



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

Pwyllgor Cynllunio

Lleoliad: Siambr y Cyngor, Neuadd y Ddinas, Abertawe

Dyddiad: Dydd Mawrth, 3 Mawrth 2020

Amser: 2.00 pm

Cadeirydd: Y Cyngorydd Paul Lloyd

Aelodaeth:

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

Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.**
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.**
www.abertawe.gov.uk/DatgeluCysylltiadau
- 3 Cofnodion.** **1 - 4**
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir
- 4 Penderfynu ar Geisiadau Cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990.** **5 - 120**
- 5 Tir yn uchaf Bank Pentrechwyth, Nantong Way, Pentrechwyth, Abertawe.** **121 - 122**

Cyfarfod nesaf: Dydd Mawrth, 7 Ebrill 2020 ar 2.00 pm

Huw Evans

Pennaeth Gwasanaethau Democrataidd

Dydd Mawrth, 25 Chwefror 2020

Cyswllt: Gwasanaethau Democrataidd - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber - Guildhall, Swansea

Tuesday, 4 February 2020 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
M H Jones
P B Smith
T M White

Councillor(s)

W Evans
M B Lewis
D W W Thomas

Councillor(s)

L S Gibbard
R D Lewis
L J Tyler-Lloyd

Also Present:

Councillors M C Child, DH Hopkins & R C Stewart

Officer(s)

Gareth Borsden
Matthew Bowyer
Ian Davies
Dave Owen
Liam Jones
Steve Smith
Jonathan Wills

Democratic Services Officer
Principal Telematics Engineer
Development, Placemaking & Heritage Manager
Principal Planning Officer
Area Team Leader
Placemaking and Heritage Lead
Senior Lawyer

Apologies for Absence

Councillor: P M Black

44 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.

45 Minutes.

Resolved that the Minutes of the Planning Committee held on 3 December 2019 be approved and signed as a correct record.

46 Items for Deferral/Withdrawal.

None.

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

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

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

Resolved that

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

(Item 1) – Planning Application 2019/2345/FUL - Replacement skatepark at West Cross Skate Park, Mumbles Road, Blackpill, Swansea

A visual presentation was provided.

Pamela Erasmus (Mumbles Community Council – applicant) and Russell Holbert (developer) addressed the Committee and spoke in support of the application.

Councillor M C Child (Adjoining Ward Member) and R C Stewart (Leader) addressed the Committee and spoke in support of the application.

Report updated as follows:

Late letter of support reported.

Page 16 – Description amended to read Mayals Ward not West Cross.

Page 27 amended to insert:

In terms of surrounding residential properties to the proposal it can be noted that the nearest existing dwellings are at Nos. 156 and 158 Mumbles Road opposite the site and No. 35 Mumbles Road to the North. No. 158 is approximately 30m away from the nearest part of the proposal with No. 156 further away and up and embankment approximately 75m from the proposal. No. 35 is positioned further to the North at a distance of approximately 150m.

Whilst not currently on site it is relevant to note that there was previously a residential dwelling to the south of the site at No.37 Mumbles Road which remains marked on the Site Plan as a property. It is understood that the property was previously subject to fire damage but there is an outline planning permission from 2013 which was further renewed in 2018 which would allow re-building of the dwelling. The distance of the proposal to the residential curtilage of the site of No.37 Mumbles Road is approximately 30m whilst the distance to the footprint of the former dwelling at the site is approximately 45m. A detailed design or position for the proposed dwelling is yet to come forward for approval, however given the siting of the skatepark facility away from the boundary, existing vegetation around the site and the fact

that proposal sits alongside an already well used public access path at the promenade it is not considered that the proposal would give rise to an adverse impact upon future occupiers of the plot. Similarly there is considered to be adequate separation from the other nearest dwellings at 35, 156 and 158 Mumbles Road such that the proposal complies with the provisions of Policy PS 2 of the LDP.

Condition 6 amended to read:

6. No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial use of the development or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Condition 10 removed for the following reason:

The Highway Authority has advised that the Council will be carrying out work this financial year as part of the Welsh Government Active Travel Fund which has allocated funds specifically for widening pinch points along the promenade. Accordingly a condition requiring a scheme of widening here is not considered necessary in view of the emerging project.

(Item 2) – Planning Application 2019/2846/FUL - Redevelopment, extension and enhancement of the existing building, retaining A1 floor space at ground floor and first floor level, B1 use on the second and third floors. The construction of a new tower in Picton yard comprising ground and first floor D1 Educational Use, B1 Use on second and third floor and the provision of residential apartments over the upper floors , the provision of flexible space within Picton Yard, along with associated works, and public realm improvements at Picton Yard, 242-246 Oxford Street, City Centre, Swansea.

A visual presentation was provided.

Luke Grattarola (agent) addressed the Committee.

Councillor R C Stewart (Leader) addressed the Committee and spoke in support of the application.

Report updated as follows:

Condition 6 (Landscaping) amended to read:

No superstructure development shall take place until there has been submitted

to and approved in writing by the Local Planning Authority a fully detailed scheme of hard and soft landscaping including species, spacings and height when planted of all new planting. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Condition 12 (Portable Water Scheme) amended to read:

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

Condition 23 (Ventilation/Fume Extraction) amended to read:

Prior to the beneficial occupation of ancillary Class A3 food and drink space within the development, a scheme, which specifies the provisions to be made for the control of ventilation and fume extraction has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied and retained thereafter.

The meeting ended at 3.28 pm

Chair

Agenda Item 4

City and County of Swansea
Dinas a Sir Abertawe

Report of the Head of Planning & City Regeneration
to Chair and Members of Planning Committee

DATE: 3rd March 2020

Bay Area Team Leader: Liam Jones - 635735	Area 1 Team Leader Andrew Ferguson - 633947	Area 2 Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llangyfelach Llansamlet Mawr Morrison Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.

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



TWO STAGE VOTING

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

The first vote is taken on the officer recommendation.

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

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

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Members should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on page 83 of Part 3 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

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

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

Contents

Item	App. No.	Site Location	Officer Rec.
1	2019/1865/FUL	Land At Picket Mead, Murton Lane, Newton, Swansea, SA3 4TR Construction of 4 residential dwellings with associated access, parking, landscaping and ancillary works	Approve
2	2019/1645/FUL	Land Off Clase Road (Site 16), Clase Road, Morrison, Swansea, SA6 8RX Construction of mixed use development including Classes B2/B8/A1/A3/sui generis (car sales) and refurbishment of St David's industrial estate	Approve
3	2019/2801/RG3	Bishopston Comprehensive School , The Glebe, Bishopston, Swansea, SA3 3JP Removal of three temporary classroom blocks, addition of two storey extension to form a classroom block to the South West elevation and single storey extension to the North East elevation to form a new reception, and external refurbishment of existing buildings and associated works (Council Development Regulation 3)	Approve
4	2019/2928/FUL	42 Gelli Street, Port Tennant, Swansea, SA1 8NJ Retention of use of property as a 4 bedroom House in Multiple Occupation (Class C4) for 4 people	Approve
5	2019/2855/FUL	Land Off Hill View Crescent And Beacons View Road, Clase, Swansea Construction of 25 dwellings comprising a mix of 16, 3 bedroom semi-detached properties, and 9, 3 bedroom terraced properties with associated hard and soft landscaping	Approve

Planning Committee – 3rd March 2020

Item 1

Application Number:

2019/1865/FUL

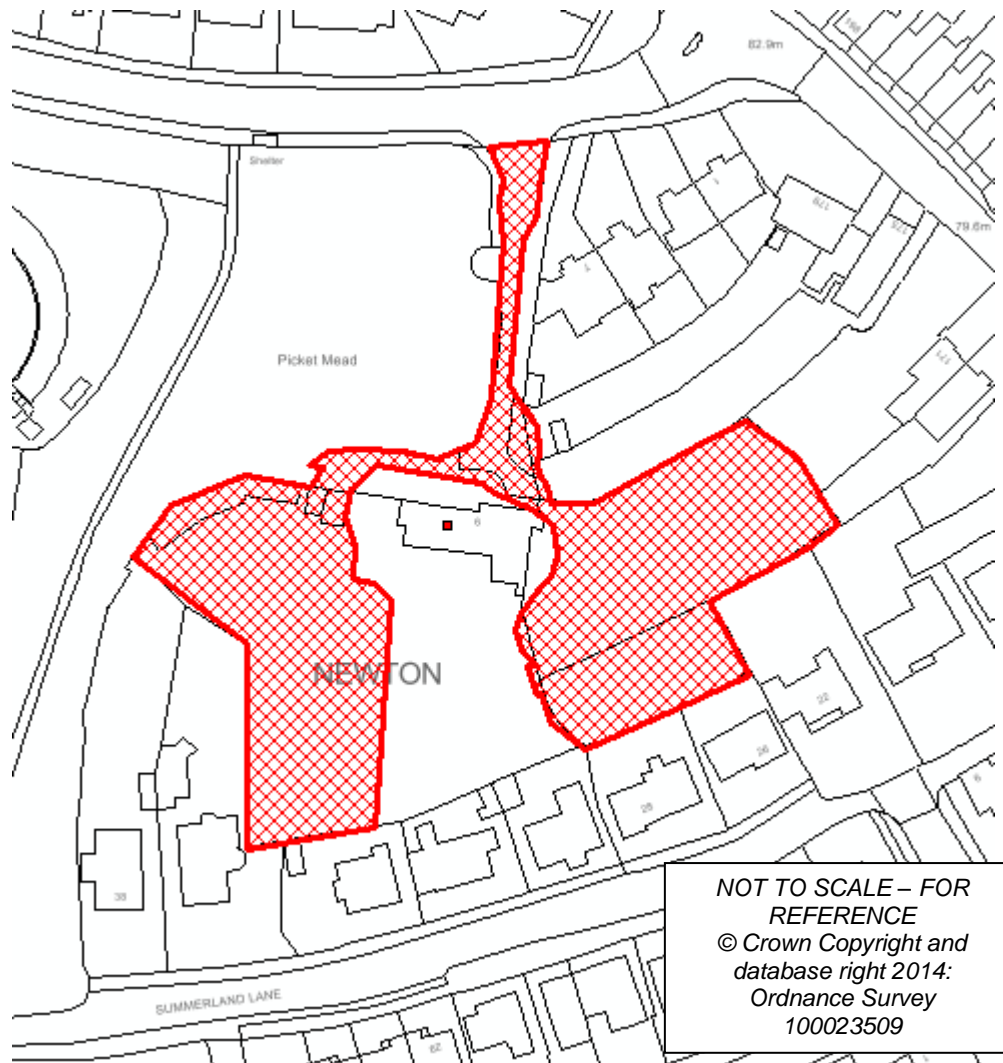
Ward:

Newton - Area 2

Location: Land At Picket Mead, Murton Lane, Newton, Swansea, SA3 4TR

Proposal: Construction of 4 residential dwellings with associated access, parking, landscaping and ancillary works

Applicant: Carrington



Item 1 (Cont'd)

Application Number:

2019/1865/FUL

Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - PS3 - Sustainable Housing Strategy

Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

LDP - ER8 - Habitats and Species

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

LDP - ER11 - Trees, Hedgerows and Development

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

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

LDP - T6 - Parking

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

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

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

LDP - HC1 - Historic and Cultural Environment

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

LDP - RP5 - Avoidance of Flood Risk

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

Site History

App Number	Proposal	Status	Decision Date
2019/1865/FUL	Construction of 4 residential dwellings with associated access, parking, landscaping and ancillary works	PDE	
2019/1866/CAC	Demolition of outbuildings and boundary wall within the curtilage of Picket Mead House (application for Conservation Area Consent)	PCO	
2011/0760	Construction of 4 detached dwellings	REF	28.03.2012
2010/0724	Demolition of outbuildings (application for Conservation Area Consent)	REF	26.07.2010
2009/1226	Construction of 5 detached dwellings, 2 with detached garages and 4 detached carports and associated works	REF	23.07.2010

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

RESPONSE TO CONSULTATION

Original Plans

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Picket Mead House, Nos. 26, 22, 20, 28 and 38 Summerland Lane, Nos.169, 171, 175, 177 and 179 Newton Road and 7 Murton Lane and through the display of site notices. The application was also advertised in the local press.

THIRTY SIX LETTERS OF OBJECTION were received which are summarised as follows:

1. Impact on the character and appearance of Newton Conservation Area;
2. Management of the surface water has not been addressed;
3. Creation of a new access (to serve plots 1 and 2) across common land;
4. Drainage issues;
5. Impact on protected trees;
6. Plot 2 would have an overbearing/overlooking impact on a neighbouring house and garden;
7. Loss of light to surrounding properties;
8. The mass and height of the development would destroy not enhance the area;
9. The height of the proposed dwellings would result in overshadowing and overlooking of neighbouring properties and gardens;
10. Increase in roof heights of the previously approved scheme;
11. The use of grasscrete in inappropriate;
12. The design of the dwellings would not enhance Newton Conservation Area; and
13. Concern of pedestrian safety with new vehicular access across common land.

A PETITION OF OBJECTION (55 signatures) was received reiterating aforementioned concerns in respect of the height, scale and massing of the dwelling and harm to the Conservation Area.

Drainage Officer - We have reviewed the application and are disappointed to note that the site plans have not considered how surface water arising from the development will be managed in strict accordance with Mandatory WG SuDS Standards. The management of surface water is still a mandatory consideration as part of the planning process.

Based on the lack of information or consideration of surface water it is the view of the SuDS Approval Body that the development is not viable at present, the introduction of above ground Suds features as required by the standards has the potential to change the layout and the design of the site which in turn will affect the planning permission.

We note from the application form that it is intended to connect the development to the main sewer. Permission for this is governed by the SuDS Approval Body in consultation with DCWW under Schedule 3 of the Flood and Water Management Act 2010.

Prior to the determination of the application we recommend that a conceptual SuDS Plan is submitted for review to determine whether the current layout is actually deliverable in SuDS terms.

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

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

Tree Officer - Objection. Plot 1 is in close proximity to tree T1 and Plot 2 is in close proximity to T659, both are protected by the TPO.

The arboricultural impact assessment identifies there will be a conflict with the trees proximity to the proposed dwelling and says that the design has taken this into account. In addition to the design the report suggest pruning to control the separation. The floor layout plans for Plot 1 shows the kitchen with bi-fold doors exiting on to a patio or deck that will be under T1. This juxtaposition is unsustainable and will lead to pressure to remove the tree when the dwelling is occupied.

Tree T659 is an oak that is an early mature specimen and thus expected to get much larger as it matures. Whilst the fenestration and floor layout is more suitable than Plot 1 in respect of the nearby tree, ongoing pruning will be required to maintain a separation. Knowing constant repeat pruning will be required suggests that the juxtaposition has not been duly considered.

The new layout does not take the tree cover into account and is contrary to ER11. The previous approved application demonstrates that development of the site is possible without this additional impact placed on the tree cover.

Placemaking and Heritage Advisor - Some revisions and additional information required:

- o As highlighted at the pre-application stage the layout provided for more of a courtyard type arrangement set around Picket Mead House which was considered appropriate to provide a better sense of arrival and structure to the site. It is noted that concerns were raised by the Tree Officer regarding the layout of Plot 1 and the former relationship of this to the adjacent protected tree and these comments are supported by the Placemaking and Heritage team, however this relationship has been amended on the most recent site plan. The opinion of the Council's Tree Officer should therefore be sought on this latest amendment to ensure that this is sufficient to address the previous concerns. If so, then the layout is considered acceptable in design and conservation terms.
- o The proposed house types present a series of forms with projecting and recessing elements and as such it would be useful to see 3D models of these to better assess and highlight the various viewpoints and materiality of these to the decision panel/committee. It is noted that some fixed viewpoints were provided as part of the pre-application submission however there have been some changes to the design of the houses since then and therefore it is recommended that these be updated and submitted as part of the application to help highlight the proposed contemporary approach.
- o Following the submission of further information in relation to the Heritage Impact Assessment (HIA) and from discussions with the Placemaking Team Leader there are concerns with regards to the competing heights of some of the proposed dwellings to Picket Mead House.

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

The approach to the design of the prior approval on this site was one with dwellings which were set at a lower height below Picket Mead House. This approach of having Picket Mead House as the main focus with smaller houses set around it in a logical layout structure height hierarchy is considered to be the correct one in both design and conservation terms.

- o Following the submission of the HIA elevations there are also some concerns with the amount of roof slope presented onto the Common Land by Plot 1 as a result of the split roof/half gable form facing towards the Common as this would present a tall and top heavy appearance over the top of the existing boundary wall which would also detract from the public views across and from the common towards this and Picket Mead House.
- o It is therefore recommended that the amount of roof overhang both at the eaves and 'ridge' level be reduced to an appropriate level in order to address both of these concerns and achieve a hierarchy which places Picket Mead House as the tallest main focus.
- o It is noted that the dwellings at Plots 2 & 3 have very small secondary bedrooms with limited space for storage or furniture. As such the proposal to provide all of the bedrooms with en-suite bathrooms as well as a family bathroom (5 bathrooms in total on the first floor) is questioned in terms of necessity given that some of the space currently occupied by the en-suites could be better utilised as additional bedroom or storage space for these.
- o Given the contemporary approach to design which presents various strong roof elements as features, any proposed guttering should be fully integrated/hidden within the eaves in order to maintain the design quality of the contemporary approach. A standard gutter approach as shown on one of the submitted drawings is not considered appropriate.

Ecology Officer - The submitted bat survey is now out of date and a new, fully updated ecological survey is required to be submitted, prior to any determination. This should re-survey for bats and nesting birds as priorities. It must also highlight mitigation and ecological enhancement requirements on the new builds (crevice-dwelling bats and birds).

In addition, please include bat and bird standard informatives and also the informative and two conditions relating to hedgehogs (there are many local records). Details of proposed landscaping are required, together with SUDS and how what is proposed re drainage will benefit biodiversity.

The tree survey is noted, together with the TPOs and the Conservation Area location.

Head of Transportation and Engineering - The principle of the development has been established under planning application 2011/0760 which was refused by Planning but subsequently allowed at appeal. Whilst not raised as an issue by highways the principle of the access over common land was discussed by the Inspector and he deemed it appropriate to allow the additional modest traffic movements generated by four dwellings over this existing access.

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

Given that access to the site has been previously considered (and that despite being of varying width) it has already been deemed appropriate to serve an additional four dwellings. This is a material consideration, as such a highways refusal would be unlikely to be sustained.

Visibility from the existing access off Murton Lane is adequate and there is no history of recorded accidents in that area. Adequate parking is being provided within the plot curtilages so overspill parking is unlikely to be an issue.

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

1. Permitted development rights being removed with respect to the garages.
2. The front boundary walls being kept below 1m in the interests of visibility.
3. The parking areas as indicated being laid out in accordance with the approved plans and maintained for parking purposes only thereafter.

Amended Plans

Amended plans were submitted to overcome an objection raised by the Council's Tree Officer and address placemaking and heritage issues. An ecological survey was also submitted.

The application was re-advertised by means of neighbour notification letters sent to Picket Mead House, Nos. 26, 22, 20, 28 and 38 Summerland Lane, Nos. 169, 171, 175, 177 and 179 Newton Road and 7 Murton Lane and through the display of site notices.

SIX LETTERS OF OBJECTION were received which reiterate previous concerns and add the following concerns:

1. Plot 1 has been handed to the detriment of the neighbouring amenity space;
2. Tree protection plan should be conditioned to retain the Ash tree to the rear of Plot 2;
3. Landscaping screening requested between Plot 1 and neighbouring property to the south-west; and
4. Impact on wildlife.

A PETITION OF OBJECTION (74 signatures) was received on the grounds that the revised plans fail to reduce the height (of the proposed development), do not maintain the vista of Picket Mead due to the out of character roof lights and have an unacceptable continuous ridge line. The petition states that the proposal fails to preserve or enhance the appearance of Newton Conservation Area - due to height, scale and design - to the sides of Picket Mead House and vista of Pickets Mead contravening planning policy.

Tree Officer - The altered layout is a better design when considering the retrained trees. Plot 2 has been 'flipped' to allow the long term retention of T659. Plot 1 has been moved further away from tree T1.

The alterations if approved require an update to the tree protection plan that uses the original layout that was submitted.

In the event of approval please could you condition an updated tree protection plan and arboricultural method statement. This should be worded as a pre-commencement condition.

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

Ecology Officer - The submitted Wildwood Ecology Report (September 2019) found no evidence of bat roosts but did record at least three species of foraging and commuting bats across the site. Please therefore include the standard bat informative and conditions relating to ecological on-site supervision of works, bat mitigation, breeding/nesting birds, site clearance, reptile/hedgehog mitigation, external lighting, trees, landscaping and ecological enhancement.

Placemaking and Heritage Lead - No objections to the amended drawings

Legal Executive - The proposed access to the new dwellings is registered common land - CL4(S) - Picket Mead. As usual, the applicant's attention should be drawn to Section 38 of the Commons Act 2006 in respect of works on common land.

The applicant would need to make either a section 38 or a section 16 application under this Act to the Welsh Government.

Head of Transportation and Engineering - No further comments. Please refer to previous response.

APPRAISAL

This application has been called to Committee at the request of Councillor Will Thomas and has met the objection threshold for 'call in' as set out in the Council's Constitution.

Full planning permission is sought for the construction of four residential dwellings with associated access, parking, landscaping and ancillary works at land at Picket Mead, Murton Lane, Newton. An application for Conservation Area Consent (CAC) has been submitted in conjunction with this application for the demolition of outbuildings and parts of boundary walls (2020/1866/CAC).

The application site comprises of two parcels (one accommodating plots 1 & 2 to the west of Picket Mead House and the other to the east accommodating plots 3 & 4) of overgrown scrub land which previously formed part of the grounds of Picket Mead House, which is a large unlisted detached two storey dwelling of character. The application site contains a number of outbuildings and several mature trees, which are protected by a Tree Preservation Order (TPO). The site also lies within the Newton Conservation Area.

Planning permission was previously granted at appeal for the erection of four dwellings and associated works at the site in September 2012 (2011/0766). That planning permission has now lapsed. That approved scheme comprised the construction of four detached dwellings of a contemporary design with a combination of monopitch and flat roofs.

The architect's current response to the site comprises a scheme of four contemporary detached dwellings which present a series of forms with projecting and recessing elements. The predominate design feature of the dwellings is a projected gable on the front and rear elevations with oriel type windows on the front elevation, with a steep sloping roof with an eaves height of 4.4 and a maximum height of 8.6 metres. The ridge height of the main roofs of the proposed dwellings are 7.5m.

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

Two plots would be located to the east of Picket Mead House and a further two more plots to the west. Vehicular access to the proposed development would be provided from Murton Road via the existing access to Picket Mead. The site location plan illustrates that the existing access, which currently terminates in front of Picket Mead House, would be extended across common land to provide access for Plots 1 and 2.

Plot 1

Dwelling one is a 1 ½ storey 4 bedroom detached dwelling with an attached single garage, located directly to the west of Picket Mead House and behind the existing wall which previously formed the boundary of Picket Mead House. The main body of the proposed dwelling would measure 14.6 in width (18.5m including the attached garage) with a depth ranging between 6.6m to 11.9m, due to the projecting and recessing nature of the design of the proposed dwelling. As well as garage and driveway car parking, an open car port is provided for Plot 1 opposite the proposed dwelling (to the rear of the existing garage belonging to Picket Mead House). There is a large protected Sycamore tree (T1) and holly tree (T3) within this plot which would be retained.

Plot 2

Dwelling two is a 1 ½ storey 4 bedroom detached dwelling with a detached double garage located to the rear of Picket Mead House. Access to the proposed dwelling would be via a shared driveway with Plot 1. The proposed dwelling would measure 14.6 in width with a depth ranging between 6.6m to 11.9m, due to the projecting and recessing nature of the design of the proposed dwelling. The garage would be well set back behind the proposed dwelling with a footprint of 6m by 6m with a pitched roof. The south and west boundaries of the plot are heavily screened with existing trees and bushes, some of which are subject to Tree Preservation Orders, including T6: Cherry Laurel, G1: Sycamore and Ash, T4: Scots Pine, & T5: Ash.

Plot 3

Dwelling three is located closest to Picket Mead House to the east of the site. The dwelling house comprises a 1 ½ storey 4 bedroom detached dwelling with a detached double garage. Access to the proposed dwelling would be via a shared driveway with Plot 4. The proposed dwelling would measure 14.6m in width with a depth ranging between 6.6m to 11.9m, due to the projecting and recessing nature of the design of the proposed dwelling. The garage would be set back behind the proposed dwelling with a footprint of 6m by 6m with a pitched roof. The south-west corner of Plot 3 is covered by protected Sycamore trees (T7 and T9).

Plot 4

Dwelling four is a 1 ½ storey 4 bedroom detached dwelling with an attached double garage located to the far east of Picket Mead House. Access to the proposed dwelling would be via a shared driveway with Plot 3. The proposed dwelling would measure 20.3m in width with a depth ranging between 6.6m to 11.9m, due to the projecting and recessing nature of the design of the proposed dwelling. Some existing screening by trees is provided along the rear boundary of the plot.

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

Issues

The main issues for consideration relate to the principle of the development of the site for residential purposes and its impact on the character and appearance of Newton Conservation Area, impact on the residential amenity of surrounding neighbouring properties and future occupiers, highway safety, ecology, drainage implications, impact upon protected trees and common land. Regard must be given to Policies PS1 (Sustainable Places), PS2 (Placemaking and Place Management), PS 3 (Sustainable Housing Strategy), ER8 (Habitat and Species) ER11 (Trees, Hedgerows and Development), T 6 (Parking), HC 1 (Historic and Cultural Environment) and RP5 (Avoidance of Flood Risk) of the Swansea Local Development Plan and Supplementary Planning Guidance entitled 'Infill and Backland Design Guide' and 'The Protection of Trees on Development Sites'. There are not considered to be any overriding issues for consideration under the provisions of the Human Rights Act.

Planning Policy / Principle of the Development

Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the Swansea Local Development Plan (UDP) which was adopted on 28th February 2019.

The application site is located within the urban area as defined by the Local Development Plan. Policy PS 3 (Sustainable Housing Strategy) supports windfall residential development at appropriate sites within the settlement, focusing on the re-use of previously development land. Whilst PS 2 (Placemaking and Place Management) requires development to enhance the quality of places and spaces and should accord with relevant placemaking principles.

This position is further supported by the previous planning permission of the site for residential development (planning application 2011/0760).

In respect of the extension of the existing access drive over registered common land - CL4(S) - Picket Mead, policy guidance is provided by existing legislation and National Planning Policy and Guidance. Under this guidance, the applicant would need to make either a section 38 or a section 16 application under the Commons Act 2006 to the Welsh Government. This issue therefore, as previously considered by the Planning Inspector when determining the 2011/0766 application, is a matter for other legislation and is not therefore a material planning consideration in the determination of this planning application.

Notwithstanding this, the agent has provided a copy of a consent from The Planning Inspectorate (who determine such cases under the statutory provision of the Commons Act 2006) from 2013 for works associated to the original planning permission at the application site on the common land to include:

- o The digging of a temporary trench to accommodate permanent underground service media;
- o The construction of a grasscrete access road; and
- o The installation of 2 metre high herras fencing for the duration of the relevant works.

Whilst this consent has now lapsed, the applicant will be required to again apply for consent to implement any planning permission.

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

The principle of developing the site for residential purposes is therefore acceptable.

Character and Appearance

When refusing the 2011/0760 planning application, the Council determined that the proposal would be detrimental to the character and appearance of the Newton Conservation Area. However, the Appeal Inspector did not agree and concluded that the proposal would preserve the character and appearance of the Conservation Area. The Inspector was of the opinion that the proposal as a whole would be well designed and would relate well to its surroundings and would preserve the character and appearance of the Conservation Area.

The siting of the proposed dwellings is similar to that of the previously approved scheme as illustrated by the submitted comparison drawing (BBA 725.P.02E). However the dwellings at Plots 1 and 4 have been re-orientated to face towards Picket Mead house, which in conjunction with the north facing dwellings adjacent to each of these (Plots 2 and 3) creates more of a courtyard type arrangement which provides a better sense of arrival and structure to each of the parcels of land, as well as better relating to the existing Picket Mead House.

The proposed dwellings utilise traditional forms and materials found within the Conservation Area, albeit in a more contemporary manner. As such, whilst the dwellings reference the characteristics of elements within the Conservation Area, the contemporary character of these also provide an appropriate differentiation to the traditional character of Picket Mead House, to highlight the differing periods of construction.

The contemporary character of the dwellings which plays with traditional forms, allows for the mass of the proposed dwellings to be broken up into smaller, distinct elements which helps to address issues relating to mass within this backland site, neighbouring amenity as well as providing visual interest to the development.

In light of the above, it is considered that in terms of the design, the proposal would conserve the character of the Conservation Area in accordance with Policies PS2 (Placemaking and Place Management), and HC 1 (Historic and Cultural Environment) of the Swansea Local Development Plan and Supplementary Planning Guidance: Infill and Backland Design Guide.

Residential Amenity

Having regard to the proposed site layout and Section 8: Privacy and Amenity of the Council's SPG: Infill and Backland Design Guide, the separation distances between the proposed dwellings and surrounding existing properties has been carefully considered. The proposed dwellings sit comfortably within the plots to avoid unacceptably detracting from the residential amenities of neighbouring houses and gardens, both existing and future occupiers.

Plots 1 and 2 would be sited adjacent to the rear boundaries of Nos 34, 36 and 38 Summerland Lane. Nos. 36 and 38 Summerland Lane are gabled fronted bungalows with accommodation within the roof space with sizeable rear gardens. Existing trees sit on the common boundary between Plot 1 and No. 38 which would provide screening. The dwelling within Plot 1 has been 'handed' during the course of the planning application and moved away from the common boundary with No. 36. Indeed the dwelling has been repositioned approximately 3.2m further north away from the shared boundary with No. 36.

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

Accordingly, it is considered that the separation distances between Plot 1 and Nos. 36 and 38 Summerland Lane would be sufficient to avoid undue disturbance, loss of natural light, or the proposed dwelling being overbearing.

In respect of Plot 2, the proposed dwelling has also been 'handed' during the course of the planning application and moved further northwards in the plot. Accordingly a separation distance of 21m has been achieved between No. 34 Summerland Lane and the proposed dwelling in order to avoid any undue levels of overlooking. Whilst it is acknowledged that there is a change in level between Plot 2 and No. 34, the separation distance is considered adequate given the context of the site within a built-up residential area and the height and type of trees on the boundary which would be retained as part of the development. The detached garage for Plot 2 would be sited alongside the eastern boundary with No. 36 Summerland Lane. However the trees along the boundary, coupled with the existing 1.6m wall would ensure that there would be no overbearing/overshadowing effect.

The application site does not extend directly behind the rear of Nos. 30 and 32 Summerland Lane and therefore it is not considered that the proposal would unacceptably harm the amenities of the occupiers of these neighbouring properties in terms of an overbearing or overshadowing impact.

In respect of Plot 3, there is a separation distance of 23m and 21.3m from Nos. 28 and 26 Summerland Lane respectively. Again whilst there are changes in levels, the separation distance are considered adequate in a built up residential area. The proposed dwelling has also been marginally pushed northwards in the plot by approximately 1.5m compared to the approved scheme.

Para 8.2 of the Infill and Backland Design Guide states that where a blank two storey wall is proposed close to existing habitable room windows, the minimum separation distance must be 15 metres. In this instance, a 'back to side' relationship only exists between the siting of the dwelling in Plot 4 and the existing dwelling at No. 22 Summerland Lane. In this instance, the separation distance is approximately 20m (taken from the side wall of the single storey double garage) which is adequate to avoid an overbearing and overshadowing impact.

Taking into consideration the properties which adjoin the application site to the east along Newton Road, the siting of the proposed dwelling within Plot 4 would be approximately 15m away from the rear boundary of Nos. 169 and 171 Newton Road. Both properties have long rear gardens measuring between 17.5m and 20m in length, which will ensure that the proposed dwelling within Plot 4 would not have a significant overbearing and overshadowing impact.

The parcel of land between No. 171 and 175 Newton Road is laid to grass towards the rear of the plot. There would broadly be a separation distance of 10m between the rear projecting gable of the proposed dwelling on Plot 4 and the rear boundary of this neighbouring parcel of land which is adequate to safeguard any residential amenity issues.

As noted earlier in the report, the dwelling within Plot 4 has been re-orientated to face towards Picket Mead House, thus reducing the impact on the garden area of No. 175 Newton Road in comparison to the original approved scheme.

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

In respect of Picket Mead House itself, the layout of the proposed development and separation distances between the proposed dwellings and the original host dwelling is adequate to safeguard the residential amenities of its occupiers in terms of an overbearing and overshadowing impact.

The proposed dwellings, including the small first floor recessed balcony areas/Juliette balconies serving the master bedrooms are generally sited at least 10m away from the rear or side boundaries with neighbouring properties which avoids any unacceptable overlooking of adjacent gardens/amenity space. The exception to this is Plot 1, which has its rear master bedroom window and balcony positioned less than 10m from the rear boundary of Nos 36 and 38 Summerland Lane. However, any views from the master bedroom of Plot 1 onto the rearmost part of the gardens serving Nos 36 and 38 would be oblique and hence are considered acceptable.

Similarly, adequate separation distances are provided (to avoid an overlooking/loss of privacy impact) between the proposed dwellings and Picket Mead House and its garden area. It should be noted that the front first floor window serving Bedroom 2 of Plot 2 lies within 18m of Picket Mead House and some 9m from the rear garden of Picket Mead House. In order to overcome this shortfall in the separation distance normally required (21m and 10m respectively), an oriel window has been proposed in order to direct views away from the rear elevation of Picket Mead House and its rear garden. This approach is considered to be acceptable.

Access and Highway Safety

Visibility from the existing access off Murton Lane is adequate and there is no history of recorded accidents in that area. Adequate parking is being provided within the plot curtilages so overspill parking is unlikely to be an issue. On this basis, the Head of Transportation and Engineering has raised no highway objections subject to conditions in respect of removal of permitted development rights with respect to the garages, front boundary walls being kept below 1m in the interests of visibility and the parking areas as indicated being laid out in accordance with the approved plans and maintained for parking purposes only thereafter.

Trees

The revised site layout (Drawing No: BBA 725.P.02E) is a better design when considering the retained trees. The proposed dwelling on Plot 2 has been 'handed' to allow the long term retention of T659 (Sessile Oak). Plot 1 has been 'handed' and moved further away from tree T1 (Sycamore). Accordingly, the Council's Tree Officer has raised no objections to the proposal subject to conditions requiring the submission and approval of an updated Tree Protection Plan and arboricultural method statement prior to the commencement of work on-site.

Ecology

The submitted Wildwood Ecology Report (September 2019) found no evidence of bat roosts at the site but did record at least three species of foraging and commuting bats across the site. Accordingly, the Council's Ecologist has recommended no objections to the proposal subject to standard bat informative and conditions relating to ecological on-site supervision of works, bat mitigation, breeding/nesting birds, site clearance, reptile/hedgehog mitigation, external lighting, trees, landscaping and ecological enhancement.

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

Drainage

This application will be subject to approval from the SuDS Approval Body (SAB), which is separate from any other permissions granted. Notwithstanding the comments received from the Drainage Officer, this matter is controlled separately to the planning application process and it is not therefore considered necessary to impose drainage conditions in this instance.

Other Matters

In response to public consultation, concerns raised with regard to the impact on the character and appearance of Newton Conservation Area, impact on protected trees, ecology and impact on residential amenity of neighbouring properties have all been addressed in the preceding paragraphs of this report. In respect of a request for landscaping screening, this will form part of a condition for the landscaping of the site. Concerns raised in respect of drainage and works on common land are dealt with under separate legislation.

Conclusion

The proposal is for the development of the site to provide four new dwellings in a sustainable location. The development is considered to provide an appropriate design response and would conserve the character of the Newton Conservation Area. Moreover, the development would not result in any significant residential amenity impacts on neighbouring properties and is considered to be acceptable in parking and highway safety terms. Matters relating to trees and ecology have been given full consideration and, subject to conditions, the development is considered to be acceptable and in accordance with Policies PS1 (Sustainable Places), PS2 (Placemaking and Place Management), PS 3 (Sustainable Housing Strategy), ER8 (Habitat and Species) ER11 (Trees, Hedgerows and Development), T 6 (Parking), HC 1 (Historic and Cultural Environment) and RP5 (Avoidance of Flood Risk) of the Swansea Local Development Plan and the Council's Infill and Backland Design Guide and 'The Protection of Trees on Development Sites'.

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

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

Location Plan (BBA 725.P.01) received 8th August 2019. Demolition Drawing (BBA 725.P.10A), received 26th November 2019. House Type 4 Plot 4 (BBA 725.P.07A), received 28th November 2019. House Type 2 Plot 2 (BBA 725.P.05B), received 16th January 2020. House Type 1 Plot 1 (BBA 725.P.04C) and Car Port Drawing (BBA 725.P.11), received 27th January 2020. Garage and Elevations Plots 2 and 3 (BBA 725.P.08B), received 28th January 2020. Site Plan (BBA 725.P.02F), Site Section (BBA 725.P.03F), House Type 2 Plot 2 (BBA 725.P.05C) and House Type 3 Plot 3 (BBA 725.P.06A), received 19th February 2020.

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

- 3 Notwithstanding the details shown on any drawing hereby approved, details/samples of all external finishes (including windows and doors) shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 4 Notwithstanding the provisions of Classes A, B, C, D, E, or F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification) no enlargements, improvements or other additions to the dwellings (including the erection of outbuildings) shall be carried out without the prior submission of a planning application for the consideration of the Local Planning Authority.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

- 5 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

- 6 Prior to the construction of the dwellinghouses hereby approved, a plan indicating the positions, heights, design, materials and types of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed as approved before the dwellings hereby approved are occupied and shall thereafter be retained as such.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 7 The garages and parking areas hereby approved shall be provided prior to the occupation of the dwelling to which they relate and shall be made available for vehicular parking at all times thereafter for the occupiers of the dwellings and their visitors.
Reason: To ensure sufficient off street car parking is provided and in the interest of highway safety.
- 8 Notwithstanding the Arboricultural Report submitted, no development shall take place until an updated Tree Protection Plan and Arboricultural Method Statement is submitted to and approved in writing by the Local Planning Authority to reflect the amended Site Plan (BBA 25.P.02F) received on the 19th February 2020. The development shall thereafter take place in accordance with the approved Tree Protection Plan and Arboricultural Method Statement .
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area.
- 9 The development shall be carried out in accordance with the recommendations contained within the submitted Ecological Report produced by Wildwood Ecology (dated 30th September 2019).
Reason: To ensure the development proposal has regard to priority or protected species that may or are confirmed to be present on the site:
- 10 Before development works commence on site, large scale drawings (at a scale of 1:10 or 1:20) showing the guttering of the proposed dwellings together with product details/specifications of the guttering system shall be submitted to and approved in writing by the Local Planning Authority. The submitted details shall demonstrate how the gutters will be fully integrated/hidden within the eaves of the proposed dwelling. The gutters shall be installed in accordance with the approved details and shall be retained as such at all times thereafter.
Reason: In the interests of visual amenity.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: policies PS1 (Sustainable Places), PS2 (Placemaking and Place Management), PS 3 (Sustainable Housing Strategy), ER8 (Habitat and Species) ER11 (Trees, Hedgerows and Development), T 6 (Parking), HC 1 (Historic and Cultural Environment) and RP5 (Avoidance of Flood Risk).

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

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

3 All front boundaries to be kept below 1m in the interests of visibility.

4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

5 Pre-construction/site clearance checks for bats and nesting birds in buildings due for demolition shall be undertaken by a licensed bat worker/Ecological Clerk of Works (ECOW). The ECOW shall also be in attendance when parts of the roof and other external features are dismantled. They shall supervise a 'soft strip' methodology to minimise the chance of bats being killed/injured, and take appropriate measures should bats be located.

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

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

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

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

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

Planning Committee – 3rd March 2020

Item 1 (Cont'd)

Application Number:

2019/1865/FUL

- 9 In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>
 - 10 Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981, as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).
 - 11 You are advised that part of the development site is registered Common Land (register CL4 - Picket Mead). Please note that any proposed works on this land may require consent from the Welsh Assembly under Section 194 of Law of Property 1925. Any works carried out without such consent will be unlawful.
 - 12 Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given. This is a separate application process to planning permission and a fee will be payable. Complying with SAB criteria may impact on the permission hereby granted. For queries and further information on the requirement for SuDS on new developments, please contact: water@gov.wales
-

Planning Committee – 3rd March 2020

Item 2

Application Number:

2019/1645/FUL

Ward:

Llansamlet - Area 1

Location:

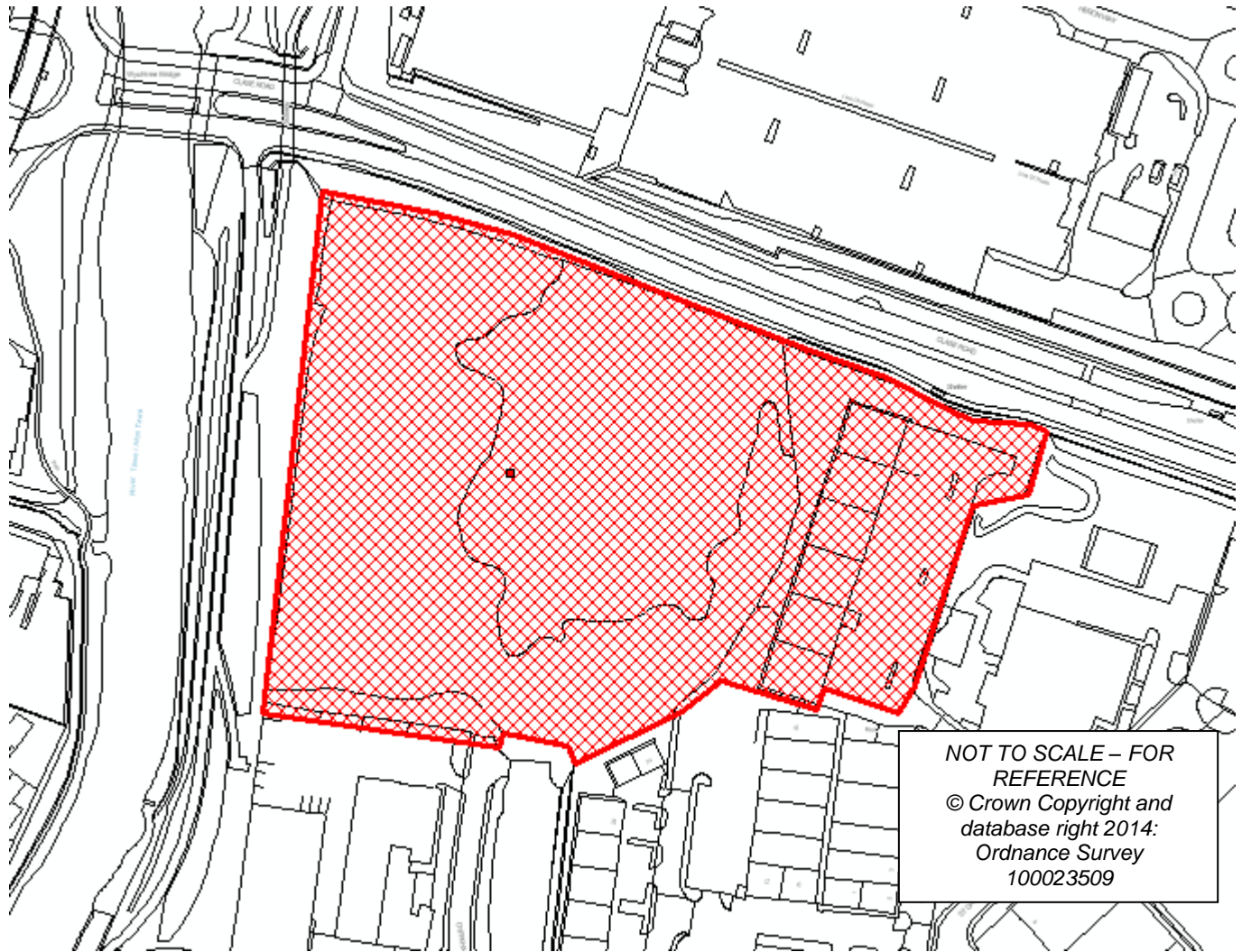
Land Off Clase Road (Site 16), Clase Road, Morryston, Swansea, SA6 8RX

Proposal:

Construction of mixed use development including Classes B2/B8/A1/A3/sui generis (car sales) and refurbishment of St David's industrial estate

Applicant:

Days Property Holdings Ltd



Planning Committee – 3rd March 2020

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Background Information

Site History

App Number	Proposal	Status	Decision Date
2019/1645/FUL	Construction of mixed use development including Classes B2/B8/A1/A3/sui generis (car sales) and refurbishment of St David's industrial estate	PDE	
98/0607	Development of the site within the following range of uses; Classes A3 (Public House); B1 (Business); B2 (General industrial); B8 (Storage and Distribution); C1 (Hotel-Budget Standard) Car/Caravan Sales (Outline - Council Development Regulation 4)	APP	20.06.2002

Background

This application is reported to Planning Committee for decision as the proposed floor areas of the buildings would exceed 2,000m².

The application site has an area of approximately 3.9ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 1 hectare. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Site Location

The application site is located within the Swansea Enterprise Park adjacent to its western boundary with the River Tawe. To the north is the A48 road frontage and to the south and east are existing commercial and industrial businesses on Dyffryn Close and St David's Industrial Estate.

The site is broadly flat and rectangular in shape. The land is currently covered in scrub vegetation with mature trees within the western portion of the site adjacent to the cycle track. Broadly one half of the site on its western side is located within the Tawe Corridor and Railwayline SINC. The site is located within a C1 flood zone within the Development Advice Maps (DAM) within TAN15: Development and Flood Risk.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Description of Development

The proposal is for a mixed commercial development including Classes B2/B8/A1/A3 and sui generis (car sales) together with the refurbishment of buildings within the St David's Industrial Estate. The following elements are proposed:

A1 - 167sqm
A3 - 474sqm
B2 - 128sqm
B8 - 4072sqm
Sui generis - 279sqm

A new left in and left out access is proposed directly off the A48 that would lead into a central spine road with 2 no. A3 drive through units proposed either side of the access road. A court yard arrangement is proposed with a large central car parking for 212 cars and landscaped areas enclosed by new and refurbished commercial units.

The existing refurbished and extended building would provide 7 no. B2 units on the eastern side of the development with servicing at the rear off St David's Industrial Estate Access Road 2, as existing. Along the southern flank 9 no. new B8 units are proposed together with a small A1 unit (unit 13). These units are indicated to be serviced to the rear off Dyffryn Close.

On the western side a single 'vehicle marketing suite' is proposed set within a permeable hardstanding area that follows the alignment of mature trees adjacent to the river walk/cycle track.

All units are proposed to be single storey in height save for unit 17 which is proposed to be a double height unit.

Planning Policy

Planning Policy Wales (10th Edition) 2018

Placemaking In Action

3.3 - Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places.

3.4 - Meeting the objectives of good design should be the aim of all those involved in the development process and should be applied to all development proposals at all scales.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

Ultra Low Emission Vehicles

4.1.39 To encourage the use of Ultra Low Emission Vehicles (ULEVs), the planning system should encourage and support the provision of ULEV charging points as part of new development. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. Planning authorities should ensure the level, location and type of charging provision is appropriate to the scheme and local circumstances.

Car Parking

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Retail and Commercial Development

4.3.1 Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

4.3.3 The Welsh Government identifies a number of overarching objectives for retail and commercial centres, which planning authorities should aim to deliver through their development plan and development management decisions ensuring their maximum contribution to the well-being goals. The planning system must:

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

- promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport.

Sequential Test

4.3.18 The Welsh Government operates a 'town centres first' policy in relation to the location of new retail and commercial centre development. In implementing this policy, planning authorities should adopt a sequential approach to the selection of new sites in their development plan and when determining planning applications for retail and other complementary uses. By adopting a sequential approach first preference should be to locate new development within a retail and commercial centre defined in the development plan hierarchy of centres.

4.3.19 If a suitable site or building to meet identified need is not available within a retail and commercial centre or centres, then consideration should be given to edge of centre sites and if no such sites are suitable or available, only then should out-of-centre sites in locations that are accessible by a choice of travel modes, including active travel and public transport, be considered. Developers should demonstrate that all potential retail and commercial centre options, and then edge-of-centre options, have been thoroughly assessed using the sequential approach before out-of-centre sites are considered. The onus of proof that central sites have been thoroughly assessed rests with the developer.

4.3.20 Edge-of-centre or out-of-centre sites should be accessible by a choice of public and private modes of travel. New out-of-centre retail developments or extensions to existing out-of-centre developments should not be of a scale, type or location likely to undermine the vibrancy, attractiveness and viability of those retail and commercial centres that would otherwise serve the community, and should not be allowed if they would be likely to put development plan retail strategy at risk. The extent of a sequential test should be agreed by pre-application discussion between the planning authority and the developer.

4.3.21 The sequential approach applies to retail and all other uses complementary to retail and commercial centres. Other complementary uses include, for example, financial and professional services (A2), food and drink (A3), offices (B1), hotels (C1), educational and other non-residential establishments (D1), leisure (D2) and certain other uses such as launderettes and theatres. However, some education, healthcare and community uses may have specific accessibility requirements which mean they need to be located close to the communities they serve. Planning authorities should be flexible in their approach where it is necessary. The nature of a proposed use is likely to determine what type of centre (i.e. higher or lower order centre) is most appropriate as a starting point for the sequential approach process.

Retail Impact Assessments

4.3.25 Retail developments outside designated retail and commercial centres, and which are not located on an allocated site, can impact on the viability and vibrancy of a centre. Impacts resulting from such development, whether individual or cumulative, may include changes in turnover and trading ability, consumer choice, traffic and travel patterns, footfall, as well as affect centre regeneration strategies and existing or proposed retail sites allocated in the development plan. The purpose of the retail impact assessment is to consider these issues and determine if these developments are likely to have detrimental consequences.

4.3.26 All retail planning applications or retail site allocations of 2,500 sq. metres or more gross floorspace that are proposed on the edge of or outside designated retail and commercial centres should, once a need has been established, be supported by a retail impact assessment.

4.3.27 For smaller retail planning applications or site allocations, planning authorities will need to determine whether an assessment is necessary, for example when a smaller proposal may have a significant impact on a centre. Requests for retail impact assessments by planning authorities on smaller developments should be proportionate to potential impacts.

4.3.29 Edge of centre or out-of-centre retail developments may seek, over time, to change the range of goods they sell or the nature of the sales area. Planning authorities should anticipate such changes using appropriate conditions on the initial permission or in relation to requests for any subsequent change or variation of condition. Conditions can restrict the amount of floorspace, or prevent a development from being sub-divided into smaller shops to limit the range of goods sold, or prevent the creation of a single large store. Also where the inclusion, for instance, of post offices and pharmacies in out-of-centre retail developments would be likely to lead to the loss of existing provision in a designated retail and commercial centre, they should be discouraged by imposing appropriate conditions. Planning authorities may wish to consider extending the list of uses controlled in out-of-centre retail developments if the location of such uses are likely to lead to the loss of existing provision in retail and commercial centres. Applications to remove or vary conditions should be subject to the same considerations.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes.

There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

Biodiversity and Ecological Networks

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- diversity between and within ecosystems;
- the connections between and within ecosystems;
- the scale of ecosystems;
- the condition of ecosystems including their structure and functioning; and
- the adaptability of ecosystems.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

6.4.6 In fulfilling this duty, planning authorities must have regard to:

- the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- the SoNaRR, published by NRW; and
- any Area Statement that covers all or part of the area in which the authority exercises its functions.

6.4.7 Planning Authorities should also refer to up to date ecological survey information (where appropriate).

6.4.8 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protection for Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

Protected Species

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

Development in Sewered Areas

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate longterm maintenance, sewers should be built to Welsh Government standards and adopted. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and Natural Resources Wales may refuse to issue an environmental permit for private treatment in such circumstances. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

Development and Flood Risk

6.6.22 Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

6.6.24 Development Advice Maps enable planning authorities to take a strategic approach to flood risk and consider the catchment as a whole by providing a preliminary representation of flood risks, which inform decisions on the location of new development and the requirements necessary to support any applications which may be proposed. Together with flood consequences assessments they should assist understanding of how natural and man-made defences work as integral components of places and provide a means by which the cumulative effects of development can begin to be understood.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

6.6.26 In areas of flood plain currently unobstructed, where water flows in times of flood, built development should be wholly exceptional and limited to essential transport and utilities infrastructure. Such infrastructure should be designed and constructed so as to remain operational even at times of flood, to result in no net loss of floodplain storage, to not impede water flows and to not increase flood risk elsewhere. TAN 15: Development and Flood Risk should be referred to for further policy advice on development and flood risk. It will be important to note that developments located within flood risk areas remain at risk from flooding even if mitigation measures are applied.

Adopted Swansea Local Development Plan (2010-2025)

PS1: Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy.

Planning Committee – 3rd March 2020

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

PS2: Placemaking and Place Management - development must enhance the quality of places and spaces and shall accord with relevant placemaking principles.

PS4: Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 14,700 additional jobs over the Plan period, including within Strategic Development Areas.

IO1: Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

HC1: Historic and Cultural Environment - the County's distinctive historic and cultural environment will be preserved or enhanced by complying with set criteria.

SI8: Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime.

ER2: Strategic Green Infrastructure Network - development will be required to maintain or enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network.

ER8: Habitats and Species - development proposals should not have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan unless it meets specific criteria.

ER9: Ecological Networks and Features of Importance for Biodiversity - development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network which enables the dispersal and functioning of protected and priority species.

ER11: Trees and Development - development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.

T1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

T5: Design Principles for Transport Measures and Infrastructure - provides design criteria that all transport measures/ infrastructure must adhere to.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

EU2: Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Residential developments on sites where there is capacity for 100 homes or more, and non-residential developments with a total floorspace of 1000 sqm or more, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

EU4: Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

RP1: Safeguarding and Public Health and Natural Resources - development that would result in significant risk to: life; human health and wellbeing; property; controlled waters; or the natural and historic environment, will not be permitted.

RP2: Noise Pollution - where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP3: Air or Light Pollution - where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP4: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

RP5: Avoidance of Flood Risk - new development will be expected to be located away from unnecessary risk.

RP6: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP8: Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Supplementary Planning Guidance (SPG):

The following supplementary planning guidance (SPG) documents are considered to be relevant to the determination of this application:

- City and County of Swansea Parking Standards (2012)
- The Protection of Trees on Development Sites (2016)
- Planning for Community Safety (2012)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. The SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

Consultations:

Neighbour comments:

The development was advertised by site notices, six letters were sent to neighbouring occupiers and the application was also advertised in the press.

One letter of objection has been received which may be summarised as follows:

Concerns the proposed development would result in adverse impacts upon wildlife and concerns regarding the Japanese knotweed on the site.

Highways:

The preliminary left in left out main access is acceptable in principle, this has been accompanied by a stage 1 Road Safety Audit. The detailed design will be subject to a section 278 agreement with the Local Highway Authority.

The applicant has demonstrated that the rear service yard abuts the adopted highway, and can be accessed for deliveries and staff parking. Alterations to the adopted highway will also be subject to a s278 agreement.

The car park and drive through layouts have been amended, and swept paths re-run. This shows the drive through units can be adequately and safely serviced by a 16.5m articulated vehicle, and as such are acceptable.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

The amended parking layout still results in an over provision of parking, it is likely however that a portion may be lost due to the emerging sustainable drainage design and as such the Highway Authority find this acceptable.

On the basis of the resubmitted plans and Technical Note and the discussions which have taken place between the Highways Department and the Applicant, the Highway Authority confirms it has no objections to the proposals. This is subject to the inclusion of appropriate planning conditions, these would be:

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

2. The buildings shall not be brought into beneficial use until the access and parking works have been completed and made ready for use, in accordance with the approved drawings. The parking areas shall be made available for vehicular parking to include public at all times thereafter.

In the interests of highway safety and general amenity

3. The proposed development shall not be brought into beneficial use until the access and parking works have been completed and made ready for use, in accordance with the approved drawings. The parking areas shall be made available for cycle parking at all times thereafter.

In the interests of highway safety and general amenity.

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

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

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

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

5. The buildings shall not be brought into beneficial use until a Delivery Management Plan is submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority. In the interests of highway safety and general amenity.

Pollution Control:

The Geo-Environmental & Geotechnical Report part 1 & 2 dated January 2019 will contribute to the Phase 1 Report: Desk Top Study and goes part one to form Phase 2: Detailed Investigation. However, the recommendations in section 9 of the report indicates that further intrusive investigation in the southern and western margins would be prudent.

Conditions recommended in relation to the submission of further phase investigation and validation/verification reports

Environment Officer:

Requires a detailed scheme for the eradication of Japanese Knotweed at the site.

Ecology Officer:

No objection subject to conditions in respect of landscaping, biodiversity enhancements and specific measures in relation to: bats, birds, hedgehogs, otter, dormice and reptiles.

Rights of Way:

Footpath LT 385 runs alongside this development and should not be adversely affected. The public right of way needs to remain open at all times during construction. If there is a requirement for the footpath to be closed, there is a 6 week lead in time for the application and a financial cost.

Drainage:

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

From 7 January 2019, all new developments more than 100m² will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

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

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Landscaping Officer (Trees):

No objection. The trees on site are not protected by TPO or conservation area status. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The arboricultural impact assessment supplied shows the impacts of the proposed development on the trees on site.

The proposals require the removal of encroaching scrub and pioneer trees. The main barrier trees adjacent to the river are unaffected and the visual amenity value is maintained.

The site layout should include trees planted in mitigation of those removed. These must be planted with suitable consideration to ensure they reach maturity and provide the future benefits they are designed to do. Integration with SUDS requirements are recommended.

In the event of approval please could you condition a tree protection plan and suitable landscape scheme.

Strategic Planning:

The proposal is for a mixed use development comprising refurbishment of existing units at the St David's Road Industrial Estate for what is described by the applicant as a continuation of B2 (General industrial) uses, with a remodelling of the units; new B8 (Storage or distribution) use class trade counter units; 1 new small scale 1,800 sq ft bakery unit for Greggs as an A1 use (Shops); 2 new drive-through A3 (food and drink) use units, each of 2,500 sq ft; 1 new 2,500 sq ft unit for motor vehicles marketing but not display (Unique Use); and a 212 space car park. The site comprises existing industrial units and a larger area of vacant previously developed land which is extensively covered in vegetation. The land is unallocated for any specific use in the LDP and shown as white land within the urban settlement on the LDP proposals map. It is located within Swansea Enterprise Park but is not located within the Enterprise Park Retail Area designated by LDP Policy RC7.

While this proposal is not situated in a designated Centre, edge of centre or Retail Park it is considered that exceptional circumstances apply in that the 2 drive through proposals cannot be accommodated at these locations and the proposals will not result in negative impacts on designated centres. It will, though, be vital to restrict planning permission to prevent their conversion/use to standard restaurants or A1 uses. The A1 bakery unit is considered to be small scale and will not result in any material impacts upon designated centres. Again it will be important to restrict the planning consent so that no open A1 use is allowed.

It is considered that the principle of the proposed B2 and B8 uses on this site has been established, the B2 and B8 proposals would strengthen the viability of the existing units and regenerate this part of the Enterprise Park subject to being in-line with other LDP policies such as being suitably served by supporting infrastructure, particularly sustainable modes of transport, flood risk and land contamination.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Natural Resources Wales (NRW):

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified, and we would not object provided you attach them to any planning permission your Authority may be minded to grant.

Condition: The development will be implemented with finished floor levels set to 9.3m AOD and wider site levels at 8.9m AOD, as laid down in the Flood Consequences Assessment (FCA). To be approved by the Local Planning Authority (LPA).

Condition: A Drainage Scheme will be submitted to and approved by the Local Planning Authority (LPA), in consultation with Dwr Cymru Welsh Water (DCWW). The scheme shall also ensure that the development, does not interfere or impact upon the drainage systems of the adjacent permitted site.

Condition: A full suite of Land Contamination conditions, will be added to any planning permission, the Local Planning Authority (LPA) may be minded to grant.

Condition: Provision of a Construction Environmental Management Plan (CEMP). To be approved by the Local Planning Authority (LPA).

Coal Authority:

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

In accordance with the agreed approach to assessing coal mining risks as part of the development management process, if this proposal is granted planning permission, it will be necessary to include The Coal Authority's Standing Advice within the Decision Notice as an informative note to the applicant in the interests of public health and safety.

Glamorgan Gwent Archaeological Trust:

The proposal will require mitigation.

Information in the Historic Environment Record shows the area is the site of the Dyffryn Tinplate Works, established in 1874 and shown on the historic map sequences until the mid 20th century as expanding to cover the whole site. It is our experience that when such industrial sites are described as demolished, that significant buried remains exist with a high degree of integrity. The Historic Environment Record also notes that it may have been a likely site for the Medieval manor house of Kilvey, considered to have been located between the Tawe and the Fendrod. We therefore at the pre-planning stage recommended that an archaeological desk based assessment be undertaken to determine the likelihood of archaeological remains being extant, and the impact of the proposed development upon them.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

The supporting information does include the assessment, undertaken by Archaeology Wales (document dated May 2019, reference 1796), which was undertaken to an agreed methodology and meets current professional standards.

The supporting information does include the assessment, undertaken by Archaeology Wales (document dated May 2019, reference 1796), which was undertaken to an agreed methodology and meets current professional standards.

The assessment examined information from all appropriate sources, as well as information regarding the nature of the proposed development. It concluded that there was a high potential for the remains of the works to exist, with high confidence. The remains of the tinsplate works, from the 19th century and onwards, make a valuable contribution to the understanding of the metallurgical industry in the Swansea Valley, and its cultural and economic importance in the world. Given the results of the assessment, the next proposed stage of mitigation would have been to conduct an archaeological evaluation to determine the nature and extent of the remains. However, the geotechnical information was re-examined archaeologically and in light of results of test pitting, which identified the depth and nature of archaeological remains, it was concluded that an archaeological evaluation would not add to our understanding at this stage, and that mitigation of the known archaeological resource could be addressed by condition.

In order to mitigate these proposed development we recommend that a condition requiring the applicant to submit a written scheme of investigation, for the implementation of a programme of archaeological work, should be attached to any consent granted by your Members. This will allow understanding of the current evidential remains, and appropriately manage the changes made by this proposal, in line with current Welsh Government legislation, policy and supporting documentation regarding managing change in the historic environment.

We recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Police Designing Out Crime Officer:

Specific observations/recommendations made in relation to measures to design out crime.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the principle of the proposed development in this location, the impacts upon the character and appearance of the area, the impacts upon residential amenity, the impacts upon highway safety, and impacts relating to flood risk, trees and ecology, land contamination, land stability, flood risk and archaeology having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Principle of Development

In relation to the principle of development at the site, the application site is white land in the urban area and is not allocated for a specific use within the LDP proposals maps. It is located within the Swansea Enterprise Park but is not located within the Enterprise Park Retail Area designated by LDP Policy RC 7.

The site partly consists of existing premises in active employment use which would be refurbished as part of the proposal, and the remainder of the site is vacant land formerly allocated for employment use under the Unitary Development Plan.

The LDP policy framework within Policy PS4 safeguards land and premises in active viable employment use that forms part of the employment land bank, including existing employment estates and business parks (including the Swansea Enterprise Park), for future employment uses, which will allow for churn and provide choice.

The LDP assessment of the land forming the part of the site to the west of the existing units (Candidate Site LS006) recommended that, while continued allocation for employment use would be appropriate in light of surrounding existing uses, in-line with the Plan's sustainable employment strategy with regard to non-strategic employment sites, the land should be shown as white land and proposals considered on their merits against plan policies. The Swansea Enterprise Park SPG was adopted by the Council in 1996 against a previous development plan. It is not referenced in the LDP. For these reasons little weight should be afforded to the document. The SPG defines the application site as being in Zone D, for B1, B2 and B8 uses and car showroom use.

The principle of the proposed B2 and B8 uses on this site has historically been accepted. It is therefore considered, in principle, the B2 and B8 proposals would strengthen the viability of the existing units and would regenerate this part of the Enterprise Park, subject to being in-line with other LDP policies such as being suitably served by supporting infrastructure, particularly sustainable modes of transport.

Similarly the proposal for a car showroom use, which is consistent with proposed uses set out for this area in the (albeit outdated) Swansea Enterprise Park SPG, is not considered to be at variance with the LDP Policies and is typically an acceptable out of centre use.

Turning to the proposed retail and leisure uses, these comprise of a single small bakery unit and two A3 drive through units. Importantly the application site is located within an out of centre location, where new retail and leisure proposals must be carefully considered to ensure there would be no significant impacts upon the established retail hierarchy within the city.

Policy RC2 promotes the Plan's defined Centres of the retail hierarchy, as the most appropriate and sustainable locations for locating new retail, leisure and supporting commercial development in-line with national policy. The policy states that where evidence clearly demonstrates that no sites within centres or at edge of centre locations can be made available for the proposed development, out of centre sites will be considered and in such circumstances, developers should consider available sites and premises within defined Retail Park boundaries, which are the preferred location for out of centre retail developments.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Policy RC3 emphasises the importance of this hierarchical approach in relation to the regeneration and re-development of the Swansea Central Area Retail Centre, particularly the St David's/Quadrant site. The Policy states that any proposals either within or outside this area which would put at risk the comprehensive regeneration of this area or would adversely affect the potential to enhance and re-develop the Retail Centre will not be supported.

The application site is not located within any defined centre and is outside of any Retail Park as defined within the LDP Proposals Map. The policy makes clear that retail and leisure proposals will only be permitted at out of Centre locations outside Retail Parks in exceptional circumstances, and where a specific need is identified for small scale development intended only to serve an identified local need (in accordance with Policy RC 6), or where the proposal is planned to serve a new Strategic Development Area, or where development requires a particular type of unit not normally available within Centres or Retail Parks.

Policy RC 13 states that within the Swansea Enterprise Park proposals for new or replacement retail floor space will only be permitted within Retail Park areas defined on the Proposals Map and proposals for retail development within the defined Retail Park areas will be restricted to the sale of bulky goods and/or items that do not pose a threat to the vitality, attractiveness and viability of the Swansea Central Area Retail Centre and District Centres. This site is not located in an Enterprise Park Retail Area (which are defined on the Proposals Map by Policy RC 7).

The consideration of developments within defined out of centre Retail Parks is provided within Policy RC7. The Policy states that proposals for Class A3 (food and drink) within such locations will be restricted to small scale provision that is ancillary and incidental to the primary retail function of the Retail Park, or a facility that due to its operational and functional requirements cannot reasonably be accommodated within a Centre. The policy defines 'small scale' as a facility less than 200sqm gross floor area.

The amplification to the policy recognises that certain proposals including a 'drive through' restaurant/café represents a Class A3 operation that, due to its circulation requirements and size constraints, would not typically be located within a Centre and may instead be accommodated within a Retail Park.

The amplification goes on to state that leisure uses will not be permitted at Retail Parks if judged to give rise to a critical mass and range of facilities that pose a threat to the future vitality, viability and attractiveness of the Swansea Central Area or District Centres. The policy aim is founded on evidence that emphasises the threat posed by Retail Parks in future becoming 'all round destinations' for customers to have such a range and opportunity for retail and leisure experiences that it negates the need to undertake any separate visit to existing Centres. Such developments are considered to be one of the most significant threats to the viability of the Swansea Central Area and regeneration proposals that seek to deliver a revitalised retail and leisure destination.

The planning application site is not situated within a recognised Centre, it is not an edge of Centre location, and is not located in a Retail Park. Paragraph 2.8.16 of the LDP states that a departure to the defined hierarchy will only be considered if convincing evidence is submitted in support of a proposal to demonstrate that such development is justified as an exception, and that there would be no material adverse impact caused by the development to the attractiveness, vitality or viability of any Centre defined in the Retail Hierarchy.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

The application has been accompanied by a sequential assessment of sites in the City Centre, Parc Tawe, and Morrison District Centre and concludes there are no available, suitable, viable opportunities which represent alternatives to the application site. Comments are made regarding the type of site required to be capable of accommodating a drive through, and also comments that on the basis of the number of bakery outlets in and around the City Centre the applicant perceives that companies can operate several bakery outlets and a further bakery at the proposed site would not impact on operations elsewhere.

The assumptions within the applicant's sequential assessment are considered to be reasonable. Whilst it is accepted the proposal is not situated in a designated Centre, edge of centre or Retail Park it is considered that exceptional circumstances apply in that the 2 drive through proposals cannot be accommodated at these locations. The nature of the drive through use is such that it is considered these elements would not draw custom from existing shopping centres and would not therefore result in any significant detrimental impacts upon the shopping and leisure function of designated centres. In principle, therefore, and subject to conditions to prevent the use of the premises to standard restaurants or A1 uses, it is considered the leisure element of the scheme would be acceptable. The A1 bakery unit is considered to be small scale and would not therefore result in any material impacts upon designated centres. Again it will be necessary to restrict the planning consent so that no open A1 use is allowed and to prevent the permitted change of use of the car showroom to an A1 use.

Visual Amenity

The application site would front onto the busy A48. The A3 drive through units would have a visual presence along this road and, together with tree planting along the site frontage, would form a gateway into the site. The site then opens up into a courtyard arrangement around a central parking area with the units facing into the site. A green edge would be provided along the River Tawe side of the development and landscaped areas would be provided within the parking and circulation areas to break up the surface parking.

The refurbished and extended units (1-7) would form a terrace of single storey units with a new canopy providing a covered walkway and a louvered upstand at the front providing a modern façade. The existing pitched roof form would be refurbished and retained. Unit 7 is proposed to be extended out towards the new units to the west. The external facing materials would likely comprise an insulated panel system for the external walls.

The new units 8-17 would be single storey only, save for unit 17 which is proposed to be double height, the contemporary design would flow through from the refurbished units and further continuity would be provided through the provision of a covered canopy, louvered front elevation treatment and modern panel materials.

The drive through units and vehicle marketing suite would all be single storey structures with the latter unit displaying more architectural merit with extensive front glazing, monopitched overhanging roof and oak timber cladding.

The design and architecture of the buildings are considered to be acceptable within the predominantly commercial/industrial setting of the Enterprise Park. Moreover, it must be acknowledged that the proposal will significantly improve the appearance, design and layout of the existing units on the site.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Overall, in visual terms, it is considered that the proposed development would not result in any significant harmful visual impacts, the development would have regard to the existing wooded areas bordering the River Tawe and would regenerate existing buildings on the site. The development would not, therefore, conflict with LDP Policy PS2.

Residential Amenity

The application site is a considerable distance from existing residential properties and there are no LDP housing allocations that would be materially affected by the proposals. On this basis the proposals would not conflict with LDP Policies RP1, RP2, RP3 or PS2.

Access and Highway Safety

The application has been accompanied by a transport assessment that appraises the highway related aspects of the proposals. The layout of the development has been amended following comments from the Local Highways Authority. The development proposes a left in left out main access, which has been assessed by way of a stage 1 Road Safety Audit. As the proposal will involve works to the highway, the detailed design of the new access will be subject to a section 278 agreement with the Local Highway Authority, however, the principle of a new access of the A48 is considered to be acceptable.

The site includes an access to a service yard at the rear of the site off Dyffryn Close. This access is also intended for deliveries and staff parking a pedestrian link is also proposed from St Davids Access Road 1. It is recommended that a condition should be imposed requiring that the Dyffryn Close access road link and pedestrian link to be provided prior to the occupation of the units.

Following comments from the Local Highways Authority the car park areas and drive through layouts have been amended, to provide a more safe and legible arrangement. Swept paths analysis of the internal road network has demonstrated that the drive through units can be adequately and safely serviced by a 16.5m articulated vehicle, and as such are acceptable.

The Highways Authority considers the amended parking layout would still result in an over provision of parking, it is likely however that a portion may be lost due to the emerging sustainable drainage design and as such the Highway Authority considers the provision is acceptable in this case.

The site is located less than 200m from bus stops on the A48 and less than 200m from the National Cycle Network route 43. On this basis the site is considered to be located within a relatively sustainable location.

In light of the foregoing, and subject to the condition requirements set out within the Highway officer comments, it is considered that the amended proposals would not result in any significant access or highway safety impacts. The development would therefore not conflict with LDP Policies PS2, T5 and T6.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Flood Risk

The application site is located within a C1 flood zone which, according to TAN 15: Development and Flood Risk, is an area of developed floodplain served by significant infrastructure, including flood defences. Under TAN 15 development in such areas can take place subject to the application of the justification tests including acceptability of consequences. According to TAN 15 the proposed development would be classed as less vulnerable development. The application has been accompanied by a Flooding Consequences Assessment (FCA) which includes hydraulic modelling.

Development shall only be permitted within a C1 flood zone if determined by the planning authority to be justified in that location. Development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement¹ ; or,
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region; and,
- iii. It concurs with the aims of PPW and meets the definition of previously developed land (PPW fig 2.1); and,
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

In terms of criterion i. & ii. the development would be justified on the basis that it is located within the Swansea Enterprise Park which is an established employment area. Under the LDP there are no dedicated employment allocations within the Swansea Enterprise Park, however, it is recognised and accepted that the proposed development would contribute to maintaining and enhancing employment opportunities within this established commercial and industrial area. In respect to criterion iii. the site is previously developed land and concurs with the broad aims of PPW.

In order to demonstrate compliance with criteria iv. the application has been accompanied by a Flooding Consequences Assessment (FCA) which includes hydraulic modelling. NRW have reviewed the FCA and note that the site is currently shown to flood during both the 1% Annual Exceedance Probability (AEP) plus climate change and 0.1% AEP scenario.

The development has been designed having regard to the inherent flood risk at the site with finished floor levels proposed to be set to 9.3m AOD to ensure the buildings are flood free during the 1% AEP plus climate change with wider site levels proposed to be set at 8.9m AOD to ensure compliance with Table A1.15 for the 0.1% AEP.

With the proposed levels, the FCA states that the proposed development site is flood free during the 1% AEP plus climate change event, however it is noted there is some limited flooding in the northern part of the site of depths between 0-0.1m.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

During the 0.1% AEP post development scenario, the finished floor levels of the proposed buildings have been raised and will flood to depths of 600mm which is compliant with A1.15 in TAN15, however, the remainder of the site is shown to flood to depths of up to 1.05m, therefore access to the buildings does not comply with Table A1.15 of TAN15, which provides indicative guidance on what is considered tolerable conditions for different types of developments.

NRW, whilst not objecting to the application, have indicated that it is for the Authority to decide whether this depth of flooding is acceptable. NRW have indicated that velocities across some areas of the site also do not comply with Table A1.15 of TAN 15.

When considering the acceptability of the proposals, the consequences of flooding must be considered in light of the less vulnerable status of the development and the protocols in place to manage flood risks in this area. There is an established multi-agency protocol for flooding incidents in the Lower Swansea Valley. The protocol provides a framework of procedures that will alleviate residents, members of the public and businesses in the flood risk area, as far as practicable, from the effects of a 0.1% event caused by overtopping. The activation of the protocol is underpinned by NRW's Flood Warning structure. There is, therefore, a strategic multi-agency protocol in place to manage a flood event of the gravity that would affect the proposed site.

On this basis and subject to conditions relating to the finished levels at the site to accord with those specified within the FCA and subject to the submission of an emergency flood action plan, it is considered that the consequences of flooding at the site can be managed through established protocols so as not to result in any significant flood risk impacts.

Therefore having regard to the advice from NRW, who have not objected to the proposal, it is considered the proposed mixed use commercial development within this flood risk area is acceptable on the basis that it can be justified under TAN 15 and that the consequences of flooding in an extreme event can be adequately managed. Moreover, NRW have confirmed the development would not increase flood risk elsewhere. On this basis the development would therefore not conflict with LDP Policies RP4 and RP5.

Drainage

The Council's drainage officer has noted that the proposals will be subject to separate SuDS Approval Body consent.

Notwithstanding this, the application has been accompanied by an outline surface water drainage strategy which indicated that surface water would be discharged to the River Tawe at an attenuated rate. The storage on site is proposed to be provided through the use of lined permeable paving beneath the car park and lined detention basins within landscaped areas. Further attenuation will be provided through the use of green/blue roofs on the buildings.

On this basis it is considered not considered that the proposals would conflict with LDP Policies RP4 and RP5.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

In relation to foul water, DCWW have noted that foul flows from the development can be accommodated within the public sewerage system and have recommended a condition for the provision of a foul water drainage scheme. This condition is considered to be necessary in accordance with LDP Policies EU4 and RP4.

Trees and Ecology

Concerns have been raised in a letter of objection regarding the impacts of the development upon wildlife and that there is Japanese Knotweed on the site. In response to these concerns, the application site borders the River Tawe and the western part of the site is located within the Tawe Riverside Corridor Site of Importance for Nature Conservation. In order to assess the impact of the development on the ecology of the area the application has been accompanied by an Arboricultural Report, Preliminary Ecological Report (PER) and Bat Building Inspection Report.

In relation to trees, the proposals would require the removal of encroaching scrub and pioneer trees. The main barrier trees adjacent to the river are unaffected and the Council's tree officer considers the sites visual amenity value is therefore maintained. Notwithstanding this the landscaping at the site will need to compensate for the loss of trees at the site and this can be achieved by a condition requiring a comprehensive scheme of landscaping.

The PER noted the site includes a limited range of habitat types predominantly comprised of semi improved grassland bordered by a corridor of broadleaf woodland to the west with its associated scrub. The PER notes the woodland, marginal scrub and tall ruderal habitat are considered to be of ecological interest on a local context and are likely to be utilised by a variety of species such as birds, foraging & commuting mammals. The PER further notes the woodland should be retained as dark wildlife corridors for commuting mammals and birds with a buffer to protect this feature from degradation. The woodland corridor and buffer zone are indicated to be retained within the submission.

Following comments from the Council's ecologist further information has been submitted including a bat survey of the retained buildings and a biodiversity plan. Both NRW and the Council's ecologist have reviewed the application and have offered no objection to the proposals subject to conditions in relation to bat and bird mitigation, ecological enhancements and landscaping details. Moreover, there is Japanese knotweed on the site and this will require a condition for a scheme of eradication.

In light of the above it is considered the proposed development, subject to conditions, would not result in any significant impacts upon the SINC or the ecology in the wider area surrounding the site. The development is therefore considered to be acceptable having regard to LDP Policies ER2, ER6, ER8, ER9, ER11.

Land Instability

The Coal Authority have confirmed the site is located outside of a development high risk area, but is located within a low risk areas for former coal mine workings. An informative note is therefore recommended to address any residual risks posed to the development. On this basis the development would not conflict with LDP Policy RP7, which broadly requires development sites to be safe and stable to accommodate proposed developments.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Land Contamination

Policy RP 6 advises that development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

In order to consider the land contamination and human health risks the application has been accompanied by a Geotechnical and Geo-environmental Report which includes limited site investigations. NRW have reviewed the report and have noted significant environmental concerns relating to the use of the site as a former tin plate works and its proximity to an underlying aquifer and the River Tawe. The site investigations indicate there is potential high risk to controlled waters from a number of pollutants. In order to address land contamination concerns NRW and the Council's Pollution Control division have recommended a full suite of land contamination conditions to ensure that the risks posed by contamination at the site can be adequately mitigated. Such conditions are considered to be reasonable and necessary given the preliminary findings within the applicant's report and to accord with LDP Policy RP6.

Archaeology

The application has been accompanied by an archaeological desk based assessment which considers the potential impact of the development upon buried archaeology. The Council's archaeological advisors GGAT have reviewed the document and note that the former Dyffryn Tinplate Works once occupied the site. The Historic Environment Record also notes that it may have been a likely site for the Medieval manor house of Kilvey, considered to have been located between the Tawe and the Fendrod.

GGAT consider the remains of the tinsplate works, from the 19th century and onwards, make a valuable contribution to the understanding of the metallurgical industry in the Swansea Valley, and its cultural and economic importance in the world.

In order to mitigate the impact of the development on the archaeological resource and following the advice of GGAT, a condition is recommended for the submission of a written scheme of investigation for the implementation of a programme of archaeological work.

Other Matters

In accordance with Policy EU2 the application has been accompanied by an energy statement which investigates the potential to incorporate renewable and low carbon technologies. The report confirms the proposals will incorporate solar photovoltaic panels on the roofs of the buildings. In order to ensure compliance with Policy EU2 it is recommended that a condition is imposed requiring the provision of solar panels in accordance with the energy statement.

Paragraph 4.1.39 of PPW states that the planning system should support and encourage the provision of Ultra Low Emission Vehicles (ULEV) and that planning authorities should seek a minimum of 10% of car parking spaces to have ULEV charging points. In order to accord with this requirement it is recommended that a condition is imposed requiring the provision of ULEV charging points within the development.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Conclusion

The proposal is for a mixed use commercial development at an out of centre location on a brownfield site within the Swansea Enterprise Park. The nature of the uses proposed are such that they could not be accommodated within an existing shopping centre, save for the proposed small A1 unit. Overall, however, the proposed uses are considered to be appropriate within this area and would not result in any significant impacts on the established shopping centres with the city. Matters relating to amenity, highway safety, flooding, drainage, ecology, land contamination and land stability have been fully considered within this report. Overall it is considered the development would not conflict with LDP Policies or national planning guidance within PPW and the relevant TANs.

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

Recommendation

Approve, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
 - 17052 P(0)001 Rev F (Proposed Site Layout) received 19th Feb 2020
 - 17052 P(0)001 Rev E (Proposed Site Layout with bat and bird boxes), received 5th Feb 2020
 - 17052 P(0)013 (Drive Thru/Vehicle Marketing Units GF Layouts), received 10th December 2019
 - 17052 P(0)137 (Site Location with Granted Access Rd), received 23rd September 2019
 - 17052 P(0)002 (Proposed Elevations B2 Units 1 - 7)
 - 17052 P(0)006 (Proposed Elevations B8 Units 8-17), received 1st August 2019
 - 17052 P(0)003 (Proposed Drive Through Unit 1 Elevations)
 - 17052 P(0)004 (Proposed Drive Through Unit 2 Elevations)
 - 17052 P(0)005 (Proposed Vehicle Marketing Suite Elevations)
 - 17052 P(0)011 (Ground Floor Plan Unit 1-7)
 - 17052 P(0)012 (Ground Floor Plan Unit 8-17), received 15th July 2019

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

Planning Committee – 3rd March 2020

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

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

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

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development in accordance with LDP Policies T1 and T5.

4 No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. As a minimum, the plan should include:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off.
- how the water quality of the watercourses will be monitored and recorded.
- What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- Storage facilities for all fuels, oils and chemicals.
- Construction compounds, car parks, offices, etc.
- Measures for dealing with dust.
- Measures for dealing with any contaminated material (demolition waste or excavated waste).
- Identification of any buried services, such as foul sewers, so that they are protected.
- Biodiversity Management - species/habitat protection and mitigation measures (otter good working practice).
- Details of emergency contacts, for example Natural Resources Wales' Pollution Hotline.

The development shall be implemented in accordance with the approved plan.

Reason: Prevention of pollution to controlled waters and the wider environment in accordance with LDP Policies RP1 and RP4.

Planning Committee – 3rd March 2020

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

- 5 No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme. A detailed report on the archaeological work, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.
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 in accordance with HC1 and PPW.
- 6 No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the new development hereby approved and shall thereafter be retained as approved for the lifetime of the development.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with LDP Policies EU4 and RP4.
- 7 Prior to the commencement of development a detailed scheme for the eradication of invasive non-native species at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the development hereby approved on site and shall be carried out in accordance with the approved details and timescales.
Reason: In the interests of the ecology and amenity of the area in accordance with LDP Policies ER8 and ER9.
- 8 No development approved by this permission shall commence until a site-wide scheme to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by the Local Planning Authority. The site-wide scheme shall include the following:
1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: Controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site due to its previous use as a tin plate works in accordance with LDP Policies RP1, RP4 and RP6.

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

Reasons: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with LDP Policies RP1, RP4 and RP6.

- 10 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan and the approved timetable. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with LDP Policies RP1, RP4 and RP6.

- 11 If, during the course of development, contamination not previously identified is found to be present at the site, no further development shall be carried out within that phase until a detailed strategy for dealing with said contamination has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To ensure that the safety of future occupiers is not prejudiced by unexpected contamination in accordance with LDP Policies RP1, RP4 and RP6.

- 12 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Planning Committee – 3rd March 2020

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

Reason: The water environment is at risk and there is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with LDP Policies RP1, RP4 and RP6.

- 13 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reasons: There is an increased potential for pollution of controlled waters from inappropriate methods of piling in accordance with LDP Policies RP1, RP4 and RP6.

- 14 No development hereby approved, including site clearance, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme.

Reason: To ensure the retained trees are afforded sufficient protection in accordance with LDP Policy ER2, ER8, ER9 and ER11.

- 15 Notwithstanding the details submitted to date, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the new buildings hereby approved or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with LDP Policies ER8, ER9 and ER11.

- 16 Prior to the commencement of development details of a scheme for the provision of solar panels substantially in accordance with the Energy Statement produced by McCann and Partners Consulting Engineers dated 2nd November 2019 shall be submitted to and approved in writing by the local planning authority. The solar panels shall be installed in accordance with the approved details prior to the beneficial occupation of either the new /or refurbished buildings hereby approved on which the solar panels are proposed.

Reason: To ensure the development includes renewable energy features in accordance with LDP Policy EU2.

Planning Committee – 3rd March 2020

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

- 17 No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area in accordance with LDP Policy PS2.
- 18 No new building hereby approved shall be brought into beneficial use until the access and parking works have been completed and made available for use in accordance with the approved drawings. The parking areas shall be clearly demarcated on the ground, made available for vehicular parking only and shall be used for no other purpose for the lifetime of the development.
Reason: In the interests of highway safety in accordance with LDP Policies T5 and T6.
- 19 The new buildings hereby approved shall not be brought into beneficial use until a Delivery Management Plan is submitted to and approved in writing by the Local Planning Authority. The approved Delivery Management Plan shall be implemented and adhered to at all times for the lifetime of the development.
Reason: In the interests of highway safety in accordance with LDP Policies T5 and T6.
- 20 Prior to the beneficial use of any new building hereby approved, details of a scheme for cycle storage at the site, which shall include an element of covered storage, shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the beneficial occupation of any new unit hereby approved and shall thereafter be retained as such for the lifetime of the development.
Reason: To promote active travel in accordance with LDP Policies T2 and T6.
- 21 Prior to the beneficial occupation of any new or refurbished building hereby approved a flood evacuation plan shall be submitted to and approved in writing by the local planning authority. The site shall at all times be managed and operated in accordance with the protocols set out within the approved plan.
Reason: To manage the consequences of the site flooding in extreme events in accordance with LDP Policy RP5.
- 22 Prior to the beneficial occupation of any new building hereby approved a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed as approved before any new building hereby approved is occupied and shall thereafter be retained as such for the lifetime of the development.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area in accordance with LDP Policy PS2.
- 23 Prior to its installation, details of an external lighting strategy to cover the construction stage and operational stage shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
Reason: To ensure an ecologically sensitive lighting strategy is installed in accordance with LDP Policies ER2, ER8 and ER9.

Planning Committee – 3rd March 2020

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

- 24 Prior to the beneficial occupation of any building hereby approved the bat and bird mitigation measures as detailed within drawing no. 17052 P(0)001 Rev E (Proposed Site Layout) shall be implemented and shall thereafter be retained for the lifetime of the development.
Reason: To provide satisfactory ecological mitigation in accordance with LDP Policy ER9.
- 25 The development shall be implemented in accordance with the mitigation measures for bats, breeding birds, dormice and reptiles set out within the Preliminary Ecological Report produced by Bay Ecology dated 28th September 2018 and the Bat Building Inspection Report by Bay Ecology dated 8th November 2019.
Reason: In order to ensure the development would not result in any detrimental impacts upon the ecology of the area in accordance with LDP Policies ER2, ER8 and ER9.
- 26 The woodland buffer zone as indicated on drawing no. 17052 P(0)001 REV F (Proposed Site Layout) shall be retained to its full extent for the lifetime of the development and shall be landscaped in accordance with the details approved under condition 15.
Reason: To protect the woodland in accordance with LDP Policies ER2, ER9 and ER11.
- 27 The proposed finished floor levels of the new buildings shall be 9.3m AOD with the surrounding ground level raised to 8.9m AOD in accordance with details which shall be submitted to and approved in writing prior to the commencement of development on the site. The development shall be implemented in accordance with the approved details.
Reason: To mitigate the consequences of flooding in accordance with the LDP Policy RP5.
- 28 Notwithstanding the provisions specified within Schedule 2, Part 3, Classes A and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the A3 units shall be used as drive through restaurants/cafes only.
Reason: The provision of A1 units in this out of centre location would be contrary to LDP Policy RC2.
- 29 Notwithstanding the provisions set out within Part A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), the A1 use hereby approved shall be used as a bakery and or for the sale of sandwiches or other cold food only and shall be used for no other purpose within class A1.
Reason: An open A1 use in this location would be contrary to LDP Policy RC2.
- 30 Notwithstanding the provision set out within Schedule 2, Part 3, Class A, of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) the car sales unit shall be used for car sales only and shall be used for no other purpose.
Reason: The provision of an additional A1 unit in this location would be contrary to LDP Policy RC2.

Planning Committee – 3rd March 2020

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

- 31 Prior to any superstructure works being undertaken, a scheme for the provision of electric Ultra Low Emission Vehicle (ULEV) charging points shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include that a minimum of 10% of car parking spaces shall have ULEV charging points. The scheme shall be implemented in accordance with the approved details and the charging points shall be available for use prior to the occupation of any of the new units hereby approved.
Reason: In order to ensure the proposed development encourages the use of Ultra Low Emission Vehicles in accordance with PPW and LDP Policy EU2.
- 32 The Dyrffyn Close access link as indicated on the approved plans shall be provided and available for use prior to the beneficial occupation of units 8-17. The pedestrian link off St Davids Access Road 1 shall be provided as indicated on the approved plans prior to the beneficial occupation of any new unit hereby approved.
Reason: In order to ensure satisfactory access to the development and in the interests of promoting active travel in accordance with LDP Policies T2 and T5.
- 33 The development hereby permitted shall comprise the following use classes, as defined within the Town and Country Planning (Use Classes) Order 1987, for each unit as identified on the Proposed Site Layout (Drawing No. 17052P(0)001 Rev. F):
- * Drive through units 1 and 2 - Class A3
 - * Unit 13 - Class A1
 - * Units 1 - 7 (inclusive) - Class B2
 - * Units 8 - 12 (inclusive) and 14 - 17 (inclusive) - Class B8
 - * Vehicle Marketing Suite - No specified class (Sui Generis)
- Reason: To define the extent of the permission given the nature of the application.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, PS4, IO1, HC1, SI8, ER2, ER8, ER9, ER11, T1, T2, T2, T5, T6, EU2, EU4, RP1, RP2, RP3, RP4, RP5, RP6 and RP8.
- 2 Note: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.
- 3 Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.
- These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.
- The drainage scheme shall ensure that the development, does not interfere or impact upon the drainage systems of the adjacent permitted site.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

4 **Development Low Risk Area - Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

- 5 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

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

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

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

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

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

Planning Committee – 3rd March 2020

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

8 Regarding the detention basins, temporarily wet areas of any sloping banks shall be sown with species rich/wet grassland species (eg: sneezewort, common knapweed, marsh thistle, meadowsweet etc). Any flatter areas in the base of detention basins shall be planted with native marginal aquatic species (eg: water plantain, bottle sedge, purple loosestrife, water mint etc.). The planting scheme shall follow the above principles.

9 Otter have been recorded widely on the River Tawe. Therefore, construction site practice should be modified in order to minimise disturbance to otters and otter habitat. For example, locating site compounds away from potential otter habitat (such as wooded stream and river banks), avoiding night working involving flood lights and noisy machinery, excluding construction workers from sensitive areas such as the trees and scrub.

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

If evidence of otter use is encountered (e.g. live otters, droppings or resting places) during the work, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

10 Dormice may be present. Dormice 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 dormice is encountered e.g. live or dead animals or nests, work must cease immediately and the advice of Natural Resources Wales sought (01792 634960).

11 Immediately prior to the commencement of any pre-construction/enabling works onsite, including vegetation clearance, a site walkover shall be conducted by a suitably qualified ecologist, to determine any significant changes to those habitats supported by the site with respect to dormouse and otter. Site clearance work should be undertaken September/October or April/May when dormice are active, not in hibernation and will not have dependent young. If a dormouse is discovered during works, works must cease immediately and an appropriately licensed ecologist and Natural Resources Wales contacted for advice. Should a substantial period of time pass between the grant of planning permission and the start of development (ie. over two years), the site should be re-assessed for potential dormouse presence.

Item 2 (Cont'd)

Application Number:

2019/1645/FUL

- 12 Records show that there is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.
 - 13 All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.
 - 14 In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>
 - 15 A sensitive lighting plan shall be adopted to protect bats and other nocturnal species, and to protect nearby habitats. A plan showing location and specification for any proposed lights on the site must be submitted to the LPA for approval, prior to any determination. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance, with levels kept to 2700-3000 Kelvins.
 - 16 Footpath LT 385 runs alongside this development and should not be adversely affected. The public right of way needs to remain open at all times during construction. If there is a requirement for the footpath to be closed, there is a 6 week lead in time for the application and a financial cost.
-

Planning Committee – 3rd March 2020

Item 3

Application Number:

2019/2801/RG3

Ward:

Bishopston - Area 2

Location:

Bishopston Comprehensive School , The Glebe, Bishopston, Swansea,
SA3 3JP

Proposal:

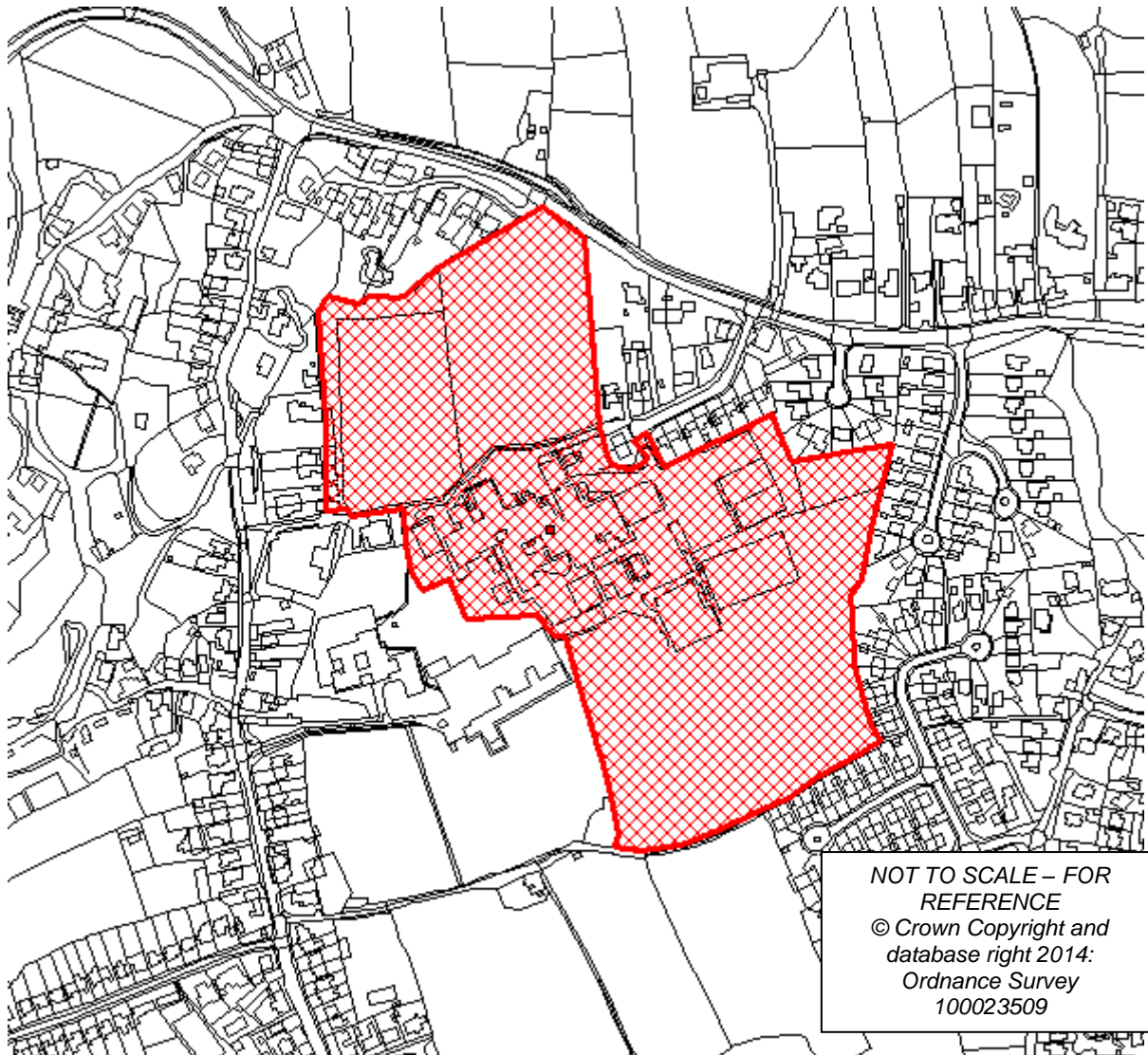
Removal of three temporary classroom blocks, addition of two storey extension to form a classroom block to the South West elevation and single storey extension to the North East elevation to form a new reception, and external refurbishment of existing buildings and associated works (Council Development Regulation 3)

Applicant:

Director Of Education (Swansea Council)

Director of Education

(Swansea Council)



Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - IO2 - Employment and Training Opportunities

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

LDP - HC1 - Historic and Cultural Environment

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

LDP - SI1 - Health and Wellbeing

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

LDP - SI2 - Providing and Safeguarding Community Facilities

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

LDP - SI3 - Education Facilities

Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

LDP - SI8 - Community Safety

LDP - ER1 - Climate Change

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

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

LDP - ER2 - Strategic Green Infrastructure Network

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

LDP - ER8 - Habitats and Species

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

LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

LDP - ER11 - Trees, Hedgerows and Development

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

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

LDP - T6 - Parking

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

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

LDP - RP2 - Noise Pollution

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

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

LDP - RP3 - Air and Light Pollution

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

LDP - RP4 - Water Pollution and the Protection of Water Resources

Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

LDP - RP13 - Safeguarding Minerals

Safeguarding Minerals - Development within mineral safeguarding areas that would permanently sterilise identified resources of aggregates will only be permitted where it can be demonstrated compliance with specific criteria. Development of a temporary nature will only be permitted where the site can be restored within a timescale that the mineral is likely to be needed.

Site History

App Number	Proposal	Status	Decision Date
2016/3563/ADV	65 non-illuminated advertising hoardings on the outside of 2G and 4G pitches	APP	03.02.2017
2016/3655/FUL	Installation of six 6m high floodlights	APP	02.05.2017
2019/2801/RG3	Removal of three temporary classroom blocks, addition of two storey extension to form a classroom block to the South West elevation and single storey extension to the North East elevation to form a new reception, and external refurbishment of existing buildings and associated works (Council Development Regulation 3)	PDE	

Planning Committee – 3rd March 2020

Item 3 (Cont'd)		Application Number:	2019/2801/RG3
2013/0661	Provision of new teaching block to accommodate four classrooms with new access steps and ramps (Council Development Regulation 3)	APP	10.06.2013
2013/0631	Installation of two flag poles to school building	APP	10.06.2013
2011/1338	Construction of STF building and parking area (Council Development Regulation 3)	APP	06.02.2012
2003/2135	Construction of sports hall with changing facilities and provision of 4 classrooms at first floor level	APP	12.12.2003
2002/0621	Single storey store-room extension onto girls gymnasium (Council Development Regulation 3)	APP	05.06.2002

RESPONSE TO CONSULTATIONS

The application was initially advertised by means of neighbour notification letters sent to 63 adjacent neighbours and by means of a site notice.

No objections have been received to this publicity exercise.

The application has also been advertised by means of a Press Notice, although this was not displayed in the South Wales Evening Post until the 26th February 2020. Consequently, the 21 day consultation period pertaining to the Press Notice does not expire until the 18th March 2020, which is clearly after the date of the March Planning Committee meeting. Therefore, providing that no objections are received between the date of the March Planning Committee and the 18th March, in the event that the below recommendation is accepted, a planning decision notice will be issued on the 19th March. In the event that an objection is received between the date of the March Planning Committee and the 18th March, the application will be re-presented to the April Planning Committee for determination.

Bishopston Community Council - No Objection

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

Glamorgan Gwent Archaeological Trust (GGAT)

Thank you for consulting us regarding this application; consequently we have consulted the detailed information contained on your website: the proposal will require archaeological mitigation.

We have responded previously to pre-application consultations regarding developments at this site. In these, we have noted that information in the Historic Environment Record shows that there are no designated historic assets within the site of the development. There are a number of non-designated historic assets both within and adjoining the site. From within the site, finds of Medieval date have been recovered; strip field systems are located to the north and south, and the early Medieval church of St Teilo is located to the north west. Given the nature of the archaeological resource, there is the potential for Medieval material to be encountered during the proposal, although we note that given the development of the site this may be fragmented.

It is our opinion in our role as the archaeological advisors to your Members that mitigation for the proposal is recommended and that the applicant should be requested to commission the required archaeological work.

Therefore, a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. We envisage that this programme of work would be an archaeological watching brief during any ground disturbing work related to the proposal. It will identify any elements of the proposals which may also need to be hand-dug by archaeologists, and will also ensure that a targeted programme of work can be facilitated. It should include detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

The wording follows the model given in Welsh Government Circular 16/2014:

No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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.

We also recommend that a note should be attached to the planning consent explaining that:

A detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

Planning Committee – 3rd March 2020

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA) (www.archaeologists.net/codes/cifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCIfA Member.

Head of Engineering and Transportation

No Objection.

The application is for the demolition of a number of temporary demountable classrooms, and the construction of a new classroom block providing replacement facilities. There is also an extension to the main entrance and new permanent building in the front car park replacing a demountable building.

Highways were consulted as part of both statutory and non-statutory pre-applications, where comments were mainly focused around the construction phase, as there is no anticipated increase in pupil or staff numbers the proposals are not thought to have any residual effect on the operation of the highway.

A Transport Statement has been provided together with Construction Traffic Management Plan.

Vehicular Access to the site is solely off The Glebe, which suffers from extreme congestion as pick up and drop off times, with heavy pedestrian flows in addition to cars and a significant number of school buses.

As a consequence deliveries are not to be permitted before 09:15 and between 14:30 and 16:30, this seems a sensible approach to reduce potential conflict between delivery and school traffic.

Internally deliveries will report to the gatehouse, and be guided by a banksman through the site into the fenced off work area for unloading.

Swept path analysis has been provided which demonstrates that a 16.5m articulated lorry and a 12m rigid lorry are able to turn within the fenced off site, and therefore both enter and exit in a forward gear. Although the manoeuvre is possible it does appear quite tight in places, and it is essential that sufficient room be maintained throughout the 2 year construction and a physical means of separating vehicles and pedestrians.

Highways has no objections to the proposals.

Informative: The contractor should contact the Streetworks Management Section prior to undertaking any works. At streetworks@swansea.gov.uk

Placemaking & Heritage Advisor

The existing school is comprised of a cluster of single and 2 storey buildings connected together in a relatively piecemeal/haphazard manner as a result of various additions and alterations over the years. Given this as well as the specialised nature/use of this site which sits in relative isolation there are no objections to the approach to the proposals as these match the flat roofed form of the existing buildings as well as being of an appropriate scale to fit into the existing context.

Planning Committee – 3rd March 2020

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

It is noted that the existing building comprises of a series of off white-grey structures with a limited amount of colour present.

The proposed extensions include mainly grey cladding with a number of green and yellow panels which are considered to be acceptable in design terms.

Tree Officer

Initial Comments

None of the trees present on site are protected by TPO or conservation area status. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The application is accompanied by a tree survey and basic arboricultural impact assessment. The impact assessment states that several trees will be removed to facilitate the development.

However, it does not explain why trees 12, 13, 16 and 17 need to be removed. From the drawings provided it does not appear that these trees will be adversely affected and could be retained. The impact assessment also does not consider access to the site of the new classroom and has not plotted all the trees that could be affected.

Notwithstanding the above issues that need addressing, removed trees will need to be mitigated with new tree planting elsewhere on the site.

Final Comments

The plan now shows the trees I questioned being retained.

In the event of approval please could you condition a tree protection plan.

A note for the applicant - this will need to protect the trees not shown on the tree survey.

Ecology Officer

Outcome Of Ecological Investigation:

Relevant Documents Submitted And Reviewed: Tree Survey and Arboricultural Impact Assessment, Wyn Davies, Aug 2019 Drainage Strategy Report, CB3 Consult Ltd, Oct 2019 PEA, BSG Ecology, Sept 2019

Bats

The existing network of trees and hedgerows provide good foraging and commuting habitat for bat species, and should be retained (as stated in the application), to maintain this and increase connectivity to other similar nearby habitat.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

Please include the standard bats informative

Condition: Pre-construction/site clearance checks for bats and nesting birds shall be undertaken (including of any trees destined for felling) by a suitably qualified and licensed ecologist/Ecological Clerk of Works.

Breeding/nesting birds

Please include the standard breeding birds informative:

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

Reptiles

Please include the following informative:

All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

Condition: The boundaries of the playing fields and the garden area adjacent to the Caretaker's house shall be retained and kept unmown to preserve habitat for reptiles and small mammals.

Hedgehogs

There are local records of hedgehog. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. As per details contained within section 6.2.2.6. of the report, a number of conditions apply to protect hedgehogs around the site:

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

Condition: In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing>.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

Trees

The Arboricultural Report states that there will be removal of 8 Category C trees, 1 Category B (mature sycamore) and 1 Category U. All other trees and hedges will be retained. As per recommendations in section 3.7 of the report, mitigation tree planting will be required. It is acknowledged that proposed tree planting areas are located on the Lawray Architects drawing ref: BCS-LAW-00-XX-DR-A-0690 Rev P04. However, full details of proposed tree species is required, together with methodology and aftercare as part of the Landscaping and Planting Strategy (see condition below and bat condition above re: tree felling and checks).

Drainage/SUDS

The submitted Drainage Strategy Report proposes a rain garden in section 3.10, together with external footpaths constructed with permeable paving.

In line with legislation, Swansea Council expects SuDS features to be planted to enhance biodiversity and contribute to local, national and regional aims.

It is therefore recommended that rain gardens are planted with a wide range of species in order to create a densely vegetated, stable and thriving bed with dense and thick root systems which will thrive without frequent maintenance. A typical rain garden is planted with about 10 species planted in 2 to 3 clumps per square metre. The perimeter berm can be seeded with a general purpose wildflower grassland mix, which can be left to grow, or mown as required. The main rain garden area should be maximised to create habitat for wildlife, by planting it with native species or plants that are known to attract insects like bees and butterflies and other wildlife.

Details of planting of the proposed SuDS features is required to be submitted to the LPA for agreement, outlining how this will benefit biodiversity, as part of the Landscaping and Planting Strategy (see condition below).

Landscaping

It is noted that the PEA states that some of the on-site hedgerows are species rich. These should be retained and others planted up to increase biodiversity. This will also ensure connectivity to other habitats in the wider landscape. The PEA also states (in 3.29) that the hedgerows surrounding the site are likely to provide a good foraging and commuting resource for bats roosting locally.

A Landscape and Planting Scheme strategy is therefore required to be submitted, outlining native (species of local or Welsh provenance) tree, hedgerow, wildflower and scrub planting and aftercare. The use of native species or species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns to enhance the habitat for local birds and invertebrates.

Condition: A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, prior to determination.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

This shall include details of on-site compensatory tree planting and aftercare; planting of the SuDS features, location of retained trees and hedgerows, planting up of hedgerows to improve biodiversity and other on-site landscaping, as per details contained in drawings Rev P00 and P04 of BCS-LAW-00-XX-DR-A-0690 and the PEA report.

Lighting strategy

Condition: A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development shall be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species and shall be agreed with the LPA. The lighting plan should reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance (with light levels only between 2700-3000 kelvin).

Ecological enhancement

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

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks for crevice-dwelling species and bird boxes (for particularly swifts, house sparrows, starling) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species are also desirable.

Condition: Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of a 1 x 1SP Schwegler sparrow terrace (or similar) and an Improved double crevice bat box (or similar) to be provided within or to the walls of the new building extensions.

Two x 1B Schwegler nest boxes and 1 x Schwegler 1FF Flat Bat Box shall be erected on suitable mature on-site trees.

Wildflower verges/nectar strips shall be created on-site to benefit invertebrates, reptiles, amphibians and small mammals.

The Ecological Enhancement Scheme shall be submitted to and approved in writing by the LPA. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

Drainage Officer

Schedule 3, Flood and Water Management Act 2010.

Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given. From 7 January 2019, all new developments more than 100m² will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

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

Which legislation are we referring to?

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

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m² are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

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

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m² or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website

<https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approval Body via email Sab@swansea.gov.uk

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

Pollution Control Officer

Initial Comments

The report *Phase 1 & 2 Geotechnical and Geo-Environmental Assessment - Desk Top Study & Ground Investigation Report* states in section 14.3 that "further testing should be undertaken adjacent to the site reception to confirm the presence of potential CoCs". Can we find out if this has been carried out and if so what the results of the tests are? Also, can we request what grade water pipes will be installed. As there are elevated concentrations of beryllium and lead the pipes would need to be of a suitable grade to protect the end users.

Final Comments

Our queries have been answered with the response from WYG and the Updated Phase 1 & 2 Geotechnical and Geo-Environmental Assessment.

Can we attach the following condition which ties in with the Recommendations (18.3) in the report Updated Phase 1 & 2 Geotechnical and Geo-Environmental Assessment, Desk Top Study & Ground Investigation Report, Kier Construction Limited, February 2020, Prepared by WYG Environment Planning Transport Limited:

Condition: If during development, contamination is found to be present at the site, then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until details of a mitigation scheme relating to this unsuspected contamination has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full.

APPRAISAL

This application is being reported to the Planning Committee for determination as the area of the site exceeds two hectares.

The application relates to Bishopston Comprehensive School.

Full planning permission is sought for the removal of three temporary classroom blocks, addition of a two storey extension to form a classroom block to the south-west elevation of the school building and a single storey extension to the north-east elevation to form a new reception. The external refurbishment of existing buildings and other associated works are also proposed.

Bishopston School is situated within a predominantly residential area bounded to the north by recreational playing fields, bounded to the east by The Glebe and residential dwellings, bounded to the south by Bishopston Sports Centre (forming part of the school but also used as a community facility), Bishopston Primary School and recreational grounds, and bounded to the west by residential dwellings fronting onto Bishopston Road.

The three existing temporary classrooms to be removed are single storey detached 'demountable' classrooms which are in a poor state of repair.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

The proposed new two storey extension forming a new classroom block would be located in the same location as two of the demountable classrooms towards the south-west part of the site. The proposed new 2 storey class room block would measure approximately 37m in length, 23m in width, and has a height of 8m and would be connected to the existing school building by a single storey link corridor. The building would contain four science classrooms, a prep hub, chemical storey and staff hub at ground floor level and two art classrooms, one drama classroom, a business studies classroom, a media room and store and kiln room at first floor level. The building would be clad with a mixture of dark and mid grey panels with a number of bright yellow and green panels at first floor level and grey brick work at ground floor level. The window are proposed to be grey aluminium framed widows with ventilation louvres above.

The proposed single storey extension to the north-east elevation is to form a new entrance and reception, and would measure approximately 15m in width, 5.5m in depth and 4.3m in height. It would also include a feature entrance in bright green which would be approximately 1m higher than the proposed extension. The extension would be finished in floor to ceiling glass panels and glazed doors.

The application also includes the external refurbishment of existing buildings and associated works, including the rationalising of external circulation/access areas and creating new teaching spaces. It includes the reuse of all of the existing buildings, with the exception of the three temporary classroom blocks that are to be demolished as part of the proposals. In addition, there are wider proposals for the site to include internal remodelling and external refurbishment works, which will bring the existing elements up to 21st Century Standards.

The proposed new extensions would add a net increase of 1,023 square metres (gross floor area) as a result of both new extensions, against the loss of the three temporary classroom blocks. It is intended that the school will remain to cater for the 1,100 pupils (approximately) that are currently enrolled as per the existing school arrangements.

A number of existing trees will have to be removed to accommodate the new two storey classroom block extension.

The existing school lies within the village of Bishopston and is located outside the adjacent Bishopston Conservation Area and Gower AONB.

Main Issues

The main issues for consideration with regard to this application relate to the principle of extending the existing school, impacts upon the visual appearance of the site and the wider area, impacts upon the residential amenity of neighbouring occupiers, impacts upon parking and highway safety, and impacts upon trees, ecology, drainage and environmental interests with regard to the provisions of Policies PS1,PS2, IO2, HC1, SI1, SI2, SI3, SI8, ER1, ER2, ER8, ER9, ER11, T6, RP2, RP3, RP4, and RP13 of the Swansea Local Development Plan (2019) (LDP) and the following Supplementary Planning Guidance Notes (SPG) - Parking Standards and the Protection of Trees on Development Sites. There are no overriding issues for consideration under the provision of the Human Rights Act.

The above SPGs provide further information and guidance to clarify the policy aims described in the following appraisal of these proposals. The SPGs are referenced in the amplification text of the relevant policies. The documents have been formally adopted by the Council, which followed appropriate public consultation exercises and stakeholder engagement carried out to inform the content of the SPGs. The above mentioned SPGs were adopted by the Council prior to the LDP being formally adopted, and in due course will also be subject to updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPGs given: they are fundamentally aligned to (and referenced as supporting documents within) LDP Policy, they are consistent with national guidance and overarching principles of Placemaking [PPW], they were relatively recently approved following stakeholder engagement and a comprehensive public consultation process and ultimately they provide useful guidance to confirm how the Council considers the LDP Policy aims and objectives should be interpreted.

In terms of the policy context, the proposed extensions are located within the grounds of the existing secondary school, which is located within the settlement boundary of the village of Bishopston, and therefore the proposed extensions to the existing school are considered to be acceptable in principle.

Design and Visual Amenity

The 3 existing demountable classrooms are in a poor state of repair and their removal from the site is considered to represent an improvement to the visual appearance of the overall school site.

The proposed two storey extension would be located to the south-west of the existing school buildings and would be located on the site of two existing demountable classrooms. This part of the site is not highly visible from the public realm, as it is screened by existing school buildings and hedgerows. Although the new extension will be significantly larger than the single storey demountable classrooms, it will be situated adjacent to an existing 2 storey wing within the school, and as such it is considered to represent an improvement to the current situation. The design of the extension is considered to be acceptable and would not have a detrimental impact on the visual appearance of the area.

The proposed single storey extension to the reception area is modest in size and is not highly visible from the public realm. It is considered that the proposed extension and entrance feature will improve the appearance of the school buildings and will create a more attractive entrance to the school buildings. As such, this element is considered to be acceptable and would not have a detrimental impact upon the visual appearance of the area.

It is considered that given the specialised nature/use of this site which sits in relative isolation to other buildings, there are no objections to the approach to the proposals, as these match the flat roofed form of the existing buildings as well as being of an appropriate scale to fit into the existing context.

The proposed extensions, due to their location within the overall school site, are considered not to have an adverse impact upon the character and appearance of the adjacent Bishopston Conservation Area or the Gower AONB.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

As such the application is considered to be acceptable and will not have a detrimental impact on the visual amenity of the area and comply with the provisions of Policy PS2 of the LDP.

Residential Amenity

The site is already in use as a secondary school and the residential properties surrounding the school are located a considerable distance from the location of the proposed extensions, and as such it is considered that the proposed extensions will not cause any overlooking, overshadowing or overbearing impacts.

With regard to the potential increase in noise, it is noted from the information submitted that the capacity of the school will not be increased as a result of the extensions, and that pupil and staff numbers are to remain as existing. As such, it is considered that the proposed development will not cause any increase to the existing noise environment of the site.

As such the application is considered to be acceptable to the living conditions of neighbouring and local residents, and complies with Policy PS2 of the LDP.

Transportation and Highway Safety

The Head of Transportation and Engineering has confirmed that there are no highway objections to the application as there are no anticipated increase in pupil or staff numbers and that the proposals are not considered to have any residual effect on the operation of the highway.

The applicant has submitted a Construction Traffic Management Plan with the application which details that all construction works will take place between 8.00am and 6.00pm Monday to Friday, Saturday works will be limited to 8:00am to 1:00pm. No construction will take place outside of these hours, bank or public holidays without obtaining prior written agreement with the Local Planning Authority. With regard to deliveries, while the school is operational, no deliveries are permitted before 9.15am and after 2.30pm until 4.30pm to ensure there is no clash with school children arriving and departing the school. During school holidays the deliveries will be between 8am and 6.00pm.

As such, the application is considered to be acceptable in this regard and complies with Policies PS2 and T6 of the LDP

Trees

None of the trees present on the application site are protected by a Tree Protection Order or by virtue of being in a Conservation Area.

Whilst the proposal involves the removal of ten trees (8 low value trees, 1 moderate value tree and a defective tree), the majority of trees on the site are to be retained. Whilst the loss of these trees is regrettable, it is considered that the benefits of the proposal outweighs the loss of these trees, only one of which is of a moderate standard. It is also noted that the Council's Tree Officer has raised no objections to the proposals, subject to the imposition of conditions.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

Ecology

The Ecology Officer has raised no objection to the application (subject to conditions) as detailed in the 'response to consultation' section of this report.

No protected species or habitats would be detrimentally affected by the proposed development. It is considered the development can be adequately provided on the site without causing harm to any protected species or habitats, and as such the application is considered to be acceptable in this regard.

Drainage

The Council's Drainage Officer has advised that the scheme will need to obtain SAB approval, which is a process that falls outside of the planning regime.

Pollution Control

The proposal is not considered to raise any pollution control concerns. The Council's Pollution Control Officer has raised no objections (subject to conditions) to the application.

Conclusion

Having regard to all material planning considerations, including the provision of the Human Rights Act, it is considered that the application is acceptable in terms of the principle of extending the existing school, impacts upon the visual appearance of the site and the wider area, impacts upon the residential amenity of neighbouring occupiers, impacts upon parking and highway safety, and impacts upon trees, ecology, drainage and environmental interests with regard to the provisions of Policies PS1, PS2, IO2, HC1, SI1, SI2, SI3, SI8, ER1, ER2, ER8, ER9, ER11, T6, RP2, RP3, RP4, and RP13 of the adopted Local Development Plan (2019) (LDP) and the following Supplementary Planning Guidance Notes (SPG) - Parking Standards and the Protection of Trees on Development Sites.

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

RECOMMENDATION

APPROVE subject to the following conditions

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

Planning Committee – 3rd March 2020

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

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

BCS-LAW-OO-XX-DR-A-0390 P02 - SITE PLAN - LOCATION
BCS-LAW-ZZ-01-DR-A-0410 P02 - DEMOLITION PLAN - FIRST FLOOR LEVEL
BCS-LAW-ZZ-ZZ-DR-A-0410 P01 - DEMOLITION PLAN - ROOF LEVEL
BCS-LAW-P2-ZZ-DR-A-0620 P02 - PROPOSED ELEVATIONS - PHASE 02 MAIN ENTRANCE

Received 6th December 2019.

BCS-LAW-ZZ-ZZ-DR-A-0420 P04 - DEMOLITION ELEVATION SHEET 1 OF 2
BCS-LAW-ZZ-ZZ-DR-A-0421 P04 - DEMOLITION ELEVATION - SHEET 2 OF 2

Received 14th January 2020.

BCS-LAW-ZZ-ZZ-DR-A-0620 P05 - PROPOSED ELEVATIONS - SHEET 1 OF 2
BCS-LAW-ZZ-ZZ-DR-A-0621 P05 - PROPOSED ELEVATIONS - SHEET 2 OF 2
BCS-LAW-P1-ZZ-DR-A-0620 P04 - PROPOSED ELEVATIONS - PHASE 01 MODULAR - SHEET 1 OF 2
BCS-LAW-P1-ZZ-DR-A-0621 P04 - PROPOSED ELEVATIONS - PHASE 01 MODULAR - SHEET 2 OF 2

BCS-LAW-ZZ-00-DR-A-0610 P05 - MASTERPLAN - PROPOSED GROUND FLOOR
BCS-LAW-ZZ-01-DR-A-0610 P05 - MASTERPLAN - PROPOSED FIRST FLOOR

Received 17th February 2020.

Tree Survey & Arboricultural Impact Assessment V 7, received 19 February 2020.

BCS-LAW-ZZ-00-DR-A-0410 P05 - DEMOLITION PLAN - GROUND FLOOR
BCS-LAW-00-XX-DR-A-0690 P05 - SITE PLAN - PROPOSED

Received 21st February 2020.

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

- 3 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the Local Planning Authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

A detailed report on the archaeological work, as required by this condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

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.

Planning Committee – 3rd March 2020

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

- 4 No development works, demolition works or site clearance works shall take place, until details of a scheme for the protection of the trees shown as being retained (as illustrated on Tree Protection Plan (Sheet 1 of 2) and Tree Protection Plan (Sheet 2 of 2) Rev C within the Tree Survey & Arboricultural Impact Assessment V7, received on 19th Feb 2020) have been submitted to and approved in writing by the Local Planning Authority.

The approved tree protection scheme shall thereafter be implemented during the site clearance, demolition and construction phases of the development.

Reason: To prevent detrimental impact on the trees to be retained.

- 5 No development or site clearance works shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of compensatory tree planting and landscaping. The scheme shall include details of species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and shall include details of on-site compensatory tree planting and aftercare, planting of the SuDS features, planting up of hedgerows to improve biodiversity and other on-site landscaping.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 6 Prior to any works commencing on site, a scheme of Ecological Enhancement Measures (EEM), to be shown on an architectural drawing, shall be submitted to and approved in writing by the Local Planning Authority.

The EEM should include; a 1 x 1SP Schwegler sparrow terrace (or similar) and a double crevice bat box (or similar) to be provided within or to the walls of the new extensions; 2 x 1B Schwegler nest boxes and 1 x Schwegler 1FF Flat Bat Box to be erected on suitable mature on-site trees; and wildflower verges/nectar strips to be created on-site.

The approved EEM shall be fully provided no later than 6 months from the completion of the development and shall be retained as such at all times during the lifespan of the development.

Reason: In the interests of biodiversity.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

- 7 If during the course of development, contamination not previously identified is found to be present at the site, no further development works shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for a detailed strategy for dealing with the said contamination. The approved strategy shall thereafter be implemented.

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

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, IO2, HC1, SI1, SI2, SI3, SI8, ER1, ER2, ER8, ER9, ER11, T6, RP2, RP3, RP4, and RP13.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.
- 4 Schedule 3, Flood and Water Management Act 2010

Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given. From 7 January 2019, all new developments more than 100m² will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

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

Which legislation are we referring to?

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

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m² are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

The SAB is established to:

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

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m² or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website

<https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approval Body via email Sab@swansea.gov.uk

- 5 The contractor should contact the Streetworks Management Section prior to undertaking any works. At streetworks@swansea.gov.uk
- 6 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

You are advised that prior to the pre-construction / site clearance on site, checks for bats and nesting birds shall be undertaken (including of any trees destined for felling) by a suitably qualified and licensed ecologist/Ecological Clerk of Works

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

- 7 All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

It is advised that the boundaries of the playing fields and the garden area adjacent to the Caretaker's house shall be retained and kept unmown to preserve habitat for reptiles and small mammals.

Item 3 (Cont'd)

Application Number:

2019/2801/RG3

- 8 There are local records of hedgehog. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. As per details contained within section 6.2.2.6. of the report, a number of conditions apply to protect hedgehogs around the site:

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

You are advised that in order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

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

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

- 10 The archaeological work required by Condition 3 must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA) (www.archaeologists.net/codes/cifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited MCIfA Member.
-

Planning Committee – 3rd March 2020

Item 4

Application Number:

2019/2928/FUL

Ward:

St. Thomas - Bay Area

Location: 42 Gelli Street, Port Tennant, Swansea, SA1 8NJ

Proposal: Retention of use of property as a 4 bedroom House in Multiple Occupation (Class C4) for 4 people

Applicant: Mr Myles Anderson



Item 4 (Cont'd)

Application Number:

2019/2928/FUL

Background Information

Policies

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - H9 - Housing in Multiple Occupation

Housing in Multiple Occupation - Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where they comply with relevant policy principles.

LDP - T6 - Parking

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

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

Site History

App Number	Proposal	Status	Decision Date
2019/1548/PRE	PRE APP Conversion of 3 bed residential property to a 5 bed HMO for 5 people	MIXPR E	30.07.2019
2019/2233/FUL	Retention of change of use from 3 bed dwelling (Class C3) to a 5 bed HMO (Class C4) for 5 people	REF	17.12.2019
2019/2928/FUL	Retention of use of property as a 4 bedroom House in Multiple Occupation (Class C4) for 4 people	PDE	

Item 4 (Cont'd)

Application Number:

2019/2928/FUL

Procedural Issues

This application has been called to Committee for decision by Councillor Clive Lloyd and has met the threshold for call in as set out in the Council's Constitution.

Description

Full planning permission is sought for the retention of the change of use of No. 42 Gelli Street from a residential dwellinghouse (Class C3) to a 4 bedroom HMO (Class C4) for 4 people.

The plans indicate that there is one bedroom, a living room, kitchen/diner and bathroom to the ground floor, with three bedrooms and a W.C to the first floor.

Assessment of the immediate area

Gelli Street consists of predominantly two storey traditional terraced residential dwellings, as do the majority of the neighbouring streets.

Planning History

Pre-application advice (2019/1548/PRE) was sought for the conversion of this property to a 5 bedroom HMO. The advice given was that the living space proposed was not considered adequate for 5 people and the number of bedrooms should be reduced to 4 to ensure that the living conditions of the future occupiers of the property were not compromised.

A full planning application for the retention of the change of use from a 3 bed dwelling (Class C3) to a 5 bed HMO (Class C4) for 5 people was refused on 17th December 2019 for the following reason:

The change of use of the property to a HMO for 5 people would create an over-intensive form of development which will not provide satisfactory living conditions for 5 future occupiers of the property by reason of a lack of shared communal living space for all future residents and their guests. Accordingly the development would not promote good health and well-being and be contrary to Policies PS2 and H9 of the Local Development Plan (Adopted February 2019) and advice provided within the Houses in Multiple Occupation and Purpose Built Student Accommodation in Swansea SPG (Adopted December 2019) and the 'Places to Live Residential Design Guide' SPG (Adopted January 2014).

Policy Issues

The Swansea Local Development Plan ('LDP') was adopted 28th February 2019, the policies contained within this will therefore be used in the determination of this application.

In the case of this particular proposal, the LDP contains a specific policy relating to HMO applications - H9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and subsequently adopted. This re-write of the policy followed receipt of the Ministers of the Welsh Government (through the Cabinet Secretary for Energy, Planning and Rural Affairs) letter, sent to all Local Authorities in Wales in February 2018.

Item 4 (Cont'd)

Application Number:

2019/2928/FUL

The Ministerial correspondence emphasised that LPAs need to 'Put in place robust local evidenced based policies in their LDP against which planning applications for HMOs can be assessed', and that 'LPAs must not delegate the criteria for decisions on planning applications to SPG'. The LDP Examination Inspectors clearly articulated to the Council, that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H9 of the Deposit LDP to be amended such that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy. The policy was amended on that basis and significant additional detail was included with it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the adopted Policy H9 states:

Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where:

- I. Within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs;*
- II. outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;*
- III. the development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties;*
- IV. the property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and*
- V. there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.*

HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.

HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.

In addition to Policy H9, Supplementary Planning Guidance (SPG) relating to 'Houses in Multiple Occupation and Purpose Built Student Accommodation in Swansea' provides further information and guidance to clarify the policy aims of LDP Policy PS 2. The SPG was formally adopted by the Council on 3rd December 2019, which followed a period of public consultation and stakeholder engagement that informed the content of the document.

Item 4 (Cont'd)

Application Number:

2019/2928/FUL

It is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to LDP Policy PS2 and Policy H9; it is consistent with national guidance and overarching principles of Placemaking (Planning Policy Wales, Edition 10, December 2018), it was approved following stakeholder engagement and a comprehensive public consultation process; and ultimately provide useful guidance to confirm how the Council considers the aims and objectives of Policies PS2 and H9 should be interpreted.

Responses to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters and a site notice was also posted within the vicinity of the application site.

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

- o Parking is inadequate
- o There are already problems with fly tipping
- o Plans should state room sizes
- o No evidence stating how parking would be controlled
- o No noise insulation
- o No neighbours were informed by the applicant
- o Layout still does not provide enough amenity space
- o The plans are incorrect - staircase is not in the right place
- o Statistics within the St Thomas ward is flawed with the public register showing only licensed HMOs
- o There are HMO properties within the radius which have not been counted
- o No. 52 Tymawr Street hasn't been included in the radius

A petition of objection containing 32 signatures has also been received.

Pollution Control Team

The Pollution Control Team were consulted and responded with the following comments:

I can confirm that the owner of the property applied for the Advisory Service in relation to the conversion of this property into a five bed HMO. The property has subsequently been converted in accordance with the schedules produced and complied with the requirements of the Management of Houses in Multiple Occupation (Wales) Regulations 2006

There is therefore no objection to the property being used as a four bed HMO.

Analysis and Recommendation

Key Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the use of the property as a HMO, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts.

Item 4 (Cont'd)

Application Number:

2019/2928/FUL

Principle of Use

The application property is an end of terrace dwelling along Gelli Street which is situated in the local ward of St Thomas. In terms of the principle of use, reference must be made to Policy H9 of the Local Development Plan and specifically the radius approach contained within this Policy. Policy H9 states that outside the HMO Management Area a limit of 10% of all residential properties within a 50m radius can be HMOs.

National research has identified that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can in some instances begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households. The policy objectives of not exceeding this threshold strikes an appropriate balance between recognising the established character of different streets and areas, whilst also supporting sustainable communities.

Within a 50m radius of the application property there are 30 residential properties and according to records held two are existing HMOs at No. 57 Wern Fawr Road (2019/0898/FUL) and No. 59 Wern Fawr Road (2017/1872/FUL). On this basis, if this application were to be approved the concentration percentage would be 10% within the 50m radius and therefore would not exceed the 10% threshold.

There are further criteria set out in Policy H9 that need to be satisfied for the application to be considered acceptable, the property needs to be suitable for conversion, provide satisfactory amenity space, dedicated areas for refuse storage and appropriate room sizes. The proposal must also have no unacceptable adverse impacts caused by noise and general disturbance.

The LDP is an up-to-date plan, being newly-adopted and having only recently been subject to independent scrutiny via the LDP examination process and found to be soundly-based and consistent with national planning policy principles. It is evident that policy H9 and the evidence base supporting it was the subject of detailed scrutiny, and that the policy was the subject of such refinement as was found necessary to ensure its soundness, as part of the examination process.

Visual Amenity

There are no external alterations proposed or carried out therefore there will be no impact upon the visual amenity of the existing property.

Residential Amenity

The applicant has provided scaled floor plans which indicate that the proposed bedrooms measure at 12.4m², 7.8m², 7.2m² and 12.7m².

HMO amenity licensing standards provide a basic indication as to whether the internal living arrangements would be adequate for the future occupiers of the property. The amenity standards state that a single bedroom (where a separate lounge is provided) be 6.5m² and a double bedroom (where a separate lounge is provided) be 10.2m².

Item 4 (Cont'd)

Application Number:

2019/2928/FUL

According to the licensing standards, a kitchen used by 1-5 people should be a minimum of 7m². The kitchen/diner measures approximately 15m². These are reiterated within the Houses in Multiple Occupation and Purpose Built Student Accommodation SPG.

Good planning and design extends to the living conditions of the future residents of the property, paragraph 3.5.10 of the Houses in Multiple Occupation and Purpose Built Student Accommodation in Swansea SPG states that "*communal space for occupiers to congregate, such as a lounge, is considered an important aspect of providing satisfactory private amenity space for HMO occupiers to ensure suitable living conditions*". Paragraph 3.5.11 of the SPG goes on to state that the "*size of the communal lounge must be appropriate for the number of occupants proposed within the HMO and should be capable of accommodating sufficient areas for seating, socialising and where relevant dining*".

It is considered that the kitchen/dining room and separate living room proposed to the ground floor are adequate for 4 occupiers of the property and would not therefore give rise to any unacceptable living conditions for the occupiers of this HMO. The proposed property also exceeds the requirements in terms of HMO Licensing for room sizes and it is considered that the property provides for an adequate level of shared living accommodation for its future occupiers. It is therefore considered that the previous reason for refusal, which hinged on the lack of living space for 5 separate occupiers, has now been overcome.

Clearly the proposal will result in additional levels of activity in the property and the wider area, however, it cannot be regarded that this in itself would have a significant effect upon residential amenity of neighbouring occupiers. The property would no doubt attract additional visits to and from the premises being occupied by more people but it would be difficult to argue that this in itself would be harmful.

Parking and Highway Safety

Regard needs to be given to the adopted Supplementary Planning Guidance document entitled 'Swansea Parking Standards'. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwellinghouse.

In view of the above, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property, in compliance with the provisions of Policies H9 and T6. Furthermore it appears from the submitted plans that there is adequate space to the rear of the property to provide for undercover cycle storage and refuse storage, the details of which can be controlled via condition.

Responses to Consultations

It is considered that the objections raised with regards to noise, amenity and parking have been addressed in the main body of this report.

There has been an objection raised with regards to other HMO properties not being included in the HMO assessment, including No. 52 Tymawr Street. The 50m radius has been calculated from the centrepont of the street facing frontage of No. 42 Gelli Street. Only those properties where the majority of their street facing frontage is included within the radius will be included for the determination of the threshold.

Item 4 (Cont'd)

Application Number:

2019/2928/FUL

Therefore, as only the rear of the properties along Tymawr Street are in the radius, they have not been included. This is the approach as set out within Policy H9 of the LDP and the Houses of Multiple Occupation and Purpose Built Student Accommodation SPG and is consistently applied for every HMO planning application received.

Objections have been received with regards to the plans not stating room sizes and that the plans are incorrect with regards to the staircase. The submitted plans are all to scale, the room sizes can therefore be accurately assessed and consequently the residential amenity of the occupiers of the property can be established. With reference to the placement of the staircase, the applicant has confirmed that the submitted floor plans are an accurate representation of the placement of the staircase but has also confirmed that four steps to the bottom of the staircase, which turned into the previous living room, have been removed to create more space. It is not considered that this change alters the assessment of the planning application made in the preceding paragraphs.

Suggested Conditions

Suggested condition 2 relates to requiring appropriate facilities for both refuse and bicycle storage. Whilst it is recognised that some information has been provided in the form of a site plan, full details have not been provided, therefore a condition requiring that these details be submitted to the Local Planning Authority is required.

Suggested condition 3 limits the number of occupiers of the dwelling and is imposed given that the nature of a C4 use class would generally allow the property, without planning permission, to be occupied by 6 people - a different proposal to that contained within the planning application and submitted plans. The key issue here is that once the property is approved as a C4 HMO and is set out as per the approved plans the description of the development being for 4 people would have no defined status in preventing such a change occurring without a separate restrictive condition being imposed. Whilst the imposition of such a condition could be considered unduly restrictive as part of a blanket approach, what needs consideration here is whether the change from 4 to 6 people would bring adverse harm to the living conditions of future occupiers to occur without scrutiny of a planning application the change could allow an additional bedroom to be created which would provide for a different layout to that approved. This could have detrimental impacts upon future occupiers by reason of resulting in cramped living conditions and reduced shared spaces which was an issue raised in the previous refused planning application at the site. On the basis that the LPA found a proposal for 4 occupiers unacceptable it is both reasonable and necessary that a condition be imposed in this instance to prevent future intensification of the use.

Suggested condition 4 refers to the removal of permitted development rights given that at a future date current permitted development rights provided for under the terms of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) would allow the property to be changed i.e. extension added without the need for planning permission. Whilst such a restriction would generally be unreasonable for a householder development here the Local Planning Authority would have concerns with the intensification of the HMO use and allowing extensions to be added without the need for planning permission would conflict with the nature of the submitted and assessed scheme of development.

Item 4 (Cont'd)

Application Number:

2019/2928/FUL

Conclusions

In view of the assessment undertaken based on the evidence before the Local Planning Authority the retention of the HMO would not result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety, having regard to Policies PS1, PS2, H9 and T6 of the Swansea Local Development Plan and the Parking Standards SPG. It is considered that the current application has sufficiently overcome the previous reason for refusal. Approval is therefore recommended.

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby approved relates to plan nos. Location plan, ground and first floor plans, site plan, received 20th December 2019.
Reason: For the avoidance of doubt and to ensure retention of the development with the approved plans.
- 2 Notwithstanding the submitted details, within 2 months of the date of this decision details of facilities for the secure and undercover storage for a minimum of four bicycles and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site within 1 month of the approval of the details and shall thereafter be retained and not used for any other purpose.
Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers in accordance with Policies PS2 and H9 of the Local Development Plan (2019).
- 3 The use of the property as a HMO shall be limited to a maximum of 4 residents occupying the property at any one time.
Reason: To safeguard the living conditions of the occupants of the development in accordance with Policies H9 and PS2 of the Swansea Local Development Plan (2019).
- 4 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking or re-enacting that order with or without modification), no extensions shall be erected to the property without the benefit of planning permission.
Reason: In order to restrict the use of the property in order to safeguard the amenities of neighbouring occupiers and the amenities of future occupiers of the HMO to provide for suitable levels of internal space to serve the occupiers in accordance with Policies H9 and PS2 of the Swansea Local Development Plan (2019).

Planning Committee – 3rd March 2020

Item 4 (Cont'd)

Application Number:

2019/2928/FUL

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, H9 and T6.
-

Planning Committee – 3rd March 2020

Item 5

Application Number:

2019/2855/FUL

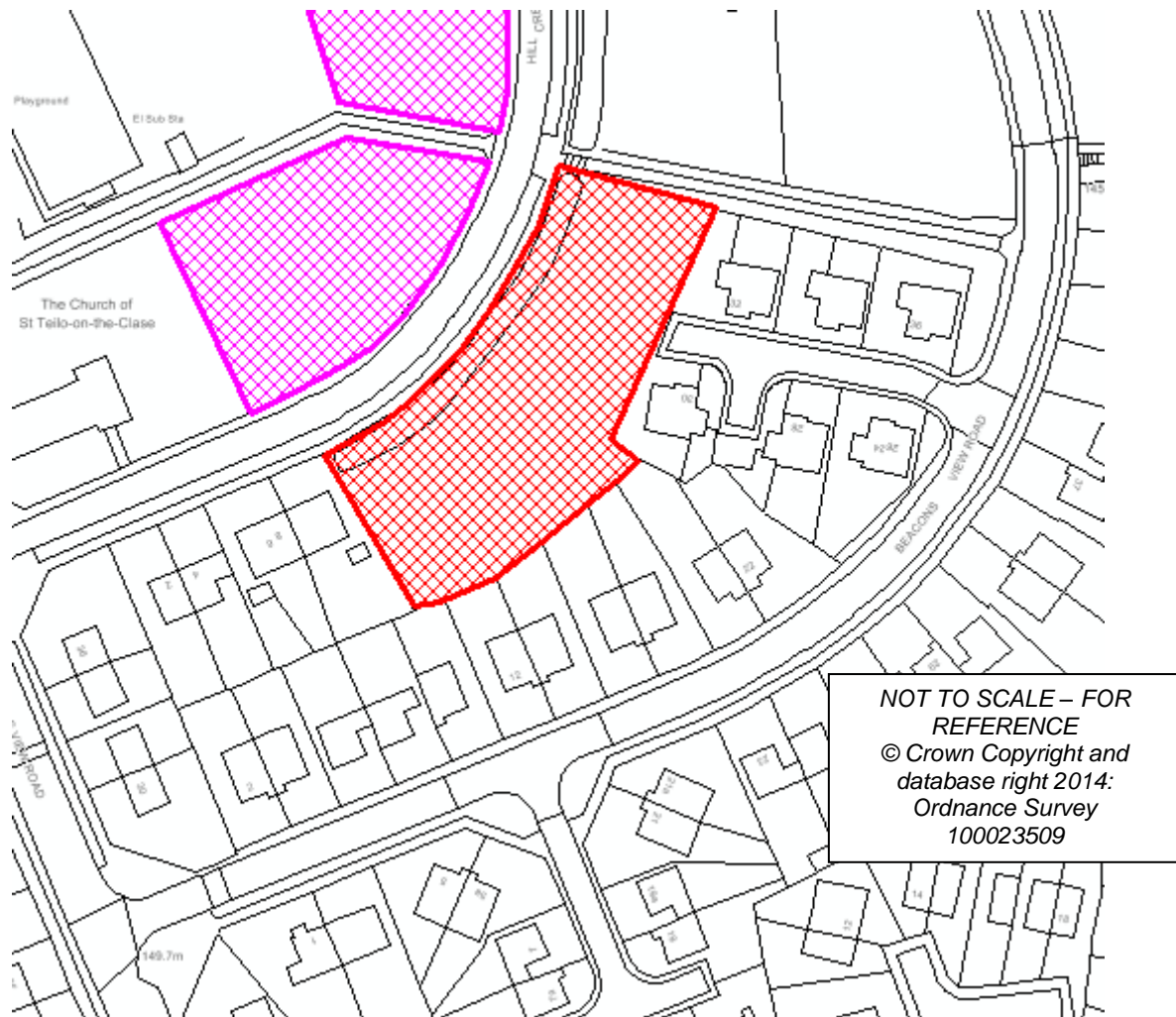
Ward:

Mynyddbach - Area 1

Location: Land Off Hill View Crescent And Beacons View Road, Clase, Swansea

Proposal: Construction of 25 dwellings comprising a mix of 16, 3 bedroom semi-detached properties, and 9, 3 bedroom terraced properties with associated hard and soft landscaping

Applicant: Mr Rhys Taylor



Planning Committee – 3rd March 2020

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

Background Information

Site History

App Number	Proposal	Status	Decision Date
2018/2622/FUL	2 form entry Primary school, including means of access, parking, outdoor recreational facilities, landscape treatment and drainage infrastructure.	APP	09.05.2019
2019/2855/FUL	Construction of 25 dwellings comprising a mix of 16, 3 bedroom semi-detached properties, and 9, 3 bedroom terraced properties with associated hard and soft landscaping	PDE	

Background

This application is reported to the Planning Committee as the development exceeds the 20 dwelling threshold.

The Council has embarked on an ambitious "More Homes" project for the development of new sustainable housing across the City. These proposals specifically form part of the Council's Homes As Power Stations (HAPS) delivery programme and follows on from other Council housing developments completed at Colliers Way and the ongoing development at Parc Yr Helig, Birchgrove.

The draft proposals were presented for review at Design Commission for Wales. The review requested the consideration of alternative pedestrian and cycle links to provide connectivity to the school and play area and to create well used, overlooked and diverse public spaces.

There was a request to explore site layouts to more closely relate to the open space areas and to consider alternative housing design and layouts.

The Design Commission for Wales noted the opportunities for lessons to be learnt from previous Council schemes including resident's experiences and commended the Council's approach to draw positive lessons from experience and to share knowledge across the housing sector.

Site Location

The application site comprises four red line areas around Hill View Crescent and one red line area along Beacons View Road. The sites share similar characteristics in that they are all laid to grass and all adjoin or face onto existing residential properties. There is an existing footpath on Hill View Crescent that adjoins the site and connects to Beaconsview Road. There is also mature coppice of trees to the west of No. 61 Hill View Crescent.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

The sites on Hill View Crescent will face onto the existing crescent shaped street, which is interspersed with housing. There is also a church (The Church of St Teilo on the Clase) and a playground on the street. Importantly, planning permission has been granted for a new Welsh medium school (Tan Y Lan Primary School) opposite and adjacent to the proposed housing. The development now proposed will therefore form part of regeneration proposals that will also see an upgraded play park to the west of the site.

Description of Development

The application as initially submitted was for 26 dwellings but due to drainage, highway safety and layout concerns, the proposals have now been reduced down to 25 dwellings comprising a mix of 16, 3 bedroom semi-detached properties, and 9, 3 bedroom terraced properties with associated hard and soft landscaping.

Planning Policy

Planning Policy Wales (10th Edition) 2018

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.

Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

Promoting Healthier Places

3.19 The built and natural environment is a key determinant of health and well-being. The planning system has an important role in shaping the social, economic, environmental and cultural factors which determine health and which promote or impact on well-being in line with the Healthier Wales goal. The way places work and operate can have an impact on the choices people make in their everyday lives, including their travel and recreational choices and how easy it may be to socialise with others.

3.21 Planning authorities have a role to play in the prevention of physical and mental illnesses caused, or exacerbated, by pollution, disconnection of people from social activities (which contributes to loneliness) as well as the promotion of travel patterns which facilitate active lifestyles. The planning system must consider the impacts of new development on existing communities and maximise health protection and well-being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as community halls, libraries, doctor's surgeries and hospitals. Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well-being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.

3.23 Green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can help to reduce general levels of pollution and promote both mental and physical well-being.

Car Parking

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Biodiversity and Ecological Networks

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- o support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- o ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- o ensure statutorily and non-statutorily designated sites are properly protected and managed;
- o safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- o secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- o diversity between and within ecosystems;
- o the connections between and within ecosystems,

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

- o the scale of ecosystems;
- o the condition of ecosystems including their structure and functioning; and
- o the adaptability of ecosystems.

6.4.6 In fulfilling this duty, planning authorities must have regard to:

- o the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- o the SoNaRR, published by NRW; and
- o any Area Statement that covers all or part of the area in which the authority exercises its functions.

6.4.7 Planning Authorities should also refer to up to date ecological survey information (where appropriate).

6.4.8 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protected Species

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

Capacity of Water Supply and Sewerage/ Drainage Infrastructure

6.6.9 The planning system has an important part to play in ensuring that the infrastructure on which communities and businesses depend is adequate to accommodate proposed development. The adequacy of water supply and sewerage infrastructure should be fully considered when proposing development, both as a water service and because of the consequential environmental and amenity impacts associated with a lack of capacity.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas. 6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

Development in Sewered Areas

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. ^{Page 103}

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

To ensure consistency of design and facilitate long-term maintenance, sewers should be built to Welsh Government standards and adopted. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and Natural Resources Wales may refuse to issue an environmental permit for private treatment in such circumstances. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

Adopted Swansea Local Development Plan (2010-2025)

The Swansea Local Development Plan is the extant development plan for the area. The following LDP Policies are considered to be relevant to the determination of this application:

LDP - PS2 - Placemaking and Place Management Placemaking and Place Management - Development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

LDP - ER2 - Strategic Green Infrastructure Network Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multifunctional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

LDP - ER8 - Habitats and Species Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

LDP - ER11 - Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

LDP - T5 - Design Principles for Transport Measures and Infrastructure Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

LDP - T6 - Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

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

LDP - EU4 - Public Utilities and New Development Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

LDP - RP4 - Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

LDP - SI 5 - Protection of Open Space - development will not be permitted on areas of open space unless it complies with specific criteria.

LDP - SI8 - Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime in accordance with specified policy principles.

Supplementary Planning Guidance

The following supplementary planning guidance documents are considered to be material to the determination of this application:

- 'Places To Live: Residential Design Guide' (2014) (Design Guide SPG)
- 'City and County of Swansea Parking Standards' (2012) (Parking Standards SPG)
- 'The Protection of Trees on Development Sites' (2016) (Tree SPG)
- 'Planning for Community Safety' (2012) (Community Safety SPG)

The above SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of these SPG given: they are fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

Consultations:

Highways:

A trip generation exercise was undertaken which results in an increase of 15 No. 2 way trips in the morning and evening peak hours, this will result in a negligible effect on the surrounding network.

Car parking has been proposed at 2 spaces per dwelling, this is less than the SPG which would require 1 space per bedroom, however given the location and type of dwelling, which typically has lower car ownership rates, this is considered to be acceptable. As mentioned within the TS the Highway Authority is content that visitor parking can be accommodated on street.

Highways (following amendments):

It was agreed that car parking provision, for these properties only (Plots 7-12), could be reduced from 2 spaces to 1 due to general low demand for provision within these types of developments and the effective public transport provision in the Clase area. It was suggested that 6 spaces were proposed to serve plot no's 7 -12 and would be situated fronting the green area alongside plot 7 in order to avoid the issues with the layby parking originally proposed. On balance, the proposals are acceptable however it is stipulated that the reduction relates to plots 7-12 alone with 2 spaces per dwelling to be provided for the remainder of the development.

Drainage:

Concerns regarding the submitted drainage information.

The management of surface water is a material consideration under Policy RP 4 of Swansea's Local Development Plan, the measure of whether or not a proposed development meets Policy RP 4 is via the Statutory SuDS Standards.

The development will require SuDS approval body consent.

Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins.

Ecology:

No objection. Conditions and informative notes recommended in relations to bats, birds, hedgehog, reptiles, lighting, invasive no native species and landscaping.

Placemaking and Heritage:

The approach to the site makes sense as it seeks to utilise parcels of land with clearly defined boundaries which provide logical blocks to accommodate the dwellings and provide infilling of gaps in the street.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

However that said there are a number of concerns with regards to the proposals in their current form which would need to be addressed before the scheme could be supported in planning and design terms:

- Concerns regarding: separations distances between dwellings; how SuDS would be incorporated into the scheme; small garden sizes (plots 6-8); loss of trees; the integration of the footpath into the scheme.

Placemaking and Heritage (following amendments:

- Plot 7 needs a side window to provide some surveillance of the parking and suds pond.
- The paired 1.5m high M&E enclosures will be prominent features and they are not well related to the houses; these could suffer vandalism. These are an integral element of the 'Homes as Power Stations' concept so are needed but we should suggest more robust casing and less prominent location. Suggest that the location and enclosures for these are resolved via condition.
- Quality/ robustness boundaries required. Plus the frontages to 16/ 17 need low railings to define the frontages from the footpath.
- It seems like the arboricultural impact assessment has not looked at development in the zone of t1-t17?

Landscape Officer:

If the development is approved, compensatory planting will be required for trees removed as this area of Swansea is devoid of trees and an increase of tree cover should be an aim.

An arboricultural impact assessment in accordance with BS5837:2012 to fully assess the tree loss and suitability of possible tree retention.

Parks:

At the present time we have no comments or observations to make on the planning application, if the development does proceed and the Parks Service is requested to maintain any POS and/or planting scheme we would wish to be consulted from the outset.

Education:

No request from Education for both the Welsh medium primary school (YGG Tirdeunaw) and the Welsh medium secondary school (YG Bryntawe). No request for contributions for the English medium primary school (Clase Primary) and the English medium secondary school (Morrison Comprehensive) due to the number of unfilled places at the schools and due to the low impact of this development on pupil numbers.

NRW:

We have no objection to the proposed development.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

Foul Drainage

We acknowledge the intention to connect to the mains public sewer (as indicated on the application form), given that the development site is located within the Swansea Bay sewerage catchment.

European Protected Species (EPS) - Bats

The Preliminary Ecological Appraisal (PEA) report for Land at Beacons View by AECOM Ltd, dated March 2019 indicates that the development site as a whole is considered to be of low suitability to support foraging and commuting bats. In addition, tree 1, tree 2 and the parkland with scattered trees are stated as having negligible bat roost suitability. However, the broadleaved plantation woodland along the eastern boundary of the northern section of the site (whilst considered to offer very limited roosting potential) was assessed as having low bat roost suitability. Whilst no bat roost features were noted on any of the trees within the woodland, the surveyor confirms that the site was assessed from one side only.

In line with our advice at the statutory pre-application stage, as the trees could only be assessed from one location, we recommend you seek the advice of your in-house Planning Ecologist to determine if there is a reasonable likelihood of bats, a European Protected Species, being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) further survey work may be required.

South Wales Police Designing of Crime Officer:

Specific observations/recommendations made in relation to measures to design out crime.

Dwr Cymru Welsh Water:

Recommend a condition in relation to the provision of foul water drainage details.

Neighbour comments:

The application was advertised by site notices and eighteen neighbours were consulted. No responses were received to the public consultation.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the principle of the development on this greenspace area, the impact of the development upon the character and appearance of the area, the impacts upon the living conditions of neighbouring occupiers, the impacts upon the highway safety, ecology and drainage having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

Principle of Development

Within the LDP proposals maps the site is white land within the urban area where broadly the principle of new residential development is acceptable and would not fundamentally conflict with LDP Policies.

The site is currently an area of green space which serves the immediate locality. However, it is noteworthy that no responses have been received to the public consultation to object to the re-development of these areas. Notwithstanding this, the fact remains that the sites provide a usable, informal open space area for dog walkers and for children to play.

LDP Policy SI5 seeks to protect open space from development unless the criteria set out within the policy have been satisfied.

The most recent open space assessment (2014) identifies the land to the east of Hill View Crescent as Accessible Natural Green Space (ANGS), however, the land within the site to the west of the road has not been defined as ANGS. Notwithstanding this, the land to the west clearly functions as an area of green space for the local community.

Reference to the open space assessment indicates that even without the application site being included within the open space assessment, Mynyddbach ward has 7.6ha per 1000 head of population of ANGS; 5.6ha above the recommended target. However, there are some urban areas that are not within 300 metres of ANGS Tier 1 (>20ha) provision in the Mynyddbach Ward and this proposal would increase the area where there is a deficiency. Moreover the school proposals will also reduce the ANGS in the area, and this must also be taken into consideration.

The impact on open space provision must be balanced against the wider positive regeneration benefits of developing the sites for housing and for the new school and upgraded play park. It must also be borne in mind that the application sites have previously been developed for housing as such this proposal will bring back this land into housing use. On this basis it is not considered that the proposals would fundamentally conflict with the thrust of Policy SI5 as the proposal forms part of a regeneration scheme that will bring wider local benefits and much needed affordable housing.

In summary, in terms of the principle of the proposed use, on balance it is considered, the development of the site would not conflict with the broad placemaking principles set out within the LDP, subject to the assessment of the application against the various technical criteria set out within the relevant topic specific LDP Policies.

Visual Amenity

The Crescent shaped area on Hill View Crescent was previously developed with housing that has, in the past, been demolished which has resulted in the existing pair of semi-detached dwellings at No. 61 and No.63 being somewhat isolated within an expansive open area. The proposals would see the western side of the crescent, from the coppice of trees adjacent to the existing dwellings to the church, re-developed as 7 No. pairs of semi-detached dwellings. This would be a logical infill development that would follow the curve of the road and the building line set by existing properties. Parking for the dwellings would be off street in side drive arrangement, save for plots 23-26 where frontage parking is proposed.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

This arrangement is considered to be acceptable on the basis that it is on one side of the road only and could be screened/softened with planting.

The proposals would result in the removal of a number of trees adjacent to the existing dwellings. The application has been accompanied by a tree survey which indicates the trees affected by the development are a mix of low and moderate quality trees. Nonetheless, these trees provide visual interest in a street scene that is lacking mature landscaping. It will therefore be necessary to require the submission of an arboricultural impact assessment in order to quantify the loss of trees and provide satisfactory replacements and enhancements.

On the eastern side of the crescent, where the levels drop down from the road, 2 No. rows of 3 No. terraced properties are proposed with a dedicated off street parking area proposed adjacent to the new school. A drainage basin is indicated to the rear of the parking area that will function as storage attenuation basin in association with the sustainable drainage proposals or the development.

The final parcel of land is remote from the other sites but would infill a parcel of land between No. 113 Beacons View Road and the new school site. This land is proposed to be developed as a pair of semi-detached dwellings and a terrace of 3 No. dwellings. This proposal would again form a logical infill and would follow the building line of the school.

The proposed house types (semi-detached and terraces) are variations of the same simple format house types with rectangular footprints and large duo-pitched gable roof forms. The external materials for the walls would comprise of a mix of render with upper level feature weather boarding and a brick plinth. Concrete tiles are proposed for the roofs that would also accommodate solar photovoltaic panels. Windows are proposed to be anthracite colour uPVC. The overall aesthetic for the development is relatively contemporary, yet continuity with the existing residential properties is provided through the traditional gable roof form, the predominant use of render as a facing materials and the continuation of the building line with existing properties.

The Police Designing Out Crime officer has reviewed the proposals and has recommended design solutions to address crime and anti-social behaviour. These relate to, amongst other things, boundary treatments, vehicle parking, landscaping and lighting. These matters, where necessary, can be considered through conditions relating to these elements of the scheme.

Overall, it is considered that the proposed development would amount to a modern yet sensitive infill development. The drawings have been amended to include habitable windows in the side elevations of properties that face onto the public realm, thus providing greater natural surveillance. Greater overlooking could be achieved onto the parking area adjacent to plot 7 and it is recommended that this matter can be addressed by a condition.

As the dwellings form part of the HAPS scheme, they will have necessary associated infrastructure in the form of ground based boxes measuring approximately 1.5m in height, 3.1m in width and 0.6m in depth. In view of officer concerns regarding the proposed locations and materials of these boxes in terms of the potential for vandalism/antisocial behaviour, it is recommended that the final position of this infrastructure is agreed by conditions.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

Subject to conditions, therefore, it is considered that the proposed development would not conflict with LDP Policies PS2 and would not conflict with the Residential Design Guide SPG or Community Safety SPG.

Residential Amenity

Plots 1, 22 and 23 would be sited in side-to-side relationships with existing properties on Hill View Crescent and Beacons View Road. The generous separation distances between the side elevations of existing dwellings and those of the proposed dwellings would mitigate any significant overbearing impacts upon existing occupiers. Moreover, there would be no direct overlooking from the proposed dwellings to existing properties.

Turning to plots 7-12, the land levels in this area fall from the road to the side and rear boundaries of the existing properties to the south and south west on Beacons View Road. The floor levels of the proposed dwellings would be set below road level, yet would be some 2m above the garden levels of neighbouring properties. The separation distances from the rear elevations of the proposed dwellings to the side and rear boundaries of existing properties are considered to be acceptable with a minimum distance of 10m being maintained. Moreover, back to back separation distances in excess of 21m would be maintained between building faces and this would be acceptable subject to additional landscaping and/or the addition of trellising along the rear boundaries of the proposed dwellings in order to provide some additional screening. This could be achieved by conditions.

Plots 7-12 would have raised terraces at the rear that would provide level areas immediately adjacent to the rear elevation. Due to the lower levels of the existing properties and gardens to the rear, the raised terraces will afford some overlooking and resultant loss of privacy to the occupiers of adjacent properties on Beacons View Road. In order to mitigate any significant overlooking impacts, it is recommended that a condition is imposed to require the rear terraces to be designed to provide a small level platform adjacent to the rear elevation with steps down to a lower terrace that more closely follows the sloping topography of the site.

In terms of the impacts upon the living conditions of the future occupiers of the proposed dwellings, the design and layout of the development would ensure that habitable rooms would benefit from satisfactory light, outlook and ventilation. Moreover, the private garden areas serving the dwellings will provide sufficient usable space for play, sitting out and clothes drying.

In view of the above, and subject to conditions, it is considered that the proposed development would not result in any significant impacts upon the living conditions of existing occupiers adjacent to the site and would provide satisfactory accommodation for the future occupiers. The proposals would therefore comply with LDP Policy PS2 and the thrust of the guidance set out within the Residential Design guide SPG.

Access and Highway Safety

The application has been accompanied by a Transport Statement. The statement indicates the proposals would result in an increase of 15 No. 2 way trips in the morning and evening peak hours. The Highways Authority considers this will result in a negligible effect on the surrounding network.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

Save for plots 7-12, car parking has been proposed at 2 spaces per dwelling, this is less than the Parking Standards SPG, which would require 1 space per bedroom, however given the location and type of dwelling, which typically has lower car ownership rates, this is considered to be acceptable. As mentioned within the TS the Highway Authority is content that visitor parking can be accommodated on street.

With respect to plots 7-12, 6 no. parking spaces are proposed to serve these plots within a single bank of spaces adjacent to plot 7. Whilst this provision would not accord with the guidance within the SPG, the Highways Authority is satisfied that there is lower parking demand for this type of housing, moreover, there are frequent bus services in the area and shops and a school within 250m of the site. On this basis, on balance, the parking provision for the development is considered to be acceptable and the development would not result in any significant highway safety issues. The proposal would not, therefore, conflict with the thrust of LDP Policies PS2, T6 and the Parking Standards SPG.

Trees and Ecology

As indicated above the proposals will result in the loss of a number of trees at the site and this will require compensatory planting.

The application has been accompanied by a Preliminary Ecological Appraisal (PEA) which has assessed the impact of the development on the ecology and green infrastructure within the site and wider area.

The PEA notes that the site is dominated by amenity grassland with other areas covered by hard standings, scattered trees, dense scrub and plantation woodland. According to the PEA the site is suitable to support generalist invertebrates, reptiles, breeding birds, roosting, foraging and commuting bats and hedgehog. There are also invasive non-native species (INNS) on the site.

NRW and the Council's planning ecologist have reviewed the PEA and whilst not objecting to the proposals, a number of conditions have been recommended in order to mitigate and compensate for the loss of habitat at the site. Conditions are therefore considered to be necessary in respect of: a bat roosting assessment for trees to be felled; a method statement for the felling of trees; reptile mitigation; landscaping; lighting; INNS eradication strategy; and ecological enhancements.

It is acknowledged that the proposals will result in the loss of some green infrastructure. LDP Policy ER2 seeks to ensure green infrastructure is provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. The Policy notes that development that compromises the integrity of green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Subject to the submission of a satisfactory landscaping scheme together with ecological mitigation and enhancement measures to compensate for the loss of green infrastructure, it is considered the proposed development would not conflict with the thrust of LDP Policies ER2, ER8, ER9 and ER11.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

Drainage

The application has been accompanied by surface water drainage information which indicates that surface water would be discharged via infiltration and to a storage basin. The Council's drainage officer has critiqued the scheme, however, the proposal for surface water drainage will be approved via the SAB consent process.

Foul water is proposed to be discharged to the mains system. DCWW have requested a condition to secure the provision of an appropriate scheme for its disposal. This is considered to be necessary in accordance with LDP Policies EU4 and RP4.

Conclusion

The proposed development forms part of a wider regeneration programme in this area of Clase and will provide a considerable number of new Council homes as part of the Council's More Homes and HAPS scheme. The proposals will result in the loss of an area of open space, however, significant residual areas of open space would be retained within the Mynyddbach ward. The application has been considered against the relevant topic specific policies within the LDP and is considered to be acceptable in terms of placemaking, highway safety, drainage and ecology. In light of the foregoing the proposed development is considered to be acceptable in accordance with LDP Policies.

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

Recommendation

Approve, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
 - ADG033-PL01 (Site Location)
 - ADG033-PL03 Rev D (Site Plan as Proposed)
 - ADG033-PL04 (Semi detached 3B/5P House Type Floor Plans)
 - ADG033-PL05 A (Semi detached 3B/5P House Type Elevations)
 - ADG033-PL06 (Terraced 3B/5P House Type Floor Plans)
 - ADG033-PL07 A (Terraced 3B/5P House Type Elevations)

Planning Committee – 3rd March 2020

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

- ADG033-PL09 A (Terraced 3B/5P House Type Elevations Plots 10, 11 & 12 Sheet 01)
- ADG033-PL10 A (Terraced 3B/5P House Type Elevations Plots 10, 11 & 12 Sheet 02)
- ADG033-PL11 (Semi detached 3B/5P House Type Floor Plans - Mirrored)
- ADG033-PL12 (Semi detached 3B/5P House Type Elevations - Mirrored)
- AD033-30-LA-U002 (Combined Services Layout)
- 107 P2 (Retaining Wall and External Steps Details), received 13th February 2020.

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

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

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

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development in accordance with LDP Policies T1 and T5.

- 4 No development shall commence until details of a scheme for the disposal of foul water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and shall be retained thereafter for the lifetime of the development

Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system in accordance with LDP Policies EU4 and RP4.

- 5 No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved plan.

Reason: Prevention of pollution to controlled waters and the wider environment in accordance with LDP Policy RP4.

Planning Committee – 3rd March 2020

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

- 6 No development, including site clearance, ground preparation, temporary access construction/widening, material storage or construction works shall commence until an arboricultural impact assessment and a scheme for tree protection has been submitted to and approved in writing by the local planning authority. No development or other operations shall take place other than in complete accordance with the approved arboricultural impact assessment and tree protection scheme.
Reason: To ensure the retained trees are afforded sufficient protection in accordance with LDP Policy ER2, ER8, ER9 and ER11.
- 7 Prior to the felling of any trees within the site a method statement shall be submitted to an approved in writing by the Local Planning Authority for the felling of trees having regard to the potential presence of roosting bats. All trees within the development that are proposed to be felled shall thereafter be felled in accordance with the procedures set out within the approved method statement.
Reasons: In the interests of ensuring the development would not result in any detrimental impacts upon reptiles in the area in accordance with LDP Policies ER2, ER8 and ER9.
- 8 Prior to its installation, details of an external lighting strategy to cover the construction stage and operational stage shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.
Reason: To ensure an ecologically sensitive lighting strategy is installed in accordance with LDP Policies ER2, ER8 and ER9.
- 9 The development shall be implemented in accordance with the mitigation measures for bats, breeding birds, hedgehogs and reptiles set out within the Preliminary Ecology Assessment dated November 2018.
Reason: In order to ensure the development would not result in any detrimental impacts upon the ecology of the area in accordance with LDP Policies ER2, ER8 and ER9.
- 10 No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the local planning authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area in accordance with LDP Policy PS2.
- 11 The dwellings hereby approved shall not be occupied until the access and parking works serving the dwelling, as indicated on the approved drawings, has been completed and made available for use. The parking areas shall be made available for vehicular parking at all times and shall be used for no other purpose for the lifetime of the development.
Reason: In the interests of highway safety in accordance with LDP Policies T5 and T6.

Planning Committee – 3rd March 2020

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

- 12 Notwithstanding the details indicated on the approved plans, no development shall take place on plots 7-12 until the following details have been submitted to and approved in writing by the local planning authority:

- details of the height and design of the rear terrace areas relative to the finished floor level of the dwellings and garden levels (existing and proposed)
- details of a revised design (floor plan and elevations) for plot 7 to include at least 1 habitable window in the side elevation

The development shall thereafter be implemented in accordance with the approved details prior to the occupation of any dwelling hereby approved and shall thereafter be retained as approved for the lifetime of the development.

Reason: To ensure the design and location of these elements would accord with good placemaking principles and in the interest of residential amenity in accordance with LDP Policy PS2.

- 13 Notwithstanding the details indicated on the approved plans, prior to the commencement of development details of all external above ground infrastructure associated with the mechanical and electrical operation of the dwellings hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure the design and location of these elements would accord with good placemaking principles in accordance with LDP Policy PS2.

- 14 Prior to the commencement of development a detailed scheme for the eradication of invasive non-native species at the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented prior to the commencement of the development hereby approved on site and shall be carried out in accordance with the approved details and timescales.

Reason: In the interests of the ecology and amenity of the area in accordance with LDP Policies ER8 and ER9.

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

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with LDP Policies ER8, ER9 and ER11.

Planning Committee – 3rd March 2020

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

16 Prior to any superstructure works commencing on the site, a scheme of ecological enhancement measures for the site shall be submitted to and approved in writing by the local planning authority. The scheme shall include, but shall not be limited to, the following elements:

- 3 x bird nesting boxes for particularly house sparrow and swift
- 2 x bird nesting boxes to be erected on suitable on-site trees
- 5 x bat boxes for crevice dwelling species

The scheme shall include scale drawing to indicate the locations of the boxes. The enhancement measures shall be installed prior to the beneficial occupation of any dwelling hereby approved and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interests of ecology and biodiversity enhancement in accordance with LDP Policy ER2, ER8 and ER9.

17 Prior to the construction of the dwellings hereby permitted, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed as approved before each dwelling hereby approved is occupied and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area in accordance with LDP Policy PS2.

18 No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area and in the interests of residential amenity in accordance with LDP Policy PS2.

Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, ER2, ER8, ER9, ER11, T5, T6, RU4, RP4, SI5 and SI8.

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

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

The drainage scheme shall ensure that the development, does not interfere or impact upon the drainage systems of the adjacent permitted site.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

- 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 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

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

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

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

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

- 6 A sensitive lighting plan shall be adopted to protect bats and other nocturnal species, and to protect nearby habitats. A plan showing location and specification for any proposed lights on the site must be submitted to the LPA for approval, prior to any determination. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance, with levels kept to 2700-3000 Kelvins.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

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

In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

This details should be indicated when discharging condition 17.

- 8 Note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960). The following should be adhered to:

- Pre-construction checks for any reptile species shall be undertaken by a suitably qualified Ecologist.
- Any vegetation clearance shall be undertaken avoiding the main hibernation period (October-March).
- To mitigate for loss of reptile (and hedgehog) habitats, new habitats shall be created within less managed areas of boundary grassland set aside as buffer strips . These linear features can provide corridors to link other patches of reptile habitat together.
- The details contained within section 6.2.2.1 of the submitted report shall be adhered to.

- 9 When discharging condition 15, where possible, natural habitats especially hedgerows and broadleaved woodland shall be retained. Native trees, shrubs, hedgerows and wildflowers should be planted as part of the wider landscape scheme to mitigate loss of habitats for protected species. The use of native species of local or at least Welsh provenance and species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates. This will improve ecological connectivity across the site and with other nearby habitats in the surrounding landscape. A green corridor shall be created along the eastern boundary. This shall include a range of native species. The details of this planting shall be submitted to the LPA for approval. As hedgerows are a priority habitat, efforts should be made to retain and enhance these within the development. Retained hedgerows should be buffered from surrounding development, and not incorporated into domestic boundaries. The details contained within recommendations for planting contained within 6.3.1.1 shall be provided and adhered to and shall be incorporated into the Landscaping and Planting Scheme strategy.

Item 5 (Cont'd)

Application Number:

2019/2855/FUL

- 10 It is noted that as part of the drainage strategy, a rain garden and swales are proposed together with a bio retention system and soakaway. Swansea Council expects SuDS features to be planted to enhance biodiversity and contribute to local, national and regional aims.

When discharging condition 15, it is therefore recommended that rain gardens are planted with a wide range of species in order to create a densely vegetated, stable and thriving bed with dense and thick root systems which will thrive without frequent maintenance. The perimeter berm can be seeded with a general purpose wildflower grassland mix, which can be left to grow, or mown as required. The main rain garden area should be maximised to create habitat for wildlife, by planting it with native species of local/Welsh provenance or plants that are known to attract insects like bees and butterflies and other wildlife. For swales, local wild grass and wildflower species should be introduced to provide a wildlife habitat (and visual interest).

Details of planting of the proposed SuDS features is required to be submitted to the LPA for agreement, outlining how this will benefit biodiversity, as part of the Landscaping and Planting Strategy

Agenda Item 5

Report of the Head of Planning and City Regeneration

Planning Committee – 3 March 2020

Update report on Application 2018/2692/FUL

Retention and completion of development for 107 residential dwellings and associated infrastructure

Land At Upper Bank Pentrechwyth, Nantong Way, Pentrechwyth, Swansea

1.0 Background

1.1 This application was considered by Committee on 3rd December 2019 when it was resolved to approve the application subject to an amendment to condition 18 and the signing of a S106 agreement in respect of the following matters:

- **A minimum of 10% on-site affordable housing provision to include a range of DQR compliant house types/sizes, tenure to be agreed and the dwellings to be transferred to a Registered Social Landlord/Council.**
- **A developer contribution of £128,836 towards improvements to Cefn Hengoed Comprehensive School.**
- **A developer contribution of £5,300 towards ecological mitigation and compensation within the Pluck Lake SINC.**

1.2 Condition 18 was to read:

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

1.3 A copy of the Committee report is attached as Appendix 1.

1.4 The application site is phase 7 of a wider development at Upper Bank. The previous phases of development were subject of a separate planning permission and associated S106 agreements.

1.5 Since the current application was considered by Committee in December, the applicant has submitted additional information in respect of the viability assessment undertaken on behalf of the applicant that seeks to demonstrate the ability of the development to meet the S106 contributions identified above. The additional viability information, which specifically identified additional abnormal costs into the viability assessment, has been considered by the Planning Authority and officers consider it is reasonable to agree a reduction in the S106 contributions from that previously agreed as follows:

- a reduced financial contribution towards Education measures of £95,000 and a contribution of £5,300 for Ecology measures
- 6 Affordable Homes (intermediate tenure) to be built to Hygrove's 'Scott' house type and the dwellings to be transferred to a Registered Social Landlord/Council.
- the affordable homes to be delivered by occupation of the 50th dwelling of the scheme (Ref 2018/2692/FUL)

1.6 The 'Scott' house type is not a DQR compliant home. This matter has been discussed with the Council's Housing department, who have raised no objection. It should be noted that officers are only prepared to accept that the 6 affordable homes on this site will not be DQR compliant on an exceptional basis having regard to the unique circumstances of the case. This decision does not set any precedent for non-DQR compliant homes to be acceptable on any other development.

1.7 In addition to the above, representations have been submitted by the applicant in respect of the need for condition 18 (archaeology). These representations are being considered in liaison with the Council's archaeological advisers, GGAT, and an update will be provided to Members at Committee.

2.0 **Recommendation:**

2.1 That the application be approved subject to the conditions agreed by Committee on 3rd December 2019, and the signing of a S106 agreement in respect of the following matters:

- a financial contribution towards Education measures of £95,000 and a contribution of £5,300 for Ecology measures
- 6 Affordable Homes (intermediate tenure) to be built to Hygrove's 'Scott' house type.
- the affordable homes to be delivered by occupation of the 50th dwelling of the scheme (Ref 2018/2692/FUL)

Contact Officer: *Ian Davies* **Extension No:** *5714*
Date of Production: *26th February 2020* **Document Name:** *REPORT – Upper Bank*