

Report of the Head of Economic Regeneration & Planning

To The Area 1 Development Control Committee

27^h May 2014

Land adjoining 54 Glanmor Road, Uplands, Swansea, SA2 0QB

Detached dwelling (Outline)

Planning Application Reference : 2013/1857

1.0 Background

- 1.1 This application was considered by the Area 1 Development Control Committee on the 1st April 2014. The Committee Report is attached at Appendix A.
- 1.2 Members resolved not to accept my recommendation of refusal, but to be minded to approve planning permission on the grounds that passing bays could be provided within the site rather than requiring the widening of the access along the whole of its length. Thus it was resolved that draft conditions should be reported back to Committee for consideration.

2.0 Recommendation

It was resolved that:

- (i) The application be granted outline planning permission subject to the following conditions;

Condition 01:

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

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

Condition 02:

Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.

Condition 03:

The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

Condition 04:

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

Reason: In the interests of sustainability.

Condition 05:

The construction of the dwelling hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

Condition 06:

Prior to the occupation of the dwelling hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).

Reason: In the interests of sustainability.

Condition 07:

The proposed residential dwelling shall be restricted to single storey only.

Reason: In the interests of residential amenity

Condition 08:

No development including demolition work shall commence on site until a scheme for the protection of trees has been submitted to and approved in writing by the Local Planning Authority. This shall include full details of all works that impact on the original ground conditions within the tree's rooting area and in particular details of protective fencing, ground protection, construction method, required tree surgery operations, service trenching position and any changes in ground level within the rooting area of all retained trees. No development shall take place except in complete accordance with the approved scheme, and the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.

Reason: To ensure the protection of retained trees on site during construction works

Condition 09:

No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of retained trees on site during construction works

Condition 10:

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

Reason: To ensure the protection of protected trees growing on the site whilst the development is being carried out.

Condition 11:

Notwithstanding the submitted details, no development shall take place until details of the widening of the junction and access road, including passing bays, have been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the widening of the access road and junction have been carried in accordance with the approved details and the works shall be retained as approved at all times.

Reason: In the interests of highway safety.

Condition 12:

Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.

Condition 13:

A landscaping scheme for the site shall be submitted as part of the reserved matters, and the scheme as approved shall be carried out within 12 months from the completion or occupation of the development, whichever is sooner. 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, and to accord with Section 197 of the Town and Country Planning Act 1990.

Condition 14:

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

Condition 15:

Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

Condition 16:

The materials used for the external surfaces of the development shall be in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason: In the interests of visual amenity.

BACKGROUND PAPERS:

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

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<i>Date of</i>	<i>13th May 2014</i>	<i>Document</i>	<i>54 Glanmor Road</i>
<i>Production:</i>		<i>Name:</i>	

ITEM

APPLICATION NO.

2013/1857

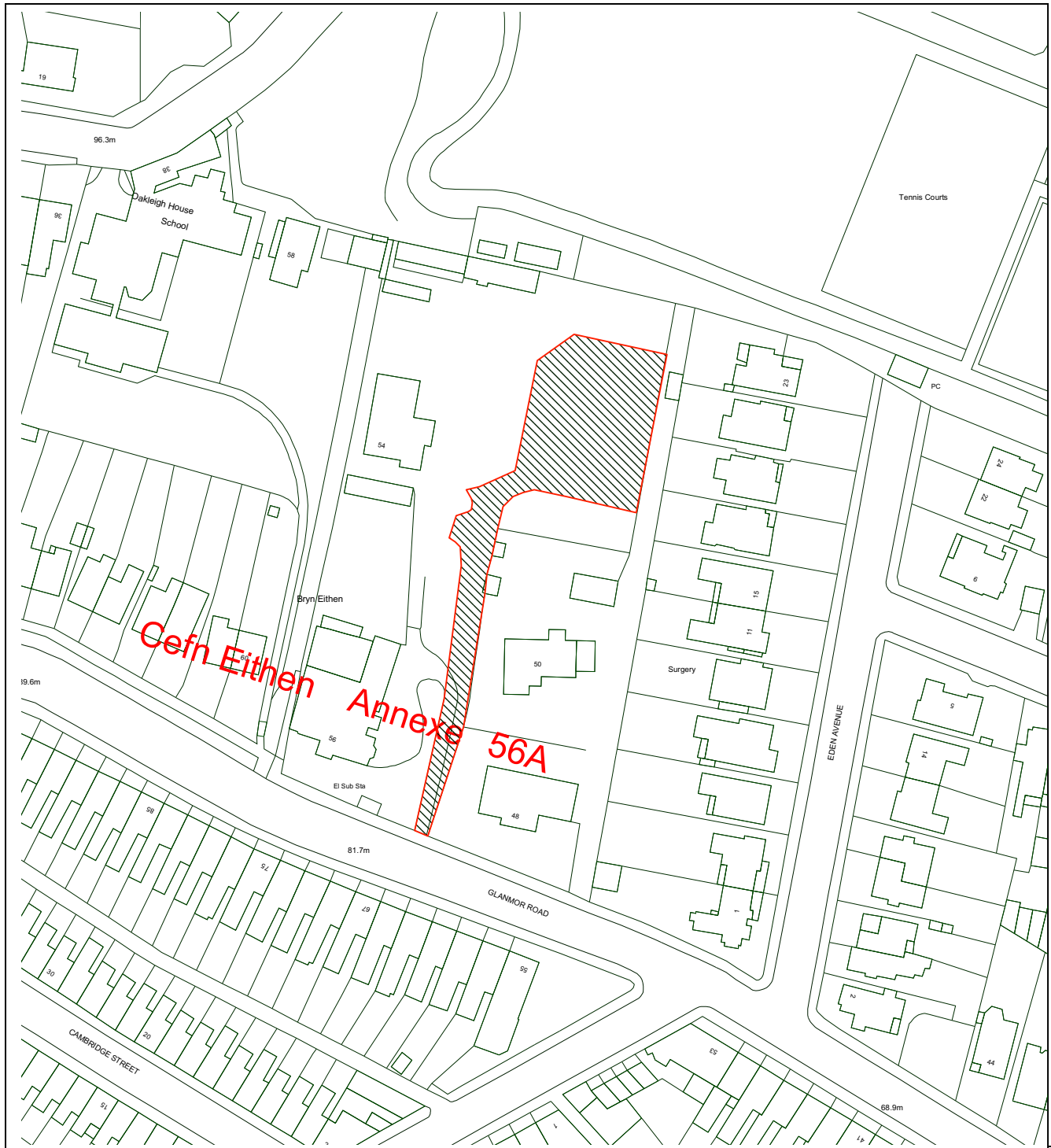
WARD:

Uplands
Area 1

Location: Land adjoining 54 Glanmor Road, Uplands, Swansea, SA2 0QB

Proposal: Detached dwelling (outline)

Applicant: Mr Ala Tahir



NOT TO SCALE

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BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, loss of residential amenity, adverse effect on the character and appearance of the area, loss of urban green space, harm to highway safety, adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2012/0704	Detached dwelling (outline) Decision: Refuse Decision Date: 18/10/2013
99/0427	TO LOP ONE BEECH COVERED BY TPO NO. 228 Decision: *HGCC - GRANT CONSENT WITH CONDITIONS Decision Date: 14/05/1999
2009/0512	Retention of new access Decision: Grant Permission Conditional Decision Date: 23/06/2009
2013/1097	To lop one copper beech tree covered by TPO 228 Decision: Grant Tree Pres Order Consent (C) Decision Date: 03/09/2013

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

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

2009/1834 Single storey front extension and side porch
Decision: Grant Permission Conditional
Decision Date: 04/02/2010

RESPONSE TO CONSULTATIONS

The development was advertised on site and eight neighbouring residents were individually consulted. ONE LETTER OF OBJECTION has been received which is summarised as follows:

1. Concerns regarding the loss of the protected trees on the site and the impact on the amenity of the surrounding area.
2. Concerns that the structural stability of the dilapidated wall can be addressed while the trees are in situ.
3. Concerns that previous applications have been refused on the site for a new dwelling and the felling of protected trees. It would seem contradictory and unjust to approve the current application.
4. Concerns the provision of the access would result in the loss of protected trees that the applicant intends to fell.
5. Concerns regarding the loss of Leylandi trees on the site.

Highways Observations

The application is for outline consent for a detached dwelling.

The access whilst not being considered at this outline stage is shown at 4.5m width (widened from its current layout) and a formal turning head is included suitable for the shared private drive and its users.

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

1. Adequate parking/turning being provided for the new dwelling.
2. The shared private drive (including the turning head) being laid out prior to works commencing for the new dwelling.
3. The vehicular dropped kerb access being widened to Highway Authority Standards and Specification in accordance with the approved plans prior to works commencing on the new dwelling taking place.
4. Relocation of any street lighting columns at the applicant's expense

Dwr Cymru/Welsh Water

Recommend, if approved, standard conditions and advisory notes in relation to the disposal of surface water, foul water and land drainage.

Planning Ecologist

The trees on the site have ecological value and should be retained. Please include standard bird informative, should planning permission be granted.

Tree Observations

No change to the comments provided for the previous planning application i.e. there is no reason why these trees should be considered dangerous. There are no signs of movement at the bases, no structural faults and no signs of pests and diseases in the trunks and crowns. At the time of inspection I consider these trees to be safe.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor John Bayliss in order to assess the impact of the development on the character and appearance of the area.

This application seeks outline planning permission for a detached dwelling on land within the curtilage of 54 Glanmor Road, Uplands, Swansea. All matters are reserved for future consideration.

The application site is situated within the established urban area of Uplands. There are a number of protected trees within the site which are covered by Tree Preservation Order (TPO) No. 312 and three trees bounding the access to the site protected by a TPO No. 228. The site is bounded to the north by other land within the applicant's ownership, beyond which is the southern boundary of Cwmdonkin Park. To the east is a rear access lane with Eden Avenue beyond. To the south is No. 50 Glamor Road and to the west is No. 54 Glanmor Road.

The application is a re-submission of an outline planning application (2012/0704) refused in 2013 for the following reason:

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

There are two other planning applications on this site, which are relevant to the consideration of this proposal:

2012/0796

Application for the felling of two yew trees protected under TPO No. 228. This application was withdrawn by the applicant.

2013/0816

Application for the felling of two yew trees protected under TPO No. 228. This application was refused for the following reason:

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

The applicant has provided no further justification for the proposed development since the refusal of the previous applications and no further information has been provided to demonstrate that the proposed access to the new dwelling can be constructed without resulting in harm to the protected trees near the site access with Glamor Road.

This planning application will be considered on its merits having regard to all material planning considerations.

MAIN ISSUES

The main issues for consideration are the impact of the development on the character and appearance of the area which includes consideration of the loss of the protected trees; the impacts of the development on the residential amenity of neighbouring occupiers; and the impacts of the development on access and highway safety. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations.

The City and County of Swansea Unitary Development Plan (UDP) policies relevant to the consideration of this application are: AS2 (Design and Layout), EV1 (Design), EV2 (Siting and location), EV3 (Access), EV30 (Trees, woodland and Hedgerow Protection), HC2 (Urban Infill Housing).

Visual Amenity

The application site is accessed off a private drive leading off Glanmor Road. The drive currently serves No.56 and No.54. The site is bounded and well screened by mature trees many of which are protected under Tree Preservation Order No. 312. The surrounding neighbourhood is predominantly residential. The existing dwelling No.56 is a substantial detached dwelling which occupies an elevated position above Glanmor Road. To the rear of the application site lies No.54 and a 'coach house' to the rear of the site on the boundary with Cwmdonkin Park. The 'coach house' was originally ancillary to the main dwelling. However, the applicant claims that the 'coach house' is now a separate unit of accommodation and is rented independently of the main dwelling at No.54. There is no planning history for the extensions to this building or the independent residential use and this matter is currently being investigated by planning enforcement. The use of the 'coach house' as a dwelling is a material planning consideration in the determination of this application.

In terms of the impacts of the proposed development on the character and appearance of the area, this can be divided into two main considerations. Firstly, the impact of the built form of the proposed dwelling and secondly the impact of the development on the protected trees near the site access.

Turning firstly to the visual impacts arising from the proposed dwelling. The application site currently forms part of the side garden of the host dwelling No.54. Given the mix of house types in the immediate area there is no prevailing characteristic or dominant house type to suggest a specific architectural response on this site. The scale parameters provided indicate a dwelling with a floor area of approximately 200-250 square metres on two floors set within a site area of 897 square metres.

The scale parameters indicate an overall height of between 7m and 9.2m. However, given the constraints of the application site in terms of the close relationship with the adjoining dwelling No.54 and potentially 'the coach house' and the need to reduce the impact on the protected trees, it is considered appropriate to ensure that the final ridge height is kept to a minimum to reduce the physical and visual impact of the development. On this basis, it is considered that a carefully designed single storey dwelling with accommodation within the roofspace, rather than a traditional two storey dwelling, can be accommodated on the application site without resulting in any material adverse impacts on the character and appearance of the surrounding area and without having any detrimental impacts on the protected trees in proximity to the dwelling.

Turning secondly to the potential loss of protected trees near the access to the site. The indicative proposals include the felling of two protected Yew trees in order to allow the reconstruction of the failed retaining wall and the provision of a 4.5 metres access road in order to provide satisfactory access to the development.

The applicant has provided an arboricultural report for these trees and a structural survey of the retaining wall sited adjacent to the trees on the western side of the access road. The reports suggest that the mechanical action of the tree roots has caused damaged to the block wall and recommends that the protected yew trees should be removed on the basis that the trees are a danger to the occupiers of the adjacent properties and the general public using the adjacent highway. The same reports were considered when the previous applications were refused on the site.

The Yew trees proposed to be removed by the applicant (as described on TPO No. 228) are T2 (northern Yew) and T3 (southern Yew). T2 offers moderate amenity value as this evergreen tree is located at the southern end of the driveway to Nos. 54/56 Glanmor Road and is partially visible from the surrounding area. T3 offers moderate to high amenity value as this large evergreen tree is located at the southern end of the driveway to Nos. 54/56 Glanmor Road and is visible from the surrounding area. It is considered to form an attractive pair with the adjacent eastern purple Beech tree and provides winter greenery to the surrounding area. The trees have been inspected and are considered to be in good physiological and structural condition with no evident structural defects.

In assessing the trees under the previously refused TPO application the Council's Arboriculturalist noted that due to their age they would have an established branch and root structure and concluded that future growth would be limited with no rapid root growth expected. A visual inspection noted only small diameter fibrous roots visible between the retaining wall and the soil bank adjacent to the trees, which it was considered, would have little mechanical effect on the stability of the retaining wall. Critically, the Council's arboriculturalist also found no reason why the existing retaining wall, which is considered to be of sub standard single edge on block construction, could not be removed and replaced by an engineered wall whilst retaining the Yew trees. He further noted that the fibrous network of the trees would extend some distance from the trees, thus providing sufficient anchorage for the trees stability even with the failing of the retaining wall. At the time no root plate lifting or cracking was noted around the trees and it was concluded there were no signs of either tree being unstable. With reference to the applicant's arboricultural survey the Council's arboriculturalist considered that no justified evidence including any exploratory investigation had been undertaken to support the view that the Yew trees are causing the failing of the retaining wall or that either tree is structurally unstable.

In consideration of the above, the conclusions of the applicant's survey in respect of the stability of the wall are not challenged by the Council's arboriculturist. A building control officer has also visited the site and confirmed the wall is failing and was not designed as a structural retaining wall.

The applicant asserts that in order to remove the existing retaining wall and construct a new structural retaining wall the protected Yew trees must be removed. The Council challenges this view and considers a new engineered retaining wall could be designed whilst retaining the trees.

Notwithstanding the above, the fundamental issue for consideration here is not whether the existing retaining wall can be re-built without harming the Yew trees, it is whether the proposed 4.5 metre access can be constructed without resulting in harm to the both the protected Yew trees and the copper Beech. In assessing this issue it is considered the provision of the 4.5 metre access would cause considerable damage to the copper Beech on the right hand side of the drive as the tree is already on the very edge of the present narrow drive. Furthermore, it is considered the excavations to the earth bank required to widen the access would cause considerable damage to the roots of the southern Yew tree and would potentially kill it outright or undermine it to the extent that it would become unsafe. No information has been provided to demonstrate that the required access width can be accommodated without resulting in material adverse harm to the above protected trees, the loss of which would have a significant adverse impact on the character and appearance of the area. The proposal is therefore considered to be contrary to UDP policies EV1, EV2, EV30 and HC2.

Residential Amenity

In terms of impact upon residential amenity, the indicative siting provided shows a modest 'L' shaped dwelling. It is considered that there would be sufficient private amenity space to serve both the proposed dwelling and the host dwelling at No.54. With an appropriate condition to restrict any proposed dwelling to single storey with accommodation within the roof space (for the reasons discussed above), it is considered that a carefully designed dwelling can be accommodated on the application site without giving rise to any unacceptable overbearing or overshadowing issues. In terms of overlooking and loss of privacy, a dwelling can be designed to ensure that there would be no unacceptable overlooking or loss of privacy impacts. The separation distance between the proposed dwelling and no.54 is considered sufficient and this, together with appropriate boundary screening, would ensure no significant overlooking/loss of privacy impacts for the occupiers of this dwelling. In addition, the indicative siting demonstrates a separation distance of 12m minimum would be achieved to the rear boundary and a distance in excess of 25m can be achieved from the windowed rear elevation of the properties in Eden Avenue. As such, a carefully designed dwelling would not, it is considered, result in any significant unacceptable detrimental impact on the occupiers of any neighbouring dwellings.

Highway Safety and Access

The access whilst not being considered at this outline stage is shown at 4.5m width (widened from its current layout) and a formal turning head is included which would be suitable for the shared private drive and its users.

The Head of Highways and Transportation has raised no objection to the proposal subject to the requirements specified in the Highways Observations (above).

Other Issues

Concerns have been raised in a letter of objection regarding the potential loss of Leylandi trees at the site. Whilst no information has been provided regarding the location of these trees, there are no records of any protected Leylandi on the site as such there is no requirement for the applicant to inform the Council of any works to these trees.

Conclusion

In conclusion, it is considered a carefully designed dwelling single storey dwelling with accommodation within the roof space rather than a traditional two storey dwelling could be accommodated on the application site without having any significant detrimental impact upon the visual and residential amenities currently enjoyed in the vicinity. It is also considered that subject to the careful siting and retention of the high quality protected trees on the application site a dwelling could be accommodated without any significant loss or damage to any protected tree around the proposed dwelling. The Head of Transportation and Engineering has not raised any highway objection subject to conditions.

However, fundamental concerns have been raised regarding the impact on the protected trees from the widening of the shared access driveway to 4.5m. Insufficient evidence by way of an arboricultural assessment/report of the tree/roots by a suitably qualified and experienced Arboriculturist has been provided to demonstrate that the 4.5m wide access drive can be constructed without causing an adverse impact on the protected trees and the visual amenity of the area. The proposal is therefore considered to contrary to the criteria of Policies EV1, EV2, EV30 and HC2 of the City and County of Swansea Unitary Development Plan 2008. Refusal is recommended.

RECOMMENDATION

REFUSE, for the following reason:

- 1 Insufficient information has been provided to demonstrate that the widening of the access required to serve the proposed development could be provided without resulting in material adverse impacts to the protected Yew trees (T2 & T3) and Copper Beech tree (T4), the loss of which would be detrimental to the visual amenity of the area, contrary to the provisions of Policies EV1, EV2, EV30 and HC2 of the City and County of Swansea Unitary Development Plan 2008.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV30 and HC2).

PLANS

NR T13/01 sit location and block plan, NR T13/02 indicative retaining wall plan dated 19th December 2013.