or no significant landscape merit. In addition 12 trees have been identified which should be removed for reasons of sound arboricultural management. The layout of the development as submitted would likely result in the loss of a number of trees on the northern side of the site including 2 category B trees.

On the southern part of the site whilst the siting of the dwelling on plot 7 may result in the loss of two category B trees and several category C trees the majority of the trees on the southern part of the site, including 3 category A trees, should be unaffected by the development, subject to satisfactory protection being afforded during the construction of the development. It is considered the layout of the development has had regard to existing trees on the site and whilst it is inevitable that some trees will be lost the majority of good quality and moderate quality trees can be retained and will provide a wooded backdrop to the development. Furthermore, compensatory/mitigation planting can be provided as part of the landscaping scheme for the site which is a matter reserved for future consideration.

Having regard to the above it is considered the layout of the development and the footprint of the dwellings would be in accordance with the layout and built form of the dwellings in the surrounding area. In this respect the character of the development would complement the low rise, low density housing surrounding the site to the north and east. In terms of the visual appearance of the development, the footprints of the buildings together with confirmation that they will be dormer style bungalows will ensure that, subject to details of appearance, scale and landscaping, which are reserved matters, the development would not result in any significant adverse impacts in terms of visual appearance.

The proposal is considered to be appropriate to its local context and has regard to the existing site features. In summary therefore it is considered subject to the submission of satisfactory details with regard to the appearance, scale and landscaping of the proposed development, the proposal would be satisfactory in terms of its impact on the character and appearance of the area having regard to UDP Policies EV1, EV2, EV17 and EV30.

Residential Amenity

The closest existing dwellings to the development are the single storey bungalows at Nos. 24, 26 and 28 Christopher Rise which back onto the northern boundary of the site. Nos. 24 to 26 have rear gardens in access of 22 metres whereas, at its closest, the corner of the dwelling at No. 28 is some 5 metres from the boundary of the application site. The proposed dwellings on plots 1 to 6 have rear gardens of between 12-13 metres in depth, this is considered to be a satisfactory distance to ensure there would be no direct overlooking of neighbours gardens and no overbearing or overshadowing impacts from the proposed dwellings. A separation distance of some 20 metres would be achieved between the rear elevation of No. 28 Christopher Rise and the rear elevation of the proposed dwelling on plot 3. This is considered to be satisfactory given that No. 28 is splayed away from the rear elevation of the dwelling on plot 3 as such it is not considered there would be any significant detrimental impacts upon the occupiers of No. 28 Christopher Rise.

The proposed development is considered to be a satisfactory distance from the existing dwelling at The Poplars to ensure there would be no significant residential amenity impacts upon the occupiers of this dwelling.

Concerns have been raised in letters of objection that the proposed development would result in a noise pollution to existing occupiers. It is considered the proposed development would complement the existing residential uses surrounding the site and would not generate excessive noise pollution.

In view of the above the proposed development is considered to be satisfactory in terms of residential amenity having regard to UDP policies EV1 and EV2.

Access and Highway Safety

The site is accessed from Christopher Rise via Oaklands Road and Woodfield Avenue. Oaklands Road is narrow due to on street parking and there is a sharp bend which leads onto Woodfield Avenue. Concerns have been raised in letters of objection regarding congestion and highway safety issues on these roads and the surrounding road network. In addition concerns were raised regarding the amount of traffic that may result from the construction of the development.

With regard to traffic concerns on Oaklands Road and Woodfield Avenue, to ensure that traffic is free flowing along this narrow stretch and to avoid conflict at the bend it will be a requirement of any planning permission to put in suitable Traffic Regulation Orders to protect the passage of vehicles. This would address any traffic and highway safety concerns regarding the additional traffic movements arising from the development.

The indicative layout shows a road layout to adopted standards with sufficient space to provide parking for each plot. The turning head is acceptable and the development is therefore considered to be satisfactory having regard to UDP Policies AS1, AS2 and AS6.

Having regard to the above the Head of Transportation and Engineering has raised no objection the proposal subject to: the internal road layout being agreed with the highway authority under a section 38 agreement; adequate parking provision within the plots; the provision of Traffic Regulation Orders on Oaklands Road and; the submission of a travel plan.

Water Quality Issues

This application is one of a number of major planning applications that have been held in abeyance since 2009, due to ongoing concerns raised by Europe and Welsh Government regarding the water quality of the Loughor Estuary which is part of the following European protected sites: Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs). The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor CCW towards all development that drains into CBEEMs, and carried out the following Habitat Regulations Assessment.

Burry Inlet Habitat Regulations Assessment

Introduction

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

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site. Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

Water Quality

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

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

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

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

Other Possible Effects on CBEEMS features

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

CONCLUSION

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

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

CCW have now withdrawn their objections on the basis that the Habitats Regulation Assessment has been completed.

Hydraulic Capacity Issues in Gowerton WwTW drainage network

Whilst the LPA is satisfied that it has addressed the issues relating to the Habitats Regulations on this site, the EAW have advised the LPA recently that there are outstanding Hydraulic Capacity issues in the Gowerton Waste Water Treatment Works (WwTW) catchment area. In 2011 Dwr Cymru Welsh Water adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area. They have also prepared a Plan of Improvements works for Gowerton WwTW catchment area to start in 2020 (AMP 7). In the meantime they are prepared to bring forward schemes if developers finance them.

In addition, the Council has kept a register of savings made on brownfield sites and some of these have been completed. This register is required by the Memorandum of Understanding 2011 agreed and signed by the City and County of Swansea, together with its partners Carmarthenshire County Council, Dwr Cymru Welsh Water, Environment Agency Wales and Countryside Council for Wales.

Foul Drainage

In this particular case, the scheme was originally submitted with foul water being treated on site by a private system as the sewer on Christopher Rise was a private sewer, however, this was objected to by EAW. Since late 2011 all private sewers have been adopted by DCWW and new arrangements had to be made to connect this proposal to the newly adopted public sewer. As such further consideration has been given to the impact of this development on the drainage network into Gowerton WwTW.

Both DCWW and EAW have confirmed that the foul connections for this development should be compensated for by surface water removal, preferably in this sub catchment or alternatively in the wider Gowerton WwTW catchment area.

The application has been under consideration for a considerable period of time and as a result of changes in legislation, foul flows from the proposed development must now connect to the newly adopted public sewer as opposed to the on site private system originally proposed. The circumstances regarding the adoption of the public sewer are considered to be relatively unique and together with the concerns raised by DCWW, EAW and CCW have resulted in significant delays in determining this planning application. The applicant can not provide any on site surface water betterment, however, in view of the savings made in the Council's register for the Gowerton WwTW catchment area and given that the volume of foul flows from the development would be relatively small, it is considered that, given the circumstances in this instance, there is sufficient justification to use a small part of these savings secured on the Council's register to facilitate this development.

Land and Surface Water Drainage

The arrangements for surface water drainage have been submitted and have been considered by the Council's drainage officers, EAW and DCWW. Surface water from the roofs, hardsurfaces and roads would be discharged via an attenuation system to an existing watercourse. The details are satisfactory in principle, but it is considered necessary to require further details of the drainage arrangements prior to the occupation of the units to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents. This can be controlled by condition. On the basis of the information submitted to date, it is considered there are no overriding reasons to warrant refusal on drainage grounds alone.

Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and in accordance with the provisions of Policies EV33, EV34 and EV35.

Ecology

The applicant has provided an extended phase 1 habitat report which confirmed that no protected species were identified as having been recorded on or adjacent to the site, however, there are two trees on the site which are considered to have features suitable for roosting bats. CCW have stated that if the proposals were to involve any works on these trees, then a further bat tree survey would need to be carried out.

The siting of the drainage on the site has been amended to bring it outside of the root protection areas of one of the trees identified as having bat interest. The remaining tree with bat interest on the southern boundary of the site would be unaffected by the development. A tree protection condition will prevent any physical damage to these trees.

Bats are particularly sensitive to disturbance caused by increased levels of lighting therefore it is recommended a condition is placed on the permission restricting any additional lighting falling on the trees surrounding the site in particular those identified as having bat potential. This is considered to be both reasonable and necessary in order to ensure there would be no detriment to the conservation status of any bat species in and around the site. It is noted there is Japanese Knotweed on site. The management of this invasive plant may be addressed by condition.

Subject to the conditions recommended above the proposal would be in accordance with EV2(v) which requires the implementation of any necessary mitigation measures and would be in accordance with the advice of CCW and the Council's Planning Ecologist.

Trees

The proposed development would result in the loss of a number of trees on the site, however, the layout will allow for all trees in Category A and a high percentage of the moderate quality trees to be retained.

At the time the planning application was submitted none of the trees within the application site were protected by TPOs. A Tree Preservation Order (P17/7/4/563) has been placed on the trees on the southern boundary to ensure a measure of control over the better quality trees on the site.

Compensatory planting in mitigation of the loss of trees and to create an attractive setting for the development in perpetuity can be provided as part of a landscaping scheme for the site which is a matter reserved for future consideration. The development is therefore considered to be satisfactory having regard to UDP Policies EV2 and EV30.

Affordable Housing

UDP policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in and around Swansea and underpins the Council's Housing Strategy. The LHMA identifies a need for affordable housing provision in this area and the applicant has indicated they would accept the provision of 2 low cost home ownership units on site. This provision would be subject to negotiations with the Housing Enabling Officer and may be secured by a S106 planning obligation.

Education

The Director of Education has requested a financial contribution for both Pontlliw Primary School and Pontarddulais Comprehensive School. Current capacity figures indicate that Pontlliw Primary would have capacity to accommodate the 3.41 pupil places generated by the development. Whilst Pontarddulais Comprehensive may have some capacity this would effectively be consumed by other approved developments within the catchment of that school. The development would create a requirement for 2.42 secondary school pupil places and would therefore result in additional pressure for places at this school.

In this respect the applicant has agreed to provide a contribution of £38,352 which may be used to fund improvements and/or extensions to this school. This figure is in accordance with the guidance contained within the Planning Obligations SPG and may be secured by a S106 planning obligation.

Outdoor Play Space

The nearest open space provision fronts Woodfield Avenue and the nearest outdoor play provision is at Pontlliw Park which is approximately 1km walk from the application site. In view of the size of the development it is not considered reasonable or necessary to require on site open space or play provision. Whilst it may be desirable for the developer to provide a contribution to fund improvements to Pontlliw Park, in this instance in view of the established need for affordable housing in the area and the capacity issues in local schools, S106 contributions for this development have been prioritised for Education and affordable housing. As such, a contribution for outdoor play space has not been sought and was not considered necessary in order to make the proposal acceptable in planning terms.

Other Material Considerations

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to UDP policy considerations, the current status of this greenfield site and its acceptability for development. The highway access and public safety concerns relating to traffic are considered in the Highways Officer's response. The design and layout considerations have been carefully assessed and amendments have been made to address concerns with regard to the impact of the development on the character and appearance of the area and residential amenities of neighbouring occupiers. The impact on local wildlife and ecology has been properly assessed by the Countryside for Wales and the Council's Planning Ecologists and subject to conditions is considered to be satisfactory in this respect.

Conclusion

The proposal is an outline planning application to develop an area of land that currently forms part of 'The Poplars' for 11 detached dwellings. The application site is located within the village of Pontlliw where small infilling and small scale rounding off is considered to be acceptable in principle in accordance with Policy EV17. The plans have been amended to provide 11 dormer style bungalows which, it is considered, would not harm the character or the appearance of the area subject to the approval of details of the appearance and scale of the buildings and landscaping of the site which are subject to future consideration. The layout of the development has had regard to the mature trees on the site, many of which are of high or moderate quality and have both amenity and wildlife value. In addition it is not considered the proposal would have any significant residential amenity impacts on neighbouring occupiers and would not have any significant impacts on highway safety.

The drainage proposals have been considered in the above report, including the new proposals for foul connections and the hydraulic capacity issues, as well as the land/surface water drainage issues. It is considered that the requirements of DCWW and EAW for compensatory surface water savings in the Gowerton WwTW catchment area can be accommodated for in the Council's Register of savings made from brownfield sites in the Gowerton WwTW catchment area.

Having regard to all of the above the proposal is considered to be satisfactory and in accordance with UDP Policies, approval is therefore recommended.

RECOMMENDATION

APPROVE, subject to the following conditions and the applicant entering into a Section 106 Planning Obligation to provide: two affordable housing units on the site and; an education contribution of £38,352:

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 Before the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.
- 5 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason: In the interests of the ecology and amenity of the area.
- 6 The materials used for the external surfaces of the development shall be in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason: In the interests of visual amenity.
- 7 The dwellings shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of sustainability

- 8 The construction of the dwellings hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).
Reason: In the interests of sustainability.
- 9 Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).
Reason: In the interests of sustainability.
- 10 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 11 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 12 Prior to the occupation of any of the dwellings hereby approved a travel plan shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In order to promote more sustainable modes of transportation.
- 13 The development hereby approved shall not be occupied until a scheme to provide Traffic Regulation Orders along Oaklands Road and Woodfield Avenue has been submitted to and agreed in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the occupation of the development.
Reason: In the interests of highway safety.

- 14 Before the development hereby approved is occupied any external lighting proposed within the development shall be in accordance with details to be submitted to and approved in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details.
Reason: In the interests of nature conservation.
- 15 The development hereby approved shall be restricted to single storey bungalows or single storey bungalows with accommodation within the roof void.
Reason: In the interests of visual amenity.
- 16 No development shall commence on site until a scheme for the retention and protection of trees to British Standard 5837:2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. This shall include full details on all works that impact on the original ground conditions within the root protection areas, as detailed in BS5837:2012 and in particular details of protective fencing, ground protection & construction method, required tree surgery operations, service trenching position and any changes in ground level within the root protection areas of all retained trees. No development shall take place except in complete accordance with the approved scheme, and not before the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.
Reason: To ensure the protection of retained trees on site during construction works.
- 17 No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.
Reason: To ensure the protection of retained trees on site during construction works.

INFORMATIVES

- 1 As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or grey water harvesting from the new buildings, etc.
- 2 The developer and future occupiers are advised that any external lighting should be designed and sited so as to have regard to the potential present of roosting bats in the trees on the southern boundary of the site.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance, work should cease immediately and the advice of the Countryside Council for Wales sought before continuing with any work (01792 634960).

- 4 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild bird

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

- 5 It is an offence under the Town and Country Planning Act 1990 to:

Cut down, uproot, top, lop, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order.

Wilful damage to a protected tree includes damage to its surrounding rooting area by: excavation work, storage of materials or machinery, parking of vehicles, deposit of soil or rubble, disposal of liquids, or the mixing of cement.

- 6 The landscape scheme shall include for mitigation for the loss of trees from the development site and is to create in perpetuity a streetscene that will include trees to the frontages of the houses and that both the dwellings and services should be designed in accordance with this informative. It is expected that at least 1 medium sized species tree is to be planted per property.

- 7 The internal road layout being agreed with the Highway Authority under a section 38 agreement.

- 8 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV17, EV30, EV33, EV34, EV35, AS1 and AS2.

- 9 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit www.swansea.gov.uk/snn or contact the Council's Street Naming and Numbering Officer, City & County of Swansea, Room 2.4.2F, Civic Centre, Swansea, SA1 3SN. Tel: 01792 637127; email snn@swansea.gov.uk

- 10 The Developer must contact the Team Leader, Highways Management, City & County of Swansea (Highways), Penllergaer Offices, c/o Civic Centre, Swansea, SA1 3SN (Tel: 01792 636091) before carrying out any work.

- 11 The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.

PLANS

Design and Access Statement 0835-12 site location plan, 0835-13 existing site plan, 0835-15 photographs received 19th October 2009. 300 Rev. C proposed site plan including trees and drainage layout, SK001 proposed site plan received 23rd October, 2012.