

Item 1 (Cont'd)

Application Number:

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LDP - PS2 - Placemaking and Place Management

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

LDP - RP2 - Noise Pollution

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

LDP - RP3 - Air and Light Pollution

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

LDP - SI1 - Health and Wellbeing

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

LDP - SI8 - Community Safety

LDP - ER1 - Climate Change

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

LDP - ER2 - Strategic Green Infrastructure Network

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

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

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

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LDP - T2 - Active Travel

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

LDP - T6 - Parking

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

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

Site History

App Number	Proposal	Status	Decision Date
2020/0140/FUL	Change of use from residential dwelling to 8 bed HMO with increase in ridge height of existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation	APP	16.03.2020
2020/0166/FUL	Change of use from residential (Class C3) to serviced accommodation (Class C1) with increase in ridge height of existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation	APP	16.03.2020
84/0708/03	2 storey rear extension – bedroom/bathroom	APP	28.06.1984

Procedural

This application is reported to Planning Committee as it has been 'Called In' by Councillor David Phillips and meets the threshold set out in the Council's Constitution.

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The application was considered at the Planning Committee on 13th April 2021 but deferred to allow for further information and clarification of points. Further details of the update are provided in the main body of the report below.

Description

Full planning permission is sought for the change of use from a residential dwelling to children's home (Class C2) with an increase in the ridge height of the existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation.

Recent Planning History

2020/0140/FUL: Change of use from residential dwelling to 8 bed HMO with increase in ridge height of existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation - Approved 16/03/2020

2020/0166/FUL: Change of use from residential (Class C3) to serviced accommodation (Class C1) with increase in ridge height of existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation - Approved 16/03/2020

Assessment of the immediate area

Oystermouth Road is a mixed-use area characterised by substantial terraced properties which have traditionally been used as commercial and hotel accommodation. This stretch of Oystermouth Road contains a range of uses, including residential, HMOs, flats, hotels/guest houses, as well as public houses/restaurants. The surrounding streets are still very much residential in nature, being high-density terraced housing, and as such, the principle of residential use in this area is supported in principle. The application building itself is a large residential property (set over 3 floors) that has provided at least seven bedrooms. The rear of the properties at this section of Oystermouth Road predominantly provide car parking areas accessed from a rear lane. The application property itself can provide access from the rear lane (as existing). No off street parking is currently provided, however it is proposed to create two off street parking spaces to serve the proposed use.

The proximity of the application site to the City Centre, which is within easy walking distance also provides sustainable transport links from the bus station and train station, for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east. In addition, there are good cycle linkages in the vicinity of the site.

Response to consultations

Public Response- The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a notice at the site dated 26th February 2021 and neighbour consultation letters. **72 LETTERS OF OBJECTION, 16 LETTERS OF SUPPORT, 1 LETTER OF COMMENT, A PETITION OF OBJECTION WITH 48 SIGNATURES** have been received, the main points raised in the objections letters are summarised briefly below, the full comments received are available to read on the public website:

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Letters of Objection

1. The property does not have adequate provision for parking.
2. Increase on street parking.
3. The road to the rear is narrow and does not allow for 2 cars to pass.
4. Vehicles blocking the entrance have caused difficulties to the residents of Pearl Court in entering/leaving their car park.
5. Oystermouth Road has seen an increase in rate of crime, drug use and antisocial behaviour.
6. Noise nuisance from building work.
7. Not the right place to put a children's home where children/young adults could be influenced by the antisocial issues and behaviour.
8. Not safe to put vulnerable children and young adults in an area with known problems.
9. A children's home on a busy main road is not the best idea.
10. Safeguarding issue due to antisocial issues in the area.
11. Will affect the livelihood of those who run and own the hotels as will deter tourists from living close to a children's home.
12. Need to attract tourists back.
13. Holiday accommodation in this area should be increased not diminished.
14. Local residents have enough problems in the area without adding to it.
15. This area is already struggling and the neighbourhood feels unsafe, residents scared to walk down the street. Approval of this application will add to the problems.
16. Police constantly at Oystermouth Road due to antisocial issues and behaviour.
17. Location of property is close to 2 local primary schools and would have a detrimental impact on those children attending.
18. Not suitable for the area or community.

Support

1. Support this project. It is a worthy cause and something that should be backed.
2. Much needed facility.
3. These children will be well cared for and nurtured.
4. It could bring a fresh outlook to the area.
5. Concerns due to current misuse of the area is all over Swansea and not solely this area.
6. Children need our support and having a home in Swansea that would keep them safe with support is much needed.
7. Perfect location close to all the activities the sea front offers.

Petition of Objection (48 signatures)

We the residents of the Sandfields area and neighbours of 260 Oystermouth Road strongly object to the change of use of this property to a Children's Home. Currently at the adjoining properties and wider across the Sandfields area there are known issues related to drug and alcohol abuse as well as anti-social behaviour that the Safer Swansea Partnership Team has been attempting to address for over some 12 months. Placing a Children's Home alongside this setting is not the right thing to do as such behaviour would set no example and possibly expose the children to replicate or join in with such behaviours.

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As a Community we have endured antisocial behaviour for several years which has sent absolute fear throughout our Community with most of our vulnerable residents including the vulnerable elderly afraid to step outside their front door and our Community spirit is currently almost wiped out.

The Community have tried to engage with the Council and the Safer Swansea Partnership to request that they do what they can to reinstate our Seafront and support tourism - NOT to have a Seafront that supports the Judicial system and Prison outreach services etc. The Council are investing significantly in tourism with the new arena just yards from the troubled row of properties. Yet again as a Community we make a plea to the Planning Committee NOT to approve this application for the sake of the Health and Wellbeing of our Community, the safeguarding of children and to support reinstating one of the Council's aims re "Strong Communities - To build strong communities with a sense of pride and belonging".

Comments from other consultees are as follows:

Highway Authority

The current lawful use of the property is as a large single dwelling with no parking. Proposals are for the retention and completion of change of use from residential (C3) to a children's home (C2).

The application site is located on Oystermouth Road, a busy thorough fare and one of the main routes in and out of the City Centre. Strict parking regulations are in force on Oystermouth Road. The surrounding streets are controlled by limited time parking and resident only permit bays. The time restrictions and the permit holder bays are subject to civil enforcement should any indiscriminate parking occur. The area is regarded as highly sustainable with excellent transport links and within easy walking distance of a range of amenities within the city centre core and a local shopping district on St Helen's Road. Parking is required for staff and the applicant is providing a dedicated area to the rear of the property for two cars and cycle parking, the inclusion of the latter facility will ensure that non car owners are also catered for. The provision of parking and cycle parking can be secured by a condition. It is felt that visitor parking can be accommodated on street.

A revised plan PC19/45/4A was submitted on 18th March 2021 indicating that parking bays of 2.6m x 4.8m can be achieved, which comply with current standards, are achievable.

On balance, given that the site lies within easy walking distance of a range of facilities within the City Centre with a frequent bus route, access to the train station, and provision will be made on site for cycle storage to support sustainability to reduce the dependency on the car, it is not considered that the application will result in any adverse effects on local car parking and highway safety over and above the existing use of the property that can be demonstrated as so harmful to warrant a recommendation of refusal.

On that basis, there are no highway objections subject to

1. Prior to the beneficial occupation of the premises commencing, the two car parking spaces, the covered and secure cycle parking as indicated on the proposed block plan drawing shall be fully laid out, installed and be available for beneficial use and shall thereafter be retained in perpetuity.

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Social Services

Following internal consultation with the Council's Social Services Department, the comments received are summarised below:

1. The first point to note is that there is already a surplus of children's homes and beds in Swansea.
2. At any given point in time, we typically need approximately 30 children's home placements. One of our strategic objectives for the coming years is to reduce this number further to around 20.
3. At the end of February there were 57 beds already available in Swansea. As we do not have the demand to fill the available beds, independent providers are accepting children and young people from other authorities.
4. Children in residential care have a range of complex needs. Swansea cannot support an ever increasing number of children who are coming to the area from other parts of the UK. The services children in these settings require - e.g. special school placements, specialist mental health services - are at capacity already and creating more demand will only exasperate problems.
5. The area being proposed is situated on a busy road, and in an urban area with a number of social issues compared to other areas in the Council.
6. This is not an area we would currently consider a safe location for operating a home. We would, as a result, be unlikely to commission a place from a children's home in this area.

Support Statement from Applicant

In support of the application a statement has been submitted by the applicant. In brief the main points are provided below:

The home will provide support and accommodation for up to five children this may be reduced in accordance with CIW regulation and advice. The children and young people between the ages of eight and fourteen where living in a normal living arrangement becomes unavailable to them. Sea Breeze home is set in a desirable location in the heart of Swansea. Sea Breeze is set overlooking Swansea beach with outstanding views of the sea front and mumbles. Sea Breeze location is within walking distances of the city centre, accessibility to trains and buses along with Museum, theatre, leisure centre, out-door swimming pool, indoor Olympic swimming pool, cycle track, woodland walks, beach, cinema, gym, golf, tennis, rugby, football, cricket pitches all located on the doorstep of Sea Breeze.

Services and Objectives

Our main aim is to make sure all young people can live life to the fullest with daily support and guidance from staff on a one-to-one basis. The one-to-one support will be the foundations to provide a high-quality level of care and support which aids positive outcomes, to ensure the child and young people reach their full potential, achieve their goals and to prepare them for their future.

Our aims to support the community

The high level of support for children and young people in our care alongside our ethos and bespoke services will help support local activity centres, clubs and library. The children will be supported on a one-to-one basis in the community that will reduce the risks in the community that may present.

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Approximately twenty-five internal and external jobs will be supported at full capacity of the home. The job vacancies will be supported by training and qualification in children and young people health and wellbeing to further develop careers and support employees that may live in the community. We will provide funding and training for staff in local approved centres that provide qualification in this sector.

Parking and access

We understand that parking facilities are limited in the community and some objections have raised worthy concerns in relation to the matter. We have completed an assessment to reduce the need for additional spaces. We currently have access to two off road parking spaces at the rear of the property. This will be used for two vehicles, to reduce any additional spaces needed we will make use of the two vehicles to transport staff to an allocated collection point for example bus and train station, home, car parks. In addition, we also have an agreement with a local transportation company that can also provide the same service in a highly unlikely event. Also, the location of the home is easily assessable via bus and walking distance from bus station. This would also strengthen local transportation companies by paying customers.

Definition and clarity

We understand that objection have been made in regard to the change of use as some of the community have stressed, they feel it is not best suited. We would like to state our organisation operate openly and would like to provide transparency to the community especially with concerns raised. We understand some of the objections stated are intentionally of a good nature and our organisation welcomes and respects all objections and hopefully we have provided more clarity in this statement of understanding how the service operates and our intentions. We would like to provide clarity on the service we provide but also respecting the potential services users and local community however, we would like to remind everyone involved in this process to remain respectful and refrain from comments and objections that have been unpleasant or discriminatory towards children and young people.

We also would like to say children and young people in local authority care have be widely scrutinised and made a targeted of in the media. We understand some services providers across the UK have been widely publicised due to children and young people within their care that have shown high risk behaviours and subsequently shown strain on local communities. It is important in this process that all children in care are not tarnished with the same brush that is portrayed in the media. We would like to say all children have the right to live in an environment that is safe and promotes their safety, health and wellbeing.

We are aware that some objections have perhaps speculated on the type of services users that will be accommodated that could add to the suggested problems the community faces.

We have provided some points below that address the majority of objects raised.

- We are not housing young offenders or individuals in the justice system
- We are not a rehabilitation centre for young people involved in drug abuse
- We are not a hostel or halfway house
- We are not supported lodgings for 16-18-year-olds
- We are not housing high risk individuals that could impact the community

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We would also like to state that we have risk assessments and policies in place to keep children and young people safe from harm. Our services are going to be provided for children and young people between the ages of eight and thirteen where normal living arrangements have failed to meet the basic needs of the child. We understand concerns that have been stated refer to issues in the local community, individuals in our care are provided one to one support at the home and within the community. The community see each year an abundance of families from Swansea and outskirts make use their local community by visiting the promenade and sea front where the home is situated. Our use of the community will be much like the tens of thousands of families that use the sea front for walks and bike rides and other activities. We believe that children in care should not be discriminated against due to circumstance or living arrangements. We also understand the community feels it has a significant drug related problem however, the city as a whole statistically suffers with the same issues. However, with project ADDER in place we as a community will see the drop in drug related crime as pledged by the government. The service we provide will not be of a nature that will add to the drug related issues across Swansea. There are many other service providers that operate within worse statistical red zones in Swansea.

APPRAISAL

Consideration of planning merits

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

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

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

Development Plan Policy and Supplementary Planning Guidance

Future Wales - The National Plan 2040

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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

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

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

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

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

Swansea Local Development Plan ('LDP')

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

PS 1: Sustainable Places
PS 2: Placemaking and Place Management
RP 2: Noise Pollution
RP 3: Air and Light Pollution
SI 1: Health and Wellbeing
SI 8: Community Safety
ER 1: Climate Change

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ER 2: Strategic Green Infrastructure Network
ER 9: Ecological Networks and Features of Importance for Biodiversity
T2: Active Travel
T6: Parking

For the avoidance of doubt, Policy H10: Specialist Housing is not applicable to this application as this is not an application for specialist housing development.

Supplementary Planning Guidance (SPG):

- Places to Live - Residential Design Guide (Adopted January 2014)
- Parking Standards (Adopted March 2012)
- Planning for Community Safety (Adopted December 2012)
- Development and Biodiversity (February 2021)
- Swansea Central Area: Regenerating our City for Wildlife and Wellbeing Green Infrastructure Strategy - Draft

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

Planning Policy Considerations

Character and Appearance

It is important to make clear that the existing use of this application property is a large 7 bedroom residential property in the urban area. The external and internal alterations currently being undertaken were approved under planning applications 2020/0140/FUL and 2020/0166/FUL as detailed in the background planning history. The application is not currently occupied whilst renovation works are being undertaken. Either of these extant planning permissions could be implemented.

The external alterations approved under the previous permissions, include marginally raising the ridge height of the existing second floor rear wing, which currently has a low pitch, to create additional headroom within the rear bedroom to comply with current regulations. Many of the properties within the terraces fronting Oystermouth Road feature large extensions of varying scale to the rear. The rear of the properties are not highly visible from public view being accessed from the rear lane. Given the scale of properties along Oystermouth Road and in the immediate vicinity, the proposed second floor increase in ridge height was considered acceptable and would not detract from the character and appearance of the host property or the visual amenity of the streetscene or the surrounding area.

The previously approved schemes also included replacement windows and the addition of stainless steel glass balustrades to the front elevation. The design of the fenestration glazing bars has been slightly modified in this current application to show the windows installed during renovation works. The fenestration alterations and balustrades are considered visually acceptable and therefore there would not be any harmful impacts on the character of the host property, the Oystermouth Road streetscene or wider area.

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Principle of the proposed change of use

The application site is located on Oystermouth Road which comprises a mix of hotels, guest houses, commercial premises, flats, HMOs and large single residential dwellings. The surrounding terraced streets in the Sandfields are predominantly residential. The proposed use as a Class C2 remains residential in nature, but with an element of care.

The application has been submitted by the applicant on the basis that the proposed use would be a Class C2 (residential institution) use. The Town and Country Planning (Use Classes) Order 1987(as amended) states specifically that the element of "care" which is necessary to satisfy inclusion in the class "includes the personal care of children". However, it could be argued that a children's home may fall within Use Class C3 (Dwelling houses) where the total number of residents does not exceed six and the carers and the cared-for live as a single household. This provision has given rise to debate, particularly where carers do not live at the premises, but operate on a shift basis. The case law in relation to the question of whether such a use would fall within a C2 or C3 use does not provide a clear steer on how such uses should be classified, rather the approach has been to consider whether the proposed change of use from a C3 dwelling to a C2 residential institution would amount to a material change of use that would require planning permission.

In this case the applicant has confirmed that the change of use to Class C2 is a requirement of any application for future registration as a Children's Home.

The application property is located within a densely populated urban area, where residential uses are located on both Oystermouth Road and the Sandfields area. There are flats immediately next door to the application property which are in residential use. As such, the proposed use of this property as a residential home with an element of care, would be in keeping with the uses of surrounding properties.

In view of the numbers of children that would be accommodated at the site and the associated staffing levels, as described above, it is not considered that the principle of the development would conflict with LDP Policies nor national planning policy and guidance set out within Planning Policy Wales. On this basis, the principle of the proposed development is considered to be acceptable.

In terms of the impacts of the use on the character of the area, it is considered the comings and goings of staff, visitors and occupiers would not be distinctly different from the use as a large residential property, a guest house/hotel, HMO or a cluster of individual flats/apartments as in the building adjoining this property, or the densely populated residential streets immediately surrounding the application site.

Therefore, in light of the continued residential use of the property, it is not considered the proposed development would introduce a use that would result in any significant harm to the character and appearance of the area. In this respect the proposed development would not conflict with LDP Policy PS2.

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Residential Amenity

In the first instance, the principle of residential development at this location is supported by development plan policy. The last use of the property was residential, there is also recent planning approval for the change of use to a HMO (residential) and a serviced guest house, either of which could be implemented. This is a densely populated residential area on the edge of the City Centre and any future residents should realistically expect a level of activity akin to a mixed use urban area rather than a suburban location.

Turning to the impact of the proposal on the amenity of future residents and the occupiers of existing residential uses within the immediate vicinity, Oystermouth Road is located on the edge of the city centre and residents living within a city centre location will be exposed to relatively high levels of ambient noise, predominantly from traffic but also from late night pedestrian activity due to the application site being located on Oystermouth Road, which is one of the main routes in/out of the City Centre. On Oystermouth Road there is a mix of uses both commercial and residential including flats/apartments. With this in mind, residents who live in close proximity to a mix of uses cannot reasonably expect the same level of peace and quiet as people living in a wholly residential area.

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

With regard to residential amenity, there are no additional windows proposed that would result in loss of privacy impacts over and above that currently experienced. It is not considered that the proposed change of use would result in any harmful impacts in regard to increased overlooking, overbearing or overshadowing over and above the use as a large single dwelling or over and above that considered in the previous planning approvals. In terms of potential noise and disturbance to neighbouring properties from the proposed use, it is not considered the coming and goings of residents, staff and visitors would result in any material harm in terms of noise and disturbance to neighbouring occupiers significantly over and above the use of the premises as a dwelling house, as a HMO or a guest house and the use of other hotels, guest houses and blocks of flats in the immediate area.

The submitted floor plans indicate that the proposed accommodation provides ample living conditions comprising; to the ground floor - a separate living room, laundry room, rear office with toilet/shower and kitchen/dining room with direct access to the rear cycle/bin store and parking area; to the first floor - a second living room/games room, three en-suite bedrooms: to the second floor- a staff bedroom with en-suite facilities, and two further en-suite bedrooms. Each habitable room has a window with natural light.

Regard needs to be given to the fact that this is a large property that can currently provide up to 7 bedrooms and be occupied by a large or extended family living as one household. It could also be occupied by a family with young children. It is also noted that the application property is 'sandwiched' between a hotel on one side and a property split into 6 flats on the other side. In the context of the other commercial uses and other hotels along Oystermouth Road, residents living in this location will be exposed to relatively high levels of ambient noise.

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A children's home (Class C2) is a residential use and as such, it is not considered that there is sufficient evidence to demonstrate that the use of the property as a Class C2 residential use would, in itself, result in an unacceptable intensification of the use of the building over and above the current residential use, that would result in any significant increase in noise and disturbance.

In light of the above analysis, it is not considered that there is any evidence to demonstrate that the proposed use will result in unacceptable noise and disturbance, which could reasonably warrant the refusal on this issue alone.

On this basis, there is considered to be acceptable living conditions for future occupiers in accordance with Policies PS2 the advice contained within the Places to Live Residential Design Guide.

In conclusion, the proposal is considered to provide satisfactory living conditions for future occupants in respect of internal space and privacy, and whilst the concerns of neighbouring residents have been noted in relation to existing current antisocial issues in the area, there is no demonstrable evidence that this use will cause any undue impact upon the residential amenity of existing neighbours, in accordance with development plan policy.

Refuse/Recycling and Cycle Storage

There is external amenity space to the rear within the rear courtyard, which can also provide space to accommodate cycle storage and bin storage. An appropriate condition can ensure that this is provided and retained in perpetuity.

Parking and Highway Safety

The application site is located on Oystermouth Road, a busy thorough fare and one of the main routes in and out of the City Centre. Strict parking regulations are in force on Oystermouth Road. The surrounding streets are controlled by limited time parking and resident only permit bays. The time restrictions and the permit holder bays are subject to civil enforcement should any indiscriminate parking occur. The area is regarded as highly sustainable with excellent transport links and within easy walking distance of a range of amenities within the city centre core and a local shopping district on St Helen's Road. Parking is required for staff and the applicant is providing a dedicated area to the rear of the property for two cars and cycle parking, the inclusion of the latter facility will ensure that non car owners are also catered for. The provision of parking and cycle parking can be secured by a condition. It is felt that visitor parking can be accommodated on street.

The site plan PC21/145/4 submitted on 18th February 2021 indicated that the parking bays fell short of the required depth to be considered as viable parking spaces, this matter was queried and following a site visit when measurements were taken, a revised plan PC19/45/4A was submitted on 18th March 2021 indicating that bays of 2.6m x 4.8m, which comply with current standards, are achievable.

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On balance, given that the site lies within easy walking distance of a range of facilities within the City Centre with a frequent bus route, access to the train station, and provision will be made on site for cycle storage to support sustainability to reduce the dependency on the car, it is not considered that the application will result in any adverse effects on local car parking and highway safety over and above the existing use of the property that can be demonstrated as so harmful to warrant a recommendation of refusal.

On this basis, and given that the site lies within very easy walking distance of a range of facilities within the City Centre with a frequent bus route, access to the train station, and provision will be made on site for cycle storage to support sustainability to reduce the dependency on the car, it is not considered that the application will result in any adverse effects on local car parking and highway safety, that can be demonstrated as so harmful to warrant a recommendation of refusal. There are no highway objections to raise and subject to a planning condition to provide for the two car parking spaces and cycle parking the application is acceptable on its highway impacts.

In conclusion, Oystermouth Road is located within a sustainable location within walking distance of the City Centre and civil enforcement parking restrictions in the area to prevent indiscriminate parking. There are no highway objections and the proposal is in compliance with the provisions of Policies T 6 of the Swansea Local Development Plan and advice contained within the Parking Standards SPG.

Ecological Enhancement

It is recognised that this is an existing dwellinghouse with little opportunity to provide for Green Infrastructure of any meaningful scale. However, there is an opportunity to provide ecological enhancement and a condition is recommended to secure the provision of a combination of bat/bird boxes and/or sparrow terraces within or on the walls of the development in accordance with details to be submitted to and approved in writing, to comply with the provisions of LDP Policy ER9.

Response to objection comments

Many of the objections refer to antisocial issues and antisocial behaviour currently being experienced in the area, associated with the use of existing properties in Oystermouth Road, and that allowing this property to be used a children's home (Class C2) is not an appropriate location, could create more antisocial issues or place vulnerable children at risk and would exacerbate existing problems in the area. Concerns in relation to parking provision and parking issues have also been raised. All material planning considerations have been addressed in the main body of this report. The majority of the issues raised in relation to crime, antisocial behaviour, civil matters in relation to blocking of access, perceived issues of further antisocial behaviour, increase in crime, the appropriateness of a children's home at this location etc, are not controlled by planning legislation but by separate more appropriate legislation such as Social Services, Care Inspectorate Wales and by the Police. Matters relating to the principle of use, visual and residential amenity (including refuse/recycling), and to parking and highway safety are addressed in the report above.

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Whilst many object to the introduction of a Children's home (Class C2) to this residential area, it must be remembered that a Class C2 use is a residential home with an element of care, albeit that the occupants are not related to one another. A Class C2 use could also be occupied as a small scale assisted living residential use by adults that need an element of care.

Planning permission is only concerned with the land use and does not discriminate against the end user. There is other legislation and registration requirements that the developer would need to comply with, which more properly considers the suitability of the property for the intended use, the location and the registration of the use. This would be required in order to operate as a residential children's home and is controlled through separate legislation.

The comments received from the Council's Social Services have been carefully noted. However, as stated above, such issues are controlled through separate legislation and the planning application process can only consider material planning matters in relation to the proposed land use.

Officer Update to Members

Members will recall that this application was deferred at Planning Committee on 13th April to allow for further consideration and clarification of the following points raised by Members.

1. Defer the application to allow the applicant the opportunity to discuss with Social Services
2. To assess the capacity in local schools
3. Question raised on the need for a Section 106 contribution towards school places as required on housing schemes
4. To assess further the amount of external amenity space provided at the property.

The Officer Recommendation of Approval remains unchanged.

Taking each point in turn:

1. Discussions with Social Services

There is no change to the consultation comments provided in the original Social Services Response which is included in the main body of this report. Social Services have provided a Market Position Statement 2020 to 2022. This is a statement to providers about Child and Family Services explaining the current demand and projected future need for foster, residential and supporting accommodation services for children and young people.

The City and County of Swansea Child and Family Services - Market Position Statement is attached to this report as **APPENDIX 1**.

The applicant has also had the opportunity to discuss the proposal with Social Services.

Social Services confirmed that they spoke to the applicant on 22nd April, in relation to the Welsh Government figures quoted by the applicant, Social Services explained that these are the total number looked after. It was explained to the applicant that these had gone up in recent years (though not 2020/21).

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For children who cannot remain in the care of their parents, Social Services first look at wider members of their family. If this isn't possible, they try to find a foster placement that can meet the child's needs. If a child needs a residential placement they only use this if it meets the child's assessed need.

In relation to other homes in Swansea mentioned by the applicant in areas which the applicant consider has higher level of crime, Social Services mentioned that they haven't placed a child there in 2 years. In relation to 2 homes referred to in Mount Pleasant, these closed early in 2021. Reasons for these homes moving/closing/not being use relating in part due to their location.

Updated Statement provided by the applicant (APPENDIX 2)

To address the points raised by Members at Planning Committee on 13th March, the applicant has provided an update statement which is attached to this report as **APPENDIX 2**.

2. The Education Department has provided a breakdown of school capacity in the local area

Education have noted however, that children may not be placed in the catchment school for 260 Oystermouth Road. More information of individual year groups would depend on the pupils in the specific year groups placed at the home. This information is not currently available as no children have been placed.

Below is the general unfilled places in the catchment school for 260 Oystermouth Road.

	Catchment schools	Number of unfilled places January 2020	%	Forecast Number of unfilled places September 2026	%
English Medium Primary	St Helens	30	14.29%	0	0%
English Medium Secondary	Dylan Thomas	168	25.57%	84	12.79%
Welsh Medium Primary	YGG Brynymor	13	5%	43	16.54%
Welsh Medium Secondary	Y Gywr	28	2.62%	-167	-15.62%

3. The Requirement for S106 contributions to fund school places

The CIL Regulations introduced statutory restrictions on the use of S106 agreements. The main restrictions are that a planning obligation must be:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

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Necessary to make the development acceptable in planning terms - Having regard to all material planning considerations, it is not considered that S106 contributions are required to make the development acceptable in planning terms;

Directly related to the development – This is an existing house which could be occupied by a large family with school age children. The requirement for school places is not directly related to the development. Children may not attend the local catchment school for various reasons. Children may be on short term placements and the age range may change on a regular basis.

Fairly and reasonably related in scale and kind to the development – This is an existing house and there is no significant new build. The development relates only to this dwelling. It is not considered that a S106 contribution to fund school places can be fairly and reasonably related to this small scale development particularly where there are unfilled school places in the catchment area and this development will not place undue strain on education services.

4. To assess further the amount of external amenity space provided at the property

The rear of the property provides a small rear courtyard and parking area. There is no additional external amenity space that can be provided.

To address the concerns raised by Members the applicant has provided the following information, which is also included in the applicant's updated supporting statement, attached as Appendix 1:

Applicant comments:

The outdoor space will be painted in a child friendly approach (colourful drawings typically children play area) with basketball hoops and goals, all general play equipment. The area will be fake grass (Astro turf) with a barrier defining the car space to the play area.

We as an organisation are providing 1 to 1 support I don't believe all individuals in the community completely understood the meaning and what service we provide the child. In terms of multi staff housing the child is allocated a set day each week to conduct their chosen activities. We are not multi we will only provide one to one support because we believe the child needs to be given more opportunities each day to develop. How we operate is the child will complete a weekly planner and plan their own activities each day because of the support we provide we are able to support this for example:

Monday - swimming club

Tuesday - games on the beach

Wednesday - cinema or bowling

Thursday - football/rugby/ dance/ library etc.

Friday - trampoline park

Saturday - woodland walk

Sunday - day at the park

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In terms of space needed to support children our business model is tailored to get children engaged in all activities they wish to pursue and support them by providing one to one staffing.

Also the space needed for children will be calculated by CIW regulations

Conclusions

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 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 WBFG Act.

In conclusion, the proposed change of use would provide for a residential home with an element of care and would not result in an over intensification of the property and would provide adequate living conditions for future occupiers. Therefore, it is considered that the development complies with the requirements of Policies PS 1, PS 2 and T 6 of the Swansea Local Development Plan. Furthermore the development complies with the thrust of policies within Future Wales: The National Plan 2040. Approval is recommended.

RECOMMENDATION

APPROVE subject to the following conditions:

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

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

- 2 The development shall be carried out in accordance with the following approved plans and documents: PC19/45/4A: Site location plan, P19/45/3A: Site plan, received on 19th March 2021, PC21/145/1: Existing and proposed floor plans, PC21/145/2: Existing and proposed elevations, received on 18th February 2021.

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

- 3 The car parking area for two cars as shown on drawing no.PC19/45/4A: Site Plan (each space 4.8m x 2.6m), shall be laid out in accordance with the approved plans and be available for use prior to the beneficial occupation of the development hereby approved and shall be retained for parking purposes in connection with the development only thereafter.

Reason: To ensure adequate parking provision on site.

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- 4 Prior to the beneficial use commencing, the secure and covered cycle parking for a minimum of 6 cycles and the refuse/recycling storage area as indicated on drawing no.PC21/145/1: Proposed ground floor plan, shall be fully installed and be available for use, and shall be maintained and retained as such for the lifetime of the use.

Reason: In the interests of encouraging sustainable forms of transport and to ensure safe storage of refuse/recycling in the interests of visual and residential amenity.

- 5 Prior to the beneficial use commencing, a scheme of Ecological Enhancement Measures (in the form of a combination of bird and/or bat boxes and sparrow terrace) to be provided within or on the walls of the building, shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided prior to the beneficial occupation of the development hereby approved and shall be retained as such in perpetuity.

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

Informatives

- 1 Future Wales: The National Plan 2040. The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, RP2, RP3, SI 1, SI 8, ER 1, ER 2, ER 9, T2, and T6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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2021/0061/S73

Background Information

Site History

App Number	Proposal	Status	Decision Date
2016/3040/DOC	Discharge of conditions 5 (access road) & 8 (flood risk mitigation scheme) of planning permission 2016/1089 granted 16th September 2016	APP	30.03.2017
2016/3121/RES	Reserved Matters application (Details of access, appearance, landscaping, layout and scale pursuant to outline permission 2006/1902 granted 6th July 2012)	APP	03.03.2017
2016/3405/NMA	Non Material Amendment to reserved matters application 2016/1089 granted 16th September 2016 to allow for the relocation of footpaths/drives, the replacement of bollards with landscaping adjacent to plots 60/61 and the formation of a parking area for plot 57	APP	13.12.2016
2016/3527/FUL	Diversion of existing culvert and associated infrastructure	APP	07.04.2017
2017/0026/FUL	Construction of new highway and infrastructure works at Nantong Way	APP	20.07.2018
2017/0546/RES	Residential development for 19 dwellings, pumping station, open space/play area and associated works (details of access, appearance, landscaping, layout and scale pursuant to outline permission 2006/1902 granted 6th July 2012)	APP	27.10.2017
2017/0935/DOC	Discharge of condition 3 (structural calculations) of planning permission 2016/3527/FUL granted 7th April 2017	APP	10.05.2017
2017/1291/FUL	Construction of a new pumping station and associated works	APP	22.06.2018

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2017/1881/PRE	Pre-Application - Residential Development	MIXPRE	15.09.2017
2017/2441/RES	Residential development of 45 dwellings (details of access, appearance, landscaping, layout and scale pursuant of planning permission 2006/1902 granted 6th July 2012 as varied by Section 73 application 2014/1189)	APP	05.04.2018
2018/0148/NMA	Non Material Amendment to reserved matters approval 2017/0546/RES granted 27th October 2017 to amend the turning head area outside plots 87-91	APP	13.02.2018
2018/0395/DOC	Discharge of condition 4 of 2015/1798 (External finishes of retaining wall) of reserved matters application 2015/1798 granted 7th March 2016 (as amended to condition 3 by non-material amendment application 2016/0649 granted 19th May 2016)	APP	26.06.2018
2018/1172/DOC	Discharge of conditions 9 (play area phasing plan), 10 (play park bin, bench and floor covering), and 12 (temporary vehicle turning facilities) of planning permission 2017/0546/RES granted 27th October 2017	PDE	
2018/1370/NMA	Non Material Amendment to planning permission 2017/2441/RES granted 5th April 2018 to relocate the dwellings on plots 108/109 and 138/139	APP	12.07.2018
2018/2254/DOC	Discharge of conditions 2 (land contamination) and 6 (retaining wall details) of planning permission 2017/2441/RES granted 5th April 2018	APP	19.06.2019
2018/2551/SCR	SCREENING OPINION for 106 residential dwellings	EIANR Q	14.01.2019
2018/2692/FUL	Retention and completion of development for 107 residential dwellings and associated infrastructure	S106	27.03.2020

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2019/0411/DOC	Discharge of conditions 3 (land contamination), 4 (surface water drainage), 7 (SSSI method statement), 8 (public sewer) and 9 (construction method statement) of planning permission 2017/0026/ful granted 20th July 2018	PDE
2019/0877/DOC	Discharge of condition 3 (land contamination) of planning permission 2017/1291/FUL approved 22nd June 2018	APP 10.05.2019
2020/0641/DOC	Discharge of Conditions 2 (future management and maintenance of the proposed streets), 3 (engineering details of the highways and footpaths), 5 (surface water and land drainage), 9 (contamination risks scheme), 12 (piling), 13 (construction environmental management plan) and 18 (historic environment mitigation) of planning permission 2018/2692/FUL granted 27th March 2020	APP 11.09.2020
2020/0853/S73	Retention and completion of development for 107 residential dwellings and associated infrastructure (Variation of condition 1 of planning permission 2018/2692/FUL granted 27th March 2020) to allow Plots 206-210 and 213-217 to reflect the site levels	APP 15.07.2020
2020/1429/DOC	Discharge of condition 17 (scheme for the remediation of the mine shaft) of planning permission 2020/0853/S73 approved 15th July 2020	APP 24.09.2020
2021/0034/SCR	SCREENING OPINION for proposed phase 9 construction of 30 residential apartments	EIANR Q 26.01.2021
2021/0674/FUL	Provision of apartment block containing 4x2 bed flats and a pair of semi-detached dwellings (amendment to planning permission 2018/2692/FUL for "Retention and completion of	PCO

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development for 107 residential dwellings and associated infrastructure" as varied by 2020/0853/S73 granted 15th July 2020).

2021/0755/FUL	Substitution of Plots 154, 155 and 156 of planning permission 2020/0853/S73 granted 15th July 2020 with 6 new residential apartments and associated alterations	PCO	
2016/1089	Construction of 19 dwellings (details of access, appearance, landscaping, layout and scale pursuant to planning permission 2006/1902 granted 6th July 2012)	APP	16.09.2016
2016/1085	Discharge of condition 3 of planning permission 2015/1798 granted 18th April 2016 and condition 2 of non-material amendment 2016/0649 granted 19th May 2016 (Retaining Wall Construction Method Statement)	NOBJ	19.07.2016
2016/0649	Non Material Amendment to Planning Permission 2015/1798 granted 7th March 2016 in respect of the residential development (amended retaining wall design)	APP	19.05.2016

Background

This application is reported to Planning Committee as the original planning permission (Ref: 2018/2692/FUL) exceeds the Planning Committee threshold of 20 dwellings.

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

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

The site is currently being developed by Hygrove Homes. Members may recall the original planning permission was varied via a Section 73 application granted July 2020 (Ref: 2020/0853/S73) to amend the approved levels in relation to plots 206-210 and 213-217. This current application proposes a further minor amendment to the approved scheme.

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Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

When originally submitted, this application included amendments to a greater number of plots than is that now proposed, the effect of which would have increased the number of units on the site from 107 units to 112 units. Following a review of the relevant case law, the Local Planning Authority advised the applicant that an increase in the number of units on the site could not be dealt with through a S73 minor amendment application.

This current Section 73 application has now been amended to exclude the plots where the applicant was seeking to increase the number of units. Instead, full planning applications have been submitted for those plots and are currently being considered (Refs: 2021/0674/FUL and 2021/0755/FUL). These full planning applications will not be reported to the planning committee as they are "standalone" applications to amend the relevant plots and would not exceed the planning committee threshold

Site Location

The application site comprises an irregular shaped parcel of land measuring some 1.78 hectares in area that forms part of Hygrove Home's Brunel Wood site. To the North West is the Morfa Retail Park with Pluck Lake to the north. To the North West and west are areas of woodland with the A2117 beyond. The application site is located entirely within the urban area and forms part of a non-strategic housing allocation site under LDP Policy H1.

Description of Development

This application proposes to amend house types and garden areas on plots 246 and 247. Amendments are proposed to the parking and garden areas for plots 248 and 249 and amended siting for plots 253 and 254. Finally alterations are proposed to the turning head adjacent to plot 250.

Planning Policy

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

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

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

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

Access and Inclusivity

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

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

Environmental Sustainability

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

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

Character

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

Community Safety

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

Movement

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

Car Parking

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

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

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

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

Integrating Green Infrastructure and Development

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

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

Sustainable Drainage Systems (SuDS) and Development

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

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.¹⁴⁰ In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment.

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At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

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

Adopted Swansea Local Development Plan (2010-2025)

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

IO 1 Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

HC 2 Preservation or Enhancement of Buildings and Features - Proposals must preserve or enhance the County's buildings and features of historic importance in compliance with Policy principles.

H 1 Non-Strategic Housing Sites - land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

H 2 Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

H 3 Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

SI 1 Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI 3 Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

SI 6 Provision of New Open Space -Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles.

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The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

SI 8 Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime in accordance with specified policy principles.

ER 1 Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

ER 2 Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multifunctional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation. Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

ER 9 Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 2 Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

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

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

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

RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

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

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

Supplementary Planning Guidance (SPG):

The supplementary planning guidance documents:

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- Places to Live - Residential Design Guide (adopted 2014)
- Planning Obligations (adopted 2010)
- City and County of Swansea Parking Standards (adopted 2012)
- Development and Biodiversity (adopted 2021)

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

Consultations:

Local Highway Authority:

"The resubmitted plans 444-1106-Rev X show plots 154-156 in their original location, and previous comments concerning forward visibility envelopes can be discounted.

The changes to the existing consent are therefore to amend house types for 246 and 247, amendments to the garden areas and parking at 248 and 249, the siting of 253 and 254 and alterations to the turning head next to 250.

The properties will retain the number of parking spaces consented previously and all appear to be of the dimensions required by the parking SPG.

The reoriented turning head has been tracked for a refuse lorry, and can be adequately serviced, the parking spaces around the turning head are laid out in such a way that it will discourage any indiscriminate parking, keeping the turning head clear.

As such Highways has no objection to the revised proposals".

Placemaking and Heritage:

"I have no objection to the S73 application".

Drainage (comments on original submission):

"We have reviewed the submitted information and must OBJECT to the application.

According to WG information a S73 application creates a new planning permission, this application proposes an increase in impermeable area of more than 100sqm with drainage implications which therefore brings the entire Phase 7 and 8 within the requirements of Schedule 3 of the Flood and Water Management Act 2010".

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Dwr Cymru Welsh Water:

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We have no comments to make on this application for amendments to permission 2020/0853/S73, to enable an increase from 107 to a total of 112 units on the proposed development site, however we respectfully request that drainage related conditions are maintained on any new consent granted for the development, namely conditions 5 - 8.

Neighbour comments:

The application was advertised by a site notice. No responses were received to the public consultation.

Main Issues

Section 73 of the 1990 Act provides that an application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a local planning authority may only consider the "question of the conditions". However, in terms of decision making a S73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

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.

Given that the principle of the development has previously been established and approved under the adopted Swansea Local Development Plan Policies, the main issue for consideration is whether the proposed amendments to the proposed plans would be minor amendment and whether the amendments are acceptable in planning and highway safety terms having regards to their impact and consideration of the planning policy. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Visual Amenity

The proposed amendments would be in the northern part of the site adjacent to the roundabout and access road that is proposed to be constructed off Nantong Way.

The proposed house type amendments would relate to a semi-detached pair of dwellings on plots 246 and 247 whereby the approved 3 bedroom "Charles" house type is proposed to be replaced with a 2 bedroom "Morris" house type.

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The overall scale the house types are similar with the main differences being the reduction in the number of bedrooms and the introduction of a shared front feature gable for the proposed dwellings. The proposed "Morris" house type is used elsewhere within the Upper Bank / Brunel Wood Site and, it is considered, would fit comfortably within the approved street scene without resulting in any harmful visual impacts. On this basis the proposed amendment to the house type is considered to be an acceptable minor amendment.

The proposed amendment to the reduce the depth of the turning head and the relocation of the parking of 249 to the side of the dwelling will allow for increased rear gardens to plots 248 and 249 plus the garden for plot 247 would be squared off and increased. The flats on plots 253 and 254 would be pushed back to be marginally closer to the turning head. In view the relatively small scale nature of proposed amendments, it is considered they would be acceptable minor amendments.

The Placemaking and Heritage officer has reviewed the amended submission and has offered no objection to the proposals. As such, both individually and cumulatively, it is considered the proposed amendments would be acceptable minor amendments to the approved development.

Residential Amenity

As indicated above, the majority of the proposed alterations would result in larger garden areas for some of the plots. The defensible space at the rear of the flats on plots 253 and 254 would marginally decrease, however, a small defensible space would be retained which is considered to be acceptable in this instance and would not result in any significant impacts upon the living conditions of the future occupiers.

Access and Highway Safety

The LHA have reviewed the proposals and note the properties will retain the number of parking spaces consented previously and all appear to be of the dimensions set out within the "Swansea Parking Standards" SPG.

The LHA note the reoriented turning head has been tracked for a refuse lorry, and can be adequately serviced, moreover, the parking spaces around the turning head are laid out in such a way that it will discourage any indiscriminate parking, keeping the turning head clear. On this basis, the proposals are considered to be acceptable in terms of parking, access and highway safety.

Other Matters

The Council's Drainage section has objected to the original proposals that included the increased number of units. The amended proposals are unlikely to require SAB consent, however, they would alter the approved drainage scheme for the site. It is therefore recommended that an amended surface water drainage scheme for the affected plots is secured by a condition.

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A number of the conditions on the original permission have been discharged, as such it is recommended that all conditions of the original permission (as varied) are re-imposed and modified where necessary to have regard to the information previously submitted by the applicant.

The original permission included a Section 106 agreement in respect of the following matters:

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

The Section 106 agreement attached to the original permission included a provision that effectively ties in any subsequent Section 73 planning permission with the original Section 106 agreement and its associated planning obligations. It is not therefore necessary, in this instance, for the Section 106 to be modified as any planning permission approved under the provisions of Section 73 is still bound by the Section 106 agreement.

Conclusion

The proposed amendments would amount to minor amendments to original scheme (as amended) and would not result in any harmful impacts in terms of visual impacts, residential amenity impacts or highway safety impacts. Accordingly, the development would not conflict with LDP Policies.

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

RECOMMENDATION

APPROVE, subject to the following conditions:

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

444-9204 C (TYPE A2 SCOTT X3 TERRACED GA PLANS)

444-9205 C (TYPE A2 SCOTT X3 TERRACED GA ELEVATIONS)

444-9208 D (TYPE A4 GEORGE X2 V2 GA PLANS)

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444-9209 C (TYPE A4 GEORGE X2 SEMI-DETACHED V2 GA ELEVATIONS)
444-9210 E (TYPE A5 SCOTT X2 & VALE X1 V2 GA PLANS)
444-9211 C (TYPE A5 SCOTT X2 & VALE X1 TYPE B TERRACED GA ELEVATIONS)
444-9214 D (TYPE A7 CHARLES X2 SEMI-DETACHED GA PLANS)
444-9215 D (TYPE A7 CHARLES X2 SEMI-DETACHED GA ELEVATIONS)
444-9216 D (TYPE A8 VALE X2 GA PLANS)
444-9216 V2 D (TYPE A8 VALE X2 GA PLANS)
444-9217 C (TYPE A8 VALE X2 SEMI-DETACHED GA ELEVATIONS)
444-9218 B (TYPE A9 SCOTT X3 TERRACED GA PLANS)
444-9219 B (TYPE A9 SCOTT X3 TERRACED GA ELEVATIONS)
444-9222 A (TYPE A16 MORRIS X2 & VALE X1 GA PLANS)
444-9223 A (TYPE A16 MORRIS X2 & VALE X1 GA ELEVATIONS)
444-9228 A (TYPE A24 SCOTT X3 & VALE X1 GA PLANS)
444-9229 A (TYPE A24 SCOTT X3 & VALE X1 GA ELEVATIONS)
444-9230 A (TYPE A15 MORRIS X2 GA PLANS)
444-9231 A (TYPE A15 MORRIS X2 ELEVATIONS)
444-9244 A (TYPE A22 MORRIS X4 GA PLANS)
444-9252 A (TYPE A26 SCOTT X1 & VALE X1 GA PLANS)
444-9253 A (TYPE A26 SCOTT X1 & VALE X1 GA ELEVATIONS), received 19th December 2019.

444-1003 D (LOCATION PLAN - WHOLE SITE), received 9th January 2019

1006-2 (EXISTING SHAFT PLAN AND SECTION TREATMENT)
1007-2 (PROPOSED SHAFT WORKS PLAN & SECTION)
444-9256 A (TYPE A28 - GEORGE X1 & VALE X1 GA PLANS)
444-9257 A (TYPE A28 - GEORGE X1 & VALE X1 GA ELEVATIONS), received 19th August 2019

444-9258 A (TYPE 29 - SCOTT AND VALE GA PLANS)
444-9259 A (TYPE 29 - SCOTT AND VALE ELEVATIONS), received 5th September 2019

15001 PROPOSED SECTIONS PHASE 7 AND 8 (REV A)
15001-1 PROPOSED SECTIONS PHASE 7 AND 8 (REV A)
15001-2 PROPOSED SECTIONS PHASE 7 AND 8 (REV A), received 11th September 2019

2014_0013-TYPE _C (PROPOSED FRONT, END, REAR AND SIDE ELEVATION)
2014_0013-TYPE _C (PROPOSED GROUND FLOOR PLAN, FIRST FLOOR PLAN AND ROOF PLAN)
444-1300 D (PHASE 7 & 8 LANDSCAPE PROPOSALS), received 7th October 2019.

444-105 A (PLANNING DRAWING - ARCHAEOLOGICAL AREA), received 3rd March 2020

444-9264 REV A TYPE A32 MORRIS X4 & VALE X1 GA PLAN

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444-9265 REV A TYPE A32 MORRIS X4 & VALE X1 GA ELEVATION, received 13th May 2020

SK01 REV P9 - PROPOSED SURFACE LEVELS AND GRADIENTS, received 21st May 2020

444-9278 REV A TYPE A39 MORRIS X4 & VALE X1 GA PLAN

444-9279 REV A TYPE A39 MORRIS X4 & VALE X1 GA ELEVATION, received 18th June 2020

444-1106 X (PLANNING ISSUE PHASE 7 AND 8), received 29th March 2021.

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

- 2 The arrangements for future management and maintenance of the proposed streets within the development shall be in accordance with the details approved under discharge application Ref: 2020/0641/DOC. The streets shall 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.

Reason: In the interests of highway safety in accordance with LDP Policies T1 and T5.

- 3 The highways and footpaths within the site shall be constructed in accordance with the details and timescales approved under discharge of condition application Ref: 2020/0641/DOC.

Reason: In the interest of highway safety in accordance with LDP Policies PS2, T1 and T5

- 4 No dwellings hereby approved shall be occupied until such time that the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use.

Reason: In the interests of highway safety and permeability through the site in accordance with LDP Policies PS2, T1 and T5.

- 5 Plots 246, 247, 248, 249, 253 and 254 shall not be brought into beneficial use until surface water and land drainage details have been implemented in accordance with details which shall first be submitted to and approved in writing by the local planning authority. The remainder of the development shall not be brought into beneficial use until the surface water and land drainage infrastructure approved under discharge of condition application Ref: 2020/0641/DOC has been implemented. For the avoidance of doubt, the surface water element of the aforementioned drainage schemes will not be required if SAB approval has already been granted. Thereafter the drainage schemes shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

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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 in accordance with LDP Policies EU4, RP4 and RP5.

- 6 The site shall not discharge surface water at any rate greater than 5l/s/developed hectare as stated in Section 7.3.2.1 of the Drainage Strategy entitled "Phase 7 & 8 Areas Drainage Strategy Report dated December 2018".

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 in accordance with LDP Policies EU4, RP4 and RP5.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, 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 SW system is not designed to accommodate in accordance with LDP Policies RP4 and RP5.

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

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with LDP Policy RP4.

- 9 The land contamination site remediation strategy shall be implemented in accordance with the details approved under discharge of condition application Ref: 2020/0641/DOC.

Reason: Potential contamination at the site presents a human health risk and controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site due to its previous industrial uses in accordance with LDP Policy RP1 and RP6.

- 10 Prior to occupation of any part of the development hereby approved, a verification report, where necessary, demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where necessary, for longer terms monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated in accordance with LDP Policies RP1 and RP6.

- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater in accordance with the details approved under discharge of condition application Ref: 2020/0641/DOC.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling in accordance with LDP Policy RP4.

- 13 The development shall be implemented in accordance with the Construction Environmental Management Plan details approved under discharge of condition application Ref: 2020/0641/DOC.

Reason: Prevention of pollution to controlled waters and the wider environment in accordance with LDP Policies RP4, ER6, ER8 and ER9.

- 14 Prior to the occupation of any dwelling hereby approved, the means of enclosure at the site shall be constructed in accordance with the details indicated on drawing no. 444-1106 Rev X and shall be retained as such for the lifetime of the development.

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

- 15 The external facing materials for the dwellings hereby approved shall be in accordance with the details indicated on drawing no. 444-1106 Rev X.

Reason: To ensure the external facing materials are appropriate to the local context in accordance with LDP Policy PS2.

- 16 The development shall be implemented in accordance with the mitigation measures set out within Section 5 of the Preliminary Ecological Assessment produced by Wildwood Ecology.

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Reason: To ensure the development provides satisfactory ecological mitigation in accordance with LDP Policies ER6, ER8 and ER9.

- 17 Prior to any excavations or construction works within the influencing distance of the on-site mine shaft the mitigation and/or remediation measures to deal with the risks posed to the development from the mine shaft shall be implemented in accordance with the details approved under discharge of condition Ref: 2020/1429/DOC.

Reasons: To ensure the land is safe and stable to accommodate the proposed development in accordance with adopted Swansea Local Development (2010-2025) Policy RP7.

- 18 The development shall be implemented in accordance with the written scheme of historic environment mitigation approved under discharge of condition Ref: 2020/0641/DOC.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with LDP Policy HC2.

- 19 Should any Japanese Knotweed be found on site during clearance or construction works a detailed scheme for the eradication of Japanese Knotweed, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timescales.

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

- 20 The landscaping of the site shall be provided in accordance with the details indicated on plan no. 444-1300 (Phase 7 and 8 - Landscape Proposals). All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of providing a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with LDP Policy PS2.

- 21 If during development archaeological deposits/artefacts are found to be present within the site but outside the area outlined green on plan ref. 444-105 Rev A (Planning Drawing - Archaeological Area) and outside of the outline planning permission area under reference 2006/1206, then no further development (unless otherwise agreed with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained approval from the Local Planning Authority, for a written scheme of historic environment investigation.

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This written scheme of investigation must detail how these archaeological deposits/artefacts shall be dealt with. The development shall thereafter be carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with LDP Policy HC2.

Informatives

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, HC2, H1, H2, H3, SI1, SI3, SI6, SI8, ER1, ER2, ER6, ER8, ER9, T1, T2, T5, T6, EU4, RP1, RP4, RP5, RP6, and RP7.

- 2 All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.

Note: The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please email networkmanagement@swansea.gov.uk.

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LDP - PS1 - Sustainable Places

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

LDP - PS2 - Placemaking and Place Management

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

LDP - PS3 - Sustainable Housing Strategy

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

LDP - RP2 - Noise Pollution

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

LDP - RP3 - Air and Light Pollution

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

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

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

LDP - RP10 - Sustainable Waste Management for New Development

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

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LDP - SI1 - Health and Wellbeing

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

LDP - SI8 - Community Safety

LDP - IO1 - Supporting Infrastructure

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

LDP - ER1 - Climate Change

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

LDP - ER2 - Strategic Green Infrastructure Network

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

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

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

LDP - T1 - Transport Measures and Infrastructure

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

LDP - T2 - Active Travel

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

LDP - T6 - Parking

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

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

LDP - EU4 - Public Utilities and New Development

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

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

Site History

App Number	Proposal	Status	Decision Date
2016/1406	Pre-application - extension and refurbishment of existing derelict youth club/community centre	PREMI X	04.08.2016
2014/0098	Installation of a 15 metre high replacement street works monopole and two equipment cabinets (application for the Prior Notification of proposed development by telecommunications code system operators)	PGRA NT	24.02.2014
2006/2746	Erection of a 15 metre high streetworks monopole with 6 internal antennae and equipment cabinet (application for the Prior Approval of the Local Planning Authority)	PAREF	23.01.2007

Procedural

This application is reported to Planning Committee as it is a Major Development and meets the threshold set out in the Council's Constitution. This item was reported to the Planning Committee on 13th April 2021 where it was deferred for a Site Visit to be undertaken by members.

Description

Full planning permission is sought for the change of use from Community Facility (Class D2) to Residential Dwellings (Class C3) and redevelopment of site to provide 23 units with associated roof extension, new vehicular access, infrastructure and landscaping works at Former Swansea Boys Club, Berwick Terrace, Mount Pleasant.

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The existing site comprises a part two storey part three storey detached building, at the top of a sloping site. The building is split into two distinct parts, with what appears to be the original two storey pitched roof building attached to a three storey flat roofed addition. The building was originally used as a social club, however it has not been occupied for a significant period and has been bordered up for security. Since the application was made there have been a number of antisocial behaviour incidents at the site, including small fires and a large fire which caused significant damage to the building.

The proposal will see the creation of 23 one bed apartments, the majority of which have an open plan kitchen/living room and a toilet, with a few having a separate kitchen.

The site currently has no parking and Berwick Terrace has no vehicle access. The application includes the opening up of the highway to provide access and the creation of 21 parking spaces, in part, through levelling part of the site and installation of retaining walls. There will also be the creation of a bin and cycle storage area.

Assessment of the immediate area

The application site is positioned in a predominantly residential area, with a school and graveyard to the West of the site.

Planning History

There is no relevant planning history for the site.

Responses to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by means of notice in the local press on 28th August 2020 and a site notice on the 1st September 2020. No representations from members of the public have been received to date.

Drainage Officer

The SAB has received a pre-application on this site, reference 2020/0037/SPA which we are considering.

Schedule 3, Flood and Water Management Act 2010.

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

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

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

Which legislation are we referring to?

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

What exactly is a SAB?

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

The SAB is established to:

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

What does it mean for my development?

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

Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainable drainage> and by contacting the SuDS Approval Body via email Sab@swansea.gov.uk

Welsh Water

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

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We note that our consultation response (Ref: PPA0004982) has been acknowledged and included at Appendix G of the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning Ltd, which highlights that foul flows can be accommodated within the public sewerage system whereas surface water will be subject to SAB consent. As part of this application, we acknowledge receipt of a 'Drainage Plan' (Drawing No. J007/002) and 'SuDS Compliance Statement (Ref: J007/SCS) which indicates proposals to dispose foul and surface water flows to the public sewer and soakaway system respectively and in principle we offer no objection.

Notwithstanding, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

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

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

Advisory Notes

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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.

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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.

Placemaking & Heritage Team

The above application seeks the change of use from community facility (Use Class D2) to residential (Use Class C3) comprising 23no. Units with associated roof extension, new vehicular access, infrastructure and landscaping works.

This submission follows a pre-app (ref: 2019/2544/PRE) for a similar description of development.

At pre-app stage concern was raised specifically in terms of the northern element of the proposal, namely the lack of inset and excessive height of the third floor roof extension. It was detailed that if a roof extension is to be considered appropriate in this location it must be sufficiently set back from the existing building line and designed to complement the host building.

The following advice is provided on the compliance with the design and placemaking policies of the LDP and Residential Design Guide SPG which focusses on development of 10 of more homes and is underpinned by the proactive placemaking planning approach.

Comments:

- The new roof extension has been lowered and is now inset which is welcomed. However, the stair core is not - is there a reason for this/ can this be amended? Additionally, the top floor should be made recessive through the use of a darker colour to better juxtapose the main body and break up the mass of the whole building. To achieve this, and also from a maintenance point of view, it would be better to see this in a more robust materiality such as grey standing seam metal or similarly appropriate. Furthermore, the roof edges should have less projection - this was also raised at pre-app. At present the roof extension fails to be sufficiently subservient and is not supported in its current form.
- The fenestration proportions are unacceptable. The pre-app visuals showed the retention of the existing, generous windows which assisted in breaking up the bulk and massing. The proposal now shows replacement windows, in many instances with smaller windows. This has a negative impact on the proportions/appearance of the overall building. The windows should be reinstated to that previously shown at pre-app.
- Is there scope to provide some Juliet/full balconies as private amenity space and maximise outlook, in particular to the east facing elevation? This is a fantastic site that fails to fully respond to the context/opportunity. Also, could the ground floor flats have direct access to external private terraces as amenity space?
- Notably there is a lack of overlooking of the main parking to the north - only 3 windows, which can result in risk of car crime, personal safety and anti-social behaviour. Additional windows should be added to the north facing elevation.
- The cycle storage needs to be covered and secure - the external hoops are not acceptable.

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This a visually prominent building and at present the proposal is not acceptable and refusal is recommended unless the issues above can be suitably rectified.

Highway Authority

This application relates to the conversion of the former Swansea Boys Club, Berwick Terrace into 23 1 bedroom residential units, and has been the subject of a pre application to the LPA ref 2019/2544/PRE, and a statutory Pre-application consultation, comments on both were submitted by the Highway Authority at that time.

This application is for 23 one bed units, the proposals to repurpose adopted highway as parking have been removed from the proposals, and it is presented with 21 off street spaces. The applicant has completed the sustainability appendix from the current adopted parking SPG, this has been checked and is correctly applied, the proposed 21 parking spaces acceptable.

Berwick Terrace is an adopted highway, which currently has a prohibition of driving TRO to prevent its use as a through route. This application will necessitate moving the point of the restriction South along Berwick Terrace to provide a secondary access and turning facility. This will require amendments to the existing TRO and relocation of the barriers, the developer must meet all costs for this. Swept Paths have been provided which demonstrate the proposed turning head on Berwick Terrace is acceptable, and a service vehicle has the required space to safely turn.

There is an adopted 2m wide highway verge on the Southern side of Baptist Well Place, the applicant will be required to construct footway along this section from the existing footway on Baptist Well Place to the Eastern site boundary.

The site plan details the presence of retaining walls, any wall over 1.5m in retained height, or 1.37m if within 4ft of a highway will require formal approval by the LPA, as per the West Glamorgan and Highways Acts. This should be secured through a suitable condition.

Concerns were raised previously over the gradient of the car park access road and pedestrian provision into the car park, pedestrian access is shown as segregated, which is welcomed, however I would still like to see confirmation of the gradient of the car park access, this to ensure adequate visibility vertically as well as horizontally for any emerging vehicle. The access is in close proximity to the existing cross roads, Baptist Well Place/ Long Ridge / High View and Berwick Terrace. As such it would be advisable to place give way road markings on the side roads (Baptist Well Place and High View) to reinforce right of way, and reduce the likelihood of collisions.

The submitted Transport Statement seeks to quantify vehicle based trips from the development, the data has been checked and is thought to be correct. The effect of the development is not thought to have any adverse effect on the operation of the highway.

Subject to confirmation of the horizontal and vertical visibility splays Highways would have no objection to the proposals, subject to the improvements listed above, and the usual conditions relating to boundary treatments, working on the adopted highway and retaining walls.

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If you could request the further information relating to the car park access, to allow me to complete my observations.

The additional information was received and passed onto the Highway Officer, who provided an updated comment:

Further to the confirmation below I can confirm that Highways have no objection to the proposals subject to:

1. The completion of the footway on Baptist Well Place between its junction with Berwick Terrace and the North Eastern Site boundary.
2. The construction of the new access and turning head to Highway Authority standard and specification.
3. The relocation of the vehicle barriers on Berwick Terrace, and amendments to the Traffic Regulation Order.
4. No development shall commence until full design details of any retaining structure above 1.5m in retained height or 1.37m if within 4yds of an adopted highway must be submitted to and approved in writing by the LPA

Note: Any alterations to the Public Highway must be constructed via an agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and terms and conditions under which they are to be carried out. Please contact the Highway Authority's Network Management Team at networkmanagement@swansea.gov.uk, allowing sufficient time for preparation and signing the agreement.

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. All design and implementation will be at the expense of the developer.

Placemaking & Heritage Team

The Authority's Placemaking Officer provided comments and suggestions on a number of iterations of the proposals, leading to the formation of the most recent plans under consideration. They consider that given the viability issues on site, recent arson attacks and benefits of the building being brought into beneficial use the amended proposals can be considered acceptable.

Planning Ecologist

The Authority's Ecologist attended the site following the fire and consider that the building still has bat roost potential. On that basis it was advised that an updated bat survey was required.

APPRAISAL

Consideration of planning merits

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

- Principle of development and compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- The impact of the proposal on the character and appearance of the street scene and the wider area;
- Impact on residential amenity and the Well-being of Future Generations (Wales) Act 2015;
- Parking and Highway Safety;
- Drainage;
- Ecology;
- Affordable Housing.

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

Development Plan Policy and Supplementary Planning Guidance

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 3 - Supporting Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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

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

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

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Paragraph 4.9.2 adds that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

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

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

Planning Policy Wales (PPW)

Technical Advice Note (TAN) 5: Nature Conservation and Planning

TAN 5 brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities.

Para 6.2.2 advises that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval.

Swansea Local Development Plan ('LDP')

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

PS 1: Sustainable Places

PS 2: Placemaking and Place Management

PS 3: Sustainable Housing Strategy

RP 2: Noise Pollution

RP 3: Air and Light Pollution

RP 4: Water Pollution and the Protection of Water Resources

RP10: Sustainable Waste Management for New Development

SI 1: Health and Wellbeing

SI2: Providing and Safeguarding Community Facilities and Locally Important Uses

SI 8: Community Safety

IO 1: Supporting Infrastructure

ER 1: Climate Change

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ER 2: Strategic Green Infrastructure Network
ER 8: Habitats and Species
ER 9: Ecological Networks and Features of Importance for Biodiversity
T1: Transport Measures and Infrastructure
T2: Active Travel
T5: Design Principles for Transport Measures and Infrastructure
T6: Parking
EU4: Public Utilities and New Development

Supplementary Planning Guidance (SPG):

- Places to Live - Residential Design Guide (Adopted January 2014)
- Parking Standards (Adopted March 2012)
- Planning Obligations (Adopted March 2010)
- Planning for Community Safety (Adopted December 2012)
- Biodiversity and Development (Adopted February 2021)

Principle of Use

The application property is positioned within the Swansea Urban Area and a predominantly residential area. Its use for residential flats can therefore be considered acceptable. It is noted that Policy SI2 requires that important community facilities such as social clubs should be preserved unless it is demonstrated that the use is defunct, replaced nearby or well served in the local area by similar existing uses. The Policy states the following:

SI 2: Providing and Safeguarding Community Facilities and Locally Important Uses

New community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible.

Development that would adversely affect the operation, or lead to the loss, of a community facility of local value will not be permitted unless:

- An alternative facility of at least equal quality and scale to meet community needs will be provided; or*
- It can be demonstrated that the existing provision is surplus to the needs of the community and there is sufficient provision of a similar relatively accessible and convenient facility to serve the community nearby; or*
- Evidence is provided that the existing use is no longer viable; and*
- Evidence is provided of appropriate marketing undertaken to secure an occupier for the established use.*

The property has been vacant for a significant period of time and allowed to fall into a state of disrepair. Attempts appear to have been made to bring the building into beneficial use, however none were successful and the property was put on the market for sale in 2015 by Swansea Council. In recent years the property has been a target for anti-social behaviour, despite security fencing, and there have been numerous break-ins and arson attacks.

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Towards the end of 2020 an arson attack caused significant damage to the property, leading to further concerns over the stability and safety of the building. It is clear that the existing function of the building as a community facility is no longer required and furthermore the building is in desperate need of redevelopment. It is therefore considered that the principle of the change of use is acceptable, encouraged and compliant with Policy SI2.

Visual Amenity

The existing structure is a relatively large building of little character, which through its raised position is highly visible from the wider public realm. The existing building arguably detracts from the character of the local area as it is clearly abandoned and falling into disrepair, even prior to its recent fire damage.

The existing property forms two distinct parts with what appears to be the original part-pitched part flat roofed two storey building, with a three storey flat roofed extension. The incongruous flat-roofed projection dominates the original building and the skyline. The proposal will see the removal of the existing pitched roof and replacement with a third floor with a flat roof increasing the ridge height. There will also be an additional floor fitted to the existing flat roofed projection, this extension is set-back from the existing external wall. The extensions and external alterations seek to renovate the existing building to reflect more modern residential flats, utilising render and Juliet balconies. The set-back roof extension will be clad with a different material, which is a style reflected to similar roof extensions in the city centre.

The proposed extensions will increase the scale and bulk of the building, and this would not strictly be in keeping with the scale of the buildings in the local area. It is noted however that the scale of the existing building is similarly at odds with the scale of the predominantly traditional residential dwellings nearby. Furthermore it is not considered that the increase in height would have a significant visual impact compared to existing circumstances. It is also considered that the resultant structure and continuous flat roof would have an improved visual relationship than the existing miss-matched pitched roof and flat roof structures.

In terms of the detailed design the proposed window openings and high degree of uninterrupted render, create a fairly bland and uninteresting façade. However some account is given to the viability of the scheme given the likely relatively low value of the resultant flats and the significant works needed to make the building habitable. Furthermore the benefits of bringing the building back into use both in regard to visual impact and protection against anti-social behaviour, can be considered sufficient to allow some shortfall in standards in this instance.

The proposal includes some landscaping work and levelling of the site to create a parking area. The level of hard standing and retaining walls represent a significant change. Whilst the large hardstanding is not in-keeping with the local area, it is not considered that either the impact or loss of a relatively small area of unusable green space would have an unacceptable visual impact.

It is therefore considered that the proposal represents an acceptable development that will on balance have a positive visual impact on the character of the immediate and wider area, in compliance with LDP Policy PS2.

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Residential Amenity

In regard to neighbouring residential amenities it is not considered that the proposal would result in any significant impacts in terms of overbearing, overlooking and overshadowing, given its physical separation from neighbouring properties. In terms of noise and disturbance it is noted that the comings and goings from the flats, including cars would be fairly significant. However consideration is given to the fact that the lawful use of the property is a social club and if this use recommenced it would also likely result in a level of noise and disturbance itself. Furthermore the residential nature of the properties is considered consistent with the local area, and therefore any impacts can be considered acceptable.

Turning to the suitability of the proposed flats for future occupants a key consideration is whether the flats provide sufficient useable space to achieve an acceptable standard of modern living that is appropriate for the health and wellbeing of occupants. The Authority's Residential Design Guide recommends that as a minimum 1 bedroom flats should provide 46m² internal floor area, which all flats achieve.

The occupants of the flats should also benefit from an outlook and natural lighting to ensure a sufficient standard of living. The flats contain a bedroom, bathroom and kitchen/living space, with a few flats having separate kitchens. The majority are well served by external windows, with those with an Eastern aspect having a Juliet balcony. It is considered that all the living rooms should have Juliet balconies, however it is accepted that the necessary layout to fit all the flats prevents this and all the flats are needed to make the scheme viable. The flats with separate kitchens, lack external windows to these spaces, however in this instance this relationship can be considered acceptable as the bedrooms and living rooms to these spaces as a whole provide adequate lighting and outlook.

There is a proposed flat on the lower ground floor of the building which contains a living/dining area, kitchen, bathroom and bedroom amounting to a total of 50m² space and is served by a hall. The flat has a western facing aspect from the main living/dining area whilst the bedroom looks out towards the east to the rear of the site. The living/dining room of the flat is served by a single high level small window only. This raises some concerns in so far that the outlook from the room is limited and there will be lower levels of natural light to the flat. The applicant has advised that they consider this window to allow a greater level of security to the flat, given that the window faces the street and is in any event set-down from the highway facing a small bank. On balance it is noted that the flat is for a single occupant or couple, who would have an outlook and natural lighting from the Eastern facing bedroom. Furthermore whilst these circumstances would not normally be desirable, the benefit of bringing this building into beneficial use for the reasons described above, weighs in favour of allowing this minor impact in this instance.

It is therefore considered that the proposal will have an acceptable impact on neighbouring residential amenity and provide adequate accommodation for future occupants.

Parking and Highway Safety

The application site currently contains no parking and the proposal includes the creation of 20 parking spaces. The Authority's Car Parking Standards SPG requires that single bedroom flats should be served by a minimum of 1 parking space per flat with an additional visitor space per 5 flats.

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The 23 flats would therefore create a demand for 27 spaces and result in a shortfall of 7 spaces. It is noted that sites in accessible locations can have a shortfall of spaces, however this is not considered to be an accessible location. That being said it is noted that there is an existing shortfall on site from the lawful use of the property as a social club. In addition the scheme indicates a cycle storage area on site in the form of hoops. Provision of a covered secure area is considered to be appropriate in order to encourage sustainable forms of transport which can be secured through a planning condition. On balance the proposed shortfall on parking spaces can be considered acceptable in this instance especially given the positive of bringing the building back into beneficial use.

Conditions are to be imposed in order to require the laying out of the access, retention of the parking areas, resiting of the vehicle barrier along Berwick Terrace to allow access to the visitor parking, continuation of the footway along the boundary of the application site and the provision of further information in connection with the retaining structures to be provided on site. On this basis it can be regarded that the application is acceptable on its planning and highway safety impacts.

Drainage

The Authority's Drainage Officer has raised no objections to the proposal and a SAB application has been received. The drainage details are therefore considered acceptable.

Ecology

The submitted Bat Survey advises that some evidence of bats was observed in the local vicinity and that a licence from NRW should be obtained. However, following receipt of the application in August 2020 the building has suffered from fire damage. This may impact upon any bat population in the building. The Council's Planning Ecologist has recommended that a new survey be undertaken, however, in the interest of moving the application forward to decision (given that surveys could only be undertaken between May and September) the applicant has provided a recent document entitled 'Method Statement - Bats' as a follow on to the original survey and to set out bat mitigation measures. The survey sets out the short term installation of bat roost boxes on the southern and eastern elevations of the building and then in the long term the provision of 6 no. Schwegler Bat Tube/Box/panels integrated into the building.

Whilst plans of the indicated mitigation have not been provided at this stage it is considered reasonable and acceptable in this instance to require, by condition, plans/details of the full mitigation measures to be provided prior to the commencement of development. The applicant is aware that a bat licence from NRW will be required prior to any work being carried out on site.

Planning Policy Wales (Chapter 5 - Conserving and Improving Natural Heritage and the Coast) sets out the requirements for determining planning applications for developments where protected species are present.

The Regulations allow developments that would be likely to result in disturbance or harm to individuals of a European protected species, or to their breeding sites and resting places, but only if there is:

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- *no satisfactory alternative and*
- *if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,*
- *the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.*

These derogations from the Habitats Directive to allow disturbance or harm to bats and their breeding and resting places are granted by licences issued by Natural Resources Wales.

The proposal is for the redevelopment of a derelict former social club for residential use and it is not considered that there is a satisfactory alternative location for this development. The proposal includes mitigation measures to compensate for the loss of any bat roosts in the existing building and therefore it is not considered that the proposal would have a detrimental impact on the population of the protected species in the local area. The proposed development is justified insofar that it will provide housing for the immediate local area and bring back into use a derelict property. Furthermore the building has been subject to recent arson attacks which have made the building unsafe, so the development is required to improve public health and safety. It is therefore considered that the proposal is suitable justified in line with the requirements for a bat licence.

On that basis the impact upon protected species from the development can be considered acceptable and is in accordance with policies ER8 and ER9 and advice in the Biodiversity and Development SPG.

Affordable Housing

Proposals that include residential development on sites within settlement limits with capacity for 5 or more dwellings should ordinarily provide for affordable housing on site in accordance with the requirements of Policy H 3.

The application site is within the Central Area and that requirement would extend to 20%. Notwithstanding this normal policy requirement, the plan, at paragraph 2.4.17, specifically sets out that 'proposals for the conversion, demolition or change of use of commercial property will be exempt from the policy'. On this basis, the provision of affordable housing at the site is not a policy requirement.

Conclusions

In conclusion it is considered that the proposal represents an acceptable form of development. The proposed change of use will have an acceptable impact on residential amenity, visual amenity, highway safety, ecology and the loss of the social club use is considered justified and compliant with the aims and requirements of the policies contained within the Swansea Local Development Plan (Adopted February 2019) and the Supplementary Planning Guidance Documents: Places to Live - Residential Design Guide (Adopted 2014), Car Parking Standards (Adopted 2012), Biodiversity and Development SPG (Adopted February 2021).

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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 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 WBFG Act.

RECOMMENDATION

APPROVE subject to the following conditions:

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

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

- 2 The development shall be carried out in accordance with the following approved plans and documents: 066-01 site location plan, 066-03 proposed site plan received on 21st August 2020. J007/001 car park layout, J007/002 drainage plan received on 24th September 2020. 066-24 REV B proposed upper second floor plan, 066-25 REV A proposed roof plan received on 2nd November 2020. 066-20 REV C proposed lower ground floor plan, 066-21 REV D proposed ground/upper ground floor plan, 066-22 REV D proposed first & upper first floor plan. 066-23 REV C proposed second floor plan, 066-26 REV D proposed elevations sheet 1, 066-27 REV D proposed elevations sheet 2 received 27th January 2021.

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

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

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

- 4 Prior to the commencement of development details to provide for a safe continuation of the footway on Baptist Well Place between its junction with Berwick Terrace and the North Eastern Site boundary shall be submitted to and approved in writing by the Local Planning Authority. The footway shall thereafter be completed in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety, in line with the requirements of Policies T5, T6, and PS2 of the Swansea Local Development Plan.

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- 5 The apartments hereby approved shall not be brought into beneficial occupation until the new access and turning head has been laid out to Highway Authority standard and specification.

Reason: In the interests of highway and pedestrian safety, in line with the requirements of Policies T5, T6, and PS2 of the Swansea Local Development Plan.

- 6 The apartments hereby approved shall not be brought into beneficial occupation until such time that the barriers on Berwick Terrace have been relocated to a location south of the proposed new access and amendments to the Traffic Regulation Order have been completed.

Reason: In the interests of highway and pedestrian safety, in line with the requirements of Policies T5, T6, and PS2 of the Swansea Local Development Plan.

- 7 No development shall commence until full design details of any retaining structure above 1.5m in retained height or 1.37m if within 4yds of an adopted highway are submitted to and approved in writing by the Local Planning Authority, the works shall thereafter shall be completed in accordance with the agreed details prior to the beneficial occupation of the approved building.

Reason: In the interests of highway and pedestrian safety, in line with the requirements of Policies T5, T6, and PS2 of the Swansea Local Development Plan.

- 8 The car parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of the development hereby approved and shall be retained for parking purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate parking provision on site.

- 9 Prior to the commencement of the development of the proposed building structure, details of the external materials shall be submitted to and agreed in writing with the Local Planning Authority. In regard to the external render specification, this shall be an anti-fungicidal coating/possible roughcast with detailing such as projecting drips to shed water rather than running down the façade. The development shall thereafter be carried out in full accordance with the agreed details.

Reason: In the interests of visual amenity and to ensure the proposal is constructed to an acceptable standard in compliance with Policy PS2 of the Swansea Local Development Plan.

- 10 Full details of the boundary treatments shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed details, prior to the beneficial occupation of the building.

Reason: In the interests of visual amenity and to ensure the proposal is constructed to an acceptable standard in compliance with Policy PS2 of the Swansea Local Development Plan.

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- 11 Prior to the commencement of development and notwithstanding the submitted 'Proposed Site Plan' drawing full details of a cycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be provided prior to beneficial occupation of the development hereby approved and shall be retained for cycle parking purposes for the residents of the flats in perpetuity.

Reason: To ensure adequate cycle parking provision on site.

- 12 Prior to the commencement of development full details of the refuse/recycling store shall be submitted to and approved in writing by the Local Planning Authority. The store shall be laid out in accordance with the approved plans prior to the beneficial occupation of the development hereby approved and shall be retained for waste/recycling storage in perpetuity.

Reason: to ensure adequate refuse/recycling storage areas on site

- 13 Prior to the commencement of development detailed plans of the proposed ecological mitigation and enhancement measures to compensate for the loss of bat roost habitats in the existing building, as described in the document entitled: Method Statement - BATS received on 24th March 2021, shall be submitted to and approved in writing by the Local Planning Authority. The mitigation and enhancement measures shall be provided on site prior to the first beneficial occupation of the development and retained as such for the lifetime of the development.

Reason: In order to mitigate for the potential impact to protected species from the development and provide opportunity for ecological enhancement at the site.

- 14 Before the development is commenced, a sensitive lighting strategy (relating to both the construction and operational phases of the development) shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall outline the measures to be taken to avoid the impacts of lighting (both during the construction phase and the operational phase) on bats and other nocturnal species. The lighting strategy shall ensure that the habitats adjacent to and within the site are not lit and that protected species using the site for commuting and foraging purposes can continue to do so without disturbance.

The measures contained within the approved lighting strategy shall be implemented at all times thereafter and any external lighting serving the proposed development shall not conflict with the mitigation measures contained within the lighting strategy at any times.

Reason: In the interest of bats and other nocturnal species.

- 15 Prior to works commencing on site a precautionary method statement with regards to reptiles shall be submitted and agreed with the Local Planning Authority. The method statement shall outline how the development will avoid, mitigate and compensate for any potential impacts on reptiles. The development shall be undertaken in adherence to the agreed method statement.

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Reason: In the interests of protecting reptiles.

- 16 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS2, RP2, T5, T6, and SI2.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

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

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

- 5 Any alterations to the Public Highway must be constructed via an agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and terms and conditions under which they are to be carried out.

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Please contact the Highway Authority's Network Management Team at networkmanagement@swansea.gov.uk, allowing sufficient time for preparation and signing the agreement.

- 6 Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. All design and implementation will be at the expense of the developer.
- 7 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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.

- 8 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website: - <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via SAB.Applications@swansea.gov.uk for further advice and guidance.

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- 9 **Warning: A European protected species (EPS) Licence is required for this development.**
This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>
- 10 Hedgehogs may be present. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- 12 Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This makes it an offence to intentionally kill or injure adder, grass snake, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960 or 0300 065 3000 or contact the species team by email on trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk).

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Procedural Matters

This application has been called-in to Committee for decision by Ward Councillors June Burtonshaw and Hazel Morris and has met the threshold for call-in as set out in the Council's Constitution.

Background

Planning permission for a single storey rear extension at the property (to accommodate a shower room/WC) was approved in August 2015 (ref. 2015/1344).

Site Location

The application property comprises a semi-detached property, with attached store at No. 567 Pentregethin Road, Ravenhill, Swansea, SA5 5ET. This stretch of Pentregethin Road comprises predominately two-storey semi-detached properties before giving way to commercial premises centred around Caereithin Cross, a designated local centre under LDP RC6. A commercial premises (fish and chip shop (Class A3) and parade of shops lies adjacent to the site which is close to the signalised junction of Pentregethin Road and Mynydd Newydd Road, Caereithin Cross.

Description

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a 4 bedroom HMO (Class C4).

Existing plans indicate that the ground floor arrangement of the dwelling comprises, a living room, ground floor bedroom, kitchen and downstairs shower room; upstairs the layout comprise two bedrooms, a sitting room and bathroom. The proposal will see the existing side store converted to provide a 4th bedroom. All other rooms will remain as existing. The property benefits from a front driveway and garden curtilage, in common with other properties on the street.

Planning Policy

Future Wales - the National Plan 2040

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

Swansea Local Development Plan (2010-2025)

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

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

H9 - Housing in Multiple Occupation - Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where they comply with relevant policy principles

T2 - Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

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

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

RP2 - Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.

RP 3 - Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

Supplementary Planning Guidance

The SPG documents 'Houses in Multiple Occupation and Purpose Built Student Accommodation in Swansea' (HMO SPG) and 'City and County of Swansea Parking Standards' (Parking Standards SPG) are also relevant to the determination of this application.

The latter SPG document was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG document will be subject to an updated public consultation and a readoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policy (T6) and is considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG document provides useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

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Consultations

Local Highway Authority - The current Parking Standards allow for up to six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016, up to six people could share without the need for planning permission. This application is for a change of use from C3 to C4 (for 4 persons) hence it is still below the 6 person threshold. Parking on street is restricted directly fronting however there is an existing vehicle crossing leading to a driveway which is being retained therefore existing parking arrangements are unchanged. There is on street parking available further along the street.

The dwelling is within easy walking distances of a number of amenities and has good links to public transport. On that basis, I recommend that no highway objections are raised to the proposal subject to:

1. The dwelling being used by no more than 4 persons in the interest of highway safety.
2. Cycle parking to be provided in accordance with the submitted details prior to beneficial occupation of the HMO.

Initial details indicated that cycle storage was being provided in the existing storage unit to the side. However, revised plans indicate this space is to be utilised as a bedroom. Notwithstanding this, it is considered there is sufficient space within the curtilage of the property to include cycle storage and a condition requiring this to be submitted is recommend to be included, as above.

Placemaking & Strategic Planning- HMO Radius Threshold Test

Based on an analysis of the publically available information and evidence available to me at this time, the following provides the results of the HMO Concentration Test in relation to No. 567 Pentregethin Road, Ravenhill, Swansea:

Test 1 - 'Radius Test'

The application property is located outside the HMO Management Area designated in the Swansea LDP, as illustrated on the Proposals Map. Being outside the management area, the concentration HMO threshold 'ceiling' to be applied in this instance is to avoid the number of HMOs within a 50 metre radius of the application site exceeding 10% as a proportion of all residential units. Figure 1 provides a plan showing the properties identified as falling within the radius, as drawn from the relevant point on the application property

In order to produce the HMO Concentration Test, having regard to the data available to me in the Local Land & Property Gazetteer and on the use classes and HMO licensing records of properties within the radius, I have shown on the plan below (Figure 1) those properties that appear to be classed as HMOs. On this basis the outputs of Test 1 are as follows:

Within a 50 metre radius of the application property there are 23 residential units and according to my records none are existing HMOs. If the application property was approved for a HMO (Class C4) use I have calculated that on this basis the concentration percentage would be 4.35% within the 50m radius and therefore below the 10% threshold.

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Test 2 - 'Small Streets Test'

The application property is not considered to be on a small street and does not meet the 'small street' criteria as set out in LDP Policy H9 and the 'HMOs and Purpose Built Student Accommodation' Supplementary Planning Guidance (SPG)

Test 3 - 'Non-sandwiching Test'

The change of use of the application property to a HMO (Use Class C4) would not result in a C3 residential dwelling being 'sandwiched' between adjoining HMOs sharing the same street frontage.

Pollution Control & Private Sector Housing Team - No objection. The property would not require a HMO licence, however it would still need to be up to the same specification as a HMO which can be achieved by applying for an Advisory Service with the department.

Neighbour Comments- The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended). Four neighbouring properties were consulted by letter. A site notice was also posted within the vicinity of the application site.

FIVE letters of objection have been received which may be summarised as follows:

- Concerns this area should be kept as it always has been for residential family homes;
- Concerns this would set a precedent & change nature of the area;
- Concerns regarding additional parking pressure on traffic and highway safety; property is next to a parade of shops & busy traffic signalled controlled crossroads and is on a busy bus route; Parking is restricted outside the property.
- Concerns regarding potential noise and disturbance and anti-social behaviour;
- Concerns of detrimental impact on property values nearby;
- Concerns regarding nature of tenants; who will prospective tenants be?

A petition of objection containing 154 signatures was also received which may be summarised as follows:

- Potential harm, through noise and disturbance to existing longstanding residents in the area;
- Devaluation of nearby properties;
- The cost to the Authority and other services in dealing with complaints;
- Potential interference with traffic flows caused by additional parking; along a main bus route and close to existing junction, where parking is restricted;
- If left as a residential property it would also house people; any additional capacity must, by definition be less than 4 places, and may create no extra housing places;
- Any perceived benefits if this application were granted area outweighed by obvious detriment to existing residents and businesses.

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APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the principle of a HMO in this location, the impact upon the residential amenities of neighbouring occupiers and future occupiers along with any parking and highway safety impacts having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

In the case of this particular proposal, the LDP contains a specific policy relating to HMO applications - H9. The Policy includes a prescriptive definition of what constitutes 'harmful concentration/intensification' and includes HMO threshold limits within defined areas. The policy sets out the basis upon which such applications are proposed to be considered over the Plan period and has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants on behalf of the Council.

Policy H9 states:

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

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

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

Turning to the proposed development, the application property is a two storey semi-detached dwelling located in a densely populated local centre location outside of the city centre. The application site is located outside of the HMO Management Area. As such Policy H9 indicates that planning applications for HMOs will be permitted in this location where it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs.

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Within a 50m radius of the frontage of the application property there are 23 residential properties, none of which are licenced HMOs on the Council's public register. Moreover there are no planning permissions granted for changes of use to a HMO within the 50m radius. On this basis the development would pass the radius test (4.35% within the 50m radius) and therefore below the 10% threshold) under criterion II and this indicates that the development would not result in an overconcentration of HMOs in this area.

The application property is not located within a small street and the development would not result in a C3 dwelling being 'sandwiched' between adjoining HMO properties as such criterion III has been satisfied.

Given the above, in principle, it is considered that the proposal would not conflict with criterion III of Policy H9. The matters covered in criteria IV & V are discussed below.

Visual Amenity

In terms of physical external alterations to the dwelling, the existing flat roofed side store attached to the property is to be converted to provide a 4th bedroom. The plans indicate that the existing front elevation of this store (doorway and cladding) will be amended to incorporate a white uPVC external door and glazed screen. This is set back from the front elevation of the dwelling, which itself is set back from the highway. This relatively minor change is not considered to give rise to any significant detrimental visual impacts upon the host property, or the character and appearance of the wider area and would therefore comply with LDP Policies PS2, H9 and the HMO SPG.

Residential Amenity

In relation to residential amenity, criterion IV of Policy H9 requires that satisfactory private amenity space and appropriate room sizes are provided, criterion V also requires that developments must not result in unacceptable adverse impacts caused by noise nuisance and general disturbance.

Turning to the impacts upon the future occupiers, the HMO SPG advised that occupants should have access to usable private outdoor amenity space, which includes 'functional' areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide satisfactory living conditions. There is a small garden area at the rear of the property accessed via the communal living area. This area could provide space for refuse and bike storage together with residual space for sitting out and clothes drying. This area is considered to be satisfactory to serve the needs of the future occupiers.

In terms of room sizes, the SPG makes it clear that the Council expects room sizes to accord with the guidance set out in the Council's adopted HMO Licencing Policy.

The standards are provided within the SPG and are reproduced as follows:

- Single bedroom - 6.5 m²
- Double bedroom - 10.2 m²
- Kitchen (used by 1-5 persons) - minimum 7m²

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The bedroom spaces would comply with the minimum room standards set out above. In respect of the kitchen, the plans show that the kitchen would have a floor area of 5.16m². This falls short of the recommended 7m². However, it should be noted that this is the existing kitchen which already serves the host semi-detached property. Moreover, it is adjacent to a room which is to be utilised as a communal living room measuring some 12.8m².

The SPG stresses the importance of providing a communal space for occupiers to congregate. The lack of such space can lead to occupants being reliant entirely on bedrooms for relaxation and leisure time which, the SPG states, is not conducive to the objective of promoting good health and well-being.

The proposals include a communal living area in the existing living room on the ground floor, as indicated above, that would measure 12.8m² and a further existing "sitting room" upstairs measuring some 4.2m². These areas are considered to be acceptable to meet the communal space requirements for the proposed 4 bedroom property.

On this basis, it is considered that the layout of the proposed development would not result in an over-intensive use of the building and would provide acceptable living conditions for the future occupiers. However, a condition limiting the number of occupants to 4 is considered necessary to ensure that satisfactory living standards are provided. This is particularly necessary as the "upstairs sitting room " could potentially be used as a bedroom, but its small size (4.2m²) would not lend itself well to a being a functional bedroom to meet HMO standards. In addition, the provision of more than 4 occupiers within a semi-detached property with a relatively small kitchen area would, it is considered, result in an over-intensive use of the property.

Turning to the impact of the development upon general noise and disturbance in the area, the application site is located within a predominantly residential area occupied by families. While this may be the case, it is not considered the provision of a 4 bedroom HMO would result in any significant noise nuisance or disturbance over and above the existing lawful use as a C3 dwelling and it should be noted that the site is located immediately adjacent to a commercial centre. There are no other recorded HMOs on the street as such there would be no cumulative noise or disturbance impacts arising from an overconcentration of HMOs on the street.

In light of the foregoing, it is considered the proposed development would not result in any significant residential amenity impacts upon the future occupiers of the development and would not result in any significant noise or disturbance to the surrounding area. The development would therefore comply with LDP Policies PS2, H9, RP2 and the HMO SPG.

Parking and Highway Safety

Concerns have been raised by third parties in relation to the potential for the development to result in adverse impacts upon parking and highway safety in the area.

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

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Parking on street is restricted directly fronting however there is an existing vehicle crossing leading to a driveway which is being retained therefore existing parking arrangements are unchanged. There is on street parking available further along the street. The dwelling is within easy walking distances of a number of amenities and has good links to public transport.

The Local Highway Authority has been consulted on the application and has offered no highway objection to the application, subject to the inclusion of conditions. In view of the above, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property, in compliance with the provisions of Policies H9 and T6. Furthermore it appears from the submitted plans that there is adequate space to the rear of the property to provide for undercover cycle storage and refuse storage, the details of which can be controlled via condition.

On this basis it is considered that the proposed development would not result in any significant parking or highway safety impacts over and above the existing lawful use of the property. The development would therefore not conflict with LDP Policies T2 and T6. The development would also not conflict with the HMO SPG or the Parking Standards SPG.

Suggested Conditions

Suggested condition 3 relates to requiring appropriate facilities for both refuse and bicycle storage. Full details have not been provided, therefore a condition requiring that these details be submitted to the Local Planning Authority is required.

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

Other Matters

Concerns raised by third parties in relation to the impacts of the development upon parking, highway safety and the impact upon the character of the type of housing in the area have been addressed within the above report.

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Concerns have been raised specifically in relation to the potential for anti-social behaviour, noise and disturbance and potential prospective tenants. The behaviour of individuals or groups of individuals is not something that can be controlled by the planning system. Policy H9 does allow for HMOs to be distributed in low numbers within existing communities outside of the HMO management areas. Therefore, despite concerns that the proposal may result in anti-social behaviour, the proposal would not conflict with H9. Any significant anti-social behaviour issues would be dealt with by the police and other separate legislative regimes. Concerns regarding impact on property values and costings in dealing with complaints are not considered material planning considerations.

Conclusions

The proposed conversion of the application property to a 4 bedroom HMO would not, it is considered, result in a harmful concentration of such properties within this area. It is considered the proposal would have an acceptable impact upon the visual amenities of the area, and would have an acceptable impact upon the residential amenities of future occupiers and the residential amenities of neighbouring occupiers. Moreover, it is not considered the proposal would result in any significant highway safety impacts. The development would therefore not conflict with LDP Policies PS2, H9, RP2, RP3, T2 and T6. The development would also not conflict with the HMO SPG or the Parking Standards SPG.

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

RECOMMENDATION

APPROVE subject to the following conditions:

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

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

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

Site location plan received 15th March 2021; and existing and proposed layout & front elevation received 26th April 2021.

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

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- 3 Prior to the first beneficial occupation of the use hereby approved, details of facilities for the secure and undercover storage for a minimum of four bicycles and refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented on site prior to the first beneficial occupation of the use hereby permitted and shall thereafter be retained for the lifetime of the development and not used for any other purpose.

Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers in accordance with Policies PS2 and H9 of the Local Development Plan (2019).

- 4 The use of the property as a HMO shall be limited to a maximum of 4 residents occupying the property at any one time.

Reason: To safeguard the living conditions of the occupants of the development in accordance with Policies H9 and PS2 of the Swansea Local Development Plan (2019).

Informatives

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

Policy 1 - Where Wales Will Grow;

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking;

Policy 28 - National Growth Area - Swansea Bay and Llanelli.

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, H9, RP2, RP3, T2, and T6.

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

