



# City and County of Swansea

## Notice of Meeting

You are invited to attend a Meeting of the

## Planning Committee

**At:** Remotely via Microsoft Teams

**On:** Tuesday, 1 December 2020

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

### Membership:

Councillors: C Anderson, P M Black, W Evans, M H Jones, M B Lewis, R D Lewis, C Richards, P B Smith, D W W Thomas, L J Tyler-Lloyd and T M White

**Watch Online:** <https://bit.ly/35Lczsl>

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### Agenda

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<b>3 Minutes.</b> To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 3
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**Next Meeting:** Tuesday, 12 January 2021 at 2.00 pm

Huw Evans  
Head of Democratic Services  
Tuesday, 24 November 2020

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Contact: Democratic Services - 636923

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 3 November 2020 at 2.00 pm

**Present:** Councillor P Lloyd (Chair) Presided

### **Councillor(s)**

C Anderson  
W Evans  
C Richards  
T M White

### **Councillor(s)**

P M Black  
M B Lewis  
P B Smith

### **Councillor(s)**

M H Jones  
R D Lewis  
D W W Thomas

### **Officer(s)**

Gareth Borsden  
Matthew Bowyer  
Ian Davies  
Sally-Ann Evans  
Andrew Ferguson  
Liam Jones  
Steve Smith  
Jonathan Wills

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

### **Apologies for Absence**

Councillor L J Tyler-Lloyd

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## **10 Disclosures of Personal and Prejudicial Interests.**

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillors C Anderson, P M Black, W Evans, M H Jones, M B Lewis, R D Lewis, P Lloyd, C Richards, P B Smith, D W W Thomas and T M White – Personal – Item 4 – Planning Application 2020/116/106 – applicant is a fellow councillor.

## **11 Minutes.**

**Resolved** that the Minutes of the Planning Committees held on 1 and 6 October 2020 be approved and signed as correct records.

## **12 Items for Deferral/Withdrawal.**

None.

## **13 Determination of Planning Applications under the Town and Country Planning Act 1990.**

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

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

**(Item 1) – Planning Application 2020/0097/FUL - Construction of a 328 bed high rise purpose built student accommodation with associated car parking, access and infrastructure works at Land North Of Jockey Street, Swansea.**

A detailed visual presentation was provided.

Matthew Gray (agent) addressed the Committee and spoke in support of the proposals.

Application approved subject to a S106 agreement.

**(Item 2) – Planning Application 2019/2882/S73 - Residential development comprising 70 dwelling houses with associated roads and open space (details of the appearance, landscaping, layout and scale of the development including proposed levels of each dwelling of planning permission 2006/0650 as varied by 2011/0329 and 2013/0425) (Variation of conditions 1 of planning permission 2018/1279/RES granted 6th December 2018 to amend the approved plans at Land At Bryn Hawddgar, Clydach, Swansea.**

A visual presentation was provided.

Phil Baxter (agent) addressed the Committee and spoke in support of the proposals.

Councillor P B Smith (Local Member) addressed the Committee and spoke in support of the local residents' concerns regarding potential drainage problems arising from the site.

**(Item 3) – Planning Application 2020/1818/FUL - Front dormer, rear gable roof extension, front porch, re-roofing main part of dwelling, insertion of roof lights, additions and alterations to fenestration, extension to driveway and rear shed and bike store at 19 Mansfield Road, Murton, Swansea.**

A visual presentation was provided.

**(Item 4) – Planning Application 2020/1169/106 - Replacement farmhouse (Modification of clause 4 a and b of S52 agreement of planning permission 2/2/88/0046/03 granted 28th April 1989) to replace with a TAN6 rural enterprise dwelling restriction at Parcel 6717 North Side of Llannant Farmhouse, Llannant Road, Gorseinon, Swansea.**

A visual presentation was provided.

Application approved subject to a S106 agreement.

**Chair**



## Report of the Head of Planning and City Regeneration

Planning Committee – 1 December 2020

### **Provisional Tree Preservation Order - TPO 671 Land Adjacent to 42 Llwyn Close, Sketty, Swansea.**

**To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 671, Land adjacent to: 42 Llwyn Close, Sketty, Swansea. (2020)**

**Recommendation:**

**That the Tree Preservation Order Land adjacent to: 42 Llwyn Close, Sketty, Swansea. (2020), be confirmed with modification of the Title to “*Land adjacent to: 42 Llwyn Mawr Close, Sketty, Swansea. (2020).*”**

**For Decision**

#### **1. Introduction**

- 1.1 The provisional Order was served on 31<sup>st</sup> March 2020.
- 1.2 The order was made following the Landscape Team receiving reports that the large oak tree was being worked on. After a discussion with the contractor, the work was explained to be minimal and would retain the amenity value of the tree.
- 1.3 However, following a site visit and a desktop evaluation it was considered that the tree would be under repeated threat from the new land owners to the north and that further work may not be carried out as sympathetically.

#### **2. Objections and representations**

- 2.1 Two letters expressing objections have been received within the minimum required consultation period.
- 2.2 One representation was received from one of the Ward Members pointing out that the Title of the Order was slightly incorrect as the name of the road should be ‘Llwyn Mawr Close’ and not just ‘Llwyn Close’.
- 2.3 Objection 1 is summarised below and relates to tree T1; the full objection and replies from the Tree Officer is reproduced in the Appendix:
  1. The Council should have identified this tree for suitability for protection at an earlier stage;
  2. Leaf cover causes shade, blocks gutters and causes slippery surfaces;

3. Danger of falling branches to school children;
4. Tree may be unstable as it grows on wall;
5. Potential damage to attenuation tanks; and
6. The Objector is prepared to plant the bank to provide increased amenity.

These points are expanded upon in subsequent correspondence from the Objector, these are reproduced in full in the Appendix.

2.4 Objection 2 is summarised below and relates to tree T2:

1. Overhanging branches will break in bad weather or the tree might fall over.

### **3 Appraisal**

#### Representation

- 3.1 The Title was taken from the Councils GIS system that shortened the road name at the scaled viewed. The title of the order can be modified at confirmation to avoid any future confusion.
- 3.2 Each objector was written to discuss the points raised in their objections. These letters are reproduced, as is the reply received from Objector 1 in the Appendix.

#### Objection 1

- 3.3 The tree would have been protected during construction by means of the planning conditions and by the fact that it is located off site. In fact the tree is shown as a retained tree on the approved landscape plan that has been supplied by the Objector, this is included in the Appendix. The landscape scheme approval would have considered the presence and retention of this tree. The Tree Officer could only give the response that the tree was not protected by a TPO when asked by the tree surgeons checking to see if the tree was protected.
- 3.4 Problems with falling leaves and shading are part of the natural process associated with urban trees. Acceptance of these problems are considered the necessary trade-off for enjoying the benefits such trees provide to all.
- 3.5 The serving of the TPO has not changed potential hazards from falling dead or faulted branches. Dead wood can be removed under the exemptions to the Regulations and should be considered by the tree owner to discharge their duty of care. Healthy branches can fail, but this would be expected in very high winds and removal of all trees to eliminate this small risk would be disproportionate leading to the loss of all trees in urban areas.
- 3.6 The tree appears to be growing from a remnant hedge bank that has large stones within it and does not appear to have a compromised rooting environment. If there is a demonstrable problem with this area, an application can be made to remove the tree.
- 3.7 The adoptable attenuation tank closest to the tree is at a depth of at least 1.6 metres and covered with a geotextile. The proximity of the tree should have been considered at the time of the installation of the tanks and designed accordingly; therefore, the roots of the tree are unlikely to affect this structure

at this distance from it. If conflicts are identified in the future, work can be applied for to prevent significant damage.

- 3.8 Planting of shrubs and young trees is unlikely to mitigate the loss of a mature tree. The Councils Enforcement Team have looked into the complaints made by the Objector relating to the landscape planning conditions attached to the site.

#### Objection 2

- 3.9 If work is required to deal with a perceived hazard it can be applied for by means of a free application; any immediate danger can be dealt with quickly by telephoning the Council and without application. Healthy trees can suffer breakages and windthrow in severe weather; however, at the time of serving no significant defects were observed.
- 3.10 Objector 2 has not made an application to carry out work since the time of the TPO being served, it is therefore assumed that they do not hold much fear of branch or tree failure.

#### Summary

- 3.17 Both trees covered by the Order provide considerable visual amenity to the area.
- 3.18 Most of the reasons given for the objections can be controlled through the application process or through work permitted under exemption.

#### **4. Recommendation**

That the Tree Preservation Order: 671, Land adjacent to: 42 Llwyn Close, Sketty, Swansea. (2020) be confirmed with the following modification:

- Correction of the Orders Title to “Land adjacent to: 42 Llwyn Mawr Close, Sketty, Swansea. (2020).”

**Contact Officer:** Alan Webster  
**Extension No:** 5724

### **Objection 1, dated 28/04/20**

I wish to object to the provisional TPO dated 01/04/2020 in regard to T1 Oak on the plan and request that the order should not be formally confirmed for the following reasons :

After purchasing the property I checked with 2 local tree surgeons and it was confirmed by the authority that the tree was not protected by a TPO or conservation area status and that the tag on the tree was a tree survey tag. I would have expected the authority during this identification procedure to have identified any species which provided amenity and therefore worthy of a TPO before the development commenced.

In the original development planning application number 2015/2535 dated 13/07/2016 condition 10 stipulates a scheme of landscaping and also retention of existing trees and hedgerows.

Condition 11 stipulates the replanting of removed trees and plants. The reason given by the authority for both condition 10 and 11 is 'in order to provide for suitable landscaping for the site in the interests of visual amenity' Thus far the developer has not complied with either condition.

The design and access statement REV D (12.01.2016 ) submitted by AP Architecture and Planning Ltd states in section I on landscaping that ' The existing hedges, trees and shrubbery on the boundaries will be kept where possible'.

Also in section K on environmental sustainability it states ' The soft landscaping will contain a wide variety of shrubs to increase the bio diversity on site'.

The planting plan provided by the developer from Catherine Etchell associates has not been carried out and no trees or shrubs that have been removed have been replaced.

The majority of the trees and shrubs that have been removed are from the southern boundary of the site in the bank next to Llwyn Mawr Close adjacent to the tree in question.

If both condition 10 and 11 had been satisfied then there would be more than enough landscape amenity in the area. The onus should be on the developer to rectify these matters and provide landscape amenity to the area.

Only one household in the area contacted the Council in approval of the TPO while many others find the size of the tree makes the area very shady, slippery with too much leaf waste. This leaf waste also blocks the drains and roof guttering.

Furthermore the tree's sheer size is overwhelming and shades my garden and the house next door No 42 Llwyn Mawr Close.



In addition the tree is close to and overhangs the pavement and road and the possibility exists that schoolchildren walking to the nearby Sketty school may be harmed from falling branches.

The tree may also be unstable and dangerous as it is growing on top of a wall.

At the bottom of my garden adjacent to the tree are 2 very large attenuation tanks installed at the request of the authority and Welsh Water to collect drainage water. These tanks are made from stackable plastic crates and there is a real potential for damage to these tanks from the tree's root system.

In addition I would have preferred to obtain further legal advice regarding the TPO however this has not been possible due to the current lockdown measures that are in place.

However I am prepared without prejudice and not withstanding the developer's own planning permission commitments to replant the bank behind my property with hedgerow shrubs and trees as specified by the authority. This will far exceed the visual amenity provided by one tree at the far end of a completely bare and decimated bank.

If you require any documentary or photographic evidence please do not hesitate to contact me.

#### **Letter from the Tree Officer in reply to Objection 1 dated 13/08/2020**

I acknowledge your objection, confirm that it is in the correct format, and received within the given time limit.

Ideally, I would try to arrange meeting you to discuss your objection, but due to the current Covid situation hopefully I can discuss your points with this letter.

I summarise your objections to making the Order permanent as: 1. the Council should have identified this tree for suitability for protection at an earlier stage; 2. leaf cover causes shade, blocks gutters and causes slippery surfaces; 3. danger of falling branches to school children; 4. tree may be unstable as it grows on wall; 5. potential damage to attenuation tanks and 6. that you are prepared to plant the bank to provide increased amenity.

1. The TPO was only served following a known threat to the tree was realised. Prior to this, the tree had remained untouched.
2. Problems with falling leaves and shading are part of the natural process associated with urban trees. Acceptance of these problems are considered the necessary trade-off for enjoying the benefits such trees provide to all.
3. The serving of the TPO has not changed potential hazards from falling dead branches. Dead wood can be removed under the exemptions to the Regulations and should be considered by the tree owner to discharge their duty of care.

4. At the time of serving the TPO I did not observe any indications of poor rooting. If there is a problem with this area, an application can be made to remove the tree.
5. The adoptable attenuation tank closest to the tree is at a depth of at least 1.6 metres and covered with a geotextile. The roots of the tree are unlikely to affect this structure at this distance from it. If conflicts are identified in the future, work can be applied for to prevent significant damage.
6. Planting of shrubs and young trees will is unlikely to mitigate the loss of a mature tree.

Considering the details I have provided, I ask you to re-consider your objection if they address your concerns. I would be grateful to hear your thoughts and any expansion on your objection if you maintain it.

If either of the two objections are maintained, the confirmation of the order will be considered at Planning Committee later in the year.

If you have any questions about the content of this letter please contact me.

#### **Email from objector dated 11/05/20**

As stated in the original objection and to further support my case I have attached some documentary and photographic evidence for the authority to consider.

The first attachment is from the planning application 2015/2535 dated 13/07/2016 condition 10 stipulates a scheme of landscaping and also retention of existing trees and hedgerows.

Condition 11 stipulates the replanting of removed trees and plants.

The second attachment is from the design and access statement REV D (12.01.2016 ) submitted by AP Architecture and Planning Ltd which states in section I on landscaping that ' The existing hedges, trees and shrubbery on the boundaries will be kept where possible'.

Also in section K on environmental sustainability it states ' The soft landscaping will contain a wide variety of shrubs to increase the bio diversity on site'.

The third attachment is the planting plan provided by the developer from Catherine Etchell associates which has not been carried out.

The fourth attachment is the drainage layout plan provided by CB3 showing the 2 large attenuation tanks.

The remaining attachments are photographs, one shows the tree growing on top of a wall and the other two highlight the completely barren bank next to Llwyn Mawr Close and Sketty School.

This was once covered by hedgerow trees and shrubs which have not been replaced by the developer.

## 1st attachment

- \* (10) No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. 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.

Reason: In order to provide for suitable landscaping of the site in the interests of visual amenity.

- \* (11) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planning season with others of similar size and species.

Reason: In order to provide for suitable landscaping of the site in the interests of visual amenity.

## 2nd attachment

### \* (I) CHARACTER: LANDSCAPING

The area in front of the dwellings are likely to be landscaped with a selection of low shrubbery. The driveways will be finished in tarmac or block paving. The pathways around the buildings are likely to be paved while the rear gardens will be grassed. The existing hedges, trees and shrubbery on the boundaries will be kept where possible. Please refer to drawings for details.

### J - COMMUNITY SAFETY

The proposed dwellings will be designed to ensure their security with 1.8m fencing where necessary. New dwellings in this location will aid community safety and provide greater surveillance over the surrounding area.

### \* (K) ENVIRONMENTAL SUSTAINABILITY

The development will be designed to meet the minimum standard of the Building Regulations. The buildings will be designed in line with the energy hierarchy, which is a methodology used to ensure the optimum use of energy on site. The energy hierarchy follows the pyramid principle of firstly reducing energy usage, secondly improving energy efficiency and then finally investigating on-site, low carbon and renewable technologies.

To reduce energy usage the buildings will contain a high performance building fabric. To achieve this the proposal will contain high levels of insulation within the floors, walls and roof along with high performance windows and doors. Energy efficiency will be provided by an efficient boiler with a programmer, thermostat and TRV's. The high fabric option is preferred over low or zero technologies (LZC) as it future proofs the buildings. This is because the lifespan of LZC's are limited while the buildings will maintain high performance fabric for its duration. A LZC can also be retrofitted at a later date while increasing the performance of the fabric would be far more difficult.

The soft landscaping will contain a wide variety of shrubs, to increase the bio diversity on site. Sustainable drainage will be provided through the use of soakaways or permeable paving (subject to percolation tests).



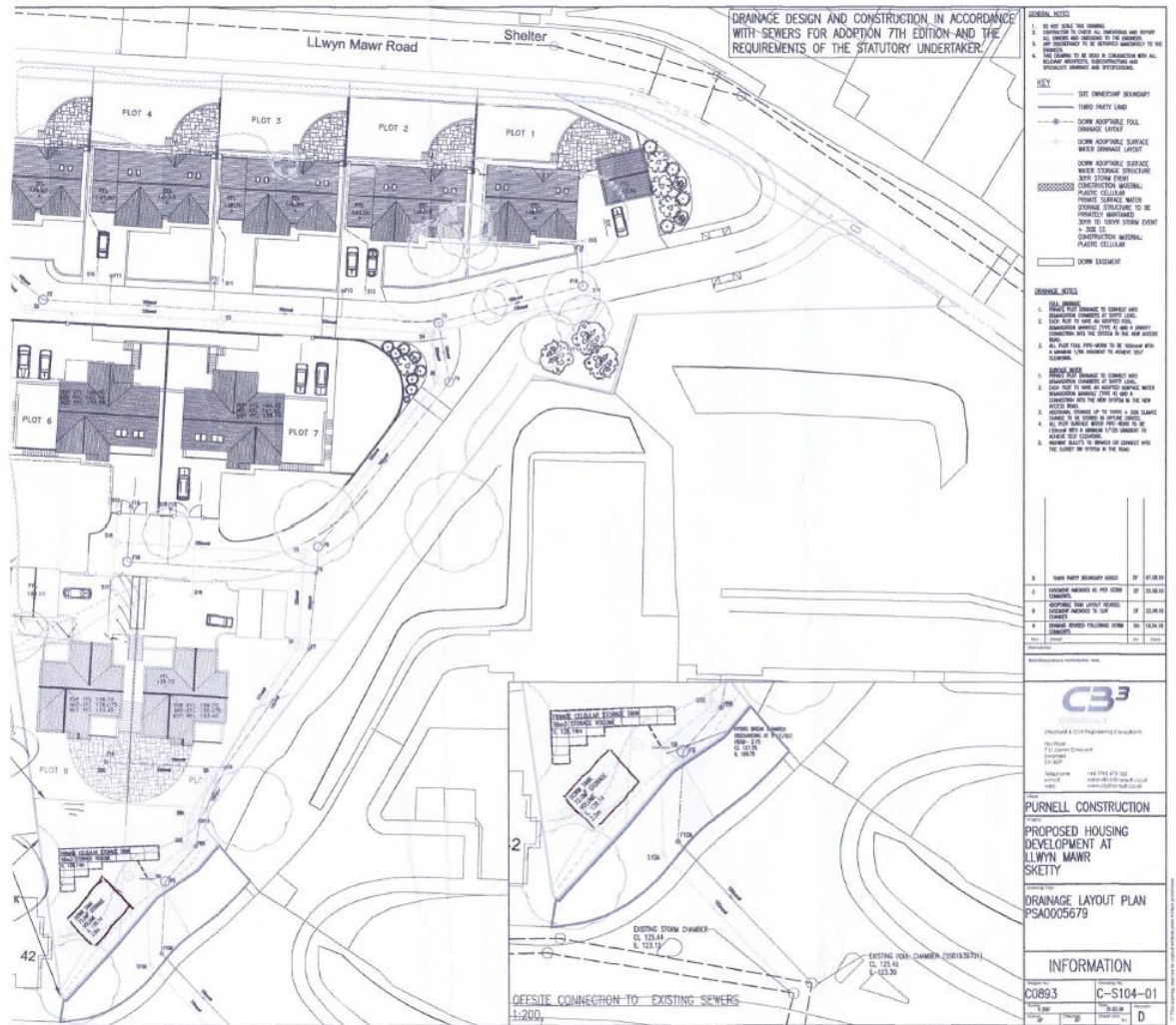


Image 1



Image 2



Image 3





## Email reply from Objector 1 received 30/09/2020

Thank you for your letter dated 13/08/2020.

I have considered the details you have provided and have decided to proceed with my objection.

I have responded to the points you have raised below and also expanded further on my objection.

Also please can my original objection Rev 2 dated 28/04/2020 and my subsequent email dated 11/05/2020 with further documentary and photographic evidence both be considered alongside this response.

1.

In your letter you state that 'The TPO was only served following a known threat to the tree was realised. Prior to this the tree has remained untouched' I disagree as there was no 'threat' to the tree - the tree was covered in ivy and the leaf canopy very overgrown.

All the ivy was removed and the leaf canopy reduced. The tree's health and appearance has been improved as a result.

On 3/01/2020 a local tree surgeon Mr Leon Thomas emailed you on my behalf to check if the tree with tag number 00286 (the tree in question) had a preservation order.

Your reply was as follows 'The tree in question is not protected by TPO or conservation area status. The tag on the tree would be a survey tag related to a tree survey carried out when the new houses were built.'

Therefore I would have expected the authority to have identified any trees worthy of a TPO from the granting of planning permission back in 2016 or at least during the construction phase.

Also surely any perceived 'threat' to the tree should have been realised when enquiries were made by a tree surgeon back in January of this year.

The tree surgeon who carried out the work, Rachel Downs also checked in March 2020 that there was no TPO before she carried out the work.

2.

Only one household in the area has contacted the Council in support of a TPO while the majority find the size of the tree makes the area very shady, slippery, leaf waste blocks drains and the tree is dangerous to pedestrians and road traffic. The shading prevents the land from drying out and falling leaves block drains and guttering and this will only exacerbate the flooding problems already experienced by the residents of Llwyn Mawr Close earlier this year.

3.

The problem of falling branches is not just from dead wood but also from living wood as this year's storms have proved with many branches falling off the tree already.

The proximity to Sketty School is also a grave cause for concern.

Surely prevention is better than waiting for the benefit of hindsight following an injury to a child..

4.

The tree is growing on a sloping bank on top of a wall with exposed roots and its stability is in question and this poses a danger to passing pedestrians and traffic.

5.

The tree's root system is very close to the attenuation tanks at the rear of the development and there is a real threat of damage creating further drainage and flooding problems.

The attenuation tanks have been installed at great expense at the behest of the authority to combat drainage problems and flooding in the area.

Why would the authority wish to put this at risk especially after this summer's storms and severe flooding ?

Who would be responsible for any damage to the attenuation tanks ?

I suspect it would be myself as the landowner.

Surely it would be better to prevent any future damage now.

6

The replanting of trees and shrubs will far exceed the visual amenity provided by one tree at the far end of a completely bare and decimated bank. I am prepared to replant the bank with trees and shrubs which will greatly increase the visual amenity for the local residents instead of a barren bank. I will go further and invite the local residents to decide on it's future and how they would like it planted.

On a recent site visit with Mr Rob Latham senior planning officer a local resident asked him when the bank was going to be re-turfed so there is an obvious local interest in improving this eyesore.

Furthermore with regard to visual amenity senior planning officer Mr Rob Latham has recently investigated whether there had been any breaches of planning control by the developer.

He concluded the following :

There has been one breach of planning control related to the landscaping and planting scheme which had not been carried out and I quote :

'I have spoken to the developer who is aware of their obligations in the public open areas of the site and the need to undertake the appropriate planting at the earliest opportunity '

This planting will also greatly increase the visual amenity in the area.

Mr Latham did not find any breach of planning control by the developer on the removal of trees and shrubs from the southern boundary with Llwyn Mawr Close. However he did state that

' I accept that shrubs and trees may have been removed from this area of land by the developer' and ' the landscaping of the area between your property's rear boundary and the footway edge does not currently have a positive effect on visual amenity.'

Therefore had the landscaping plan been carried out and shrubs and trees not removed then there would have been more than enough visual amenity in the area.

I feel aggrieved that I have followed all the procedures correctly and have improved the tree's health but I have been penalised for doing so.

I look forward to receiving the outcome in due course.

## **Objection 2 undated, received 28/04/20**

We would like to strongly object to the proposed tree preservation order REFF:TPO671.

Our main reasons for this is the Turkey Oak (T2) overhangs onto our property/back garden where our children constantly play.

During bad storms the tree continually looks like its either going to fall or one of the large branches will break and fall onto our garden.

With this, we would please like to request that the tree be taken down. If not taken down then allowing us (we will get a professional company in), at our own cost, to 'trim' the tree right back to a suitable height which wont be of any danger to my family.

We would like to do this please while the school is currently closed for the safety of the Children.

Thank you.

## **Tree Officer response to Objection 2 dated 13/08/2020**

I acknowledge your objection that was undated, confirm that it is in the correct format, and received within the given time limit.

Ideally, I would try to arrange meeting you to discuss your objection, but due to the current Covid situation hopefully I can put your mind at rest with this letter.

Your objection is based on fears that overhanging branches will break in bad weather or the tree might fall over.

You may apply to do work on the tree; any immediate danger can be dealt with quickly by telephoning the Council and without application. Although even healthy trees can suffer breakages and windthrow in severe weather, I did not observe anything to suggest that this is likely with this tree. If you have observed defects in the tree please let me know.

Prior to the TPO being served you had the legal right to cut branches overhanging your boundary; you could not have removed the tree, in that respect the TPO has not changed the situation.

As I have outlined what you are able to do in terms of applying for work and dealing with imminent danger would you re-consider your objection? I would be grateful to hear your thoughts and any expansion on your objection if you maintain it.

If either of the two objections are maintained the confirmation of the order will be considered at Planning Committee later in the year.

If you have any questions about the content of this letter please contact me.

**Town and Country Planning Act 1990**  
**Land adjacent to: 42 Llwyn Close, Sketty, Swansea. (2020)**

**The COUNCIL OF THE CITY AND COUNTY OF SWANSEA**

in exercise of the powers conferred on them by sections 198 and 201<sup>(a)</sup> of the Town and Country Planning Act 1990<sup>(b)</sup> hereby make the following Order—

**Citation**

1. This Order may be cited as **Land adjacent to: 42 Llwyn Close, Sketty, Swansea. (2020)**

**Interpretation**

2. In this Order “the authority” means the Council of the City and County of Swansea and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

**Application of section 201**

3. The authority hereby direct that section 201 (provisional tree preservation orders)<sup>(c)</sup> shall apply to this Order and, accordingly, this Order shall take effect provisionally on

*31st March 2020*

**Prohibited acts in relation to trees**

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

**Exemptions**

5.—(1) Nothing in article 4 shall prevent—

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land<sup>(d)</sup> of the statutory undertaker and the work is necessary—
  - (i) in the interests of the safe operation of the undertaking;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or

a) Under section 199(1), tree preservation orders generally do not take effect until confirmed, but a direction may be given under section 201 for an order to take provisional effect immediately.

b) Where the Order is to be made under the sections cited and section 300 of the Town and Country Planning Act 1990, all those provisions should be cited, as should the fact of the consent of the appropriate authority. As to the circumstances in which the consent of the Forestry Commission is required (and should be cited) see section 200(1) of that Act.

c) Subsection (6) of section 198 exempts from the application of tree preservation orders the cutting down, uprooting, topping or lopping of trees which are dying, dead or have become dangerous, or the undertaking of those acts in compliance with obligations imposed by or under an Act of Parliament or so far as may be necessary for the prevention or abatement of a nuisance. Subsection (7) of that section makes section 198 subject to section 39(2) of the Housing and Planning Act 1986(c. 63) (saving for effect of section 2(4) of the Opencast Coal Act 1958 on land affected by a tree preservation order despite its repeal) and section 15 of the Forestry Act 1967 (c. 10) (licences under that Act to fell trees comprised in a tree preservation order).

- (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;
- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
- (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose “drainage body” and “drainage” have the same meanings as in the Land Drainage Act 1991<sup>(a)</sup>; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989<sup>(b)</sup>.
- (2) In paragraph (1), “statutory undertaker” means any of the following—
- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
  - a relevant airport operator (within the meaning of Part V of the Airports Act 1986)<sup>(c)</sup>,
  - the holder of a licence under section 6 of the Electricity Act 1989,

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(a) 1991 c.59, see section 72

(b) 1989 c.29.

(c) 1986 c.31.

- a gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984<sup>(d)</sup> to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000,
- a universal postal service provider in connection with the provision of a universal postal service.

1

### **Application of provisions of the Town and Country Planning Act 1990**

7.—(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

### **Directions as to replanting**

8.—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated (“the relevant land”) a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

### **Compensation**

9.—(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under this Order; or

- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967.

**[Application to trees to be planted pursuant to a condition**

**[10.]** In relation to the tree[s] identified in the first column of Schedule 1 by the letter “C”, being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

Dated this 31st day of March 2020 [insert month and year]

[if the Council's Standing Orders require the sealing of such documents:]

~~[The Common Seal of the City and County of Swansea Council was heronunto affixed in the presence of]~~

[if the Council's Standing Orders do not require the sealing of such documents:]

Signed on behalf of the City and County of Swansea Council



Authorised by the Council to sign in that behalf]



**CONFIRMATION OF ORDER**

This Order was confirmed by the City and County of Swansea Council without modification on the ..... day of .....20....

OR

This Order was confirmed by the City and County of Swansea Council subject to the modifications ..... indicated by.....

..... [state how indicated], on the ..... day of .....20....

.....  
Authorised by the Council to sign in that behalf]

**DECISION NOT TO CONFIRM ORDER**

A decision not to confirm this Order was taken by City and County of Swansea Council on the ..... day of .....[insert month and year

.....  
Authorised by the Council to sign in that behalf]

**VARIATION OF ORDER**

This Order was varied by the City and County of Swansea Council on the ..... day of .....[insert month and year] under the reference number..... [insert reference number of the variation order]]

.....  
Authorised by the Council to sign in that behalf]

**REVOCATION OF ORDER**

This Order was revoked by the City and County of Swansea Council on the ..... day of .....[insert month and year] under the reference number..... [insert reference number of the revocation order]]

.....  
Authorised by the Council to sign in that behalf]

**SCHEDULE 1****SPECIFICATION OF TREES****Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
T1	Oak	
T2	Turkey oak	Inside Sketty Primary School

**Trees specified by reference to an area**  
(within a dotted black line on the map)

Reference on map	Description	Situation
NONE		

**Groups of trees**  
(within a broken black line on the map)

Reference on map	Description (including number of trees in the group)	Situation
NONE		

**Woodlands**  
(within a continuous black line on the map)

Reference on map	Description	Situation
NONE		

**SCHEDULE 2**

**PART I  
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED  
WITH ADAPTATIONS OR MODIFICATIONS**

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1)—</p> <p>(i) omit—</p> <p>“, in such manner as may be prescribed by a development order,”,</p> <p>“such” in the second place where it appears, and</p> <p>“as may be so prescribed”; and</p> <p>(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p>(i) after “contain” insert “, as regards each such order”; and</p> <p>(ii) for paragraphs (a) and (b) substitute—</p> <p>“(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p>(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p>(i) substitute—</p> <p>“Subject to subsections (1A) and (1B), where” for “Where”;</p>

	<p>“the authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert—</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”; and</p> <p>(iii) omit “subject to sections 91 and 92.”.</p> <p>(b) After subsection (1) insert—</p> <p>“(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).”.</p> <p>(c) Omit subsections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In subsection (1) substitute—</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</p> <p>(iii) “the consent” for “the permission”; and</p> <p>(iv) “the land to which the order relates” for “the land”.</p> <p>(b) Omit subsections (2) and (3).</p>
<p>Section 78 (right to appeal against planning decisions)</p>	<p>(a) In subsection (1) substitute—</p> <p>(i) “the authority” for “a local planning authority”;</p>

and failure to take such decisions)

- (ii) "consent under a tree preservation order" for "planning permission" in the first place where those words appear;
- (iii) "consent under such an order" for "planning permission" in the second place where those words appear;
- (iv) for paragraph (c) substitute—
  - "(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
  - (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,".

(b) Omit subsection (2).

(c) In subsection (3) for "served within such time and in such manner as may be prescribed by a development order." substitute—

"in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant."

(d) For subsection (4), substitute—

"(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3)."

	<p>(e) For subsection (5), substitute—</p> <p>“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <ul style="list-style-type: none"> <li>(i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”;</li> <li>(ii) “consent under a tree preservation order” for “planning permission”; and</li> <li>(iii) “the authority,” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.”.</li> </ul> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

**PART II**  
**PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,**  
**AS ADAPTED AND MODIFIED BY PART I**

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

- (a) details of every application under the order and of the authority's decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State's determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**Section 70**

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
- (b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

**Section 75**

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

**Section 78**

(1) Where the authority—

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....



**Section 79**

(1) On an appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.



Cyngor **Abertawe**  
**Swansea** Council

**CITY & COUNTY OF SWANSEA**

**DINAS A SIR ABERTAWE**

**TOWN & COUNTY PLANNING ACT  
1990**

**SECTIONS 198 & 201**

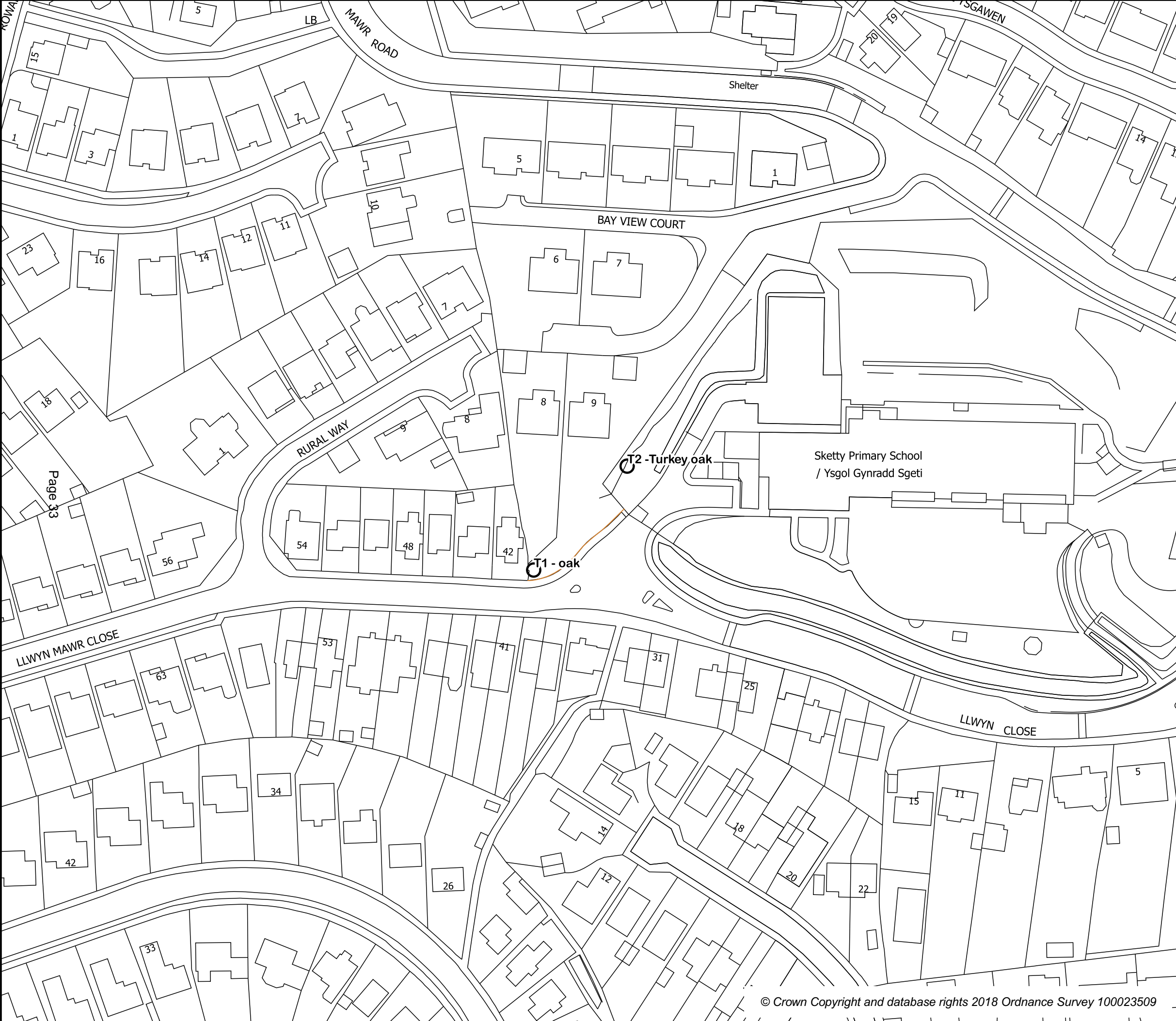
**TOWN & COUNTY PLANNING  
(TREES) REGULATIONS 1999**

**TREE PRESERVATION ORDER:  
LAND ADJACENT TO 42 LLWYN  
CLOSE, SKETTY, SWANSEA. (2020)  
TPO: 671**

**DATE: 31ST MARCH 2020**

Prepared by Landscape Team (AW)

for Phil Holmes  
BSc (Hons), MSC, Dip Econ  
Head of Planning and City Regeneration



# Agenda Item 6

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: 1<sup>st</sup> December 2020

<b>Bay Area</b> Team Leader: Liam Jones - 635735	<b>Area 1</b> Team Leader Andrew Ferguson - 633947	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Cockett Landore Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Llangyfelach Llansamlet Mawr Morrison Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Dunvant Fairwood Gorseinon 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

<b>Item</b>	<b>App. No.</b>	<b>Site Location</b>	<b>Officer Rec.</b>
1	2020/0059/FUL	2-3 Tontine Street, Swansea, SA1 5BP <b>Redevelopment of site to provide 21 no. self contained flats in one 4 storey block with associated works</b>	Approve



**Item 1 (Cont'd)**

**Application Number:**

2020/0059/FUL

**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 - 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.

**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 - RP10 - Sustainable Waste Management for New Development**

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.

**LDP - SDJ - Site specific policy Swansea Central**

Site specific policy for Strategic Development site Swansea Central Area setting out placemaking principles and development requirements.

**LDP - RC1 - Swansea Central Area Regeneration**

Swansea Central Area Regeneration - In order to enhance the attractiveness, viability and competitiveness of the Swansea Central Area, development must comply with appropriate development requirements and proposals set out in adopted Supplementary Planning Guidance.

**LDP - RC4 - Swansea Central Area**

Swansea Central Area - Complementary Areas - Within the Swansea Central Area Complementary Areas, development that delivers an appropriate mix of uses will be permitted in accordance with the particular functions and opportunities for regeneration and renewal at each location. Development must make positive use of the defining attributes of the respective Complementary Areas, enhance connections to the Retail Centre, and complement rather than compete with the role and function of the Retail Centre and other Complementary Areas.

**Item 1 (Cont'd)**

**Application Number:**

2020/0059/FUL

**LDP - SI1 - Health and Wellbeing**

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

**LDP - IO1 - Supporting Infrastructure**

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

**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 - 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 - T1 - Transport Measures and Infrastructure**

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

**LDP - T2 - Active Travel**

Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

**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 - 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.



## Planning Committee – 1<sup>st</sup> December 2020

### Item 1 (Cont'd)

Application Number:

2020/0059/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 - 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.

### Site History

App Number	Proposal	Status	Decision Date
2019/1658/PRE	PRE-APP Detached four storey block of flats	MIXPR E	26.09.2019
2020/0059/FUL	Redevelopment of site to provide 21 no. self contained flats in one 4 storey block with associated works	PDE	

### Procedural

This application is reported to Planning Committee as it is a Major Development and meets the threshold set out in the Council's Constitution.

### Introduction

The proposed development involves the demolition of the existing commercial warehouse on the site and the redevelopment of the site to provide 21 no. self contained flats in one 4 storey block with associated works.

This scheme has been submitted following pre-application negotiations and the developer has taken on board and addressed the initial concerns raised during the course of this application.

### Application Site and Surroundings

The site is located off High Street, on the northern side of Tontine Street and a substantial warehouse building occupies the whole site. Adjoining the application site to both sides are three storey blocks of residential buildings and the southern side of Tontine Street comprises a mixture of residential use, the rear of the listed Ebenezer Church and a number of substantial industrial units. The site is located within approx. 100m of Swansea train station, there are numerous bus routes operating along High Street, which Tontine Street branches off, and the city centre is within a walkable distance.

The proximity of Swansea train station provides sustainable transport links for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east. A regular bus route served by the First Bus Company also runs along High Street and there are good cycle linkages in the vicinity of the site, with a signed cycle route running from Mariner Street Car Park, along Orchard Street and to the city centre. There are also extensive cycle paths in and around the site that run north along the River Tawe and south / south west to the seafront to the main university campus.

High Street remains a key route from the Railway Station towards the retail core of the central core. The Railway Station has had recent investment and enhancement providing a significant point of arrival for visitors and workers arriving by train. Improvements in the built fabric of the area have been stimulated by the Urban Village scheme frontage to High Street, and new infill developments on derelict sites below along The Strand. This has begun to redefine the character the area based on mixed uses including the arts and creative industries, with live/work opportunities for start-up and artisan businesses. Some ground floor space has also been let to new retail and commercial businesses, but more is required to encourage appropriate upper floor residential uses which to generate a new community as well as ground floor commercial occupation. The Urban Quarter development in High Street will further contribute to the regeneration of the area, and planning permissions have been granted for two substantial PBSA developments in close vicinity, namely Mariner Street (Ref:2016/0556) and the Oldway Centre (Ref: 2016/1320), the latter is now completed and the former well under construction.

The site has no allocation within the LDP and is located adjoining the SCARF area (boundary runs along the opposite side of Tontine Street). This edge of centre location provides an opportunity to revitalise the site, and bring activity and vitality to the streetscene whilst providing good quality housing in a highly sustainable location. Much of Tontine Street and the immediate surrounding area is run-down and in need of investment and regeneration and this site is subject to a grant funding application. The proposal to replace the existing building with a new residential block is supported insofar as it provides a use, which complements and assists in supporting the regeneration of the area.

The site has two listed Church buildings (Ebenezer Church and St Matthews Church) within close proximity. St Matthew Church fronts onto High Street and the rear boundary wall of the grave yard adjoins the application site. Ebenezer Baptist Church has the main elevation and entrance from Ebenezer Street. The rear elevation is separated from Tontine Street by a high rendered wall enclosing a car parking area.

### **Response to Consultations**

Public Response - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through a press notice for a major application and the display of a notice at the site dated 4th February 2020. ONE LETTER OF COMMENT was received which is summarised as follows:

1. Query about the intentions for the wall that connects with the Church at the rear.

### **PAC**

Additionally, the proposed development was subject to a Pre-application Consultation. The submitted PAC report has outlined the pre-application consultations undertaken.

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**Comments from consultees were as follows:**

**Glamorgan Gwent Archaeological Trust (GGAT):-**

Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website and can confirm that the proposal will require archaeological mitigation.

Information in the Historic Environment Record, curated by this Trust, shows that the proposed application area is located to the north of the medieval town walls of Swansea and immediately adjacent to the church of St Matthews and the graveyard of St Mary's. The church of St Matthews as a site has a long history, the land on which it stands being granted to the Order of St. John of Jerusalem in the latter part of the 12th century. The church built then was dedicated to St. John until the present St. John's church was built in the Hafod. In the 19th century, the church building was re-built twice, in the 1820s and 1880s. It is possible for medieval remains and human burials to be present within the proposed development area. Furthermore, an archaeological watching brief was undertaken to the immediate east of the application area in 2010 during which remains and features of industrial and modern date were encountered. These were comprised of pits, linear features, an in-filled cellar and part of the churchyard's boundary wall.

The application is for the redevelopment of the site to provide 21 no. self-contained flats in one 2 storey block. Given that archaeological remains were encountered immediately adjacent to the site it would be prudent to recommend that the proposal will require archaeological mitigation.

As a result, it is our recommendation that 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 take the form of an extensive archaeological watching brief during the demolition and associated groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any burials or human remains and other archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

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

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.

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We also recommend that a note should be attached to the planning consent explaining that: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or a MCIfA level accredited Member.

**CADW:-**

GM012 Swansea Castle

GM441 Original Swansea Castle

GM482 Foxhole River Staithes

This advice is given in response to a planning application for the redevelopment of site to provide 21 no. self-contained flats in one 4 storey block with associated works at 2-3 Tontine Street Swansea SA1 5BP

The above scheduled monuments are located inside 1km of the proposed development but intervening topography, buildings and vegetation block all views between them. Consequently the proposed development will have no impact on the setting of these scheduled monument. We therefore have no comments to make.

**Head of Environmental Management (Pollution Control):-** - informatives are recommended in respect of construction noise, smoke/burning of materials, dust control, lighting. I would like the following informatives to be added:-

**Council's Drainage Engineer:-**

The development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given under Schedule 3, Flood and Water Management Act 2010.

**Council's Planning Ecologist:-** The bat building inspection found the building to have a negligible potential to support roosting bats. However, the desk study found a number of records were present in the vicinity of the development. Conditions and informatives recommended.

**Dwr Cymru/Welsh Water:-**

Condition No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system. 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

**Highway Authority:-**

The current application has clearly changed since the pre-application consultation, resulting in fewer flats. However, the above consultation response still remains valid as do the concerns with this application. The planning application has been supported and informed with a Planning Statement and Design and Access Statement. These have been reviewed in consideration and formulation of this consultation response. Page 43

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It is advised that the current or recent use of the site is as Johnstone Paint Centre. The planning application seeks to demolish the current property and replace this with a residential block. The end use of the residential flats is suggested as young professionals and students, although they appear to be similar to standard residential flats.

**Access:**

The existing site is located on Tontine Street, a narrow two way street where there is little room for cars to pass. Single yellow line traffic regulation orders are in place which prohibit parking during parts of the day. Tontine Street provides access to commercial units and therefore commercial vehicles are expected to travel this route. The proposed access fronting onto Tontine Street is for pedestrian use, access for cyclists is proposed along a side lane to the west of the building.

Refuse collections are assumed to take place from Tontine Street, the proposed collection point is required to be confirmed within the recommended walking distances for refuse collection operatives.

**Parking:**

Parking, specifically the lack of, was previously raised as a concern in the pre-consultation stage. It was acknowledged that the site had sustainable travel benefits and that it was outside of the central core. Therefore policy requires that parking is provided as part of residential developments. Proposed parking provision has been confirmed to be inadequate at the pre-application stage. It was confirmed that, when considering the CCS Parking Standards Supplementary Planning Guidance, a minimum of one parking space per flat was provided. Cycle parking has been provided and this appears to be in excess of the parking standards. This could be reviewed and some of the parking reallocated for motorcycle parking.

**Transport Statement:**

It was set out that a Transport Statement would be required to be submitted with any planning application. The Planning Statement and Design and Access Statement documents both confirm that one has been commissioned and that this will follow with the planning application. It is unclear whether this has been completed and there does not appear to be a Transport Statement submitted for audit.

**Section 106 Highway Contributions:**

It was advised that financial contributions would need to be made under a Section 106 Agreement, these would work to fund road safety measures. There may also be a requirement to review and revise the parking restrictions along the route, this would be at the developer's expense. The exact scale and cost of the measures required have not been determined given that there is no Transport Statement which confirms the multi modal trip generation of the site and the likely travel habits of any future residents.

**Highway Authority View**

It was advised in the pre-application stage that the Highway Authority had concerns over parking and that it was not able to support the proposals. The planning application does not provide parking, which is not in accordance with policy requirements.

A Transport Statement does not appear to have been submitted with the planning submission. Therefore the Highway Authority recommends that the scheme is refused.

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Whilst the Highway Authority does object to the proposals, it would set out necessary conditions should any planning permission be granted.

The recommended conditions are set out below:

i. 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 at the rear access lane to Tontine Street, 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

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.

ii. 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
5. for public viewing where appropriate.
6. Wheel washing facilities.
7. Measures to control the emission of dust and dirt during demolition and construction and
8. 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.

iii Prior to occupation a Travel Plan will be required to be prepared, submitted to and approved by the Local Planning Authority. The Travel Plan will identify the measures and a monitoring programme required to ensure that sustainable travel is promoted and easily accessible.

Note 1: The Developer must contact the Highway Management Group , The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

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**Placemaking and Heritage Team:-**

This application is submitted following pre-application advice provided (ref:2019/1658/PRE).

Planning permission is sought for the demolition of the existing industrial building and construction of a four storey block of flat comprising 21 no. residential flats (16 x 1 bed and 5 x 2 bed).

The site is located on the northern side of Tontine Street and occupies the former Johnstone Paint Centre. Adjoining the application site to both sides are residential buildings and the southern side of Tontine Street comprises a mixture of residential use. To the rear of the site is the Grade II listed St Matthews Church. Ebenezer Church and Church Hall, Grade II\* listed, are located on the opposite side of Tontine Street set back behind a car parking area.

**Comments**

The site adjoins the SCARF area, and hereby is located in a highly sustainable location with access to the train station and numerous bus routes, along with easy walking distance to the city centre. This edge of centre location provides an excellent opportunity to revitalise the site, and bring activity and vitality to the streetscene whilst providing good quality housing in a highly sustainable location. The proposal to replace the existing building with a new residential block is supported insofar as it provides a use which complements and assists in supporting the regeneration of the area.

In terms of the sites proximity to two listed churches, it was stated at pre-app that the impact on the setting of these heritage assets should be fully considered and addressed in supporting documents. The submitted Planning Statement makes a brief assessment of the impact on these buildings. Given the existing situation on site presenting a dilapidated industrial style building, it is considered that there would be no additional material impact on the setting based on the proposed development. However, Cadw should be consulted given the context.

It is noted that GGAT have highlighted that the proposal will require archaeological mitigation on the basis that archaeological remains were encountered immediately adjacent to the site. This should be conditioned.

The scale and massing is considered acceptable, subject to detailing, with the overall height being at a lower level than the adjoining building line. The elevations now comprise a degree of verticality and include a central recessed entrance/stairwell, which assists in breaking up the expansive façade. It was suggested to further recess the central entrance to provide greater depth to the building frontage and break up the massing. This suggestion has not been incorporated into the design. Alternatively, the central recessed area could be fully glazed as there is no necessity for windows, cill details etc to this element. Fully glazing this central area would provide a strong vertical feature to break up the massing.

The material palette was discussed at pre-app and it was suggested that contemporary materials should be explored. For example an element of raised vertical cladding between windows, to add visual interest and texture. This, combined with enhancements to the glazed central link would improve the visual appearance of the proposal.

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It is accepted that the surrounding residential developments are of no architectural merit. This site however offers a prime development plot to raise the quality of the local built environment through good design. As raised at pre-app, this approach is also referenced in the SCARF whereby innovative design is encouraged. A full contextual analysis should form part of the DAS.

The top floor is sufficiently set back and broadly reads as subordinate to the floors below. However, the parapet height should be raised marginally in order for the roof top extension to fully read as a subordinate addition. A section through the building should also be provided to demonstrate this.

A green roof has been included, which is welcomed, but no specific details have been provided, i.e. substrate depth etc? It is not clear whether other SuDs measures have been incorporated?

The front building line has been sufficiently set back from the pavement to provide a degree of defensible space. No front boundary treatments have been provided?

In terms of the internal configuration of the proposed units, whilst a number are single aspect which is not desirable, the minimum space standards are met and on balance the flats are considered acceptable.

Concern remains in terms of the outlook to the ground floor rear flats. Flat 5 in particular has window/door openings in very close proximity (approx. 1m) to the rear boundary wall and side flank wall of the adjoining building - outlook for future occupiers of this flat will be very poor. To rectify this, the obvious resolution would be to combine flats 4 and 5 to make one larger, dual aspect flat. What is the housing need for this area (1, 2 bed)?

Have details of the proposed rear boundary treatment been provided? The proposed site context plan shows an existing 2 metre wall to the graveyard boundary and 1.5m railings to the remainder of the rear boundary. Is it proposed to retain these structures? These details will be required up front and will not be considered appropriate to condition. A section through the site including boundary treatments should be submitted.

#### **Final Placemaking and Heritage Team comments:-**

- Balconies have now been added to the rear elevation at first and second floor;
- The roof plan has been annotated to show a 'sedum roof'. Specification of the sedum roof has been provided and is acceptable.
- The ground floorplan has been flipped so that the cycle/refuse store is situated to the east and flat 5 moves to the west allowing improved outlook;
- The building footprint has also been shifted marginally to the west in order to provide a side path to the east with access to the relocated cycle/refuse store.

On the basis of the above amendments, and subject to conditions, there is no further comment from a Placemaking perspective.

Relevant conditions should stipulate that samples of all external finishes including windows and doors are provided. Additionally a condition is required to state that prior to the commencement of external works, details at an appropriate scale are provided of the typical window/door units within their opening, details of location/design of all visible external ventilation, rainwater goods.



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## APPRAISAL

### Main Issues

The main issues for consideration with regard to this application relate to:

- Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- The impact of the proposal on the character and appearance of the street scene and the wider area;
- Impact on residential amenity and the Well-being of Future Generations (Wales) Act 2015
- Impact on the setting of nearby listed buildings and preservation of buildings and features
- Highway Safety
- Ecology
- Drainage

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

### Development Plan Policy and Supplementary Planning Guidance

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

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

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. Paragraph 4.9.2 adds that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- which secure land for urban extensions, and;
- which facilitate the regeneration of existing communities.

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Development should be located having regard towards securing a sustainable settlement pattern, on previously developed land and at locations for higher density development at hubs and interchanges and close to route corridors where accessibility on foot and by bicycle and public transport is good. New development should minimise the need to travel and increase accessibility by modes other than the private car. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development should be encouraged near public transport nodes and corridors well served by public transport.

### Swansea Local Development Plan ('LDP')

In the case of this particular proposal, the following LDP policies are relevant:

PS 1: Sustainable Places  
PS 2: Placemaking and Place Management  
PS 3: Sustainable Housing Strategy  
RP 2: Noise Pollution  
RP 3 :Air and Light Pollution  
RP 4: Water Pollution and the Protection of Water Resources  
RP10: Sustainable Waste Management for New Development  
SD J: Swansea Central Area  
RC 1: Swansea Central Area Regeneration  
RC 4: Swansea Central Area - Complementary Areas  
SI 1 : Health and Wellbeing  
SI 8 : Community Safety  
IO 1 : Supporting Infrastructure  
ER 1: Climate Change  
ER 2: Strategic Green Infrastructure Network  
ER 9: Ecological Networks and Features of Importance for Biodiversity  
T2 : Active Travel  
T6: : Parking  
EU4 : Public Utilities and New Development

### Conservation of Built and Natural Environment

HC 1: Historic and Cultural Environment  
HC 2: Preservation or enhancement of buildings and features

### Supplementary Planning Guidance (SPG):

- Places to Live - Residential Design Guide (Adopted January 2014)
- Parking Standards (Adopted March 2012)
- Planning Obligations (Adopted March 2010)
- Planning for Community Safety (Adopted December 2012)
- Swansea Central Area: Regeneration Framework (February 2016)
- Swansea Central Area: Regenerating our City for Wildlife and Wellbeing Green Infrastructure Strategy - Draft

The above SPG's provide further information and guidance to support and clarify the policies described in the Appraisal below.

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## Planning Policy Considerations

### City Centre Impact

Tontine Street is situated directly adjacent to High Street and the boundaries of the City Centre Action Area where the objective is to reinforce and improve the City Centre as a vibrant regional focus for business and administration, shopping, culture and leisure. The application site is located adjoining Site J, allocated for a range of regeneration projects with the overall aim of creating a vibrant, distinctive, Central Area that capitalises on its unique assets to become a destination of regional and national significance. Development proposals should accord with the Placemaking Principles and Development Requirements.

### Swansea Central Area Regeneration Framework (SCARF)

The application site at Tontine Street also lies adjacent to the Swansea Central Area Regeneration Framework (SCARF) designation (February 2016). The Regeneration Framework presents a Masterplan, which focuses on development opportunities in a Retail and Leisure Led Mixed Use area and identifies a future role and function for a range of Complementary Areas set within the context of a Vision for the 4 following broad areas:

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

Within the SCARF High Street is identified as High Street: Complementary Area. The Key Vision Theme for this Area is Living, Working and Learning. High Street is actively developing as a mixed use area of distinctive character incorporating retail, café, restaurants and professional services and residential uses in a tight urban context. High Street has the capacity to build a resident community which supports a thriving economy in the Central area and play a significant role in complementing the Retail Leisure Led Mixed Use Core. The Urban Village development has set a positive benchmark for quality of design and unique local businesses but a critical mass is required to generate the revitalisation necessary to make it a busy vibrant street.

New mixed use development with active frontages at street level will be encouraged. The proposed development would therefore conform to Development Plan Policy and Supplementary Planning Guidance for the area.

### Townscape and visual impact

The proposal for the introduction of residential use into this edge of city centre site would comply with the overall regeneration objectives to create a vibrant mix of leisure, culture, retail, office and residential uses.

This location forms a prime opportunity to revitalise the site, and provide much needed sustainable, good quality residential accommodation on this edge of city centre site.

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Following on from officer advice provided at pre-application stage, the scheme has been further amended during the course of the application to ensure that good quality residential units are provided with high quality design. In consultation with the Placemaking and Heritage Team, the final plans submitted for consideration now include Balconies to the rear elevation at first and second floor level. The roof plan has been annotated to show a 'sedum roof'. The ground floor layout has been revised so that the cycle/refuse store is situated to the east and flat 5 moves to the west to improve the outlook at the rear. In addition, the building footprint has been marginally shifted to the west in order to provide a side path to the east with direct access for all residents to the cycle/refuse store.

Pedestrian entrance to the flats is provided directly off Tontine Street, which is, legible and generally well overlooked as set out in the Residential Design Guide SPG. The front elevation has been set back to provide some defensible space between the ground floor flats fronting onto Tontine Street.

There is no strong local vernacular at this location and the scale and massing of the proposed building is considered acceptable, with the overall height being at a lower level than the adjoining building line. The elevations now comprise a degree of verticality and include a central recessed entrance/stairwell, which assists in breaking up the expansive façade.

The siting relationship with the adjoining buildings would ensure that there are no overshadowing or overbearing impacts from the new build.

The green roof would provide biodiversity and SuDS benefits which are key objectives of the new sustainability driven Placemaking agenda of national planning policy.

The proposal would not compromise the setting of the listed church to the rear (St Matthews Church) or the church opposite the site (Ebenezer Church).

The proposal would remove an existing underused industrial warehouse and provide a contemporary modern building providing much needed residential units on this edge of city centre site, in a sustainable location close to all local amenities. Subject to conditions to require samples of external finishes including windows and doors, and details of typical window/door units within their opening, together with details of location/design of all visible external ventilation and rainwater goods, the proposal accords with Policies PS1, PS2 and HC1 and HC2 of the Swansea Local Development Plan.

### **Residential Amenity**

In the first instance, the principle of residential development at this location is supported by development plan policy. Whilst the application site is not directly located within the designated SCARF Swansea Central Area, the application site is immediately opposite the SCARF boundary. Within the SCARF area, the key vision for High Street is City Living, Working and Learning. Residents therefore should realistically expect a level of activity akin to a mixed use urban area rather than a suburban location.

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Turning to the impact of the proposal on the amenity of future residents and the occupiers of existing residential uses within the immediate vicinity, Tontine Street is located on the edge of the city centre and residents living within a city centre location will be exposed to relatively high levels of ambient noise, predominantly from traffic but also from late night pedestrian activity due to the application site being located off High Street and being near one of the main routes in/out of the city centre, and the location near existing nightclubs, public houses and the train station. With this in mind, residents who live in close proximity to commercial premises cannot reasonably expect the same level of peace and quiet as people living in a wholly residential area.

Therefore, it is not considered that the proposal would give rise to any harmful impact of the living conditions of future residents or any neighbouring residents through noise and disturbance that would be considered so harmful to warrant a recommendation of refusal on these issues alone.

Well-being of Future Generations Act (2015)

7 Well Being goals:

"A healthier Wales - A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood."

Cramped living conditions are detrimental to mental well-being and as such the duty of the LPA/LA to meet this goal which is a requirement of the Act.

Having regard to the proposed layout of the apartments, the aim of the LDP Policies and the adopted Residential Design Guide, are to create a quality public realm and building design combined with quality internal living environments to create homes that are good to look at and live in.

In terms of space standards, the residential design guide sets out tried and tested space standards that are a valid reference for all developments, including conversions. A one bedroom self-contained flat requires a floor space of 46m<sup>2</sup> and a two bedroom self-contained flat requires a floor space of 59m<sup>2</sup>. In this proposal, the one bedroom flats each have a separate bedroom and a living room/kitchen with a minimum floor area of 46m<sup>2</sup>. The proposed two bedroom units all exceed the minimum floorspace of 59m<sup>2</sup>. Each flat has natural light for every habitable room and built in storage space. The rear flats overlook the churchyard and St Matthew's Church. The front elevation faces onto Tontine Street. In this respect, the habitable room windows do not give rise to any overlooking or loss of privacy impacts, to either the future residents or the occupiers of the adjoining residential uses. A centrally located communal access is directly from Tontine Street which leads to all floors. As well as stairs leading from the central entrance a platform lift is also provided.

It is considered that the proposed residential units provide adequate space standards for both the one bedroom and the two bedroom flats, achieving the minimum standards and above. that the council is seeking to achieve for all residential conversions considered under Policy PS 2 of the LDP.

In conclusion, the proposal is considered to provide satisfactory living conditions for future occupants in respect of internal space and privacy, and will not cause any undue impact upon the residential amenity of existing neighbours in accordance with development plan policy.

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### **Refuse/Recycling and Cycle Storage**

LDP Policy RP 10 requires new development 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. and a separate integral refuse store with direct external access for all residents to the side of the building off Tontine Street. Refuse vehicles would be able to pick up from Tontine Street. It has therefore been demonstrated that sufficient provision is made for refuse and recycling storage.

Sufficient cycle storage is indicated in a dedicated ground floor storage room with access for all residents to cater for alternative sustainable modes of transport.

### **Highway Safety and car parking**

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

The application site is not located within the core city centre area but is within the central area where schemes designed to increase the residential provision will be considered on their merits with an appropriate relaxation of the parking standards permitted as judged necessary. Additionally, the parking guidelines allow for a relaxation of the parking standards which satisfy the sustainability within the guidelines. Moreover, as stated within the Swansea Central Area:

Regeneration Framework (SCARF) under Section 5: Framework for Regeneration and Movement which seeks to promote sustainable transport by reducing car dependency and with regard to the central area car parking standards provide the following advice: To facilitate new land uses and regeneration initiatives in the Central Area which align with the aims, objectives and proposals of the Regeneration Framework, such as the re-use of vacant upper floors and vacant underused buildings for residential use, a limited relaxation of car parking standards will be considered where appropriate and where there are no adverse effects on highway conditions.

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

No car parking can be provided on this re-development site to accord with the Parking Standards required for residential development outside of the central core, which requires a minimum of one parking space per residential unit. As such, a Highway Authority objection has been raised due to lack of onsite car parking to serve the proposed development.

Whilst the concerns of the Highway Authority have been noted, Tontine Street is located in a highly sustainable location within walking distance of the train station, bus station and is accessible to all main bus routes. The facilities of the City Centre are all within easy walking distance.

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There are numerous multi storey car parking facilities within walking distance of the application site. Sufficient, secure cycle parking accessible to all future residents will be provided on site to cater for sustainable, alternative means of transport, to reduce the dependency on car travel.

In addition, the proposal will remove a substantial commercial warehouse which had a significant parking demand associated with the previous retail/warehouse use.

Consideration has been given to the requirements of LDP Policy T2 including the fact that this scheme is grant funded and the scale of development. Following consultation with the Highways Department, a request of a S106 highway contribution of £8k is considered reasonable and necessary, as this is directly related to the development and reasonably related to the scale of the residential development proposed and the impacts arising from it.

This is made up of £8k to fund safety enhancement at the junction with High Street, in the immediate vicinity of the site and will include physical construction works to build out the junction bellmouth replacing kerbs and footway sections, this will prohibit parking or stopping near the junction and increase pedestrian crossing ability and vehicular/pedestrian intervisibility. In addition to this TROs such as parking prohibitions and potentially bus stops will be required to be adjusted legally and physically to account for the construction works.

In light of the above analysis and subject to a S106 agreement to secure the highway improvements, it is considered that the scheme complies with the aims and requirements of policies T6 and T2 in regard to the impact of the development upon highway safety in the area.

### **Ecology**

The application was supported with a Building Inspection Report in respect of bats (dated May 2019). The outcome of the report was that within the context of the site it was considered unlikely that the building is used by bats for flight or roosting purposes and there was no adverse impact on bats identified as a result of the proposed development. The Council's Planning Ecologist has raised no objection following consultation. Planning conditions have been considered and it is considered necessary, in this instance, to impose a condition to require for a scheme for ecological enhancement. This is on the basis of the scale of the development and the thrust of support for enhancement provided in 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. The legislation 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 addition a condition to require a scheme of lighting is appropriate and necessary.

### **Drainage**

Policy EU4 highlights the need for the development to demonstrate that the utility infrastructure is adequate to meet the needs of the development, and if it requires new or improved utility infrastructure, it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure. The submitted Drainage Strategy indicates there is sufficient capacity in the network to accommodate the new development. Dwr Cymru Welsh Water raise no objections. Page 54

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The Council's Drainage Engineer raises no objections to the submitted Drainage Strategy and has noted that the proposal would require SuDS Approval Body consent.

### **Response to public consultation**

The comments in relation to the rear boundary treatment to the Church have been noted. An appropriate condition will secure the details of the boundary treatment to both the rear boundary and the boundary with Tontine Street.

### **Conclusion**

The principle of re-developing this brownfield site for residential development is supported by both Planning Policy Wales and Local Development Plan policies at both the national and local level. The site is ideally located within a sustainable and accessible location with proximity to a wide range of services and public transport facilities. The provision of the residential flats at this sustainable location on the edge of the City Centre, would make a contribution of delivering additional housing and accord with the aspiration of the SCARF SPG document and contribute to the regeneration of upper High Street, by supporting sustainable transport and shifting modes of transport from the private car as advocated within Planning Policy Wales, along with supporting the Council's regeneration aspirations for the City as a whole.

Overall, it is considered that the proposal is an acceptable form of development that will have no detrimental impact on visual amenities of the street scene, the wider area, and will preserve and enhance the setting of the nearby listed buildings. The proposal would have no adverse impacts on residential amenity. Subject to a S106 agreement for local highway improvement works, the proposal is considered in accordance with local development plan policy. Approval is therefore recommended.

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

### **RECOMMENDATION**

**APPROVE**, subject to the applicant entering into a Section 106 Planning Obligation in respect of;

- 1. Contribution of £8,000 to fund highway safety enhancement at the junction with High Street, in the immediate vicinity of the site, to include physical construction works to build out the junction bellmouth, replacing kerbs and footway sections, this will prohibit parking or stopping near the junction and increase pedestrian crossing ability and vehicular/pedestrian indivisibility (prior to the development being brought into use).**



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2. **Management/Monitoring Fee of £160, based on 2% of the value of the obligations (to be paid when the S106 agreement is signed).**
3. **The Council's Legal fees relating to the preparation of the S106 Agreement (to be paid when the S106 agreement is signed).**

**If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with Policies PS2, PS3, I01, T1, T2 and T6 of the Swansea Local Development Plan (2010-2025).**

**and subject to the following conditions**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 03.19.TS.D7 Rev E: Site location and block plan, 03.19.TS.D2 Rev H: Proposed Site context, 03.19.TS.D3 Rev H: Proposed Ground Floor Plan, 03.19.TS.D4 Rev I: Proposed First Floor Plan, 03.19.TS.D5 Rev I: Proposed Second Floor Plan, 03.19.TS.D6 Rev J: Proposed Third Floor Plan, 03.19.TS.D9 Rev H: Site context Roof Plan, 03.19.TS.D10 Rev H: Proposed Street Scene, Received on 21st September 2020, 03.19.TS.D8 Rev K: Proposed Elevations, 03.19.TS.D11 Rev B: Proposed Green Roof Plan, received on 19th October 2020. Green roof specification, dated 24th September 20. received on 14th October 2020, Sedum Plug Composition, received on 6th November 2020, Drainage Layer specification, received on 6th November 2020.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The green roof of the proposed building hereby approved shall be completed in accordance with the Green roof specification, dated 24th September 2020, received on 14th October 2020, Sedum Plug Composition, received on 6th November 2020, Drainage Layer specification, received on 6th November 2020.  
Reason: In the interests of ecology and visual amenity.
- 4 Prior to the commencement of the green roof, details of the Green Roof Maintenance Strategy, shall be submitted to and approved in writing by the local planning authority. The proposed green roof of the proposed building hereby approved shall be maintained in accordance with the agreed details specified in the Green Roof Maintenance Strategy, at all times during the lifespan of the proposed building.  
Reason: In the interests of ecology and visual amenity.
- 5 Prior to the commencement of any superstructure works, details at an appropriate scale shall be submitted to and approved in writing by the Local Planning Authority:
  - Typical bedroom and lounge window opening units;
  - Main entrance door within its opening;

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- A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
- Roof edges and corners to any cladding systems
- Details of the rear boundary wall and details of the front boundary wall treatment to Tontine Street, including details of any railings.
- Details of the location/design of all visible external ventilation and rainwater goods

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

Reason: In the interests of visual amenity.

- 6 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. Development shall thereafter take place in accordance with the approved samples.

Reason: In the interests of visual amenity.

- 7 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.

- 8 The development shall be carried out in accordance with a travel plan to be submitted to and agreed in writing by the Local Planning Authority prior to any beneficial use of the development commencing.

Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

- 9 Prior to the commencement of development a sensitive lighting strategy, designed to ensure that the protected species habitats adjacent to the site are not lit during the construction, or operation phases of the development must be submitted to and approved in writing by the local planning authority. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance. Development shall thereafter take place in accordance with the approved lighting strategy.

Reason: In the interests of ecology and protected species habitat.

- 10 Prior to the commencement of development a scheme to provide for Ecological Enhancement Measures (which may take the form of bird and bat boxes) shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Measures shall be provided on site prior to the first beneficial occupation of the development and retained as such for the lifetime of the development.

Reason: In the interests of biodiversity and to provide Ecological Enhancement Measures on site.

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- 11 No part of the building shall be occupied until the foul drainage for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
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.
- 12 The development shall not be occupied until the bicycle storage and refuse storage areas have been provided in accordance with the details provided on the approved plans. The facilities shall thereafter be retained for the approved purpose for the lifetime of the development.  
Reason: In the interests of residential amenity and providing facilities for sustainable transport.

**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, PS3, RP2, RP3, RP4, RP10, SDJ, RC1, RC4, SI1, IO1, ER2, ER9, T1, T2, T6, EU4, HC1, HC2.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 **1 Construction Noise**  
The following restrictions should be applied to all works of demolition/ construction carried out on the development site  
All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.  
  
The Local Authority has the power to impose the specified hours by service of an enforcement notice under  
  
Control of Pollution Act 1974, section 60.  
Any breaches of the conditions attached to such a notice will lead to formal action against the persons named on said notice.
- 2 Smoke/ Burning of materials**  
No burning of any material to be undertaken on site.  
The Local Authority has the power to enforce this requirement by service of an abatement notice.  
Any breaches of the conditions attached to such a notice will lead to formal action against the persons named on said notice.

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3 Dust Control:

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

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

Any breaches of the conditions attached to such a notice will lead to formal action against the persons named on said notice.

4 Lighting

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

4 Note 1: The Developer must contact the Highway Management Group , The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work . Please contact e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

5 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.

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.

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 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.

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- 8 Hedgehog  
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.
- 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.
- 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 [www.hedgehogstreet.org/hedgehog-friendly-fencing](http://www.hedgehogstreet.org/hedgehog-friendly-fencing)
- 10 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (ClfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a ClfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or a MClfA level accredited Member.
- 11 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

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The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

If you have any queries please Dwr Cymru Developer Services on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

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# Agenda Item 7



## Report of the Head of Planning and City Regeneration

Planning Committee – 1 December 2020

### Local Development Plan First Annual Monitoring Report (2019-20)

<b>Purpose:</b>	To inform Members that the first Annual Monitoring Report (AMR) of the Swansea Local Development Plan (LDP) has been published on the Council's website, and to provide a summary of the main findings
<b>Report Author:</b>	Tom Evans
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officer:</b>	Jonathan Wills
<b>Access to Services Officer:</b>	Rhian Millar
<b>For Information</b>	

#### 1.0 Introduction

- 1.1 The Swansea Local Development Plan (LDP) was adopted by the Council on the 28<sup>th</sup> February 2019 and forms the statutory development plan for the City and County of Swansea, under the provisions of Section 38(6) of the Planning Act.
- 1.2 It is a requirement of the statutory development plan process that, following Plan adoption, the Council is required to prepare an Annual Monitoring Report (AMR). The purpose of the AMR is to quantify how the objectives of the LDP are being achieved, and how its strategy, key policies, allocations and infrastructure requirements are all being delivered. It also serves to identify any challenges, opportunities and contextual changes in which the Plan operates.
- 1.3 The Council is normally required to submit the AMR to Welsh Government (WG) by 31<sup>st</sup> October each year, with the first being due after the first full financial year (April 1<sup>st</sup> to March 31<sup>st</sup>) following adoption. This year however, in light of the on-going COVID 19 pandemic, WG wrote to all Local Planning Authorities to state that it did not require the

submission of AMRs to WG in this exceptional year due to the impact of the pandemic on the activities and processes to be monitored. The WG also highlighted the current strain on Local Authority resources of responding to the pandemic, and the difficulty in surveying and gathering robust information in this period, as reasons not to submit an AMR.

1.4 Notwithstanding the WG resolution, work has continued to monitor the LDP given this process still provides a useful means of measuring and assessing many aspects of the Plan. The first AMR of the Swansea LDP, covering the first full 12 month period following the Plan's adoption from April 1<sup>st</sup> 2019 to March 31<sup>st</sup> 2020, has therefore been published as a reference document – available at <https://swansea.gov.uk/planningdelivery> .

1.5 The COVID 19 pandemic has had a big impact on the activities being monitored (e.g. traffic patterns have markedly altered), the ability to survey/record data (e.g. restrictions on survey work have prevented housing site visits, and have affected traffic journey time monitoring and retail centre occupancy analysis), and potentially the accuracy of some information available to undertake effective monitoring (e.g. due to contacts in the development industry being furloughed). The impacts are described at the relevant points throughout the AMR, and are likely to continue to raise significant issues for monitoring in 2020-21 to be published in the next AMR due in October 2021.

## **2.0 Background and Context**

2.1 The LDP Monitoring Framework is set out in Section 4.2 of the LDP and was developed based around the Strategic Policies of the Plan, with indicators to measure the effectiveness of the policies in meeting identified targets and trigger points beyond which further analysis, guidance, or remedial action may be required if targets are not met. The AMR also integrates the findings of the Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA) monitoring of the Plan, to identify any unforeseen adverse effects and enable appropriate remedial action to be taken in-line with the SEA regulations. The Final SA Report of the LDP identified a set of indicators to be used to monitor LDP progress on sustainability issues, which are interlinked with the LDP monitoring indicators. The adopted monitoring framework was based on the WG guidance extant at that time.

2.2 It should be noted that the WG guidance has been updated since the adoption of the Swansea LDP, with the publication of the Development Plans Manual (DPM) Edition 3 (March 2020). The updated WG guidance identifies the indicators required in all Development Plan monitoring frameworks. The majority of these were already covered in the Swansea LDP, but the DPM has introduced some new additional indicators. These have been added to the Swansea LDP monitoring framework used in this AMR. The updated WG guidance also made some significant changes to housing development monitoring requirements following amendments made to national policy to no longer require LPAs to



monitor housing land supply. WG has introduced a new housing monitoring regime which has been adopted in this AMR in place of the original LDP indicator 5. Table 1 of the AMR summarises how the monitoring framework in the AMR fulfils the WG guidance and where it has been updated to reflect the latest requirements.

- 2.3 The monitoring indicators have a target, which relates to the Plan’s strategy, objectives and policy outcomes; and a trigger point which sets the parameters against which policies should deliver. Table 1 sets out the options available to the Council with respect to each LDP monitoring indicator, when monitoring against the target and trigger point. These are in-line with the updated WG guidance.

**Table 1: Adopted LDP Monitoring Options**

ASSESSMENT	ACTION
<b>Continue Monitoring (Green)</b>	
Indicators suggest that the Plan policies are being implemented effectively and there is no cause for review.	No further action required, other than to continue monitoring.
<b>Training Required (Blue)</b>	
Indicators suggest that the Plan Policies are not being implemented in the intended manner.	Officer and/or member training may be required.
<b>Supplementary Planning Guidance Required (Purple)</b>	
Indicators suggest the need for further guidance in addition to those identified in the Plan	Publish additional Supplementary Planning Guidance
<b>Further Research (Yellow)</b>	
Indicators suggest the Plan Policies are not being effective as originally expected.	Further research and investigation required, including looking at contextual information about the County or topic area.
<b>Policy Review (Orange)</b>	
Indicators suggest that Plan policy/ies are not being implemented.	Full investigation into why the Plan policies are not being implemented which may lead to a formal review of the Plan policy/ies.
<b>Plan Review (Red)</b>	
Indicators suggest the Plan strategy is not being implemented.	Full investigation into why Plan strategy is not being implemented which may determine a formal review of the Plan is required.

### 3.0 Consultation and Engagement

- 3.1 The updated WG guidance has introduced new requirements for mandatory stakeholder engagement on the monitoring of housing development. In-line with this guidance, the Council undertook consultation with the Home Builders Federation (HBF) and individual homebuilder companies that are active in Swansea (including the PLCs and smaller builders). The consultation was undertaken by electronic means and covered a 7 week period between 1st June and 17th July

2020. This included an extension of time agreed with the HBF to allow additional responses to be made.

- 3.2 The HBF coordinated responses from developers, but as a consequence of the pandemic and many of the developers' staff being furloughed, only limited feedback was received. Following the stakeholder engagement, the Council reviewed the draft monitoring information and amendments were made accordingly.

#### 4.0 Summary of Main Findings in the AMR

- 4.1 In-line with the WG guidance, the AMR is structured as follows:

- Executive Summary
- Chapter 1 - introduction
- Chapter 2 – review of any changes affecting the context in which the LDP operates, including legislation/national policy and guidance; social, economic and environmental factors.
- Chapter 3 – analysis of the LDP monitoring indicators.
- Chapter 4 – analysis of the SA indicators.
- Chapter 5 – conclusions and recommendations.

#### Chapters 1 and 2

- 4.2 In addition to updated guidance on the process of developing and monitoring LDPs (DPM edition 3 guidance), the AMR identifies various other national planning policy and guidance changes affecting the planning context of the LDP, including the publication of Planning Policy Wales Edition 10 in the period following Plan adoption which refocused national planning policy towards a placemaking approach. While this represented a major change at national level, it should be noted that these changes to national policy largely reflected the placemaking approach already adopted in the Swansea LDP, which the Council has been at the vanguard of advancing.

- 4.3 Chapter 2 of the AMR also reviews the social, economic and environmental context in 2019-20. It notes that the last Quarter of the period saw the onset of the COVID 19 pandemic across the World and its impacts on economic and social life, and consequently some of the activities to be monitored by the AMR (see above).

#### Chapters 3 and 4

- 4.4 Chapter 3 of the AMR confirms that every LDP indicator has been reviewed against the relevant targets, trigger points, and WG guidance and this has shown that, **after 12 months as the adopted Development Plan for the County, the LDP strategy and policies are being implemented effectively and there is no cause for review.** Table 2 summarises the outcome for all the indicators and shows they are all

green i.e. they are considered to reflect that the Plan policies are being implemented effectively.

**Table 2: LDP Monitoring Summary for 2019-20 – AMR 1**

<b>Assessment</b>	<b>Action</b>	<b>Number of Indicators</b>
<b>Indicators suggest that the Plan policies are being implemented effectively and there is no cause for review</b>	<b>Continue Monitoring (Green)</b>	<b>122</b>
<b>Indicators suggest that the Plan Policies are not being implemented in the intended manner.</b>	<b>Training Required (Blue)</b>	<b>0</b>
<b>Indicators suggest the need for further guidance in addition to those identified in the Plan</b>	<b>SPG required (Purple)</b>	<b>0</b>
<b>Indicators suggest the Plan Policies are not being effective as originally expected.</b>	<b>Further Research (Yellow)</b>	<b>0</b>
<b>Indicators suggest that Plan policy/ies are not being implemented.</b>	<b>Policy Review (Orange)</b>	<b>0</b>
<b>Indicators suggest the Plan strategy is not being implemented.</b>	<b>Plan Review (Red)</b>	<b>0</b>

- 4.5 Progress is being made in bringing forward development in-line with the Plan strategy and placemaking principles both on major, strategic allocations (Strategic Development Areas) and other allocated sites, along with associated infrastructure and other development requirements.
- 4.6 The monitoring shows that housing completions have been below the Average Annual Requirement (AAR) in 2019-20, the first year following adoption of the LDP and its new residential land supply. However, this was to be expected as the new supply of housing land in the adopted Plan needs time to progress through the detailed planning application stage, but extensive pre-application engagement has been ongoing between the Council and the developers on allocated sites to bring these sites forward in-line with the placemaking requirements of the Plan. It should be noted that the pandemic has impacted on the ability to monitor housing completions comprehensively (see earlier section) and so the information needs to be treated with a degree of caution.
- 4.7 WG guidance and the adopted trigger points in the LDP monitoring framework recognise that where indicators have specific numerical outputs (such as housing completions) they should be measured over

two consecutive years allowing for trends to develop and become clearly identifiable. Further consideration will therefore be required of emerging numerical trends and the factors behind them in future AMRs following this first report.

- 4.8 Completions in 2019-20 (397 units) were below the AAR mainly due to expected build on some non-strategic allocations and SD B and D not yet coming forward in 2019-20 as forecasted in the Plan. However, the housing trajectories of sites going forward from 2020-21 onwards, which have been formulated through engagement with developers and site promoters where possible (with regard to the COVID impacts described above), show that housing supply exceeds what is left to build, both cumulatively and annually over the remainder of the Plan period. Completions are anticipated to increase from 2020-21 onwards, when more non-strategic allocations are scheduled to come forward on site (several received full planning consent in 2019-20, including: Townhill Campus, Uplands; Upper Bank, Pentrechwyth; Tyrisha Farm, Grovesend; Brynafon Road, Penyrheol; Brithwen Road, Waunarlwydd; and land adjoining Pennard Drive, Pennard; which add to other schemes consented before then that are also forecasted to come forward). Completions will increase further in the following year as the SDA sites currently progressing at advanced stages through the Reserved Matters planning application stage (SD B, C and D) deliver significant numbers of new homes, from more than one outlet on these large sites.
- 4.9 In terms of affordable housing, 199 affordable homes were built through the planning system in 2019-20, 148 social rented and 51 intermediate tenure, while planning consent was granted in the 12 month period for 840 affordable housing units.
- 4.10 Housing completions will continue to be closely monitored in 2020-21 but it should be noted that consultation with the HBF has identified that housing delivery is likely to be impacted generally across Wales by the COVID 19 crisis with the following factors raised:
- Whether there might be delays in the time it takes to get planning consent for schemes and discharge of conditions due to strains on local authority and developer resources.
  - Potential for there being a reduced number of sites open, and consequent impact on delivery, due to national and local lockdown events.
  - Reduced level of productivity on sites (the HBF have suggested that due to the new working arrangements around social distancing there could be a 30% reduction).
  - Ability to sell homes and the level of market interest due to the impact on wider economic conditions and mortgage availability.
- 4.11 The Council has taken action to support the delivery of housing sites. It has established a delivery team within the Placemaking and Strategic Planning Section to help bring sites forward to meet the housing requirement (both in terms of private developer sites, and the Council's

own general fund and More Homes schemes). This involves assisting in the early identification of issues and site requirements, engaging closely with developers to identify general issues experienced in the planning applications process to help improve the efficiency of progressing sites, and working with developers on placemaking, masterplanning and viability issues to support sites to come forward in an appropriate manner. The Council will continue to work with developers and site promoters to bring forward the new housing supply included in the adopted Plan.

- 4.12 The proportion of HMOs within the HMO Management Area, as a proportion of the residential properties, has been monitored. Overall, within the HMO Management Area, HMOs were identified as comprising 23.3% of all residential properties. The percentage remains within the +/- 2% range identified in the monitoring indicator. The indicator target, to ensure the number of HMOs as a proportion of the total number of residential properties within the HMO Management Area does not significantly exceed the 25% threshold, has been achieved in 2019-20.
- 4.13 The amount of employment land granted planning consent on SDAs in 2019-20 provides 14% of the 19 ha LDP employment land requirement. Employment land development has been in-line with the LDP forecasts, with construction of the DPD depot at SD G Felindre Business Park, and significant progress on the delivery of the mixed use Swansea Central regeneration project in the City Centre. A number of economic contextual indicators are identified which show positive findings for the County, although it should be noted that there are some time lags in the available data and monitoring will need to continue before the emerging impacts of the COVID 19 pandemic are seen.
- 4.14 The monitoring identifies priority transport schemes and active travel measures that have been delivered during 2019-20 and that residential development has been progressed in-line with sustainable transport principles.
- 4.15 It has not been possible to monitor vehicle journey times for this monitoring period. Surveys, which were planned for the end of March 2020, were not possible due to the COVID 19 lockdown which not only placed restrictions that prevented the survey work taking place, but also resulted in dramatically reduced traffic levels on the roads so surveys at this time would have created a false picture of journey times. It is estimated that traffic levels fell to around 20% of typically recorded levels in April 2020 and did not return to typical 24 hour levels until September. It is also important to note for the purposes of monitoring in future AMRs that am and pm peak hour traffic levels have remained significantly lower due to reduced commuter traffic resulting from many people working from home due to the pandemic. Lockdown restrictions and changes in behaviour resulting from the pandemic will continue to need to be taken into account in AMR 2.

- 4.16 Monitoring of other policies such as design and placemaking, Green Infrastructure, Welsh language, the historic and cultural environment, tourism, and safeguarding public health and natural resources has shown that they are being implemented effectively, delivering placemaking objectives and preventing inappropriate development. A small number of minor amendments and clarifications have been made (and highlighted in the relevant parts of this AMR) to monitoring indicators to reflect changes in data availability and context; or to clarify what the indicator seeks to record.

## **5.0 Summary of AMR Findings**

- 5.1 Overall, it can be concluded that the LDP strategy and its key policies and targets remain relevant, appropriate and up-to-date and progress is being made towards achieving them. Fundamentally it has been established that there is currently no cause for Plan review.
- 5.2 Continued monitoring is required against identified trigger points in AMR 2. Monitoring will again need to take account of changes in the context in which the Plan operates, in-line with the WG guidance, particularly with regard to the impacts of the COVID 19 pandemic on the ability to collate accurate data and its effects on the activities being monitored.

## **6.0. Equality and Engagement Implications**

- 6.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
  - Advance equality of opportunity between people who share a protected characteristic and those who do not.
  - Foster good relations between people who share a protected characteristic and those who do not.
- 6.2 Our Equality Impact Assessment process ensures that we have paid due regard to the above.
- 6.3 An Equality Impact Assessment (EIA) screening was carried out and this demonstrated that a full EIA was not necessary. The results of the screening are set out in Appendix B. The EIA Screening identified low impacts on the protected groups identified. Overall, the AMR has concluded that the LDP strategy and policies are being implemented effectively and there is no cause for review or any action needed at this stage.
- 6.4 It should be noted that the AMR is based on the LDP monitoring framework which is adopted in the Plan and cannot be altered, except to conform with updates to WG national policy and guidance. The LDP monitoring framework was examined by independent Inspectors during the preparation of the LDP and found to be sound. The LDP was subject to a Sustainability Appraisal (SA) process which incorporated an EIA

therefore the Plan has already been assessed in this respect. The AMR provides a factual report on the implementation of the LDP. In preparing the AMR, the Council has fulfilled the mandatory consultation requirements of the WG guidance for preparing the AMR. The final AMR will be made available to view on the Council's website.

- 6.5 This report being presented to Planning Committee is for information purposes only and is not recommending any actions or changes to the adopted Plan. It is merely to signpost that the AMR has been published, to highlight the main findings, and to notify that the AMR is not required to be submitted to WG this year.
- 6.6 On the basis of the above, it has been concluded that an EIA is not necessary.

## **7.0. Legal Implications**

- 7.1 The Council are required to submit an Annual Monitoring Report to Welsh Government under section 76 of the Planning and Compulsory Purchase Act 2004.
- 7.2 The Council will continue to monitor the LDP in-line with WG requirements and guidance.
- 7.3 The Council has a duty to seek to continually improve in the exercise of its functions (which include where appropriate powers) in terms of strategic effectiveness, service quality and availability, sustainability, efficiency and innovation pursuant to the Local Government (Wales) Measure 2009; and must consider how the Well Being of Future Generations (Wales) Act 2015 improves the social, economic, environmental and cultural well-being of Wales.

## **8.0 Financial Implications**

- 8.1 There are no significant financial implications arising from the publication of this SPG. The developer consultation process and document production has been accommodated within existing budgets and staff resources, and utilised electronic communication (email and website). The final document has been made available electronically and hard copies will generally only be produced upon request for an appropriate charge in order to recoup costs incurred. As such printing costs going forward will not be significant and can be met within allocated budgets.

### **For Information**

**Background papers:** None

#### **Appendices:**

Appendix A: Swansea Local Development Plan 1<sup>st</sup> Annual Monitoring Report – Period 2019-20 (AMR 1)

Appendix B: Equality Impact Assessment (EIA) Screening Form



**Swansea Local Development Plan 1st Annual Monitoring Report –  
Period 2019-20 (AMR 1)**

<https://swansea.gov.uk/planningdelivery>

## Equality Impact Assessment (EIA) Screening Form

**Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).**

### Section 1

Which service area and directorate are you from?

Service Area: **Planning and City Regeneration**

Directorate: **Place**

#### Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan
Proposal				
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>				

**This is a factual monitoring report, being presented to Planning Committee ‘for information’ purposes only. It does not fit clearly under any of the above options.**

**(b) Please name and describe here:**

**Name** - Swansea Local Development Plan (LDP) First Annual Monitoring Report (AMR)

**Description** - This is a “for information” report to Planning Committee regarding the Swansea Local Development Plan (LDP) First Annual Monitoring Report (AMR).

The Swansea LDP was adopted by Swansea Council on the 28th February 2019 and forms the development plan for the City and County of Swansea. As part of the statutory development plan process, the Council is normally required to submit to Welsh Government (WG) an AMR each year setting out how the objectives of the Plan are being achieved. On 7th July 2020, in light of the on-going COVID 19 pandemic, WG wrote to all Local Planning Authorities to state that it did not require them to submit an AMR this year. The Strategic Planning Team has, nonetheless, continued to monitor the LDP and has prepared an AMR. It covers the first full 12 month period following the Plan’s adoption, from April 1st 2019 to March 31st 2020.

Overall, the report concludes that the strategy and LDP policies are being implemented effectively and there is no cause for review or any action needed other than to continue monitoring. The report is being presented to Planning Committee for information purposes only (there are no recommendations or actions required). It presents a summary of the main findings of the monitoring, highlights that the AMR has been published on the Council’s website but that it does not need to be submitted to WG, highlights some gaps

in the monitoring data resulting from the COVID 19 pandemic, and the impacts of the virus on some of the activities being monitored which are likely to continue to impact on the monitoring in at least the short term future.

**Q2(a) WHAT DOES Q1a RELATE TO?**

Direct front line service delivery	Indirect front line service delivery	Indirect back room service delivery
<input type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (L)

**(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?**

Because they internal need to	Because they want to	Because it is automatically provided to everyone in Swansea	On an basis i.e. Staff
<input type="checkbox"/> (H)	<input checked="" type="checkbox"/> (M)	<input type="checkbox"/> (M)	<input type="checkbox"/> (L)

**Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...**

	High Impact	Medium Impact	Low Impact	Don't know
	(H)	(M)	(L)	(H)
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?**

WG guidance for producing the AMR, contained in the Development Plans Manual (Edition 3), outlines the consultation requirements of the monitoring process. It requires that stakeholder engagement is undertaken to inform the

monitoring of housing development. The Council undertook stakeholder engagement by consulting on a draft site schedule and findings with the Home Builders Federation (HBF) and the individual homebuilder firms active in Swansea (including the PLCs and smaller builders). The consultation was undertaken by electronic means and covered a 7 week period between 1st June and 17th July 2020. This included an extension of time agreed with the HBF to allow additional responses to be made.

The HBF coordinated responses from developers. The Council reviewed the draft monitoring information against the feedback received from the developers and made amendments accordingly.

The Council has fulfilled the mandatory consultation requirements of the WG guidance in preparing the AMR. The final AMR will be made available to view on the Council's website.

**Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?**

High visibility <input type="checkbox"/> (H)	Medium visibility <input type="checkbox"/> (M)	Low visibility <input checked="" type="checkbox"/> (L)
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**(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION? (Consider the following impacts – legal, financial, political, media, public perception etc...)**

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk <input checked="" type="checkbox"/> (L)
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**Q6 Will this initiative have an impact (however minor) on any other Council service?**

Yes       No      If yes, please provide details below

**Q7 HOW DID YOU SCORE?**  
*Please tick the relevant box*

**MOSTLY H and/or M** → **HIGH PRIORITY** →  EIA to be completed  
Please go to Section 2

**MOSTLY L** → **LOW PRIORITY / NOT RELEVANT** →  Do not complete EIA  
Please go to Q8 followed by Section 2

**Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.**

The above Equality Impact Assessment Screening has been undertaken and it has identified low impacts on the protected groups identified. Overall, the

AMR has concluded that the LDP strategy and policies are being implemented effectively and there is no cause for review or any action needed at this stage.

It should be noted that the AMR is based on the LDP monitoring framework which is adopted in the Plan and cannot be altered, except to conform with updates to WG national policy and guidance. The LDP monitoring framework was examined by independent Inspectors during the preparation of the LDP and found to be sound. The LDP was subject to a Sustainability Appraisal (SA) process which incorporated an EIA therefore the Plan has already been assessed in this respect. The AMR provides a factual report on the implementation of the LDP.

The report being presented to Planning Committee is for information purposes only and is not recommending any actions or changes to the adopted Plan. It is merely to signpost that the AMR has been published, to highlight the main findings, and to notify that the AMR is not required to be submitted to WG this year.

On the basis of the above, it has been concluded that an EIA is not necessary.

## Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

<b>Screening completed by:</b>	
Name:	David Rees
Job title:	Senior Planning Officer
Date:	05/11/2020
<b>Approval by Head of Service:</b>	
Name:	Phil Holmes
Position:	Head of Service
Date:	11/11/2020

Please return the completed form to [accesstoservices@swansea.gov.uk](mailto:accesstoservices@swansea.gov.uk)