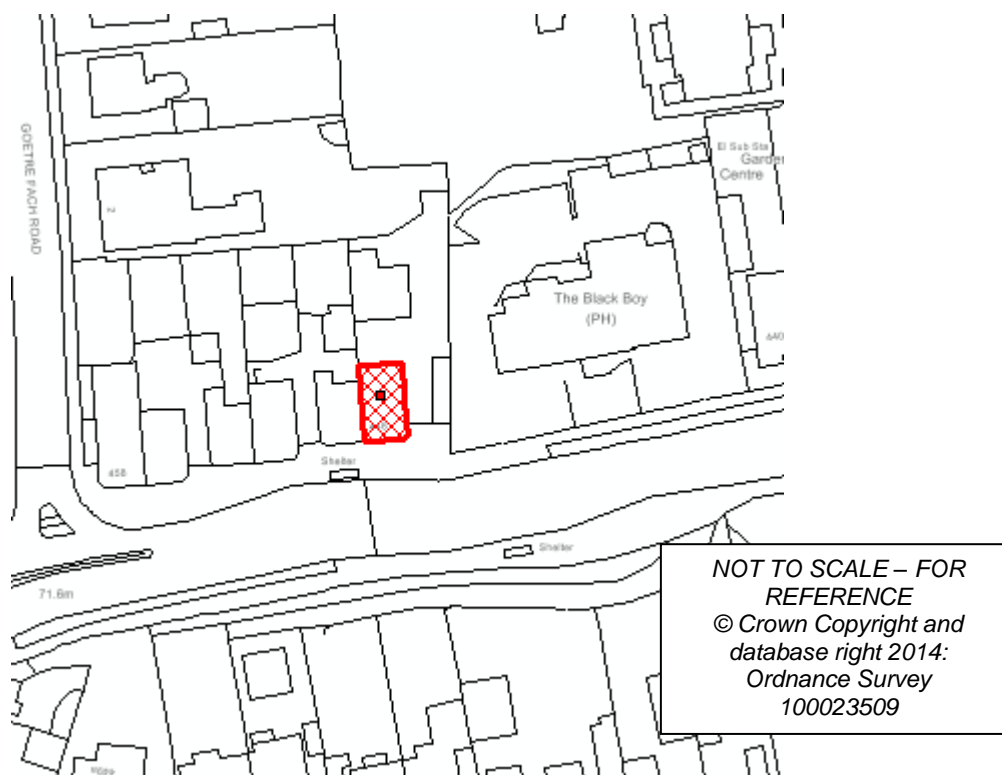


Planning Committee – 5th November 2019

Item 1 **Application Number:** 2019/1905/FUL
Ward: Killay South - Area 2
Location: 448 Gower Road, Killay, Swansea, SA2 7AL
Proposal: Change of use of the ground floor estate agents (Class A2) into cafe/wine bar (Class A3)
Applicant: Mrs Stephanie Watson



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.

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.

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Item 1 (Cont'd)

Application Number:

2019/1905/FUL

Site History App Number	Proposal	Status	Decision Date
2019/1905/FUL	Change of use of the ground floor estate agents (Class A2) into cafe/wine bar (Class A3)	PDE	
2019/1905/FUL	Change of use of the ground floor estate agents (Class A2) into cafe/wine bar (Class A3)	PDE	
97/0184	Change of use of first floor flat (class c3) to hairdressing/beauty salon (class a1)	APP	24.03.1997
94/6104	Retention of 2 no. internally illuminated fascia signs and 1 no. projecting sign	APP	14.11.1994
80/0999/03	Extension to betting shop to provide office accommodation	REF	31.07.1980
75/0393/11	Tea rooms on first floor	APP	29.01.1976
2014/0146	Change of Use from Video rental store (Class A1) to Estate Agents (Class A2)	APP	16.06.2014
2009/0514	Part demolition, conversion and extension to existing bakery to form a pair of 1 bedroom semidetached dwelling houses and external alterations including increase in roof height	APP	13.01.2010
2009/0102	Change of use from betting shop (Class A2) to hot food takeaway (Class A3)	REF	30.03.2009
2007/1546	Change of use from warehouse (Class B8) to taxi office and parcel delivery service	WDN	31.10.2007

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Item 1 (Cont'd)	Application Number:	2019/1905/FUL
2006/2571	Retention of use of premises as a taxi call centre	REF 30.01.2007

RESPONSE 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. 450 (ground and first floor units), 448 (first floor unit & workshop rear of) and 446 Gower Road and through the display of a site notice on 11th September 2019.

Five letters of objection were received which are summarised as follows:

1. There is a problem with parking in the area, especially in Goetre Fach Road;
2. Noise;
3. Adequate number of drinking and eating establishments within area;
4. The proposal will increase the levels of traffic with the need for taxis to bring customers to the café/wine bar and collect them;
5. Concerns with the proposed forecourt seating area;
6. Any external ventilation would be impractical and unsightly;
7. Bin storage at the rear of the premises would impose on car parking; and
8. Impact of residential amenity.

A petition of objection signed by 41 local residents from 39 separate addresses was also received objecting on the following grounds:

1. No parking on site with implications for additional late night noise affecting residential of Goetre Fach Road and flats in the nearby vicinity;
2. No parking facilities affecting residents of Goetre Fach Road and Gower Road;
3. Application factually incorrect as gates and access belong to another property; and
4. Forecourt area will cause clutter and restrict pavement area being in close proximity of the bus stop.

Nine letters of support were also received which are summarised as follows:

1. Love the sound of this. I live just around the corner. Killay is missing something like this;
2. Great, just down the road can't wait!
3. Regularly visit Killay from Gower and feel that this little cafe/wine bar would definitely benefit the community!
4. Great to see a small business be set up in an area which has nothing like it. It will create a positive vibe to the community and would offer support in various community projects;
5. Great to see a small business be set up in an area which has nothing like it. It will create a positive vibe to the community and would offer support in various community projects;
6. I fully support this change of use; I believe this would be very popular with the people of Killay and it will attract people to Killay which would be fantastic. Several businesses have closed in the area and we need to encourage the opening of new ventures in these vacant properties. Killay doesn't have a business like this already and I think it really needs somewhere that passionately sells good coffee, cake, food and wine. It is ideally situated by the bus stop too which would help the trade;

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7. This would be a great addition to the Killay square area, somewhere modern to grab a coffee when visiting the shops;
8. Small businesses need to be encouraged in our area not discouraged.

Pollution Control - No response, therefore assumed no objection

Head of Transportation and Engineering - No objection

Killay Community Council - Whilst we welcome the initiative to prevent the premise remaining vacant, and the potential to generate more employment in Killay, we would ask you to take the following aspects into account when you consider this application:

1. The lack of provision for any additional parking for customers of the proposed new wine bar. We consider that, contrary to the entry for item 9 on the application form, parking is relevant to this application.
2. The potential additional noise and disturbance to local residents from customers seated outside the premise in the evenings
3. The proposed outside area in front of the premises would have a potential effect on pedestrian movements. This cannot be assessed in detail given the fact that the plan accompanying the application does not show the limits of the proposed seating area. The applicant should be asked to provide more detail on this aspect of the application.

APPRAISAL

This application is presented to Committee for determination at the request of Councillor Jeff Jones. The 'objection threshold' of a petition containing a minimum of 30 signatures by persons from 30 different addresses has been passed.

Full planning permission is required for the change of use of a ground floor estate agency (Astleys Residential) into a café/wine bar. The site address is 448 Gower Road, Killay. The submitted Design and Access Statement (DAS) advises that the application property has been vacant for approximately 2 months (as of August 2019) and there has been no interest in the unit for retail use (Use Class A1). However expressions of interest have been received for an A3 use (hot food use).

The following self-explanatory supporting information has been provided by the applicant:

We require change of use of the ground floor (old Astleys office) into A3 suitable for a café wine bar. We wish to provide food and drink including alcohol 7 days a week, with reduced hours Sundays to Wednesdays with exceptions for peak times in holidays and bank holidays. At present the premises is empty, it was being used as Astleys estate agents previously.

This Venture is between myself and my brother, we would like to provide a high end café wine bar experience which we feel is missing from the Killay area.

We would like to use as many local suppliers as possible for every product that we buy and sell. We will hopefully like to use Olives and oils of mumbles for our fresh olives and cheeses etc, N.D John wine merchants as our wine suppliers, we would also like to have locally brewed craft beers and hopefully locally baked breads if we can find a suitable supplier.

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I currently own my own baking company working from home so I will supply all of the cakes and I will also supply a lot of the salads and savoury foods we are going to serve, I will be delivering fresh every morning therefor our kitchen at 448 Gower road will have minimal equipment (e.g. no fryers or hobs) just an electric grill, panini machine, soup urn, commercial microwaves, fridges and a freezer, dishwasher and adequate sink and hand wash facilities.

We will be needing to employ staff to help run our business with us, we would like to get local staff where possible, we will be needing bar and kitchen staff as well as possibly a cleaner. We hope to create at least 5 part time jobs and 2 full time (including myself and my brother) with possibly more full time positions once we are up and running and hopefully busy!

We would like to refurbish the interior of the premises to suit that of a café wine bar, removing 2 existing stud walls and adding a bar area and extra toilet with disabled access and baby changing facilities. The access to the fire escape at rear will remain the same. We want to tile the floor from front to back including bar area and toilets, and retain the flooring in what will be the kitchen area as it's in excellent condition, clean and non-slip. We are going to use timber to build our bar area with wooden work surface also and scaffolding shelving. We wish to re paint the exterior of the building white/off white and replace Astleys signs with our own.

There is a small exterior area at the front of the building which we would like to utilise as an outdoor seating area with approx. 3/4 tables, we would like to section this area off with a small picket style fence.

There is an access road at the side of the building which is gated, this gate would be unlocked and open during our opening hours to allow access for delivery drivers and also parking for up to 3 cars for staff only. There is also ample external area to the side or rear of the property for recycling bins to store rubbish until relevant collection days.

Main Issues

The main issues for consideration during the determination of this application relates to the principle of this type of use within the Killay District Centre, the impact of the proposal upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety having regard for the provisions of Policies SP2 (Placemaking and Place Management), RC5 (District Centres) and RC9 (Ground Floor Non-Retail Uses Within Centres) of the Swansea Local Development Plan and the Council's 'District Centres, Local Centres and Community Centres SPG'.

Policy PS2 of Swansea LDP requires development to enhance the quality of places and spaces and should accord with relevant placemaking principles.

Policy RC5 (District Centres) requires proposals 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.

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Policy RC 9 (Ground Floor Non-Retail Uses within Centres) notes that within 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.

Principle of Development

There are approximately 50 units within this recognised District Centre, which following the recent adoption of the LDP now extends from the north side of Gower Road at No. 468A (John Francis Estate Agency) to No. 414 Gower Road (Lloyds Pharmacy / Rogers & Co. Accountants).

Policy RC9 of the LDP deals specifically with ground floor non-retail uses within Centres. This policy states that 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. Regard should be had to the relationship of the proposal to other existing or approved non-retail uses, the effect upon the shopping function of the centre, the nature and design of the shop front and window, the location and character of the unit and/or site, the impact of the proposed use upon the amenity of adjacent or nearby residents and businesses, whether the development allows for, or retains the effective use of, upper floors and the likelihood of the unit remaining vacant for a significant period of time.

Notwithstanding the above, within Section 2.8.46 of the LDP, it is stated that a range of uses within Centres, in addition to Class A1 retail, can generate footfall and help maintain vibrancy and attractiveness. It is imperative that proposals maintain an appropriate mix and balance of uses, and fundamentally respect the primary shopping function. Further guidance on the appropriate proportions of Class A1 retail uses to be retained within primary and secondary frontages is provided in the adopted District Centres, Local Centres and Community Centres SPG, in the interest of avoiding any unacceptable deadening of the commercial frontage.

The proposal is assessed below having regard to the aforementioned criteria contained within Policy RC9 of the Swansea LDP.

- i. The relationship of the proposed unit to other existing or approved non-retail uses within the centre;

The SPG states that within District Centres, the minimum percentage of A1 shops to be retained within secondary frontages is 35%. The secondary frontage within Killay District Centre is defined between Nos. 458 Gower Road and the rear of No. 436 Gower Road and comprises of 15 units. The breakdown of the current units within this area comprise 4 Class A1 units (27%), 5 Class A2 units (33%), 3 Class A3 units (20%), 2 Class D1 unit (13%) and 1 sui generis use (7%). Whilst it is acknowledged that the percentage of units within this secondary frontage falls below the minimum percentage, the figure required, the approval of this application would not involve the loss of a retail A1 unit as the application property currently has a lawful A2 use. Furthermore, the proposal has the potential to generate high levels of footfall, commensurate with A1 uses that are typically located within the District Centre.

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- ii. The effect upon the shopping function of the centre, either individually or in combination with other non-A1 retail uses;

In this application, whilst it is acknowledged that the application site is located between an opticians (Class D1) and a laundrette (sui generis use), the SPG acknowledges that in general terms A3 uses are appropriate within District Centres. In this case, it is considered that the proposed use which is intended to operate during the daytime and into the evening (08.30 - 23.30 Monday to Friday, 08.30 to midnight on Saturdays and 09.00 to 22.00 on Sundays and Bank Holidays) would contribute to the centre's vibrancy.

- iii. The nature and design of the shop front and window display that is to be provided;

With regard to visual amenity, there are no alterations proposed to the front exterior of the building, apart from painting the front elevation of the ground floor. The existing shop front display window at ground floor level will be retained. It is proposed to provide a forecourt area with a small picket fence with 3 to 4 small tables with seating. No details has been submitted in respect of this part of the proposal. However the proposed boundary treatment to enclose the forecourt area can be controlled via a condition. Any such works would increase the vibrancy of this part of the district centre.

- iv. The impact of the proposed use upon the amenity of adjacent or nearby residents and businesses;

Whilst it is acknowledged that there are residential properties within the vicinity of the application premises, the unit is located within a hub of commercial uses. Therefore, it is considered that the level of activity associated with the proposed use is considered appropriate for the area and would not significantly harm the residential amenity of surrounding properties.

- v. Whether the development allows for, or retains the effective use of, upper floors;

The first floor of the property, which is used as a chiropractic clinic, does not form part of the current planning application and would not be undermined by the proposed development.

- vi. 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.

It was observed at the time of the Planning Officer site visit that the application premises was vacant. Criterion vi requires that marketing particulars including adverts details, offers, interested parties etc. should be submitted with the planning application. The submitted DAS indicates that the unit has been marketed since June 2019 and during this time there has been no interest in the premises as an A1 unit. Only A3 operators have shown an interest in the premises. However no marketing details have been submitted with this application to substantiate this claim.

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It must however be acknowledged that the proposal will not result in the loss of a retail unit, as the last lawful use of the premises was Class A2. With this in mind, and taking a flexible and pragmatic approach, it is considered that the proposed use would attract a high level of footfall akin to a Class A1 retail use or the existing Class A2 use, and retain an active premises frontage. This would ensure that the proposal would not result in an adverse impact upon the retail function of the secondary frontage that would be so harmful to warrant a recommendation of refusal on the failure to satisfy criterion vi alone.

Visual Amenity

As noted above, no external alterations are being proposed to the application building. However a forecourt area with a small picket fence with 3 to 4 small tables with seating is being proposed. No details have been submitted in respect of this part of the proposal. However the proposed boundary treatments (to enclose the forecourt area) can be controlled via a condition. As such, it is not considered that the proposed development would have any serious adverse impact on the character and appearance of the host building or the street scene.

Residential Amenity

As noted above, whilst there are some residential properties within the vicinity at the premises, the unit is located within a hub of commercial uses. Therefore, it is considered that the level of activity associated with the proposed use is considered appropriate for the area and would not significantly harm the residential amenity of surrounding properties, in terms of increased levels of noise and disturbance. However, it is also considered appropriate to condition the hours of opening in line with surrounding A3 late night uses.

Access and Highway Safety

The submitted DAS indicates that two car parking spaces would be provided at the rear of the application property for employees. However this land does not fall within the defined application site and therefore the use of this land for staff parking cannot be controlled by means of a planning condition.

The Head of Transportation and Engineering has therefore provided his comments on the basis that no parking provision would be provided as part of the application. These (summarised) comments are provided below.

The lawful use of the application property as an Estate Agent (Class A2) would have had a theoretical demand for car parking associated with it and thus the proposals for a café/ wine bar (Class A3) must be viewed in relation to that use with its associated deliveries/customers/staff movements. The site is in close proximity to a private car park (The Black Boy Public House) which operates as a pay and display car park and is also next to a bus stop which prohibits any car parking (and can be enforced against). The site is in the district centre of Killay which is well served by access to public transport routes and other varied local amenities.

Parking on street is not available immediately fronting the site but as mentioned there is a pay and display adjacent to the site (in the Black Boy Car Park) and also a short walk away is the main car park that serves the commercial units in Killay, and provides free car parking for up to 2 hours.

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Whilst it is unclear whether there is any dedicated car parking available to the rear of the site, this is the case with most of the other shops on Gower Road and in the shopping precinct. Customers rely on the available public facilities. There is no reason to consider that the use of the unit as a wine bar will give rise to any highway safety issues over and above the current lawful use.

It is noted from the DAS that the proposal comprises a small forecourt area for tables and chairs. Whilst the land appears to be in private ownership, it is adjacent to adopted highway and hence there is the potential to impact on the available space for pedestrians to pass.

On the basis that the Head of Transportation and Engineering has not raised any objections to the proposal (subject to a condition in respect of the extent of the forecourt area, to ensure that pedestrian movements are not compromised) it is considered that the proposal is not detrimental to highway safety.

Response to points of objection

The concerns raised in respect of car parking provision / highway safety, noise, number of existing A3 uses in the vicinity, the proposed forecourt seating area, fume extraction and ventilation and impact on residential amenity have been dealt with in the above sections of this report.

Conclusion

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

The proposal is considered to represent an acceptable form of development that would complement the existing offer in Killay and result in an increase of visitors throughout the day increasing footfall which will help improve the vitality, viability and attractiveness of Killay in compliance with Policies PS2, RC5 and RC9 of the Swansea LDP and the Supplementary Planning Guidance Document entitled 'District Centres, Local Centres and Community Facilities'.

RECOMMENDATION

APPROVE, subject to the following conditions:

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

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

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- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, received 14th August 2019. Proposed Floor Plans, received 27th August 2019.

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

- 3 This permission relates to the use of the ground floor as a cafe/wine bar only 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.

Reason: In the interests of the vitality and viability of the District Shopping Centre and the amenity of the area.

- 4 The proposed cafe/wine bar use hereby approved shall be restricted to 8.30am to 11.30pm Mondays to Fridays, 8.30am to midnight on Saturdays and 9am to 10pm on Sundays and Bank Holidays. No customers shall be allowed to remain on the premises outside of these times.

Reason: In the interests of the residential amenities of the occupiers of nearby residential properties.

- 5 Before the café/wine bar use hereby approved commences, full details of the boundary enclosures to be used to enclose the forecourt seating area to the front of the application building shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme of boundary enclosures shall thereafter be implemented before the proposed use commences. The approved scheme of boundary enclosures shall be maintained as such at all times whilst the forecourt area is in use as a seating area serving the café/wine bar use.

Reason: In the interest of pedestrian safety and general amenity.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, RC5 and RC9.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The Developer must contact the Highway Management Group , The City and County of Swansea , c/o The Guildhall, Swansea SA1 3SN before carrying out any work adjacent to adopted highway. Please email networkmanagement@swansea.gov.uk
- 4 Any external ventilation and fume extraction equipment may require the benefit of planning permission.
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Item 2 (Cont'd)

Application Number:

2019/1307/S73

LDP - ER11 - Trees, Hedgerows and Development

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

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

Site History

App Number	Proposal	Status	Decision Date
2017/0663/PRE	(PRE APP) for 4 detached dwellings with access to public open space	NEGP RE	09.06.2017
2017/1948/FUL	Development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering works	S106	01.08.2018
2018/1761/DOC	Discharge of conditions: 6 (drainage), 8 (management and maintenance of streets), 10 (CEMP), 11 (SWMP), 12 (CMS), 15 (tree & hedgerow protection), 16 (landscaping), 17 (hard & soft landscape works), 18 (Ecology), 19 (hedgerow management) & 20 (materials) of Planning Permission 2017/1948/FUL granted on 1st August 2018.	APP	23.11.2018
2018/1870/NMA	Non-Material Amendment to Planning Permission 2017/1948/FUL granted 1st August 2018 to allow removal of all chimneys, all drawings revised to show 225mm (from finished floor level)stone work plinth, revisions to Pembroke house type roof span, revisions to screen wall designs and revised finishes to Plot 1.	APP	12.10.2018
2019/0302/DOC	Discharge of condition 15 (tree and hedgerow protection) of Planning Permission 2017/1948/FUL granted 1st August 2018	APP	12.03.2019

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Item 2 (Cont'd)	Application Number:	2019/1307/S73
2019/0450/S73	Development of 61 dwellings with APP associated open space, landscaping, access arrangements, related infrastructure and engineering works (Variation of condition 2 of planning permission 2017/1948/FUL granted 1st August 2018 to allow for an amendment to the proposed highway works)	09.05.2019
2019/1307/S73	Development of 61 dwellings with PDE associated open space, landscaping, access arrangements, related infrastructure and engineering (Variation of Conditions 1 (Plans), 14 (Tree & Hedgerow Removal), 15 (Soft Landscaping), 16 (Landscaping Works), 18 (Hedgerow Management), 19 (External Surfaces) of planning permission 2019/0450/S73 granted 9th May 2019 to allow for hedgerow to be removed and replaced with suitable planting).	
2019/1446/DOC	Discharge of condition 13 (Street Lighting) of Planning Permission 2019/0450/S73 granted 9th May 2019	17.07.2019
2019/2094/NMA	Non-Material Amendment to Planning Permission 2017/1948/FUL granted 1st August 2018 to revise boundary treatments (fencing), revised finish materials to plots 7 and 53 (changed to stonework frontage) and plot 31 (timber cladding), revised boundary location to plot 37 with boundary finish to pumping station; revised fence type and position to plot 01 (from mesh fence to close boarded fence; housetype revision to plots 38 (Caernarfon stone clad) and 39 (Pennard timber clad) and revision of boundary treatment to the side of plot 58 (from fence to wall).	
75/0185/01	TEMPORARY CARAVAN (WHILE APP REPAIRS AND ALTERATIONS ARE CARRIED OUT TO HOUSE)	24.04.1975

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Item 2 (Cont'd)	Application Number:	2019/1307/S73
74/0906/01	DEMOLISH EXISTING COTTAGE WDN AND ERECT DWELLING	08.11.1974
2012/0800	Single storey side extension and APP addition of pitched roof to existing single storey side extension	31.07.2012

RESPONSE 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 adjacent neighbours on 14th June 2019. The application was also advertised by means of a site notice.

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

- Loss of habitat
- Planning regulations need to recognise the climate emergency declaration by the council
- Developers are ignoring the planning conditions
- The hedgerow acted as green buffering as the new houses are intrusive and overbearing.
- Object to the removal of the green buffer
- We were categorically assured that the hedgerow would remain along the length of the lane with two openings to allow access onto the housing development.
- The lane has lost its original character as pleasant lane
- Effect on the wildlife, nesting birds and hedgehogs.
- The whole development has changed the semi-rural character of the area and retention of the hedges is essential to maintain the rural corridor to Caswell woods and beach
- Adverse effect on local wildlife and biodiversity
- The Environment Act (Wales) 2016 requires all public authorities in Wales to seek to maintain and enhance biodiversity - includes the stepwise approach which requires that environmental impacts are at first avoided, then minimised, mitigated and as a last resort compensated for Therefore, existing hedgerows and other natural features should be retained wherever possible and be incorporated into the design of the site. The current planning application refers to replacement planting, but under this stepwise approach this should be an absolute last resort and therefore should not happen unless there really is no other option.

Ward Councillor

I must object to the removal of the hedgerow. The developer was aware of the protection of this hedgerow when they purchased the site. This is an ancient hedgerow and popular with birds and other wildlife and must be kept.

Gower Society

1. It is essential that as much of the original habitat is retained in this contentious development.

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Item 2 (Cont'd)

Application Number:

2019/1307/S73

2. The nibbling away of the imposed conditions should be given the utmost scrutiny as from our experience it can often increase the impact of a development.
3. The hedge in question provides a green screen of the new housing and we are informed that locals were assured that it would be retained and enhanced.

Head of Highways and Engineering

Application is submitted in relation to the hedgerow located along the south-eastern boundary fronting the highway to Summerland Lane. There are no highway objections to the variation subject to approved visibility splays being preserved as indicated on the submitted plans.

Tree / Hedgerow Officer

Initial Comments

The s73 application seeks to change the approved plans as it has been found that the retention of the south-east hedgerow is not possible. The required vision splay along the road necessitates part of the hedge to be removed. From the original plans this looked feasible but during construction it can be seen that the current hedge is no longer viable. Whilst the removal of the hedge will affect the local amenity in the short term, the replacement planting will result in a good quality hedge in the medium term and will provide mitigation. The proposed species composition is suitable for the hedge.

Final Comments

An amended Planting Plan & Hedgerow Management Plan was received.

The approved plans require 'half' of the hedge to be removed due to the vision splay. Removal to the rear of Plot 58 seems reasonable. This has been started on site and the effect on the hedge is evident. It should be noted that the existing hedge is poor. It is sparse and the woody species present have been cut to a short length, with species like bramble cut out. The remaining few woody species are at risk of dying and the proposed planting will improve and enhance the current hedge, notwithstanding the approved excavation. Although the existing hedge is poor it will contain a seed bank that should be retained wherever possible.

Ecology Officer

Initial Comments

Hedgerows are protected under Section 7 of the Environment (Wales) Act 2016, as habitats of primary importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Further:

- I would draw your attention to Council Policy ER 11: Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity or natural/cultural heritage value, or that provide important ecosystem services, will not normally be permitted.

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Item 2 (Cont'd)

Application Number:

2019/1307/S73

- The Ecological Management Plan (D Clements Ecology, Oct 2018) clearly states that the mature hedgerows bordering the site can be classified as 'important hedges' under the Hedgerow Regulations and also qualify as SINC habitat.
- In addition, 3.1.1 states that peripheral hedgerows will be retained as habitat corridors to ensure connectivity.
- As the hedgerow is 'Important', the LPA usually decide if the circumstances justify removal of an 'Important' hedgerow. Unless satisfied that removal is justified, the LPA must refuse permission and issue a hedgerow retention licence.
- New species rich hedgerow planting is proposed but the details are vague, other than a species list. Further details should be provided in an Outline Landscape and Ecology Mitigation Strategy.
- Timing of works - No timeline has been provided regarding the works to hedgerows.
- Efforts should be made to retain hedgerows within developments and this is the preferred option for this site. These retained hedgerows should be buffered from the surrounding development, and not incorporated into domestic boundaries. Where retention is not possible, a reasoning must be discussed with the LPA. If this is accepted then native, species rich hedgerows should be provided in compensation.
- When planting new hedgerows, it is important that the number and type of species planted are similar to other hedgerows locally. Ideally they should connect with existing hedgerows or woodland as this may help the movement of some species of wildlife. Once the development is complete, the way in which the hedgerow is managed will determine its value for wildlife and this should be considered in the overall design of the development.
- The ecological value of the site, could be significantly increased by hedgerow reinstatement / new planting within the existing gaps left along H1. This will mitigate for removal of sections of the hedgerow that have been undertaken already, and assist in improving habitat connectivity / create an ecological corridor between the site and other nearby hedgerows or woodland. Full details are required of the works that have been undertaken and the proposed hedgerow mitigation, together with a hedgerow management plan.

Further Ecology Officer Comments

An amended Planting Plan & Hedgerow Management Plan was received.

The proposals seem acceptable, although I am not clear who would be monitoring the success of the planting and carrying out the management plans. In terms of the proposed hedgerow species, I would like to see around 70% stock as hawthorn, inter-planted with approx. 25% whips/transplants of the other 8 proposed species with the addition of spindle (*Euonymus europeae*) and wild privet (*Ligustrum vulgare*). My preference would be for burnet rose (*Rosa pimpinellifolia*) to replace dog rose (*R. canina*). The remaining approx. 5% planting should be of hedgerow trees which hold their leaves e.g. oak planted in groups of 3-5 and elder in singles. Holly and rose should be planted in groups of 3.

Final Ecology Comments

Further information regarding the proposed hedgerow species was provided.

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There will be a gain in habitat, not a loss, and there should be biodiversity benefits in terms of more habitat available for various species. The hedgerow in question was species poor and consisted of mostly bramble which was cut back. This is being planted up with a good range of specified native species which, once established, will create a species-rich hedgerow habitat. Therefore there will be biodiversity gain and denser habitat provision.

APPRAISAL

The planning application is presented to Planning Committee for determination, as the original planning permission to which this variation relates, has a site area exceeding 2 hectares.

Planning permission is sought to vary Conditions 2 (approved plans), 14 (Tree & Hedgerow Removal), 15 (Soft Landscaping), 16 (Landscaping Works), 18 (Hedgerow Management), 19 (External Surfaces) of planning permission 2019/0450/S73 (granted 9th May 2019) to allow for a hedgerow to be removed and be replaced with suitable planting.

The application relates to the hedgerow located along the south-eastern boundary of the site, fronting Summerland Lane and part of a hedgerow that runs perpendicular to the site frontage.

The previously approved plans showed that the original frontage hedgerow would be required to be partially removed, in order to ensure a suitable visibility splay could be provided in a westerly direction for vehicles leaving the site. Since the determination of the original application, it has become apparent that the extent of the hedgerow being proposed to be removed, in order to provide the required visibility splay would leave the hedgerow unviable.

The proposed replacement hedgerow will be maintained at a height of 0.6m within the western visibility splay serving the main site egress and then 1.5 metres outside of this visibility splay. The perpendicular hedgerow can be of an unstricted height, which will be specified within a Management Plan.

The main issues for consideration in this instance therefore are the impacts of the proposed development on the ecology of the area having regard to the provisions of policies ER8 and ER11 of the adopted Local Development (Feb 2019). There are no overriding matters with regard to the provisions of the Human Rights Act.

Section 73 procedure

As a Section 73 application, the Local Planning Authority shall consider only the question of the conditions subject to which planning permission should be granted, and:

- a) If they decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly, and
- b) If they decide that planning permission should not be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.

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Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

An application under Section 73 may only be made where the original permission is still live. Where an application has expired, a fresh application for planning permission is required and the Authority would not be restricted on considering the conditions only. Case law has established however, that determination of a S73 application beyond the expiry of the application can be made, provided the application was made prior to the expiry of the application.

Ecology / Trees / Hedgerows

The application relates to the hedgerow located along the south-eastern boundary fronting Summerland Lane, and part of the hedgerow which extends between plots 58 and 59 (perpendicular to Summerland Lane)

The submitted Planting Plan and Hedgerow Management Plan states that the former hedge bank will be reinstated, to be built up with subsoil reused from the original bank and finished with top soil. This will include the seed bank from the original hedge.

A number of the existing plants (hawthorn and blackthorn) will be translocated into the new hedgerow. New native planting will be planted to fill in the gaps. The proposed replacement hedgerow fronting Summerland Lane will be maintained at a height of 0.6m within the visibility splays and then 1.5 metres outside of the visibility splays.

The Council's Ecologist and Tree Officer have confirmed that the proposed new hedgerow and bank are acceptable and will sufficiently mitigate for the loss of the original hedgerow. It is considered that there will be a gain in habitat, not a loss, and there should be biodiversity benefits in terms of more habitat available for various species. The hedgerow in question was species poor and consisted of mostly bramble.

The proposed hedgerow will be planted up with a good range of specified native species which, once established, will create a species-rich hedgerow habitat. Therefore there will be biodiversity gain and denser habitat provision.

Whilst it is considered that the loss of the original hedge is regrettable, the new hedgerow will eventually grow to provide a suitable replacement hedgerow which will provide an enhanced habitat for the local wildlife, and is considered to be a nett gain in terms of biodiversity and habitat provision, and as such, meets the requirements of the 2016 Environment Act.

The new hedgerow will be managed by the Management Company responsible for the completed development. The details of the management plan are required via the S106 agreement which states that *"the owner covenants with the council to submit and implement the management plan for the retained trees, new trees and planting, existing hedgerows, local areas of play, open spaces and sustainable urban drainage system (SUDS) including soakaways and pumping station prior to the occupation of the first residential unit"*.

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The visual impact of the loss of the hedge is highly noticeable, however, the proposed hedge is considered to be suitable to mitigate against the loss and, once planted, it will grow over time to become an asset to the locality and will provide a suitable habitat to accommodate additional species, and will result in a net gain in terms of biodiversity.

As such, the application is considered to be acceptable in this regard.

Response to Consultations

Matters relating to the loss of habitat, biodiversity, wildlife, visual impacts, loss of the existing hedge have been addressed in the proceeding paragraphs of this report.

Any matters relating to the developer ignoring planning conditions are an enforcement matter and have no bearing on the determination of this application. However, it should be noted that this application seeks to remedy a breach of planning control.

Any climate emergency declaration by the Council is not a material planning consideration with regard to this application.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the proposal to allow for hedgerow to be removed and replaced with suitable planting is considered to be acceptable in terms of its impact upon the ecology of the area and complies with the provisions of policies ER8 and ER11 LDP.

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

RECOMMENDATION

APPROVE subject to the following conditions and the applicant entering into a S106 Planning Obligation (or deed of variation) to provide S106 Planning Obligation to provide:

- 31 Affordable housing units (51%) on the site comprising 12 social rent units (38%) provided at 42% ACG and DQR compliant, and 19 low costs home ownership (intermediate) (62%) provided at 70% ACG and DQR compliant. The design and specification of the AH units shall be of equivalent to those used in the local needs open market units. The AH shall be dispersed across the site in accordance with the layout shown on the approved plan: 17023(05) 102 Rev G - Proposed Site Plan received on the 1 December 2017.

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- Maintenance and Management plans for the retained trees, new trees and planting, hedgerows, LAPS, opens spaces, and sustainable urban drainage system (SUDS) (including soakaways and pumping station).
 - Highways:
 - a) Prior to any works commencing on site, the access only signage at either end of Caswell Avenue shall be erected.
 - b) At 50% occupation of the dwelling houses, the remainder of the works as outlined on Vectos drawings W17032_A06 and 18_P_017 - Summerland Lane / Newton Highway Improvements Section 106 TCPA 1990 Variation Plan to be implemented and brought into beneficial use.
 - A Management and monitoring fee of £4,020 (based on 20% of the planning application fee).
 - The Council's legal fees of £1000 relating to the preparation of the S106 agreement
- 1 The development shall be carried out in accordance with the following approved plans and documents:
- 17032(05) 100 Rev B - Site Location Plan
17032(05) 106 - Boundary Type A Details
17032(05) 107 - Boundary Type B Details
W173072-AT_B01 Rev A - Refuse Vehicle Swept Path Analysis, received on 1st September 2017.
- W173072_AT_C03 Rev D - Refuse Swept Path Analysis For private Drive Access from Summerland Lane, received on 3rd October 2017.
- W173072_AT_D01- Site Internal Swept Path Analysis_Refuse vehicle site spine road swept path analysis
17032(05) 215 Rev D - Cennen House Type – Timber, received 15th November 2017.
- 2979_220 Rev A - Setting Out Information
2979_211 Rev A - Long Sections - Sheet 2
2979_210 - Long Sections - Sheet 1
2979_100 Rev D - Drainage Schematic
17032(05) 108 Rev A - Refuse Strategy, received 21st November 2017.
- 17032(05) 105 Rev D - Materials and Enclosures Layout
17032(05) 102 Rev G - Proposed Site Plan, received 1st December 2017.
- W173072_A06 - Newton Road Zebra Crossing, received 6th December 2017.
- 17032(05) 109 - Boundary Type C Details, received 11th December 2017.

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Drawing No. NB55.C.S Caernarfon House Type, Stone,
Drawing No. NB55.C.R Caernarfon House Type, Render,
Drawing No. NB55.PL.CS1 Camrose House Type, Gable Fronted,
Drawing No. NB55.PL.CS2 Camrose House Type,
Drawing No. NB55.PL.CW.S Carew House type, Stone,
Drawing No. NB55.PL.CW.T Carew House Type, Timber,
Drawing No. NB55.CE.S Cennen House Type, Stone,
Drawing No. NB55.CE.T Cennen House Type, Timber,
Drawing No. NB55.D Dinefwr House Type,
Drawing No. NB55.PL.H1.S Harlech (with integ) House Type, Stone,
Drawing No. NB55.PL.H1.T Harlech (with integ) House Type, Timber,
Drawing No. NB55.PL.H2.S Harlech House Type, Stone,
Drawing No. NB55.PL.H2.T Harlech House Type, Timber,
Drawing No. NB55.O.R Oystermouth House Type, Render,
Drawing No. NB55.O.R Oystermouth House Type, Render,
Drawing No. NB55.PL.PB Pembroke House Type,
Drawing No. NB 55.P.02 Pennard House Type Elevations,
Drawing No. NB55.P.01 Pennard House Type Plans,
Drawing No. NB55.PL.1B2P 1B2P Apartments,
Drawing No. NB55.PL.2B3P 2B3P Bungalow,
Drawing No. NB55.3B5P.R 3B5P House Type, Rendred,
Drawing No. NB55.3B5P.T 3B5P House Type, Timber,
Drawing No. NB55.PL.G.01 Garages (Sheet 1),
Drawing No. NB55.PL.G.02 Garages (Sheet 2) received 28 August 2018

18_P_017 - Summerland Lane / Newton Highway Improvements Section 106 TCPA 1990 Variation Plan, received 26th February 2019.

Drawing Number NB55.90.001 Rev E External Finishes Plan, received 7th June 2019

NB55.PL.201 Cross Sections - Hedgerow; NB55.PL.200 - Block Plan - Hedge line to Summerland Lane, received 17th July 2019

399.01 REV E - Planting Plan and Hedgerow Management, received 8th October 2019.

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

- 2 The dwelling-houses identified as "local needs housing" shall not be occupied otherwise than by a person with a local connection, or the widow or widower of such a person and any dependents of such a person living with him or her, unless the property has been marketed for sale for a period of at least 16 weeks at market value price and at the end of the 16 week period a person with a local connection has not been identified as a purchaser.

This process must be repeated for every successor in title (repeat sale) to each individual dwelling. In this condition the following definitions apply:

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'Person with a Local Connection' means an individual who before taking up occupation of the dwelling satisfies one of the following conditions:

(1) The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week immediately prior to occupation; or

(2) The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or

(3) The person has been continuously resident in the Locality defined for three years immediately prior to the occupation of the dwelling and is in need of another dwelling resulting from changes to their household as detailed in informative 1 below:

- The 'Locality' is defined as the Council's administrative wards of Newton, Bishopston, West Cross, Mayals, Oystermouth, Gower, Pennard and Penclawdd.

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or chargee or any receiver appointed by such a mortgagee or chargee or any person deriving title through such a mortgagee, chargee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) meet an identified local social or economic need.

- 3 The dwelling-houses identified as "local needs housing" shall only be occupied by a person as his or her Only or Principal Home. The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed. In this condition, the following definition applies:

An 'Only or Principal Home' is a dwelling house that is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a holiday home, second home or for short term let accommodation.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) is used as the occupier(s) only or principal home.

- 4 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made within the foul water public sewer at manhole SS59876901 located in Summerland Lane (as indicated on Welsh Water's Sewerage Network Plan).

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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- 5 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

2979-251c - Section 104 Layout
2979-232 - Catchpit Detail
2979-231a - Drainage Construction Details
2979-225 - Manholes Schedules - Surface (Sheet 2)
2979-224 - Manholes Schedules - Surface (Sheet 1)
2979-223a - Manholes Schedules - Foul (Sheet 3)
2979-222b - Manholes Schedules - Foul (Sheet 2)
2979-221 - Manholes Schedules - Foul (Sheet 1)
2979-214a - Rising Main Long Section
2979-213a - Drainage Sections - Foul (Sheet 2)
2979-212d - Drainage Sections - Foul (Sheet 1)
2979-211c - Long Sections - Sheet 2
2979-211a - Long Sections - Sheet 2
2979-210a - Long Sections - Sheet 1
2979-202 - Drainage Layout - Sheet 2
2979-201a - Drainage Layout - Sheet 1
2979 252a - Pumping Station Details & Access
Pump Station Design Specification, received 9th August 2018

2979_202b - Drainage Layout Sheet 2
2979_201c Drainage Layout - Sheet 1
Terra Firma Letter Re Soakaway Drainage, received 5th November 2018

Soakaway Drainage Calcs, received 16th November 2018

Management Proposal, received 19th November 2018

The agreed drainage scheme shall be implemented before the dwellings hereby approved are brought into beneficial use. The drainage scheme shall be retained and maintained as approved.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D and E of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the surface-water system is not designed to accommodate.

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- 7 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

Cyclical Maintenance Landscaping & Roads
Cyclical Maintenance & Inspections Guidance
Received 9th August 2018

NB55.MC.002 - Management Company Controlled Areas Plan 02
NB55.MC.001a - Management Company Controlled Areas Plan 01
Extract From Title Transfer Doc
Companies House - Management Company Registration
Management Proposal
Received 19th November 2018

Intervention Levels and Response Times received 20th November 2018

The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

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

- 8 All garages shall be made available for the parking of vehicles at all times and shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on-site car parking provision in the interests of highway safety.

- 9 The development shall be completed in accordance with the details approved under Discharge of

Condition application 2018/1761/DOC approved on 23rd November 2018, namely:
Construction Environmental Management Plan (CEMP)
Utilities (Existing & Proposed), received 5th November 2018

The development shall be implemented in accordance with the details thereby approved. Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

Reason: In the interests of prevention pollution to controlled waters and the wider environment.

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- 10 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

Site Waste Management Plan
Overall Programme
Traffic Management
SWMP Review Stages
SWMP Design Stage Decisions
SWMP Waste Groups
SWMP Waste Record
SWMP Mid Job Review
SWMP End of Job Review
Waste Management Policy, received on 9th August 2018

The development shall thereafter be carried out in accordance with the details contained within the approved SWMP.

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

- 11 The development shall be completed in accordance with the details approved under Discharge of

Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

NB55.TM.03 - Drainage Traffic Management Plan
NB55.TM.02 - Traffic Management Plan
NB55 TM 01 - Temp Traffic Management Plan
Utilities (Existing & Proposed)
Public Liability Insurance Letter
CMS (CTMP)
Vehicular Access to Site
Overall Programme, received 5th November 2018

The approved statement shall be adhered to throughout the construction period.

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

- 12 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development, and also in the interests of highway visibility.

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- 13 The development shall be completed in accordance with the details approved under Discharge of Condition application 2019/1446/DOC approved on 16th July 2019, namely
- 14.66.305 - STREET_LIGHTING_DESIGN, received 21st Jun 2019
SD_G027_1 - Cable and duct trench and trench reinstatement, received 21st June 2019
- Reason: In the interests of pedestrian and highway safety.
- 14 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, and 2019/0302/DOC, namely
- Tree Survey
Tree Constraints Plan, received 5th November 2018
- Cellweb 75~200mm Gravel Overfill Surface Standard Detail
Cellweb-Trp-Ams (1) Tree Root Protection
Cellweb Trp - Key Details, received 9th November 2018
- Email from Martin Pretty to Lucy Kelly & Alan Webster dated 19 November 2018 entitled Tree Protection Plan, (including text of email dated 12th November 2018)
- Temp Access Root Plan received 23 November 2018.
- AND
- Tree & Hedgerow Protection Plan
Tree Protection Plan, received 7th June 2019
- NB55.PL.201 Cross Sections - Hedgerow; NB55.PL.200 - Block Plan, received 17th July 2019
- 399.01 REV E - Planting Plan and Hedgerow Management, received 8th October 2019.
- No development or other operations shall take place other than in complete accordance with the approved tree and hedgerow protection scheme.
- Reason: To ensure that reasonable measures are taken to safeguard trees and hedgerows in the interests of local amenity and biodiversity.
- 15 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:
- 2979-200B - External Works received on 9th August 2018
Received 13th November 2018
- AND
- NB55.PL.201 Cross Sections - Hedgerow; NB55.PL.200 - Block Plan - Hedge line to Summerland Lane received 17th July 2019

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399.01 REV E - Planting Plan and Hedgerow Management received 8th October 2019.

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

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

- 16 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

2979-200B - External Works received on 9th August 2018

AND

Drawing Number NB55.90.001 Rev E External Finishes Plan received 7th June 2019

NB55.PL.201 Cross Sections - Hedgerow; NB55.PL.200 - Block Plan - Hedge line to Summerland Lane received 17th July 2019

399.01 REV E - Planting Plan and Hedgerow Management received 8th October 2019.

The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following the completion of the development. The completed scheme shall thereafter be managed and maintained in accordance with a scheme of management/maintenance to be agreed in writing by the Local Planning Authority before development commences on site.

Reason: In the interest of protecting visual amenity.

- 17 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

Biodiversity Management Plan Received 5th November 2018 and Ecological Management Plan received 9th November 2018.

The development shall be implemented in strict accordance with Section 6 (Recommendations) and specifically section 6.13, of the Ecological Assessment by David Clement Ecology received on the 1st September 2017, and Section 7 (Protected Species Mitigation Plan) of the Dormouse Survey and Protected Species Plan Mitigation by Hawkswood Ecology received on 1st September 2017 and the Addendum to Dormouse Survey and Protected Species Mitigation Plan by Hawkswood Ecology received on the 13th November 2017.

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Reason: In the interests of protecting retained habitats and wildlife on the site during the construction process.

- 18 The development shall be completed in accordance with the details shown on 2979-200B - External Works, received 9th August 2018 (approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018)

AND

NB55.PL.201 Cross Sections - Hedgerow; NB55.PL.200 - Block Plan - Hedge line to Summerland Lane received 17th July 2019

399.01 REV E - Planting Plan and Hedgerow Management received 8th October 2019.

The hedgerow works shall be implemented in strict accordance with the approved details within the first planting season following the date of this decision notice. The translocated and enhanced sections of the hedgerows shall thereafter be maintained in accordance with the agreed Hedgerow Management Plan.

Reason: In the interests of visual amenity of the streetscene.

- 19 19 The development shall be completed in accordance with the details approved under Discharge of Condition application 2018/1761/DOC approved on 23rd November 2018, namely:

2979-200B - External Works received on 9th August 2018

AND

Drawing Number NB55.90.001 Rev E External Finishes Plan received 7th June 2019

NB55.PL.201 Cross Sections - Hedgerow; NB55.PL.200 - Block Plan - Hedge line to Summerland Lane received 17th July 2019

399.01 REV E - Planting Plan and Hedgerow Management received 8th October 2019.

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

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

Informatives

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 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: ER 8 and ER 11.

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3 Local Needs Housing information in association with conditions 2 and 3:

1. The circumstances where a person needs another dwelling resulting from changes to their household are (but not limited to), getting married, divorced, having children, requiring more space for a growing family, downsizing to a more manageable home or adult children forming new households and purchasing a property for the first time, or where a person is returning to the Locality defined within 12 months of the completion of undertaking full-time post-secondary education or skills training.
2. If after a period of 16 weeks of marketing of a local needs dwelling at an estate agents in the Locality (as defined in the Condition) and advertising on a well-used property agency website, there are no appropriate offers of purchase from a person with a local connection, the property may be marketed to, and subsequently purchased by, a person that does not meet the local need criteria. Any subsequent re-sale of the local needs dwelling will be subject to the local needs occupancy restriction in order to ensure that the property will continue to provide a potential opportunity to address any future local need in the Locality.

4 Construction Noise

The following restrictions should be applied to all works of demolition/construction carried out on the development site.

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

Dust Control

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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Lighting

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

5 Management and Maintenance of Estate Streets

The applicant is advised that to discharge this condition, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please contact the Team Leader (Development), e-mails to mark.jones@swansea.gov.uk. Tel no: 01792 636091

S278 Agreement - The new accesses/new footpath will need to be constructed to Highways Authority Standards and Specification under a Section 278 Agreement with the Highways Authority.

6 Natural Resources Wales (NRW)

In relation to condition 9 (CEMP), in addition, prior to commencement of works (particularly before stripping the land) NRW request that the applicant / developer contacts; Mr Chris Palmer (NRM Officer) to discuss pollution prevention measures. He can be reached via email at: Chris.Palmer@cyfoethnaturiolcymru.gov.uk, or telephone on: 0300 0653 293.

In relation to condition 10 (SWMP), any waste materials that are generated on site must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW.

In relation to condition 17 - Ecology - if any roosts or nests are found on the site, then work must stop immediately and NRW contacted for further advice.

7 Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

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The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
