



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, 6 July 2021

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

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

Watch Online: <https://bit.ly/2T9bjEN>

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Next Meeting: Tuesday, 3 August 2021 at 2.00 pm

Huw Evans

Huw Evans
Head of Democratic Services
Tuesday, 29 June 2021

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 8 June 2021 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
M H Jones
R D Lewis
T M White

Councillor(s)

P M Black
W Evans
P B Smith
L J Tyler-Lloyd

Councillor(s)

P Downing
M B Lewis
D W W Thomas

Officer(s)

Gareth Borsden
Ian Davies
Sally-Ann Evans
Andrew Ferguson
Chris Healey
Amanda Pugh
Alan Webster
Jonathan Wills

Democratic Services Officer
Development Manager
Lead Lawyer
Area Team Leader
Area Team Leader
Senior Engineer
Tree Officer
Lead Lawyer

Apologies for Absence

None.

4 Disclosures of Personal and Prejudicial Interests.

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

Councillor D W W Thomas – Personal - Provisional Tree Preservation Order TPO 678 Land at: Gower College, Llwyn Y Bryn, Walter Road, Swansea (2021).

5 Minutes.

Resolved that the Minutes of the Planning Committees held on 4 May & 20 May 2021 be approved and signed as correct records.

6 Items for Deferral/Withdrawal.

#(Item 2) – Planning Application 2021/0961/S73 - Installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works (amendment to condition 2 of planning permission 2020/0257/FUL granted 11th August 2020)

to allow for alterations to internal access track and transplanting of hedgerows at Felin Wen Farm , Rhydypany Road, Morriston, Swansea.

Application deferred as late information had been received from the applicant clarifying that the application is in part retrospective requiring additional time to consider the nature and trigger points of conditions.

7 Provisional Tree Preservation Order TPO 677 Land at Birch Rock, Pontarddulais, Swansea (2021).

The Head of Planning and City Regeneration presented a report which sought consideration of the confirmation, as a full Order, of the provisional Tree Preservation Order 677, Land at Birch Rock, Pontarddulais, Swansea (2021).

The background details and history to the matter and the initial serving of the provisional order in January 2021 were outlined and detailed by Officers.

The objections received to the provisional order were outlined in the report.

Resolved that the Tree Preservation Order Land at Birch Rock, Pontarddulais, Swansea (2021) be confirmed without modification.

8 Provisional Tree Preservation Order TPO 678 Land at: Gower College, Llwyn Y Bryn, Walter Road, Swansea (2021).

The Head of Planning and City Regeneration presented a report which sought consideration of the confirmation, as a full Order, of the provisional Tree Preservation Order 678, Land at Gower College, Llwyn Y Bryn, Walter Road, Swansea (2021).

The background details and history to the matter and the initial serving of the provisional order in January 2021 were outlined and detailed by Officers.

The objections received to the provisional order were outlined in the report.

Resolved that the Tree Preservation Order Land at Gower College, Llwyn Y Bryn, Walter Road, Swansea (2021) be confirmed without modification.

9 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. Amendments/updates to this schedule were reported and are indicated below by (#) (Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting)

1) the undermentioned planning applications Be Approved subject to the conditions in the report and/or indicated below:

#(Item 1) – Planning Application 2021/0826/FUL - Change of use from a dwellinghouse (Class C3) to a children's home (Class C2) at 20 Brynhyfryd Street, Brynhyfryd, Swansea.

A visual presentation was given.

Councillor C A Holley (Local Member) addressed the committee and spoke against the application.

#(Item 3) – Planning Application 2021/0112/FUL - Construction of 23 dwellings, comprising 2 detached dwellings, 7 detached dwellings with detached garages, 3 detached dwellings with integral garages, 4 pairs of semi detached dwellings (8 dwellings) and 3 linked dwellings with access, landscaping, drainage and associated works at Land South Of Glebe Road, Glebe Road, Loughor, Swansea.

A visual presentation was given.

Report updated as follows:

Page 102, para 2 – replace “With regard to the suggested conditions requested by the Highway Officer, conditions (i), (vii) are not considered to be necessary as they are covered by other legislation and conditions, and as such do not meet the tests of WG Circular 16/2014 - Planning Conditions.”

with

“With regard to the suggested conditions requested by the Head of Transportation and Engineering, conditions (i), (v) (vii) are not considered to be necessary as they are covered by other legislation and conditions, and as such do not meet the tests of WG Circular 16/2014 - Planning Conditions. Requested condition (iv) is not considered necessary as a condition, but is instead included as an ‘informative’.” •

After the list of bullet points on page 103, insert the following paragraph.

“The imposition of the above listed conditions – with the exception of bullet point 8 (referring to open excavations) – are considered reasonable and necessary to make the proposed scheme acceptable in ecological terms. They are therefore imposed as planning conditions.

The text contained within bullet point 8 is included as an ‘informative’.

Replace Condition 20 (page 113) with the following revised condition;

“All planting, seeding or turfing comprised in the approved scheme of landscaping (shown in drawings P18-0751_35 H - Landscape Masterplan, P18-0751_36 D - GI Plan and P18-0751_37 D - Detailed On-Plot Landscape Proposals) shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. Reason: in the interests of visual and residential amenity and in the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain

the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.”

The following informative (Informative 17) was added to the Officer recommendation at the request of the Planning Committee:

The applicant/developer is advised to carefully consider the specific product used for any external render, as certain recent developments in the Swansea area that feature render have been subject to problems of colour discoloration, mould and algae growth.

Application approved subject to Section 106 agreement.

The meeting ended at 3.03 pm

Chair

Agenda Item 5



Report of the Head of Planning and City Regeneration

Planning Committee – 6 July 2021

Commons Registration - Application for the Removal of Land from the Register of Common Land (application no. 003/19) Register Unit CL53, Mynydd Lliw Common

Purpose:	An application has been received from the Welsh Government to amend the Register of Common Land by removing an area of 50,862 square metres from Register Unit CL53, Mynydd Lliw Common.
Policy Framework:	None. Relevant legislation – Commons Registration Act 1965, Section 22 Commons Registration Act 1965, Section 13 Commons Registration (General) Regulations 1966, Regulation 27 Acquisition of Land (Authorisation Procedure) Act 1946
Reason for Decision:	The land identified on the accompanying plan has ceased to be common land by virtue of a Compulsory Purchase Order.
Consultations:	Legal, Finance and Access to Services and all the statutory consultees, including local members, landowners, commoners, community councils and the prescribed organisations.
Recommendation:	That the application be accepted and the land identified on the plan annexed hereto be removed from Register Unit CL53 (Mynydd Lliw Common)
Report Author:	Kieran O'Carroll
Finance Officer:	Adele Harris
Legal Officer:	Jonathan Wills
Access to Services Officer:	Rhian Millar

Introduction

- 1.1 An application has been received to amend the Register of Common Land by removing approximately 50,862 square metres from Register Unit CL53, Mynydd Lliw Common, as shown on the attached plan (Application No: 002/18).
- 1.2 The application is dated 18th January 2018 and was submitted by the law firm Eversheds Sutherland LLP acting on behalf of the Welsh Government, Department for Economy and Infrastructure on the basis that the land ceased to be common land on 26th June 1973 by virtue of The Welsh Office Highways Compulsory Purchase Order (No.13) (Swansea-Manchester-London-Fishguard Trunk Roads, Pontarddulais By-Pass and Connecting Roads) 1973 (“the Order”).
- 1.3 The land in question now forms part of the M4 motorway near Pontlliw and Pontarddulais. No land was given in exchange.

Legal Principles

- 2.1 Section 22 of the Commons Registration Act 1965 sets out the definition of common land. (see Appendix 1)
- 2.2 Under s.13 of the Commons Registration Act 1965 (the “Act”), provision is made for the amendment of the Register of Common Land where any land registered under the Act ceases to be common land. (See Appendix 2).
- 2.3 The procedure to be followed in determining the application for such a removal is set out in regulation 27 of the Commons Registration (General) Regulations 1966. (See Appendix 3)
- 2.4 In order to make an application, the applicant must show that the land had already ceased to be common land at the date of the application. Consequently, this Council does not need to consider whether the land should cease to have common land status as the events leading to any change will have already taken effect. This Council must instead decide whether the application to remove the land is well founded and whether the necessary procedures for removal have been complied with.
- 2.5 There are a number of ways that land may cease to be common land within the meaning of Section 22 of the Commons Registration Act 1965. For the purposes of this application, the applicant relies on the procedures associated

with Compulsory Purchase, a summary of which can be found in Paragraphs 2.6 and 2.7 below.

- 2.6 Where a compulsory purchase order authorises the purchase of any land forming part of a common, the order is subject to the procedures set out under either the Acquisition of Land Act (Authorisation Procedure) Act 1946 (where the purchase was before 30th January 1982) or the Acquisition of Land Act 1981 (for purchases after 30th January 1982). The Compulsory Purchase Order upon which the applicant seeks to rely is dated 26th June 1973 and therefore the procedures set out under the 1946 Act will apply.
- 2.7 Under the 1946 Act, where a Compulsory Purchase Order authorises the purchase of any land forming part of a common, the order is subject to Special Parliamentary Procedure unless the Secretary of State is satisfied that either:
- (i) exchange land has been or will be given in exchange; or
 - (ii) that the land in this case is required for highway purposes and the giving of exchange land is unnecessary, whether in the interests of the rights holders or in the interests of the public.

Consultations

- 3.1 Consultations were undertaken on 12th-13th June 2018, and 9th October 2018 in accordance with Regulation 27 of the Commons Registration (General) Regulations 1966 (See Appendix 3).
- 3.2 No objections were received.

Grounds for Removing Land from Register

- 4.1 The land in question forms part of the M4 motorway and was acquired by the Welsh Office under compulsory acquisition powers by virtue of ss.214 and 215 of the Highways Act 1959, as extended and supplemented by ss.44, 47 and 51 of the Highways Act 1971 and s.1 of the Acquisition of Land (Authorisation Procedure) Act 1946.
- 4.2 The order was subject to the procedures set out in the Acquisition of Land (Authorisation Procedure) 1946 (see paragraphs 2.5 - 2.6 above).
- 4.3 Consequently, the applicant claims that the land has ceased to be common land within the meaning of s.22 of the Commons Registration Act 1965.

Conclusion

- 5.1 The application is in the correct form.
- 5.2 No objections have been received.

5.3 The evidence supplied by the applicant is sufficient to show that the land has ceased to be common land.

Integrated Assessment Implications

6.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, 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 Acts.
- 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.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

6.1.1 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

6.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

6.2 The Integrated Impact Assessment (IIA) process has been applied to the subject of this report. No implications have been identified. An IIA Screening Form has been completed with the agreed outcome that a full IIA report was not required for the reasons given in paragraph 6.3 below.

6.3 This Application made under the Commons Registration Act 1965 has no impact on any persons or community groups save for the benefit in resulting in an up to date Register of Common Land for the City and County of Swansea. The land subject to the Application now forms the M4 Motorway and has not lawfully been common land since a compulsory purchase order was made in 1973 when the land and rights over it were acquired by the Welsh Office. The land has not been used and has not been available for use as common land since prior to 1973.

6.4 The IIA Screening Form is appended to this report for reference.

Financial Implications

None

Legal Implications

None

Background Papers

Documents contained within file D30-00203936.

Appendices:

Commons Registration Act 1965

IIA

Location Plan

APPENDIX 1 – COMMONS REGISTRATION ACT 1965

Section 22

(1) In this Act, unless the context otherwise requires,—
“common land” means—

- (a) land subject to rights of common (as defined in this Act) whether those rights are exercisable at all times or only during limited periods;
- (b) waste land of a manor not subject to rights of common;

but does not include a town or village green or any land which forms part of a highway;

APPENDIX 2 – COMMONS REGISTRATION ACT 1965

Section 13

Regulations under this Act shall provide for the amendment of the registers maintained under this Act where—

- (a) any land registered under this Act ceases to be common land or a town or village green; or
- (b) any land becomes common land or a town or village green; or
- (c) any rights registered under this Act are apportioned, extinguished or released, or are varied or transferred in such circumstances as may be prescribed;

APPENDIX 3 - COMMONS REGISTRATION (GENERAL) REGULATIONS 1966

Regulation 27

Land ceasing to be common land or a town or village green

- (1) Where any land registered under the Act has ceased to be common land or a town or village green, application may be made to the registration authority, in accordance with the following provisions of this regulation, for the amendment of the register.
- (2) An application under this regulation may be made by the person who, at the date of the application, would have been entitled (whether or not by virtue of any provision of these Regulations) to apply under section 4 of the Act for the registration of a claim to the ownership of the land if at that date such an application could have been made
- (3) Every such application must be—
 - (a) in Form 17;
 - (b) signed by [or on behalf of] every applicant who is an individual, and by the secretary or other duly authorized officer of every applicant which is a body corporate; and
 - (c) Supported by a statutory declaration made by every person who has signed the application, and by such further evidence (if any) as, after considering the application and declaration, the registration authority may reasonably require.
- (4) Applications under this regulation shall be numbered in order of receipt by the registration authority, and shall be entitled, unless rejected, to be given effect to on the register in that order.
- (5) The registration authority shall, on receipt of any application under this regulation which it does not, after preliminary

consideration, determine to reject, publish in the concerned area, and shall display, a notice in Form 18, and shall send the notice to—

- (a) every concerned authority;
 - (b) any person other than the applicant who is registered as owner of the land;
 - (c) where a right of common is registered as exercisable over the land, any person appearing from the register to be interested therein, and, where the registration is provisional, the person on whose application it was made and any person whose application is noted under regulation 9(5) above.
- (6) Every authority receiving a Form 18 notice under this regulation shall display copies thereof.
- (7) Upon the expiration of forty days from the date on which paragraph (5) above is complied with, the registration authority shall further consider the application and shall consider any written representations, which it has received, and, if it deems the application well founded, shall amend the register as shown in Standard Entry 6.
- (8) In this regulation “concerned area” means, in the case of a registration authority which is the council of a county borough, an area including the area of the county borough and the areas of every concerned authority, and, in any other case, an area including the areas of every concerned authority

Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Legal Services

Directorate: Resources

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

Legal duty under Commons Registration Act 1965 and Commons Act 2006 to determine applications to change the City and County of Swansea Register of Common Land and Town or Village Greens. This application seeks to formally de-register land and remove common land from the said register where the land ceased to be common land in 1973. The land in question is now part of the M4 motorway corridor.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Integrated Impact Assessment Screening Form

Pregnancy and maternity

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement

Full consultation procedure carried out as required by the Commons Registration (General) Regulations 1966. Consulted with all those from the register of common land with rights over the common. Consulted with local members, West Glamorgan Commoners Association, landowner (also applicant in this case), community council, Natural Resources Wales and Open Spaces Society.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
Yes No
- c) Does the initiative apply each of the five ways of working?
Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk

Medium risk

Low risk

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes No If yes, please provide details below

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

Integrated Impact Assessment Screening Form

There is no impact whatsoever on people or communities other than the benefit of having an up to date register of all common land in the county. This land is now the M4 motorway and has not lawfully been common land since a compulsory purchase order was made in 1973 and the land and rights over it were acquired by the predecessor of the Welsh Ministers. Even though common land is being removed from the register there will be no detrimental effect on any interest groups as the land has not been used as common land since prior to 1973.

Integrated Impact Assessment Screening Form

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- Summary of impacts identified and mitigation needed (Q2)
- Summary of involvement (Q3)
- WFG considerations (Q4)
- Any risks identified (Q5)
- Cumulative impact (Q7)

No impacts on any persons or community groups as a result of the determination of this application under the Commons Registration Act 1965. Therefore, no mitigating factors required. The City and County of Swansea Commons Registration Authority has a duty under the said Act to process applications to change the Register of Common Land and Town or Village Greens. This application relates to the removal of common land which ceased to be lawful common land in 1973. The land has now been constructed upon and forms part of the M4 motorway corridor. Therefore, this application is merely a proposal to regularise our registers to ensure they correctly depict the area of common land in the area. No risks have been identified as part of the Integrated Impact Assessment Screening and a full Integrated Impact Report is not required.

(NB: This summary paragraph should be used in the relevant section of corporate report)

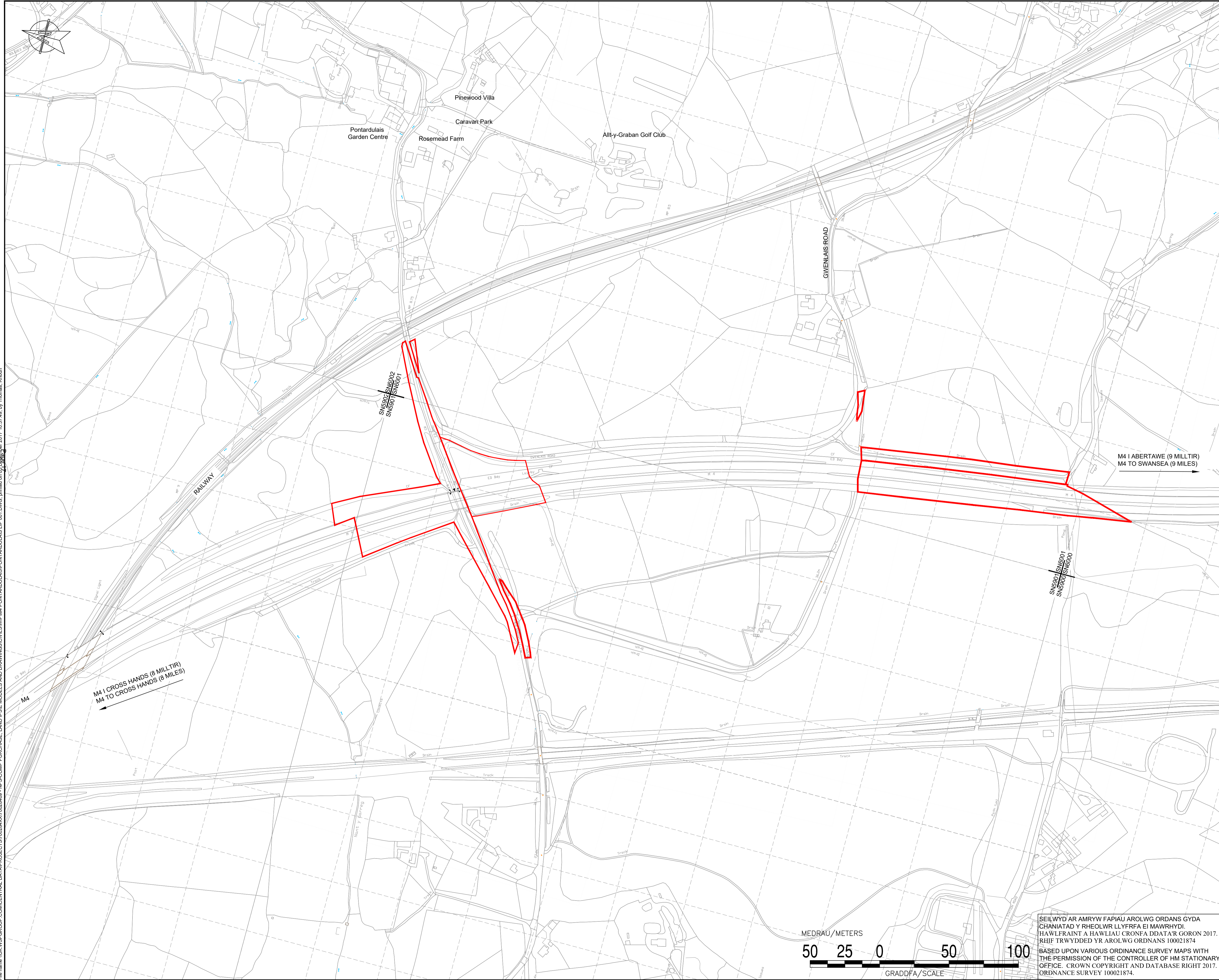
Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

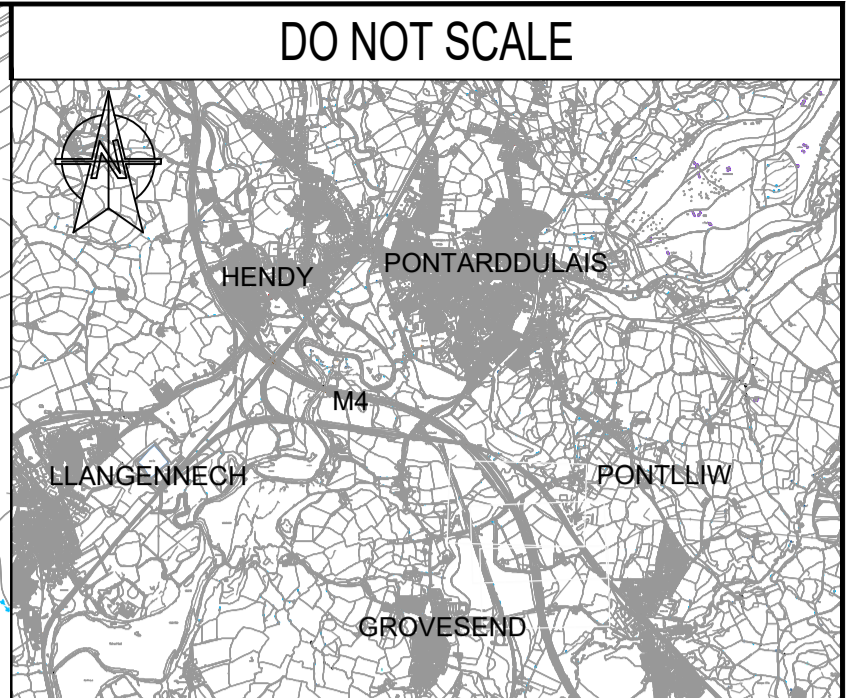
NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

Screening completed by:
Name: Kieran O'Carroll
Job title: Lawyer
Date: 7 th June 2021
Approval by Head of Service:
Name: D.J.Smith on behalf of Tracey Meredith
Position: Deputy Chief Legal Officer
Date: 11 th June 2021

Please return the completed form to accesstoservices@swansea.gov.uk



File name: \\UK.VSPGROUP.COM\CENTRAL DATA\PROJECTS\7002849 - NPS-COMP PURCHASE - LAND IPSIE MODELS AND DRAWINGS\CIVIL\SWIP\M4 PONTARDULAIS\LAND PLAN\LP 001.DWG, printed on 05 December 2017 10:37:49, by Thomas Rhodri



LOCATION PLAN
SCALE: NTS

- NOTES
1. THIS IS A C.A.D. DRAWING AND SHOULD NOT BE AMENDED BY HAND.
 2. ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.
 3. DRAWING TO BE REPRODUCED IN COLOUR.
 4. CONTENT OF DRAWING HAS BEEN EXTRACTED FROM LAND PLANS PROVIDED BY GWYNEDD COUNCIL.
 5. ORIGINAL DRAWING SCALE 1:2500. IF PRINTED AT A3 DRAWING SCALE WOULD BE 1:5000

— PLOT BOUNDARY

REV	DATE	BY	DESCRIPTION	CHK	APP
P02	05/12/17	RT	PLOT AREAS REVISED	RT	RT
P01	16/11/17	RT	PLOT AREAS REVISED	RT	RT

DRAWING STATUS: **FOR ISSUE**



1 Capital Quarter, Tyndall St, Cardiff, CF10 4BZ, UK
T+ 44 (0) 292 076 9200
wsp.com

CLIENT:



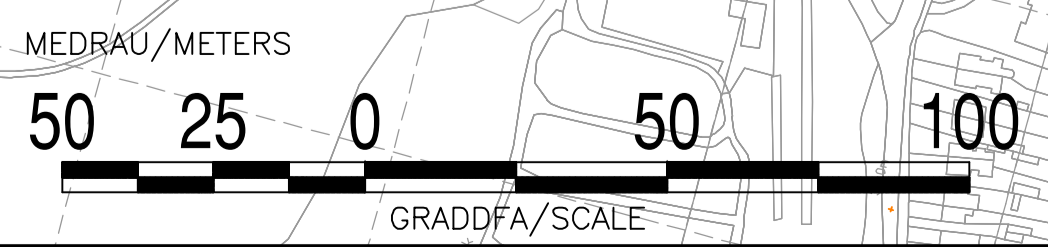
Llywodraeth Cymru
Welsh Government

SITE PROJECT: **M4 PONTARDULAIS BYPASS**

TITLE: **LAND PLAN**

SCALE @ A1:	1:2500	CHECKED:	RT	APPROVED:	RT
PROJECT NO:	7002849	DESIGNED:	GS	DRAWN:	GS
DRAWING NO:	LP 001	DATE:	December 17	REV:	P02

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SEILWYD AR AMRYW FAPIAU AROLWG ORDANS GYDA CHANIATAD Y RHEOLWR LLYFRFA EI MAWRHYDI. HAWLFRANT A HAWLIAU CRONFA DDATA'R GORON 2017. RHIF TRWYDDED YR AROLWG ORDANS 100021874
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Agenda Item 6



Report of the Head of Planning and City Regeneration

Planning Committee - 6 July 2021

Provisional Tree Preservation Order TPO679 Land Adjacent To Rock House And Mill Farm, Waunarlwydd, Swansea. (2021)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 679, Land Adjacent To Rock House And Mill Farm, Waunarlwydd, Swansea. (2021)

Recommendation:

That the Tree Preservation Order Land Adjacent To Rock House And Mill Farm, Waunarlwydd, Swansea. (2021) be confirmed without modification.

For Decision

1. Introduction

1.1 The provisional Order was served on 27th January 2021.

1.2 The order was made following reports made to the Council about land clearance on the site. Within the same ownership large areas of woodland are present and were considered at risk.

2. Objections and representations

2.1 One objection has been received by email outside of the minimum required consultation period. The Objector has given mitigation why this was received after the time period.

2.2 The reasons given for the objection are summarised below:

- The TPO is unnecessary as many other parts of Wales are unprotected;
- A similar site nearby has gained planning permission resulting in the removal of trees;
- If the whole Order cannot be withdrawn the objector requests that areas around the watercourses on site are removed to allow maintenance.
- The area 'A1' has trees individually listed rather than covered as a 'blanket' order.

3 Appraisal

3.1 The purpose of tree preservation orders primarily is to protect local visual amenity by placing a control on tree removals. The objection includes details

that the Objector intends to remove more trees. The TPO ensures that this is done with regard to the local visual amenity.

- 3.2 A nearby site that is in the process of being developed also had tree preservation orders on trees present. This ensured that the trees were considered in the planning process and not removed wholesale prior to application, thus protecting local visual amenity.
- 3.3 The Objector is concerned about management of the watercourses, the TPO will not prevent suitable woodland management but will require an application that does not incur a cost to the applicant.
- 3.4 Ideally A1 will be altered to individual trees; however, in the meantime the area designation is no greater constraint for the Objector as it only covers trees present at the time of serving of the documents.

Summary

- 3.8 The trees and areas of woodland covered by the Order provides considerable visual amenity to the area. Considering the appraisal above, it is considered that the Order is reasonable and proportionate and should be confirmed without modification.

4. Recommendation

That the Tree Preservation Order TPO679 Land Adjacent To Rock House And Mill Farm, Waunarlwydd, Swansea. (2021) be confirmed without modification.

Contact Officer: Alan Webster 635724

Appendix: Objection received.

Tree Preservation Order TPO 679. Land Adjacent to Rock House and Mill Farm, Waunarlwydd, Swansea (2021)

"Thank you for replying to my email requesting extra time to respond to the above notice.

I didn't actually read the notice until around mid February 2021. I no longer occupy 105-106 High Street where it was posted to and the machine operator you handed a copy to cannot read. He told me on the telephone that he had been given some sort of letter but that was about it. I was in isolation at the time due to my wife's medical condition so therefore could not visit either my office in Gorseinon or the site to look at the copy he had. I hope this gives some justification in my request for extra time.

I understand the reaction to the work that was being carried out and I understand how difficult it may have been to get any sense out of the situation at the time. As well as the machine operator being uncooperative, I was not answering any calls I didn't recognise as my phone was constantly being called by members of the public, some of them quite aggressive.

During the site visit when we met in person I explained that work clearing the fields has been completed. The work was done as a result of land being severely overgrown and could not be left any longer.

It is my intention to allow the land to return to a condition whereby it can be grazed and establish legal footpaths in their correct location. There is a problem on the land with lack of fencing, the public walking anywhere they feel like and a massive problem of dog mess which is contaminating the land.

I would on the outset ask that the entire order be withdrawn. It is simply unnecessary. I do not see any reason why I should have such an order placed in a blanket fashion to large areas of land. There is no difference between my land and huge areas of adjoining land, indeed all over Wales where no such orders exist. A TPO effects the value of the land, the ability to manage the land and the ability to access water courses.

Indeed very nearby on similar terrain planning permission has been granted to build 38 houses resulting in removal of all trees and growth of any type on the entire site. On another nearby site 11 houses are to be built and no doubt every tree cut down without the slightest concern of anyone including your department.

If you are not prepared to remove the entire order I would ask that you take into account the following approach.

I attach a plan which I have marked. The green lines are water courses, streams or brooks. Many of them are blocked and creating swamp like conditions.

I request that I should be allowed to remove growth in and around these natural watercourses in order to keep them clear and flowing. If any specific trees are to be protected then these trees should be individually listed rather than this blanket order. I should be permitted a reasonable distance (say 10 meters) running alongside all areas of natural running water to bring in the required machinery to carry out necessary maintenance work.

The area hatched in red has already been cleared and larger trees have been left untouched. I request that the order be removed completely from this area and if there are any trees on that area that justify individual TPO's then so be it.

If you are prepared to remove the order I can assure you that I will inform you in advance of any future work I plan to carry out on the land.

I look forward to hearing from you.

Yours sincerely"

Agenda Item 7



Report of the Head of Planning and City Regeneration

Planning Committee - 6 July 2021

Provisional Tree Preservation Order TPO 680 Land at: 52 Caswell Road, Caswell, Swansea. (2021)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 680 Land at: 52 Caswell Road, Caswell, Swansea. (2021)

Recommendation:

That the Tree Preservation Order Land at: 52 Caswell Road, Caswell, Swansea. (2021) be confirmed with the omission of trees T2, T3, T4 and T5.

For Decision

1. Introduction

- 1.1 The provisional Order was served on 2nd February 2021.
- 1.2 The order was made whilst a planning application for the site was being considered (2020/2013/FUL).
- 1.3 The TPO was served following contact checking on their protective status. According to the Applicants tree survey, all the trees were 'moderate', 'B' quality as defined in the British Standard '*Trees in relation to design, demolition and construction. Recommendations*'.
- 1.4 Planning consent was granted subject to the retention of the trees on site and a condition requiring their protection during demolition and construction.

2. Objections and representations

- 2.1 One objection has been received on behalf of the landowner, produced by their Solicitor. This was received within the minimum statutory period.
- 2.2 One letter supporting the TPO was also received.
- 2.3 The reasons given for the objection are summarised below:
 - The TPO is not understood as trees T1, T2 and T5 are shown to be retained in the planning application;
 - T2 is on neighbouring land and should not be included in this TPO as the Title is not appropriate;
 - 'The trees have to be of sufficient amenity value to justify a TPO...';
 - T3 and T4 are non-native;

- Other trees will be retained;
- Other properties along Caswell Road do not have TPO trees and it is a fundamental principle of planning law is that everyone is treated the same;
- The Council will be able to safeguard the other trees by way of appropriate condition.

3 Appraisal

- 3.1 The TPO was served to ensure all five trees were protected prior to, during and after the planning process. All five trees are shown to be retained in the approved scheme. If the trees are to be retained then the imposition of the TPO should not matter to the Objector.
- 3.2 The Title of the TPO is only descriptive and conveys the approximate location of the trees.
- 3.3 The Objector states that the arboricultural report categorises these trees as 'moderate'. This is assumed, incorrectly, to have a negative connotation. If the wording of the standard is known, category B is used for trees with some defects that exclude the use of category A. Notwithstanding this incorrect assumption, the original arboricultural report has incorrectly categorised trees T2, T3, T4 and T5, their condition should have attracted the C category.
- 3.4 Trees are considered for their amenity contribution and it does not matter if they are native or non-native.
- 3.5 Without the imposition of the TPO, there is no guarantee that any of the trees will be retained.
- 3.6 Eight properties within a couple of hundred yards of number 52, spread on each side of Caswell Road have trees protected by TPO.
- 3.7 The landowner carried out the demolition of the existing building without first discharging the tree protection condition attached to his consent as required. When asked to stop work by the Tree Officer he refused. Therefore, as illustrated by the Objectors own actions, the planning conditions on their own do not provide enough protection to the trees.

Summary

- 3.8 The trees must be retained as part of the approved plans.
- 3.9 The trees are not the quality described in the arboricultural report.
- 3.10 The trees covered by the Order provide some local visual amenity to the area, even in their current state.
- 3.11 Condition 6 of the approved consent requires a landscape scheme to be provided. Any trees agreed to be planted in mitigation of removal of any of the trees covered by this order can be protected by a new TPO.
- 3.12 Tree T1 remains at risk from the Applicant / Objector during and after construction.

4. Recommendation

That the Tree Preservation Order Land at: 52 Caswell Road, Caswell, Swansea. (2021) be confirmed with the omission of trees T2, T3, T4 and T5.

Contact Officer: Alan Webster - 635724

Agenda Item 8

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: 6th July 2021

Bay Area Team Leader: Liam Jones - 635735	Area 1 Team Leader Andrew Ferguson - 633947	Area 2 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

Item	App. No.	Site Location	Officer Rec.
1	2021/0889/S73	Land At Upper Bank, Pentrechwyth, Swansea, SA1 7DB Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73, 2019/0536/S73 and 2019/2523/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2019/2523/S73 granted 4th June 2020 to extend the trigger to construct the permanent Nantong Way access to 30th April 2022	Approve
2	2021/0978/FUL	47 Gower Road, Sketty, Swansea, SA2 9BH Change of use of ground floor from retail (Class A1) to a wine bar (Class A3)	Approve

Planning Committee – 6th July 2021

Item 1

Application Number:

2021/0889/S73

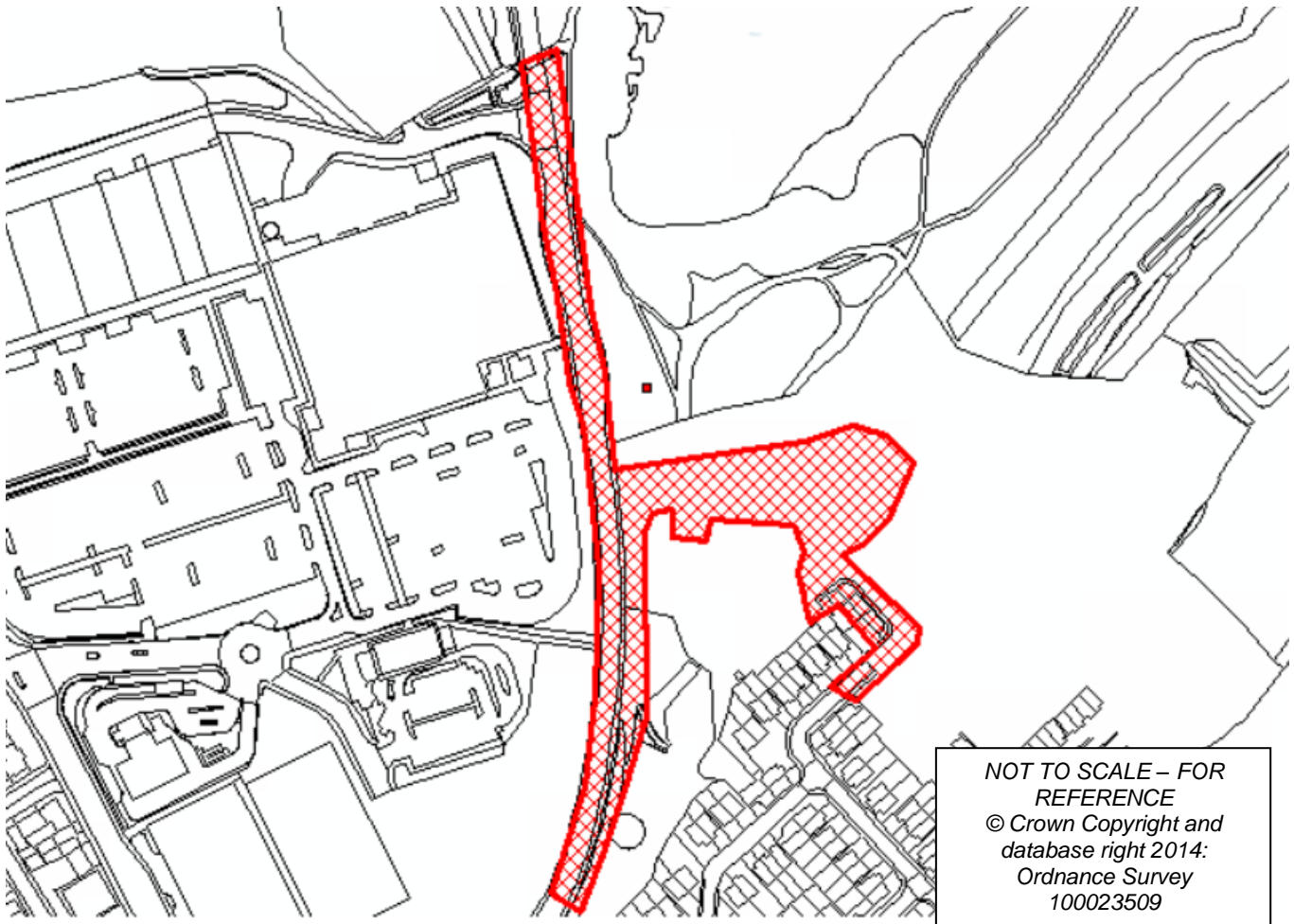
Ward:

Bonymaen - Area 1

Location: Land At Upper Bank, Pentrechwyth, Swansea, SA1 7DB

Proposal: Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73, 2019/0536/S73 and 2019/2523/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2019/2523/S73 granted 4th June 2020 to extend the trigger to construct the permanent Nantong Way access to 30th April 2022

Applicant: Mrs Rebecca Sleaf Hygrove Homes (Swansea) Ltd



Planning Committee – 6th July 2021

Item 1 (Cont'd)

Application Number:

2021/0889/S73

Background Information

Site History

App Number	Proposal	Status	Decision Date
2018/1204/S73	Residential development with construction of new vehicular access off Nantong Way (outline) without complying with condition 15 (new access off Nantong Way) of Section 73 planning permission 2014/1189 granted 22nd October 2015 (to extend the trigger to construct the Nantong Way access prior to the occupation of the 146th dwelling house)	APP	03.10.2018
2018/1790/FUL	Construction of temporary access road off Nantong Way	TEM	17.09.2018
2019/0536/S73	Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189 and 2018/1204/S73. Variation of condition 7 of planning permission 2018/1204/S73 granted 3rd October 2018 to replace the reference to the temporary access road approved under 2018/1790/FUL with the reference to a temporary access along the alignment of the permanent access road approved under 2017/0026/FUL	APP	05.06.2019

Planning Committee – 6th July 2021

Item 1 (Cont'd)	Application Number:	2021/0889/S73	
2019/2523/S73	Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73 and 2019/0536/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2018/1204/S73 granted 3rd October 2018 (to extend the trigger to construct the permanent Nantong Way access)	APP	04.06.2020
2020/2293/NMA	Construction of a new pumping station and associated works (Non Material Amendment to planning permission 2017/1291/FUL granted 22nd June 2018) to allow for the increase in depth of the wet well	APP	15.02.2021
2020/2295/S73	Construction of new highway and infrastructure works at Nantong Way (variation of condition 2 of planning permission 2017/0026/FUL granted 20th July 2018 to allow for Highway amendments)	APP	11.01.2021
2021/0034/SCR	SCREENING OPINION for proposed phase 9 construction of 30 residential apartments	EIANR Q	26.01.2021
2021/0944/FUL	Construction of 30 residential apartments and associated works	PCO	

Background

This application is reported to committee as the site area for the original outline planning permission 2006/1902, which this application seeks to vary, exceeds the committee threshold of 2 hectares.

Item 1 (Cont'd)

Application Number:

2021/0889/S73

The description of development for the original outline planning permission reads as follows:

'Residential development with construction of new vehicular access off Nantong Way'

The site is currently being developed by Hygrove Homes and reserved matters applications have been approved for 149 dwellings on the original outline application site. Full planning permission has also been granted for a further 107 dwellings on land falling partly within and outside of the original outline site area (2018/2692/FUL). An application for 30 apartments near the junction with Nantong Way is also currently under consideration (Ref: 2021/0944/FUL).

The planning permission includes a requirement to construct a new access off Nantong way and this requirement has been amended on two previous occasions under application 2018/1204/S73 and more recently under application 2019/2523/S73. The latter application included a condition (condition 8) which required the permanent access to be constructed by no later than 30th April 2021. The time period to construct has expired, hence why this current application has been submitted in order to extend the trigger to provide the permanent access.

Site Location

The application relates to the Hygrove Home's Brunel Wood housing site at Upper Bank. To the north west is the Morfa Retail Park with Pluck Lake to the north. To the north east and east are areas of woodland with the A2117 beyond. The housing site is located entirely within the urban area and covers an area that is both a housing commitment and a housing allocation under LDP Policy H1.

Description of Development

This application seeks for a further variation to the trigger to provide the permanent access off Nantong Way. The applicant had originally requested a trigger with the effect that the new access would be provided prior to the occupation of the 281st dwelling house. However, as only 149 dwellings have been approved through the reserved matters applications at the site under the original outline planning permission, this would not be an appropriate or an enforceable trigger. Instead, it is now proposed to vary condition 8 of planning permission 2019/2523/S73 with the effect that the trigger to complete the permanent access would be extended to 30th April 2022.

Planning Policy

The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and green infrastructure

Item 1 (Cont'd)

Application Number:

2021/0889/S73

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

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

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

Access and Inclusivity

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

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

Movement

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

Item 1 (Cont'd)

Application Number:

2021/0889/S73

Adopted Swansea Local Development Plan (2010-2025)

ER 9 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 networks. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met relating to need and impact mitigation/compensation.

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

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

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

T 5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

Supplementary Planning Guidance (SPG):

There are no supplementary planning guidance documents that are considered to be relevant to the determination of this planning application.

Consultations:

The application was advertised by a press notice and site notice.

Local Highway Authority:

Further to previous comments provided, which objected to the proposals to extend the trigger for the completion of the permanent access to the 280th dwelling, previous trigger point for completion was the 30th April 2021. Highways objected to this on the grounds of insufficient information, particularly with regard to anticipated vehicular movements.

Further information has been received, most notably a construction programme for the permanent access Received this from David Adams, regarding the completion of the permanent access works. It is accepted that some delay to the previous programme were outside of the control of the applicant, and the revised programme shows a completion date of November 2021.

The applicant has begun the section 278 process and junction design is at the Technical Approval stage.

Item 1 (Cont'd)

Application Number:

2021/0889/S73

The existing outline consent for the site is for 254 dwellings, and as such allowing a trigger point for the access at more dwellings than the applicant currently has consent for is not appropriate. However being pragmatic, a programme has been provided, which although considered a little ambitious the applicant is engaging with the Highway Authority to approve and construct the access.

To allow sufficient time to complete technical approval and construct a timescale based trigger would remain the most appropriate mechanism and this should be achievable to complete by the end of this financial year 30th April 2022.

The Highway Authority would continue to object to the proposals to extend the trigger point to the 280th dwelling, however would have no objections to extending the trigger point for completion of the permanent access to 30th April 2022.

Neighbour comments:

No responses were received to the public consultation.

APPRAISAL

Main Issues

The main issue in this instance is whether the extension of the trigger to provide the new permanent Nantong Way access would result in any significant highway safety impacts that would justify refusing the planning application for this reason having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

This is a Section 73 application that seeks to vary condition 8 of planning permission 2019/2523/S73 to extent the trigger to provide the new permanent access off Nantong Way.

Condition 8 currently reads as follows:

"By no later than 30th April 2021 the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, shall be constructed in accordance with the approved details and shall be available for use.

Reason: In the interests of active travel, highway and pedestrian safety in accordance with LDP Policies PS2, T1, T2 and T5".

Since the previous application to amend the trigger to provide the permanent access was approved the temporary access which connects the site to Nantong Way has been upgraded to provide a signalised pedestrian crossing and a dedicated pedestrian footway. These enhancements have allowed the temporary access to operate safely, as a temporary solution, pending the construction of the permanent access. However, the provision of a permanent access, which includes a right turn bay, is considered to be critical in ensuring the safety of users as vehicular use intensifies, particularly given the nature of the existing highway in terms of vehicle speeds and alignment.

Item 1 (Cont'd)

Application Number:

2021/0889/S73

Following a request from the LHA, the applicant has provided information in relation to construction timings for the permanent access. While the completion date provided by the applicant is intended to be November 2021, the LHA consider an extended trigger until April 30th 2022 would be a more appropriate to allow sufficient time to complete technical approval.

Having regards to the comments received from the LHA, therefore, it is considered that the proposed extension of time to provide the permanent Nantong Way access would be acceptable and would not result in any detrimental highway safety impacts. The proposal would therefore accord with LDP Policies PS2, T1, T2 and T5 which, amongst other things, seek to ensure that developments take the opportunity to enhance active travel and provide for safe pedestrian and vehicular movements.

Other Matters

The Section 106 attached to the original permission includes a requirement for the permanent Nantong Way access to be provided by the timescales specified within original trigger i.e. no more than 80 dwellings to be occupied until the Nantong Way access is in place. In order to ensure the requirements of the S106 are consistent with the planning permission, as varied, it will be necessary for the highways requirements within the S106 relating to the provision of the permanent access and the provision of a pedestrian crossing to be updated to reflect the trigger now proposed.

As this is a Section 73 application in respect of the extension to the trigger to provide the Nantong way access, due to the specific nature of the development, it is not considered necessary in this instance for the development to provide any ecological enhancements.

Conclusion

It is considered that the extension to the trigger to provide the permanent Nantong Way access, as proposed, would be acceptable and would not conflict with LDP Policies ER9, PS2, T1, T2 and T5. Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. For the above reasons the development is accordingly recommended for approval.

RECOMMENDATION

APPROVE, subject to the modification of the Highways requirements within the original S106 agreement in respect of the timescales to provide the permanent access of Nantong Way and associated pedestrian crossing, and subject to the following conditions:

- 1 Approval of the details of the siting, means of access, design and external appearance of the dwellings/buildings and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any development on each phase is commenced. This permission specifically excludes the ~~road layout~~ layout shown on the indicative masterplan.

Item 1 (Cont'd)

Application Number:

2021/0889/S73

These reserved matters applications shall be in accordance with a full reserved matters design and development framework document for all of the site to be submitted to and approved by the Local Planning Authority prior to or contemporaneously with the first reserved matters application. The design and development framework will address the key design issues of:

- Creating local distinctiveness.
- Integrating the development into the adjacent development site.
- Linkages with surrounding communities and facilities.
- Accessibility.
- Permeability.
- Legibility.
- Scale and massing.
- Creating people friendly streets.
- Public open space, landscaping and biodiversity.
- Designing out crime.
- Reducing car dependence and use.
- Encouraging cycling and walking.
- Sustainable water use and drainage.
- Reducing building energy consumption.
- Building design and materials.
- The frontage to Nantong Way and Brunel Way.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner

- 2 Detailed plans and drawings with respect to the matters reserved in condition 1 shall be submitted for approval by the Local Planning Authority in accordance with the approved Design Development Framework pursuant to condition 1.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design and to ensure that the development is carried out in an orderly and satisfactory manner.

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

- 3485.SL03 (Proposed Development Site) (approved under application ref: 2006/1902)
- 444-73-001 Rev B (Section 73 - Phase 7-8 - Temporary Pedestrian Link) (approved under application ref: 2019/2523/S73)

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

- 4 The landscaping scheme for the site submitted as part of the reserved matters shall incorporate an area of public open space, not less than 0.2h in area to include an equipped play area and the scheme as approved shall be carried out in accordance with the approved programme of phasing.

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Item 1 (Cont'd)

Application Number:

2021/0889/S73

Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within two years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.

Reason: In the interests of the visual amenity of the site as a whole.

- 5 No dwelling unit within the development shall be occupied until the adoptable roads linking that unit to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 6 The use of any retaining walls to support the internal road network will need to be supplemented by full structural calculations and drawings to be submitted to and approved in writing by the Local Planning Authority prior to the construction of any such works commencing on site. The development shall be implemented in accordance with the approved details.

Reason: To allow the proper consideration of all details in the interests of highway safety.

- 7 The additional safety measures for the temporary access off Nantong Way as set out in green, red, and blue on drawing no. 444-73-001 Rev B (Section 73 - Phase 7-8 - Temporary Pedestrian Link) shall be implemented in accordance with the details indicated on the approved plans and shall thereafter remain in place as approved until the permanent access off Nantong Way has been completed.

Reason: In the interests of active travel, highway and pedestrian safety.

- 8 By no later than 30th April 2022 the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL (and varied under 2020/2295/S73), or any subsequent variation of those permissions, shall be constructed in accordance with the approved details and shall be available for use.

Reason: In the interests of active travel, highway and pedestrian safety.

- 9 If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval from the Local Planning Authority for a Method Statement to detail how this unsuspected contamination shall be dealt with. The development shall thereafter be implemented in accordance with the approved Method Statement.

Reason: To ensure that the development complies with the approved details in the interests of the protection of controlled waters

- 10 Prior to the occupation of the housing phases a report shall be submitted to and approved in writing by the Local Planning Authority that provides verification that the necessary land contamination remediation and mitigation works for the site have been carried out in accordance with best practice.

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Post remediation sampling and monitoring results, where necessary, shall be included in the report to demonstrate that the required remediation has been fully met. Future monitoring proposals, where necessary, shall also be detailed in the report.

Reason: To protect the environment and prevent harm to human health by ensuring that the remediated site has been reclaimed to an appropriate standard.

- 11 The housing phases shall not be occupied until a scheme for the foul water, surface water and land drainage has been implemented in accordance with details to be approved with the reserved matters for each phase.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system.

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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: ER9, PS2, T1, T2 and T5.

Item 2

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2021/0978/FUL

Ward:

Sketty - Bay Area

Location: 47 Gower Road, Sketty, Swansea, SA2 9BH

Proposal: Change of use of ground floor from retail (Class A1) to a wine bar (Class A3)

Applicant: Mr Keith Lewis



Background Information

Policies

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.

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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 - ER2 - Strategic Green Infrastructure Network

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

LDP - ER8 - Habitats and Species

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

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

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

LDP - RC5 - District Centres

District Centres - There are 9 designated District Centres. Proposals will be required to maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities and be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre

LDP - RC9 - Ground Floor Non-Retail Uses within Centres

Ground Floor Non-Retail Uses within Centres - Within the Swansea Central Area Retail Centre and District Centres, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre, having regard to the specified policy principles. Business (Class B1) and residential (C3) uses will not generally be supported at ground floor level.

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.

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In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

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

Site History

App Number	Proposal	Status	Decision Date
75/0285/03	ALTERATIONS AND ADDITIONS	APP	24.04.1975

Procedural

The application is being presented to the Planning Committee for determination as it is a departure from LDP Policy. The application will now be advertised as such on the 5th July 2021 in the South Wales Evening Post, and the 21 day public consultation period will expire on 26th July 2021. The Committee is asked to make a resolution on this application for approval subject to no further objections being received within the consultation period. If a resolution is made and subsequent objections are received after Committee, then the application will be re-submitted for consideration at a future Committee.

Description

Full planning permission is sought for the change of use of retail (Class A1) to a wine bar (Class A3) at no.47 Gower Road, Sketty.

There is not currently any parking provided and none is proposed as a part of this application.

Assessment of the immediate area

The application site forms part of the Local Ward of Sketty and a busy district centre.

Planning History

There is no relevant planning history for the site.

Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

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Policy 1 - Where Wales will grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 6 - Town Centre First

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy Issues

The Swansea Local Development Plan ('LDP' 2010 - 2025) was adopted 28th February 2019, the policies contained within this will therefore be used in the determination of this application. Policies PS2, RP2, ER2, ER8, ER9, RC5, RC9, T5 and T6 are material to the determination of this proposal.

Policy RC5 designates the Swansea district centres and states:

Within designated District Centres proposals will be required to:

- i. Maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities;*
- ii. Be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre;*
- iii. Ensure that ground floor uses contribute to an attractive and vibrant street scene throughout the day;*
- iv. Retain the predominant shopping role and function of the Centre;*
- v. Be consistent with the aims of maintaining and improving the quality of the physical environment, the provision of short term parking, and accessibility by public transport and Active Travel.*

Policy RC9 sets out the considerations for non-retail uses within district centres at ground floor level:

Within the Swansea Central Area Retail Centre and District Centres, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre, having regard to:

- i. The relationship of the proposed unit to other existing or approved non-retail uses within the centre, with a presumption against proposals that result in a continuous run of 3 or more non-retail uses;*
- ii. The effect upon the shopping function of the centre, either individually or in combination with other non A1 retail uses;*
- iii. The nature and design of the shop front and window display that is to be provided;*
- iv. The location and character of the unit and/or site, including its relative proximity to the most primary frontage and its relative importance for retention as a retail use by virtue of its: design; orientation; size; or siting;*
- v. The impact of the proposed use upon the amenity of adjacent or nearby residents and businesses;*
- vi. Whether the development allows for, or retains the effective use of, upper floors; and*

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vii. *The likelihood of the unit remaining vacant for a significant period of time, to be informed by evidence of appropriate marketing undertaken over a minimum of 12 months to establish a retail occupier.*

Business (B1) and residential (C3) uses will not generally be supported at ground floor level.

Supplementary Planning Guidance

Supplementary Planning Guidance (SPG) relating to 'District Centres, Local Centres and Community Facilities' provides further information and guidance to clarify the policy aims of LDP Policies PS 2 and RC 9. This is referenced in the amplification text of Policy PS 2 on page 49 and RC 9 on page 179 of the LDP. The SPG was formally adopted by the Council in October 2010, which followed a period of public consultation and stakeholder engagement that informed the content of the document. The SPG was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) LDP Policies PS 2 and RC 9; it is consistent with national guidance and overarching principles of Placemaking (Planning Policy Wales, Edition 11, February 2021), it was approved following stakeholder engagement and a comprehensive public consultation process; and ultimately provide useful guidance to confirm how the Council considers the aims and objectives of Policies PS 2 and RC 9 should be interpreted.

The SPG 'Car Parking Standards' adopted March 2012, also provide further information and guidance in regard to Policy T 6 and this is referenced on page 236 of the LDP. Finally the SPG 'Development and Biodiversity' was adopted by the Council more recently in February 2021, and expands upon Policies ER 2, ER 8 and ER 9.

Responses to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos.49, 51, 53 and 55 Gower Road, and, 2A and 2B Cross Buildings, Dillwyn Road on 12th May 2021. A site notice was also posted within the vicinity of the application site on 14th May 2021.

One letter of objection has been received, which can be summarised:

- o Over-competition between A3 uses.
- o Impact on parking and traffic
- o Anti-social and noise disturbance
- o Increased litter

Pollution Control Team

I would like the following conditions to be placed on the application. In 2018 we received a complaint from one of the flats above the retail unit about loud music coming from the premises. The applicant needs to consider the sound insulation between the proposed wine bar and residential units above.

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Noise:

Prior to the beneficial use commencing a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum $D_{nT,w} + (Ctr)$ of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion.

Reason: to protect the existing residential use above against noise emanating from the commercial activity.

No external loudspeakers shall be used on or around the premises.

Reason: to protect the existing residential use above and surrounding from music emanating from the commercial activity.

Plant/ Machinery:

No beneficial use of the premises shall commence until a BS4142:2014 + A1:2019 (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014 + A1:2019.

Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.

Key Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the use of the conversion of a ground floor retail (Class A1) unit to a café bar/restaurant (Class A3), impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers along with parking and highway safety impacts.

Principle of Use

There are currently approximately 74 shopping units within the recognised District Centre and there is a mix of differing commercial uses which complement one another. As set out above Policy RC9 states non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre. The SPG acknowledges that whilst appropriate supporting uses can complement retail shops, the shopping function of District and Local Centres can be eroded by incremental planning consents for non-retail use. Consequently, when considering such proposals it is vital that an assessment is carried out on the impact of the proposed change of use on retail frontages, as well as the overall impact upon the vitality, attractiveness and viability of the Centre.

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The SPG states that the primary frontage should maintain a high level of retail units in order to safeguard the shopping frontage. National planning policy guidance emphasises the importance of ensuring ground floor use class changes are not permitted where this would create a predominance of non-retail uses that would lead to an unacceptable dilution of the retail frontage or undermine the attractiveness of the Centre. The Policy itself, through criterion vii, requires that regard is given to the 'likelihood of the unit remaining vacant for a significant period of time, to be informed by evidence of appropriate marketing undertaken over a minimum of 12 months to establish a retail occupier'.

Sketty is a popular local shopping centre within the City and County of Swansea and in order to maintain its retail function the Local Planning Authority has historically sought to resist uses which can undermine the vitality and viability of shopping centres by creating areas of dead frontage during daytime hours within primary retail areas. The SPG does not preclude A3 uses where it can be demonstrated that it will not isolate retail units, create a deadening effect and will not detrimentally impact upon the vitality and viability of the District Centre.

The property forms part of a 3 storey building on a corner plot, the ground floor is comprised of a single A3 unit. The building forms part of the secondary frontage within the centre as opposed to the primary retail frontage. The secondary frontage is made up of 6 units, of which 4 (67%) are A3 with the remaining 2 (33%) having an A1 use. The approval of this application would reduce the number of A1 units to 17%. The SPG states that as a rule of thumb 35% of secondary frontages such as this should remain as retail, and further changes of use should not isolate units. The proposal would therefore run contrary to the SPG Guidance and would also result in the loss of a good sized retail unit.

It is noted that in exceptional circumstances allowances of additional change of uses from retail, in frontages already lacking may be acceptable. These circumstances may include a demonstration that a retail use in this location is not acceptable and that the proposed use would support and compliment the daytime function and footfall of the centre. The application form advises that the existing retail unit has been vacant since 01/04/2020 and the proposed wine bar would open at 11am. The application is not supported by any information of if or for how long the unit was marketed for retail or if there was any interest nor has any justification been provided to advise how the proposed use would support and compliment the daytime function of the centre. To that effect the proposal fails to comply with criterion vii of Policy RC 9 as referenced above.

Account must be given to the impact of the COVID19 Pandemic, the potential that the unit may remain vacant and the benefit of employment. In this instance it is considered that despite the non-compliance with LDP Policy, in regard to the requirement to carry out marketing for a minimum of 12 months, the proposal would be acceptable. The ongoing pandemic has had a devastating effect on retail, dine in restaurant and bar businesses, and the future recovery of these businesses is uncertain. In the short to medium term, however, it is considered likely that the effects of the pandemic will result in a slow recovery of retail businesses and this will be exacerbated by the move to increased online retail sales. This will therefore likely result in empty units, particularly in local and district centres and a desire for alternative uses to fill them. On balance it is considered the benefits that a new business will bring to the local economy and support this will bring to the viability of the centre will far outweigh the negatives from the loss of the retail unit, which would likely remain vacant.

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In addition to the above it is relevant to note that the Welsh Government, on 30th April 2021, introduced temporary permitted development rights through amendments to the Town and Country Planning (General Permitted Development) Order 1995 to support the reopening of businesses. Part of the amendments include the allowance of temporary change of uses to existing shops within Town Centres with Town Centres being defined as City Centre, District Centres and other Local Centres and this includes a permitted change from A1 (retail) to A3 (food and drink). It excludes the use of the premises for the sale of hot food for the consumption off the premises (i.e takeaway). All changes of use that take place are permitted for a six month period beginning with the date on which the development began and must end on or before 29 April 2022, unless planning permission is granted for the retention of the use. The use of the building may revert to the original use at any time during the six month period. On this basis the proposed use could be undertaken on a temporary basis for 6 months without the need for planning permission.

On the basis of the above assessment it is considered that the proposal would have an acceptable impact on the vitality and viability of the centre in compliance with Policy PS2 of the Swansea LDP.

Visual Amenity

The application does not include any external alterations, and therefore it is not considered that the proposed change of use along would have any harmful impacts on visual amenity.

Residential Amenity

The proposal will raise no issues relating to being an overbearing form of development, overshadowing or overlooking and the premises is sited within a District Centre Location where you would expect to find such a food and drink use. Whilst there are flats above the unit, the Head of Environmental Management and Protection has offered no objection to the proposal, subject to condition, and therefore in light of its District Centre location the proposal is considered to respect the residential amenities of the neighbouring properties. The proposal would not result in any unacceptable impacts in regard to noise, disturbance or smells, subject to condition, and the opening hours would be acceptable.

As such the proposal is considered to comply with the provisions of Policies PS2, RP2, HC5 and HC9 of the Swansea LDP and the Supplementary Planning Guidance document entitled 'District Centres, Local Centres and Community Facilities'.

Parking and Highway Safety

Sketty is a busy district centre with limited parking facilities, and those that are available are time restricted. It is noted that whilst the proposed bar will cause a demand for both customer and staff parking there is already an existing level of demand for parking from the retail use. It is considered that the nature of the bar use, makes it likely that most customers would likely not arrive by their own car. Furthermore Sketty is well served by a major bus transport route.

Notwithstanding the acceptability of the use it is not considered that a solely hot food takeaway use would be acceptable in this location, as it would likely result in customers making unsafe stops on this busy highway, to the detriment of other road users and highway safety.

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A condition is therefore recommended to control the nature of the use in order that the premises could not operate as a hot food takeaway.

It is therefore considered that the impact on highway safety and parking is acceptable.

Ecology

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. The applicant has not indicated any measures as part of the application, however as the proposal includes no external alterations and only relates to a change of use to the ground floor unit, it is not considered reasonable or necessary in this instance to require enhancement measures.

Response to Consultations

The objections raised in regard to the impact of the application on over-intensification of A3 uses, noise, disturbance and highway safety have been addressed in the above report. It is not considered that the proposed use would result in an unreasonable level of anti-social behaviour and litter for a district centre location.

Conclusion

In conclusion, and having regard to all material considerations including the Human Rights Act, whilst recognising that the application does not demonstrate a minimum 12 months marketing of the property to establish a retail occupier in accordance with criterion vii. of Policy RC 9 the property has remained empty since April 2020 and the proposed use would not have a significant adverse impact upon the vitality, viability or attractiveness of the centre in accordance with Policy RC 9 as a whole. Furthermore the scheme will have an acceptable impact upon visual, residential, highway safety and ecology in compliance with Policies PS 2, RP 2, ER 2, ER 8, ER 9, RC 5, T 5 and T 6 of the Swansea Local Development Plan (2010-2025).

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 no further objections being received by the 26th July 2021 and subject to the following conditions:

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- 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: Block plan, existing plan, proposed plan, proposed seating plan received 12th April 2021. Site location plan received on 4th May 2021.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The use hereby approved shall not be utilised by customers between 00:00 hours and 07:00 hours on any day.
Reason: To safeguard the amenities of neighbouring residents.
- 4 Prior to the beneficial use commencing a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w + (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion.
Reason: to protect the existing residential use above against noise emanating from the commercial activity.
- 5 No external loudspeakers shall be used on or around the premises.
Reason: to protect the existing residential use above and surrounding from music emanating from the commercial activity.
- 6 The premises shall be used as a cafe bar/bar/restaurant Class A3 and for no other purpose (including any other purpose in Class A3) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The premises shall not operate as a hot food takeaway.
Reason: In the interest of highway safety, residential amenity and to ensure the vitality and viability of the District Centre.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, RP2, ER2, ER8, ER9, RC5, RC9 and T6.
 - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-