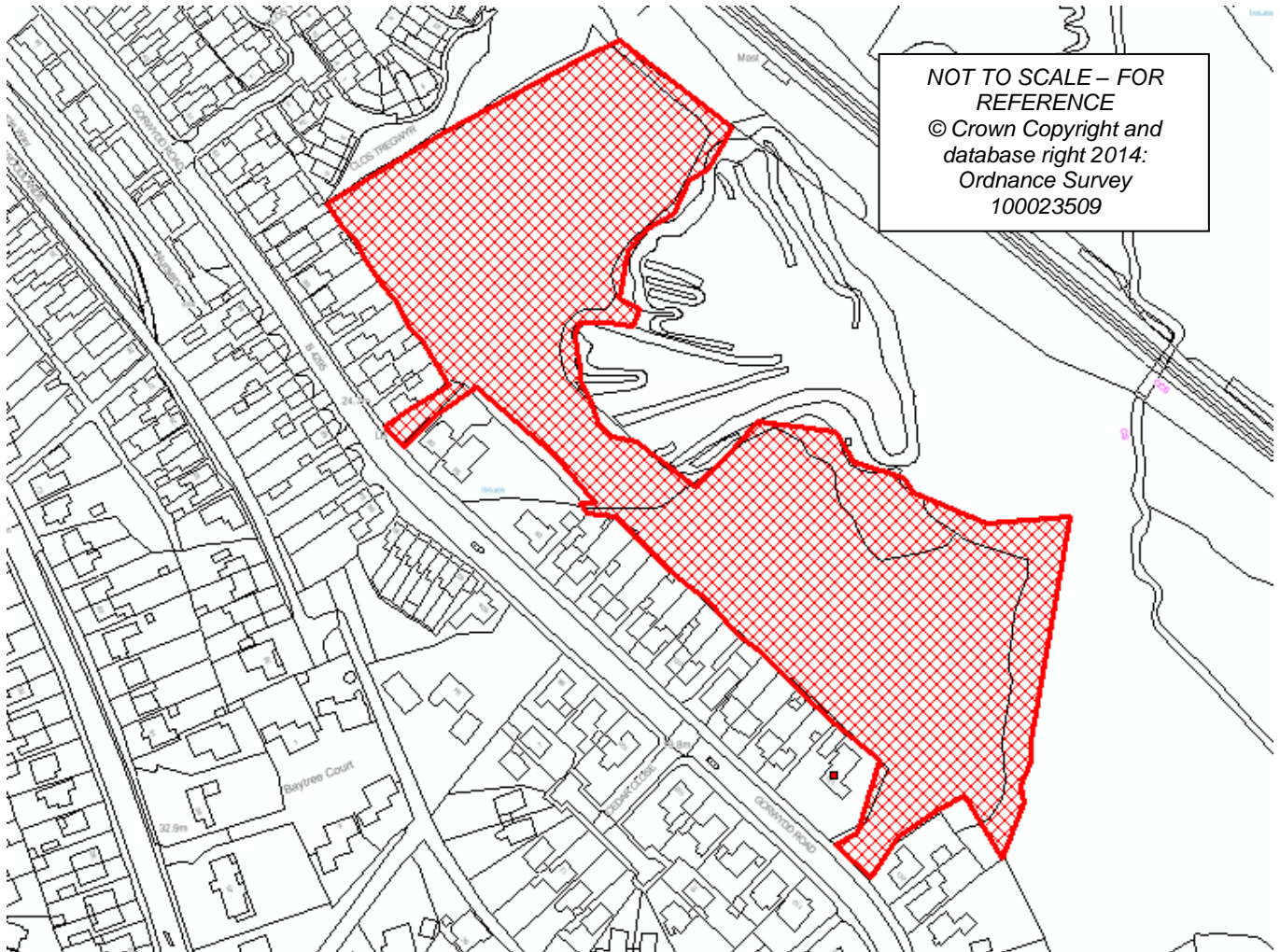


**Planning Committee – 1<sup>st</sup> February 2022**

<b>Item 1</b>	<b>Application Number:</b>	2021/2718/S73
	<b>Ward:</b>	Gowerton - Area 2
<b>Location:</b>	<b>Former Cefn Gorwydd Colliery, Gorwydd Road, Gowerton, Swansea, SA4 3AN</b>	
<b>Proposal:</b>	<b>Variation of condition 1 of reserved matters permission 2018/1894/RES granted on to allow for the submission of amended plans in relation to Plots 3, 4, 5-13, 16, 17, 92 and 93</b>	
<b>Applicant:</b>	<b>Pobl Group</b>	



**Background Information**

**Policies**

**LDP - PS2 - Placemaking and Place Management**

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

**LDP - 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 - ER11 - Trees, Hedgerows and Development**

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

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

**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.

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**LDP - T5 - Design Principles for Transport Measures and Infrastructure**

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.

**LDP - T6 - Parking**

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

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

**LDP - EU4 - Public Utilities and New Development**

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

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

**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.

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### Item 1 (Cont'd)

Application Number:

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#### LDP - RP5 - Avoidance of Flood Risk

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

#### LDP - RP6 - Land Contamination

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.

#### LDP - RP7 - Land Instability

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.

#### LDP - RP8 - Sustainable Waste Management

Sustainable Waste Management - the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use, as identified in the Proposals Map, provided that there are no significant adverse effects as specified in the policy. Also subject to the policy criteria, facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported. Proposals must be supported by an appropriate Waste Management Assessment

#### LDP - H2 - Affordable Housing Strategy

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

#### LDP - H1 - Non-Strategic Housing Sites

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.

#### LDP - H3 - Affordable Housing

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

#### 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 - SI6 - Provision of New Open Space

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. 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.

**Planning Committee – 1<sup>st</sup> February 2022**

**Item 1 (Cont'd)**

**Application Number:**

2021/2718/S73

<b>Site History App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2017/0153/PRE	Pre-application - 100 dwellings with associated open space and new site access from Gorwydd Road	MIXPR E	05.04.2017
2017/1451/OUT	Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space. (outline application - all matters reserved)	S106	10.08.2018
2018/1894/RES	Construction of 99 dwellings along with associated access, parking, landscaping, open space and engineering works (Reserved Matters application for the details of access, appearance, landscaping, layout and scale pursuant to outline planning permission 2017/1451/OUT granted 10th August 2018) and submission of details pursuant to Conditions 6 (Japanese Knotweed), 7 (drainage), 11 (on-site culverts), 12 (auto-track), 13 (site intrusive investigations for mine entries), 15 (historic environment mitigation), 27 (tree protection), 28 (boundary treatment) and 29 (wildlife habitat protection plan) of outline planning permission 2017/1451/OUT	APP	09.01.2019

## Planning Committee – 1<sup>st</sup> February 2022

Item 1 (Cont'd)	Application Number:	2021/2718/S73
2018/2554/NMA	Non Material Amendment to planning permission 2017/1451/OUT granted 10th August 2018 to modify the wording for conditions 13 and 14 to alter the timing for submission and carrying out of the intrusive site investigations associated with the mining legacy. Cond 13 - change from 'prior to the submission of the RM application' to 'the RM application shall be accompanied by...'. Cond 14 - change from 'the RM application shall be accompanied by' to 'Prior to the commencement of development'.	APP 19.12.2018
2019/1742/DOC	Discharge of Condition 9 (surface water removal) of planning permission 2017/1451/OUT granted 10th August 2018, as amended by NMA approval 2018/2051/NMA	APP 16.09.2019
2019/2429/DOC	Discharge of condition 16 (Land contamination - detailed investigation and remediation strategy) of Planning Permission 2017/1451/OUT granted 10th August 2018	APP 02.01.2020
2019/2791/NMA	Non- Material Amendment to Planning Permission 2017/1451/OUT granted 10th August 2018 to modify the wording of condition 14.	APP 23.12.2019

**Planning Committee – 1<sup>st</sup> February 2022**

<b>Item 1 (Cont'd)</b>	<b>Application Number:</b>	<b>2021/2718/S73</b>
2021/0106/106	Modification of Section 106 agreement attached to planning permission 2017/1451/OUT granted 10th August 2018, to alter the tenure split of affordable housing, to remove the education contribution for the English Medium primary school only and change the trigger point for the education payment, and to reduce the Highway contribution to £20,000.	REF 05.03.2021
2021/0167/NMA	Non-Material Amendment to Reserve Matters Planning Permission 2018/1894/RES Granted 9th January 2019 to allow amendments to house types for plots 1-52 (excluding apartment blocks plots 5-13 and 37-42). (Phase 1)	APP 11.05.2021
2021/0168/NMA	Non-Material Amendment to Reserved Matters Planning Permission 2018/1894/RES granted 9th January 2019 (to allow amendments to house types for Plots 53-99). (Phase 2)	APP 11.05.2021
2021/0646/106	Modification of Section 106 agreement attached to planning permission 2017/1451/OUT granted 10th August 2018, to remove the education contribution for the English Medium primary school only and change the trigger point for the education payment; to reduce the Highway contribution to £20,000; and to include a Mortgage In Possession Clause for the social rented affordable housing.	APP 19.10.2021

## Planning Committee – 1<sup>st</sup> February 2022

Item 1 (Cont'd)	Application Number:	2021/2718/S73
2021/1105/DOC	Discharge of Condition 14 (Site Investigation) of Planning Permission 2017/1451/OUT granted 10th August 2018	APP 08.09.2021
2021/2774/DOC	Discharge of condition 2 (materials) of planning permission 2018/1894/RES granted 9th January 2019	PDE
2021/2892/NMA	Non Material Amendment to planning permission 2018/1894/RES granted 9th January 2019 to allow for the submission of amended plans relating to alterations to the external appearance of apartment block on plots 37-42	PDE
2021/3215/DOC	Discharge of condition 7 (Drainage) of planning permission 2017/1451/OUT approved 10th August 2018 and reserved matters 2018/1894/RES approved 9th January 2019	PCO
ENQ2011/0367	Proposed construction of a two storey rear extension and side dormer roof extension at 121 Gorwydd Road, Gowerton, Swansea.	ENQCL O 06.05.2011
LV/80/0059/03	SINGLE STOREY GAMES ROOM EXTENSION	APP 28.03.1980
A01/0397	Single storey rear extension	APP 27.04.2001
2012/0827	Two storey rear extension and side roof extension	APP 03.08.2012

### RESPONSES TO CONSULTATIONS

The proposal was advertised by means of 3 Site Notices posted near the site on the 12th November 2021.

No responses have been received from local residents.



**Item 1 (Cont'd)**

**Application Number:**

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**Placemaking & Heritage Officer**

This S73 application seeks to amend the approved plans for the Type F houses and apartments. The amendments to the F Houses focus on minor changes to window proportions which is acceptable.

The amendments to the apartment focus on amending the eaves to ensure compliant headroom at second floor level. This maintains the approved gabled character and does not increase the overall height. These amendments are acceptable. Therefore this S73 application can be approved.

**APPRAISAL**

This S73 application is being reported to Committee for determination, as the parent planning permission (2017/1451/OUT) to which this S73 application relates, is for a development of 99 dwellings and hence was previously considered by the Committee.

Outline planning permission 2017/1451/OUT was granted on 10th August 2018, followed by the approval of reserved matters application 2018/1894/RES (access, siting, layout, landscaping and appearance) on the 9th January 2019, for the construction of 99 residential units on this site, along with associated access, parking, landscaping, open space and engineering works.

As part of the above reserved matters application, the design of the houses and flats were approved. The approved plans were listed as part of Condition 1 which part of the reserved matters approval.

This S73 application seeks to vary condition 1 of the reserved matters approval, to allow revised plans to be considered showing minor changes to the elevations of Plots 3, 4, 5-13, 16, 17, 92 and 93.

Specifically, the proposed alterations are:

- o Alterations to the roof form and resultant external changes to the apartment block comprising Plots 5-13.

- o Alterations to the external appearance of the F-Type units on Plots 3, 4, 16, 17, 92, 93, by virtue of a slight increase to the width of a front first floor window, a minimal increase between the top of the first floor windows and the eaves, a resultant minimal increase in ridge height and the reduction of the type and number of roof lights on the rear roof slope (from 3 to 2 roof lights).

The application site (along with adjoining retained wood land) forms part of the former Cefn Gorwydd Colliery site. The application site is located to the rear of residential dwellings, Nos 65 - 139 Gorwydd Road (odd), is bound to the north by the main railway line and the retained woodland, to the west by part of the retained woodland and dwellings in Tir Y Farchnad and Clos Tregwyr, and to the east by the retained woodland and residential dwellings in Bryn Close and Laurel Drive.

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Application Number:

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The overall site is irregular in shape and measures approximately 2.9 hectares and is presently covered with woodland and scrubland. Two strips of land connect the site to Gorwydd Road - a proposed pedestrian route between 81 and 83 Gorwydd Road, and a proposed vehicular access between 121 and 137 Gorwydd Road.

The development is currently under construction.

### **Main Issues**

The main issue for consideration in this instance therefore is the impact of the proposed alterations on the visual amenity of the area having regard to Policy PS2 of the Swansea Local Development Plan (2010-2025), Policies and the Council's Placemaking Guidance for Residential Development (2021).

There are no overriding matters with regard to the provisions of the Human Rights Act.

### **Section 73 Procedures**

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

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

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

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

### **Visual Amenity**

The changes proposed under this application are:

- Alterations to the roof form and resultant external changes to the apartment block plots 5-13.

## Planning Committee – 1<sup>st</sup> February 2022

**Item 1 (Cont'd)**

**Application Number:**

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- Alterations to the external appearance of the F-Type units on plots 3, 4, 16, 17, 92, 93 by virtue of a slight increase to the width of a front floor window, a minimal increase between the top of the first floor windows and the eaves, a resultant minimal increase in ridge height and the reduction of the type and number of roof lights on the rear roof slope from 3 to 2 roof lights.

The apartment block comprising Plots 5-13 was originally designed with steep gables above the 3rd floor level. The proposed alterations remove the steel gables and replace them with a traditional pitched roof and full gabled pine ends. This is considered to be an improvement to the design previously approved. This change is therefore supported.

With regard to the F house type, the increase in width of the first floor window combined with the slight increase in height between the top of the window and the eaves, and the slight increase in the ridge height is considered to be an improvement to the appearance of the front elevation of the dwelling house. The removal of 1 roof light on the rear roof slope would not be visible from the public realm and is considered to be acceptable.

It is considered that the changes listed above are acceptable in terms of their impact upon the appearance of the proposed housing development and will not have a detrimental impact upon the visual amenity of the area.

As such the application is considered to be acceptable and complies with Policy PS2 of the Swansea Local Development Plan (2010-2025) and the SPG - Placemaking Guidance for Residential Development (2021).

### **Other Matters**

The proposed changes will have no impact on the residential amenities of local residents or highway safety.

### **Conclusions**

Having regard to all material planning considerations, including the provision of the Human Rights Act, the proposed amendments are considered to be acceptable and would not have a harmful impact upon the visual amenity of the area and complies with the provisions of Policy PS2 and LDP and the Council's Placemaking Guidance for Residential Development (2021)

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

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**RECOMMENDATION**

**APPROVE subject to the following conditions:**

1 JAPANESE KNOTWEED SURVEY REPORT V2 JAPANESE  
KNOTWEED METHODOLOGY FOR CONTROL  
JAPANESE KNOTWEED LOCATION PLAN  
received 31st August 2018.

2271-100 - SITE LOCATION PLAN, received 19th September 2018.

SITE INVESTIGATION REPORT PART 1  
SITE INVESTIGATION REPORT PART 2  
WRITTEN SCHEME OF INVESTIGATION FOR ARCHAEOLOGICAL WATCHING BRIEF  
received 5th October 2018.

2271-230 - PLOTS 29-31 PROPOSED FLOOR PLANS  
2271-228 - PLOTS 26-28 PROPOSED FLOOR PLANS  
received 10th October 2018.

2271-BS - BIN STORE PLANS & ELEVATIONS, received 10th December 2018.

2271-680-1 REV B - WATERCOURSE DIVERSION WORKS, received 14th December  
2018.

2271-242 REV A - FLOOR PLANS PLOTS 59-61, received 17th December 2018.

2271-610 REV C - DRAINAGE SECTIONS  
NETWORK 1 SW SIMULATION RESULTS 18.12.18  
NETWORK 2 SW SIMULATION RESULTS 18.12.18  
2271-600-1-REV C - ROAD LONGITUDINAL SECTIONS (1 OF 3)  
2271-600-2 REV B - ROAD LONGITUDINAL SECTIONS (2 OF 3)  
2271-600-3 REV B - ROAD LONGITUDINAL SECTIONS (3 OF 3)  
2271-650-1 REV B - REFUSE VEHICLE SWEEP PATH (1 OF 2)  
2271-650-2 REV A - REFUSE VEHICLE SWEEP PATH (2 OF 2)  
ARBORICULTURAL REPORT (1 OF 2)  
ARBORICULTURAL REPORT (2 OF 2)  
EDP4608\_D005 REV D - DETAILED HARD AND SOFT LANDSCAPING PLAN  
SHEETS 1-5  
received 18th December 2018.

2271-520-1 REV D - ENGINEERING LAYOUT (1 OF 4)  
2271-520-2 REV D - ENGINEERING LAYOUT (2 OF 4)  
2271-520-3 REV D - ENGINEERING LAYOUT (3 OF 4)  
2271-520-4 REV D - ENGINEERING LAYOUT (4 OF 4).  
2271-680-1 REV B - WATERCOURSE DIVERSION WORKS  
WILDLIFE AND HABITAT PROTECTION PLAN Received 19th December 2018  
received 7th January 2019.

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CS-20082-003 PL1 - HOUSE TYPE C1 FLOOR PLANS  
CS-20082-004 PL1 - HOUSE TYPE C1 ELEVATIONS  
CS-20082-005 PL1 - HOUSE TYPE D FLOORPLANS  
CS-20082-006 PL1 - HOUSE TYPE D ELEVATIONS  
CS-20082-007 PL2 - HOUSE TYPE F FLOOR PLANS  
CS-20082-008 PL2 - HOUSE TYPE F ELEVATIONS  
CS-20082-009 PL1 - HOUSE TYPE 2B1 4.2.1 FLOOR PLANS  
CS-20082-010 PL1 - HOUSE TYPE 2B1 4.2.1 ELEVATIONS  
CS-20082-011 PL1 - HOUSE TYPE 3B1 5.3.1 FLOOR PLANS  
CS-20082-012 PL1 - HOUSE TYPE 3B1 5.3.1 ELEVATIONS  
CS-20082-015 PL1 - HOUSE TYPE 4B 7.4.1 FLOOR PLANS  
CS-20082-016 PL1 - HOUSE TYPE 4B 7.4.1 ELEVATIONS  
CS-20082-017 PL1 - PLOTS 26-28 STREET ELEVATION  
CS-20082-018 PL1 - PLOTS 29-31 STREET ELEVATION  
CS-20082-020 PL0 - HOUSE TYPE B2 (GABLE BOARDED) FLOOR PLANS  
CS-20082-021 PL0 - HOUSE TYPE B2 (GABLE BOARDED) ELEVATIONS  
CS-20082-022 PL0 - HOUSE TYPE B2 (GABLE PANEL) FLOOR PLANS  
CS-20082-023 PL0 - HOUSE TYPE B2 (GABLE PANEL) ELEVATIONS  
CS-20082-024 PL0 - HOUSE TYPE C2 (GABLE PANEL) FLOOR PLANS  
CS-20082-025 PL1 - HOUSE TYPE C2 (GABLE PANEL) ELEVATIONS  
CS-20082-026 PL0 - HOUSE TYPE D (BOARDED) FLOOR PLANS  
CS-20082-027 PL0 - HOUSE TYPE D (BOARDED) ELEVATIONS  
CS-20082-028 PL0 - HOUSE TYPE 3B2 5.3.2 (BOARDED) FLOOR PLANS  
CS-20082-029 PL0 - HOUSE TYPE 3B2 5.3.2 (BOARDED) ELEVATIONS  
CS-20082-032 PL0 - HOUSE TYPE 2B1 4.2.1 FLOOR PLANS  
CS-20082-033 PL0 - HOUSE TYPE 2B1 4.2.1 ELEVATIONS  
CS-20082-PL-01-P2 - PHASE 1 - SITE LAYOUT  
CS-20082-PL-03-P2 - PHASE 1 - PROPOSED TIMBER BOARDING TO KEY PLOTS  
received 29th April 2021 (2021/0167/NMA).

CS-20082-001-PL1 - HOUSE TYPE B1 FLOOR PLANS  
CS-20082-002-PL1 - HOUSE TYPE B1 ELEVATIONS  
CS-20082-003-PL1 - HOUSE TYPE C1 FLOOR PLANS  
CS-20082-004-PL1 - HOUSE TYPE C1 ELEVATIONS  
CS-20082-005-PL1 - HOUSE TYPE D FLOOR PLANS  
CS-20082-006-PL1 - HOUSE TYPE D ELEVATIONS  
CS-20082-009 PL1 - HOUSE TYPE 2B1 4.2.1 FLOOR PLANS  
CS-20082-010 PL1 - HOUSE TYPE 2B1 4.2.1 ELEVATIONS  
CS-20082-011 PL1 - HOUSE TYPE 3B1 5.3.1 FLOOR PLANS  
CS-20082-012 PL1 - HOUSE TYPE 3B1 5.3.1 ELEVATIONS  
CS-20082-019 PL2 - PLOTS 59-61 STREET ELEVATION  
CS-20082-028 PL0 - HOUSE TYPE 3B2 5.3.2 (BOARDED) FLOOR PLANS  
CS-20082-029 PL0 - HOUSE TYPE 3B2 5.3.2 (BOARDED) ELEVATIONS  
CS-20082-030 PL0 - HOUSE TYPE B1 FLOOR PLANS  
CS-20082-031 PL0 - HOUSE TYPE B1 ELEVATIONS  
CS-20082-032 PL0 - HOUSE TYPE 2B1 4.2.1 FLOOR PLANS  
CS-20082-033 PL0 - HOUSE TYPE 2B1 4.2.1 ELEVATIONS

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CS-20082-034 PL0 - HOUSE TYPE 3B1 5.3.1 FLOOR PLANS  
CS-20082-035 PL0 - HOUSE TYPE 3B1 5.3.1 ELEVATIONS  
CS-20082-PL-02-P2 - PHASE 2 - SITE LAYOUT  
CS-20082-PL-04-P2 - PROPOSED TIMBER BOARDING TO KEY PLOTS  
received 29th April 2021 (2021/0168/NMA).

CS-20082-045 PL0 - TYPE AP2 GROUND FLOOR PLAN  
CS-20082-046 PL0 - TYPE AP2 FIRST FLOOR PLAN  
CS-20082-047 PL0 - TYPE AP2 - SECOND FLOOR PLAN  
CS-20082-048 PL0 - TYPE AP2 FRONT ELEVATION  
CS-20082-049 PL0 - TYPE AP2 REAR ELEVATION  
CS20082- 051 PL0 - TYPE AP2 - ROOF PLAN  
received 12th November 2021.

CS-20082-050-PL0 - TYPE AP2 - SIDE ELEVATIONS B & D, received 13th January 2022.

CS-20082-MA-02-PL2 PHASE 1 MATERIALS LAYOUT, received 14th January 2022 (2021/2892/NMA).

CS-20082-007 PL3 - HOUSE TYPE F - FLOOR PLANS  
CS-20082-008 PL3 - HOUSE TYPE F - ELEVATIONS  
CS-20082-037 PL0 - TYPE AP1 - ROOF PLAN  
CS-20082-040 PL0 - TYPE AP1 - SIDE ELEVATION C  
CS-20082-041 PL0 - TYPE AP1 REAR ELEVATION B  
CS-20082 PL-07 PO - S73 SITE LAYOUT PLAN  
received 22nd October 2021.

CS-20082-036-PL1 - TYPE AP1 - GROUND FLOOR PLAN  
CS-20082-037-PL1 - TYPE AP1 - FIRST FLOOR PLAN  
CS-20082-038-PL1 - TYPE AP1 - SECOND FLOOR PLAN  
CS-20082-039-PL1 - TYPE AP1 - FRONT ELEVATION D  
CS-20082-042-PL1 - TYPE AP1 SIDE ELEVATION A  
received 29th October 2021.

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

- 2 Prior to the construction of the superstructures of the buildings hereby approved, full details and specifications of the materials to be used in the construction of the external surfaces of the buildings and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

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

## Planning Committee – 1<sup>st</sup> February 2022

Item 1 (Cont'd)

Application Number:

2021/2718/S73

### Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policies 1, 2 and 9

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, ER1, ER2, ER11, T1, T2, T5, T6, EU4, RP2, RP3, RP4, RP5, RP6, RP7, RP8, H1, H2, H3, IO1 and SI6.

- 2 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.

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

- 6 The applicant / developer is also advised of the need to comply with the conditions forming part of outline planning permission 2017/1451/OUT granted 10th August 2018.

- 7 Please be advised that under the Land Drainage Act 1991 the Authority's prior written consent is required irrespective of any other permissions given and we have two calendar months to determine any application, this requirement may impact on any proposed start dates to avoid the bird nesting season. The land drainage consent process will required the submission of full engineering details such as chamber design, headwall design, typical channel cross section, channel long section etc. The required application forms can be downloaded from <http://www.swansea.gov.uk/article/5390/Drainage-and-coastal-management>.

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### Item 1 (Cont'd)

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- 8 With regard to the Culvert, the application is advised to note that the detailed Engineering layouts includes a 900mm piped culvert shown under the Highway, diverting an existing watercourse. This will not be acceptable to the Highway Authority, and may affect future adoption aspirations.
  - 9 With regard to condition 15 (archaeology) please note that the condition cannot be fully discharged until the work is carried and all the archaeological work is completed. The final report is required to be submitted and approved in writing by the Local Planning Authority.
-



Planning Committee – 1<sup>st</sup> February 2022

Item 2

Application Number:

2021/2219/FUL

Ward:

Morrison - Area 1

Location:

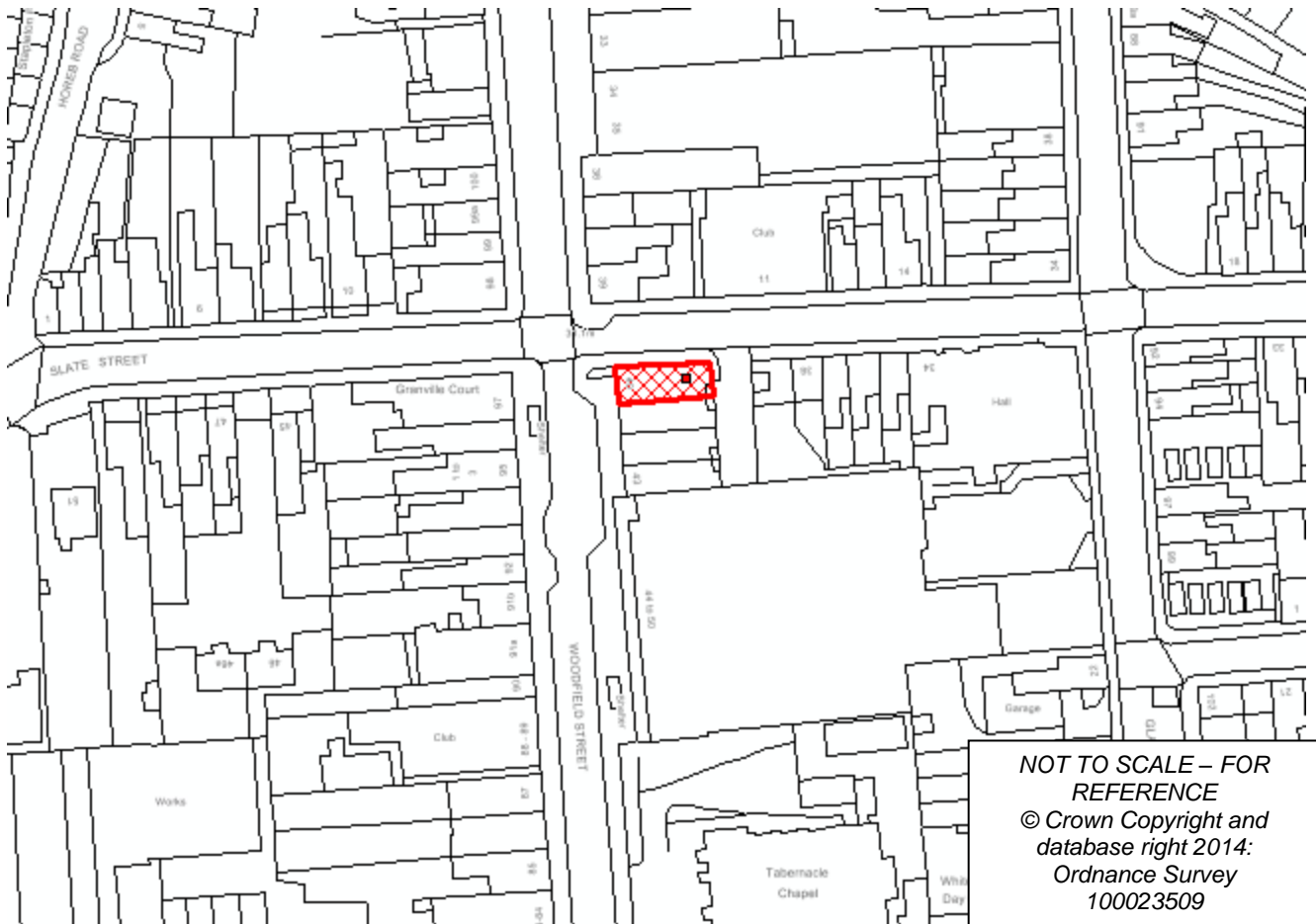
40 Woodfield Street, Morrison, Swansea, SA6 8AB

Proposal:

Change of use from retail (Class A1) to a nail salon (Class A2) and retention of roller shutters to front and side

Applicant:

Ms Linh Vu Hollywood Nails



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Application Number:

2021/2219/FUL

Site History App Number	Proposal	Status	Decision Date
2021/2968/ADV	Retention of 2 internally illuminated fascia signs	PCO	
89/1291/03	CASH DISPENSER.	APP	20.10.1989
2012/1329	Two internally illuminated fascia signs and one non-illuminated projecting sign	APP	04.02.2013
2007/2347	Change of use from retail (Class A1) to financial office (Class A2)	WDN	01.09.2008

### Background

This application is reported to Committee for decision given it is a departure from the Swansea Local Development Plan Policy RC9.

### Site Location

The application site forms part of the Morriston District Centre, which is predominantly comprised of traditional terraced commercial properties. The site also forms part of the Morriston Conservation Area and is located on a prominent corner plot of Woodfield Street and Slate Street, in close proximity to the Grade I Listed Tabernacle.

Located around 5km north of the City Centre, the District Centre at Morriston is the largest in the County in terms of unit numbers with nearly 180 premises. It is a well-established District Centre having served generations of surrounding communities, predominantly in the north east of Swansea.

### Description

Full planning permission is sought for the change of use of the ground floor from retail (Class A1) to a nail salon (Class A2) and the installation of external roller shutters to the front and side of the building at No. 40 Woodfield Street, Morriston. This is a retrospective application as the external works have already been undertaken and the use is operating.

### 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

**Item 2 (Cont'd)**

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Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership  
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.

**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.

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## 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.

## Conservation Areas

6.1.14 There should be a general presumption in favour of the preservation or enhancement of the character or appearance of conservation areas or their settings. Positive management of conservation areas is necessary if their character or appearance are to be preserved or enhanced and their heritage value is to be fully realised.

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level.

## **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.

RC 2 Retail and Leisure Development - Retail and leisure proposals must in the first instance assess the suitability of sites and premises within the following Centres of the retail hierarchy, (Swansea Central Retail Area; District Centres; and Local Centres) having regard to the nature, scale and location of the proposed development.

RC 5 District Centres - There are 9 designated District Centres. Proposals will be required to maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities and be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre

RC 9 Ground Floor Non-Retail Uses within Centres - Within the Swansea Central Area Retail Centre and District Centres, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre, having regard to the specified policy principles. Business (Class B1) and residential (C3) uses will not generally be supported at ground floor level.

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HC 1 Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

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.

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.

RP 2 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.

### **Supplementary Planning Guidance (SPG):**

The supplementary planning guidance documents: 'Shopfront and Commercial Frontage Design Guide', 'District Centres, Local Centres and Community Facilities and 'City and County of Swansea Parking Standards' are also relevant to the determination of this application.

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.

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### **Responses to Consultations**

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters and the posting of a site notice within the vicinity of the application.

No representations have been received to date.

### **Strategic Planning and Placemaking**

#### Principle of Development

The application site is located within the Morriston District Centre (Policy RC 5). A key issue for consideration is whether the potential loss of retail units (Class A1) within the Morriston District Centre will have an unacceptable impact on the Centre's primary retail function. Policy RC5 requires all planning applications to retain the predominant shopping role and function of Centres, but does also recognise that a range of commercial and community facilities can generate footfall and help maintain a Centre's vibrancy and attractiveness. Regard must be given to the five criteria listed in the Policy. I have addressed these individually below:

- i. Maintain or improve the range and quality of shopping provision, or appropriate complementary commercial and community facilities;

The policy amplification states that District Centres can provide opportunities for an appropriate blend of non-retail uses that can play an important role in sustaining vitality and viability. Therefore it is considered that the change of use to a nail salon (Class A2) is acceptable in this location.

- ii. Be of a scale, type and character that will enhance the future vitality, viability and attractiveness of the Centre;

The proposed unit is currently vacant and demand for new retail provision is low which has been exacerbated by the Covid-19 pandemic. The proposal could have a positive impact on the area by increasing footfall. Increased footfall will add to the centres vibrancy and viability

- iii. Ensure that ground floor uses contribute to an attractive and vibrant street scene throughout the day;

The existing unit provides an active frontage at street level that any future occupant must maintain. Furthermore, it is vital that any future occupant trades during normal shopping hours and is not to operate solely for the night time economy. If this application is to be approved it should be conditioned accordingly to control the operating hours.

- iv. Retain the predominant shopping role and function of the Centre;

Policy RC5 supports a range of uses in addition to Class A1 retail in the interests of sustaining a mix and balance of uses that can generate footfall and help maintain vibrancy and attractiveness. Notwithstanding this the criteria does highlight the need to respect the primary shopping function of the Centre.

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The preference to retain and encouraging retail where possible at ground floor level, as set out in the policy, must be balanced against the realities of the fundamental shift in the retail industry and shopping habits. It is considered that the proposed nail salon would be an appropriate complementary commercial facility within the District Centre. An on balance decision should be reached as to whether approval of this application would overall deliver benefit to the Centre and would not have an adverse impact on the primary shopping function.

- v. Be consistent with the aims of maintaining and improving the quality of the physical environment, the provision of short term parking, and accessibility by public transport and Active Travel.

Morrison is highly accessible by foot and public transport, with services connecting the District Centre with outlying residential areas as well as the City Centre. On street parking is available along the length of Woodfield Street and connecting residential streets. In addition, around 120 spaces are available in off-street car parks.

Decisions on the suitability of Class A3 proposals should also be made having regard to the criteria set out in Policy RC 9 Ground Floor Non-Retail Uses within Centres. The policy states that, within the Morrison District Centre, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage or have a significant adverse impact upon the vitality, viability or attractiveness of the Centre. Regard must be given to the seven criteria listed in the Policy which have been addressed below:

- i. The relationship of the proposed unit to other existing or approved non-retail uses within the centre, with a presumption against proposals that result in a continuous run of 3 or more non retail uses

The site lies in the centre of Morrison District Centre. Morrison is a well-established Centre, the largest in the County, which offers a good range of shops and services. Policy RC 9 seeks to protect Retail (Class A1) uses at ground floor level within Centres, there is a presumption against any proposal that would lead to a continuous run of 3 or more ground floor non-retail uses within a centre. It is significant therefore that if the application was approved this would create a continuous run of 3 or more non-retail uses.

Regard must also be given to the latest National guidance and the severe economic impact of the Covid-19 pandemic. Edition 11 of Planning Policy Wales (PPW) recognises the importance of sustaining and enhancing Centres and encourages a diversity of activity and uses within Centres. Significantly, it states that, where economic decline is impacting on a retail and commercial centre, a sole emphasis on retaining A1 uses in premises - either in primary or secondary areas - that have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances PPW encourages planning authorities to consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels. Welsh Government have published guidance that reaffirms its commitment to placemaking with a people-focused and placemaking-led recovery from the pandemic. The Building Better Places: The planning system delivering resilient and brighter futures guidance includes specific reference to commercial centres.

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Welsh Government recognises that retailers are facing financial difficulty and as a consequence vacancy rates are expected to rise dramatically in commercial centres. To prevent this it emphasises how commercial centres must adopt a more flexible approach to create a hub of activity thus making commercial centres viable as go-to destination once again. Furthermore, to support the reopening of businesses and their efforts to create safe environments for the public to feel confident to return to the high street the Welsh Government are temporarily relaxing planning control for specified development through amendments to the Town and Country Planning (General Permitted Development) Order 1995 (the "GPDO"). It is notable that within a defined centre, for a temporary period, change of use from Class A1 to Class A2 is not required. In the short term, the Welsh Government wants to facilitate temporary changes of use to enable businesses to trial alternative uses within town centres for a short period of time. This is intended to enable them to trial alternative uses and get initial feedback as to whether the start-up is likely to be viable without the expense and delay associated with submitting a planning application.

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

The close proximity of non-retail uses to the application site does give rise to a degree of concern on the impact of the centre's primary retail function. However Policy RC9 does recognise that, in addition to Class A1 retail, a range of uses within Centres can generate footfall and help maintain the Centres vibrancy and attractiveness. Ultimately, an on balance decision should be reached as to whether approval of this application would overall deliver benefit to the Centre and would not have an adverse impact on the primary shopping function.

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

The site lies within the Morryston Conservation Area (Policy HC 1). A comprehensive review of Morryston Conservation Area was undertaken in November 2017. The review identified an erosion of traditional detail along Woodfield Street and raised concerns about the general character of the area. A step change in the quality of alterations and commercial frontages is needed along Woodfield Street to halt the erosion. The Council has adopted an updated Shop Front Design Guide as Supplementary Planning Guidance (SPG) which is used to guide proposals for new commercial frontages. The guidance provided in the Conservation Area Review provides specific information for the Morryston Conservation Area and these documents will work hand in hand to guide such proposals in this area. The existing unit provides an active frontage at street level that any future occupant must maintain.

Concerns are raised in relation to the proposed roller shutters and I would echo the submitted comments raised by the Lead Placemaking and Heritage Officer (15/10/21).

iii. The location and character of the unit and/or site, including its relative proximity to the most primary frontage and its relative importance for retention as a retail use by virtue of its: design; orientation; size; or siting;

The site sits amongst a development of 4 identical units. It sits to the west of the centre of Woodfield Street which hosts a mix of uses and some vacant commercial premises. It is significant to note that a large A1 unit, currently occupied by 'Wilko', is in close proximity to the application site.



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

It is considered that the proposal could have a positive impact on the area by increasing footfall. Increased footfall will add to the centres vibrancy and viability. It is essential that any future occupant maintains an active frontage.

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

The applicant has not produced any evidence of marketing the unit for a period of 12 months or more. It is noted from a recent planning application to the adjacent property which highly resembles the application property (No. 41 Woodfield Street, 2021/1038/FUL) that the property was unsuccessfully marketed for a period of over 12 months for an A1 use. Therefore, despite the lack of marketing evidence submitted, it is reasonable to conclude that there are significant impediments currently to the unit attracting a retail operator to successfully trade.

### Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

FW Policy 2 (see Annex A for details) sets out that:

- development should adhere to the defined placemaking principles in order that they positively contribute towards building sustainable places that support well-being objectives,
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- all proposals should be assessed having regard to the defined placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places.
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character.
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource.

### Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, the Development Plan also places significant emphasis on integrating nature-based solutions to the design of the built environment wherever possible, which reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ("the S6 duty").

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FW Policy 9 and PPW (see Annex A for details) require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance and biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear approach is taken to considering biodiversity and securing overall enhancement.

Adopted SPG - Biodiversity and Development (see Annex B for details) provides:

- guidance on how the requirement for biodiversity can be addressed and assessed.
- details of specific measures that could be provided to enhance biodiversity and ecosystem resilience depending on the nature of the proposals

**Final Comments**

In summary, despite the concerns regarding a loss of A1 use in the Morriston District Centre and the proposal resulting in a row of 3 non-retail units which are highlighted in the Swansea LDP as scenarios to avoid, the inherent benefits of an A2 use should be acknowledged and regard also given to the latest National Guidance on the matter of sustaining town and district centres with viable mixed uses. It is certainly the case that national and local planning policy recognises that an appropriate mix of uses that generate footfall and vibrancy within the street scene can maintain the viability of Centres as go-to destinations. As a consequence, subject to the Case Officer being in agreement that there are no other issues to consider regarding the principle of the use change and the outstanding issues in relation to the roller shutters are addressed, I consider on balance in this instance the proposed change of use from A1 to A2 is considered acceptable. It is vital however that any future occupant trades during normal shopping hours and is not to operate solely for the night time economy. If this application is to be approved it should be conditioned accordingly to control the operating hours.

**Placemaking Comments**

This retail unit lies on Woodfield Street within Morriston Conservation Area where the preserve or enhance test applies.

The property is a modern single storey flat roof building.

The proposal is an external roller perforated shutter and roller box.

This property currently appears to have internal shutters. The adjoining modern single storey retail property of similar original design has external solid roller shutter and roller box, however it is not clear if this has planning consent.

The adopted Shopfront SPG states that external roller shutters are only acceptable when perforated. In this instance the proposed shutter is perforated but the extent of perforations needs to be clarified and to be acceptable the open element needs to be 75% of the total shutter area (SPG paragraphs 9.6 and 9.8).

Also the adopted Shopfront SPG states that external roller boxes should be behind fascias or the projection minimised (SPG paragraph 9.10). Therefore the applicant needs to explain why the roller box cannot be inset and if it must project how the visual intrusion can be mitigated by integration with fascia.

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Therefore at present this application cannot be recommended for approval.

**Updated Placemaking Comments:**

These security shutters have already been installed with perforated shutters and external roller box. It is not clear why the security shutter could not have been internal nor why the shutter is required in the first place.

It is not clear whether the perforated shutters installed meet the 75% transparency requirement as set out in the adopted SPG.

Therefore refusal is recommended.

**Local Highway Authority**

Proposals are for a change of use from retail to a nail bar with the addition of roller shutters to the front and side elevation. The premises are located in a busy local shopping district which is highly accessible benefitting from good transport links. Parking is largely controlled and it is not considered that the change of use would result in an increase in traffic over and above the existing level.

Roller shutters are proposed to the front and side elevation, the mechanism is fixed at 2.7m above the highway which satisfies height requirements. The control mechanism housing projects 0.3m from the building frontage, as such, an oversail licence plus £10m Public Liability insurance cover is required.

The Developer must contact the Highway Management Group, City and County of Swansea, Guildhall, Swansea, SA1 4PE before carrying out any work, to obtain the necessary oversail licence under Section 177 of the Highways Act. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

**Analysis and Recommendation**

**Key Issues**

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the use of the unit as a nail bar, impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts.

**Principle of Use**

There are a number of commercial units within the recognised District Centre and there is a mix of differing commercial uses which complement one another. The Authority's SPG, 'District Centres, Local Centres and Community Centres' acknowledges that whilst appropriate supporting uses can complement retail shops, the shopping function of District and Local Centres can be eroded by incremental planning consents for non-retail use.

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Consequently, when considering such proposals it is vital that an assessment is carried out on the impact of the proposed change of use on retail frontages, as well as the overall impact upon the vitality, attractiveness and viability of the Centre.

The SPG states that the primary frontage should maintain a high level of retail units in order to safeguard the shopping frontage. National planning policy guidance emphasises the importance of ensuring ground floor use class changes are not permitted where this would create a predominance of non-retail uses that would lead to an unacceptable dilution of the retail frontage or undermine the attractiveness of the Centre.

The application unit forms part of the primary frontage of the designated District Centre, which as required by the SPG should not have any less than 50% of the units as non-retail. This section of the primary frontage is made up of 11 units, 8 of these units appear to be in A1 use, (7 of which are Wilko), one appears to be a tanning salon, one has recently been approved as an A3 use (2021/1038/FUL) and one is the application site. It is considered that the loss of a single A1 unit would not reduce the concentration of A1 units within this area to an unacceptable level.

The loss of the unit is compliant in concentration terms, however there are other considerations within Policy RC9. The proposal would result in more than 3 non-retail uses in a row, but the unit is not considered to be of a substantial size or importance that it would result in the loss of an important unit. The benefits of an A2 use in this location should be acknowledged and regard also given to the latest National Guidance on the matter of sustaining town and district centres with viable mixed uses. It should be highlighted that national and local planning policy recognises that an appropriate mix of uses that generate footfall and vibrancy within the street scene can maintain the viability of Centres as go-to destinations. Furthermore the use of this unit as a nail salon would result in daytime use, comparable to that of an A1 unit which would generate footfall and help maintain a Centre's vibrancy and attractiveness.

No evidence has been submitted to suggest that the application site has been advertised for a period of 12 months.

Whilst the proposal is not strictly in compliance with the aims of Policy RC9, given the lack of marketing, it is noted that there are other circumstances to consider. Firstly it is considered that the proposal would be in compliance with Policy RC5, insofar that it would supplement and complement the existing retail uses within the centre. It is also noted that in the current climate retail businesses are struggling and the use of the unit being active is of more positive benefit than an empty retail unit. The shop unit is relatively small and in the current economic climate is not likely to attract modern retail development.

On that basis it is considered that the change of use of the building would be acceptable in this instance and would have an acceptable impact on the vitality and viability of the centre. It is considered that given the scale and setting of the unit the marketing of the property for a period of 12 months without interest is not decisive in this case. The proposed business would complement the retail and non-retail uses within the centre and have a more positive impact on footfall compared to an empty unit and is considered acceptable on balance.

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### Visual Amenity

The application also seeks permission for the retention of roller shutters to the front and side elevations of the building.

Section 9.6 of the Shopfront Design Guide SPG states that the "Council will therefore not grant planning permission for solid or perforated shutters which are less than 75% open".

Section 9.10 of the Shopfront Design Guide states that "shutter boxes must be concealed behind the main fascia, or if this is not practicable their projection should be minimised. They should never project forward of the pilasters. Where shutter boxes are too bulky they detract from the features of the building and can harm the appearance of the shop and the street".

The roller shutters (which have been installed) provide a degree of transparency when backlit but it has not been demonstrated that they would provide sufficient transparency when there are no lights on internally and this could not be conditioned (nor would this solution be environmentally responsive). Allied to this, the shutter boxes are also external and project on the front and side elevations in a prominent location. Whilst it is recognised that there are examples of lawful external roller shutters within the district centre these are historical and are not reason enough to depart from the guidance contained within the Shopfront SPG. As the Placemaking and Heritage lead notes, the comprehensive review of Morrision Conservation Area identified an erosion of traditional detail along Woodfield Street and raised concerns about the general character of the area. A step change in the quality of alterations and commercial frontages is needed along Woodfield Street to halt the erosion. Allowing proposals on the basis that there are other examples will not drive up the quality of development or reverse this decline.

It should also be noted that there are a number of schemes currently available to businesses within Morrision District Centre for external improvements. There is the Business Improvement Grant (up to £10,000) to undertake external improvements. These improvements need to be sensitive within the conservation area and provide for a quality upgrade and any shopfronts should be in accordance with the District Centres SPG. This is a County-wide scheme for visible premises which comes from the Economic Recovery Fund and applications required via a Local Ward Member.

There is also the Welsh Government Placemaking Grant which is match funded up to £250,000, available in the CC and 7 District Centres, including Morrision District Centre for selective public realm and property improvements. This grant seeks to improve the visual impact of the area and would need to comply with Conservation principles. It should also be noted that zero interest loans are available to businesses in order to make improvements.

The Council and Welsh Government are clearly seeking to improve placemaking in the District Centre and it is considered that the approval of these roller shutters would not be in accordance with these aims given their poor external appearance and the dead frontage that would be created as a result. It should be re-iterated that the Morrision District Centre is also located within a Conservation Area, where the statutory test to preserve or enhance needs to be considered, which adds to sensitivity of the site and the need to ensure that any alterations seek to preserve and enhance the area. The roller shutters do not meet these requirements and are not therefore considered visually acceptable in this prominent location on the main thoroughfare.

Item 2 (Cont'd)

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### **Residential Amenity**

In regards to residential amenity there are no impacts to consider in regards to increased overbearing, overshadowing or overlooking. In terms of noise and disturbance a certain level can be expected within a district centre and the proposed opening hours (09.00 - 18.30) are consistent with existing similar uses to the centre. However, if the application were to be recommended for approval a condition with regards to opening hours to ensure that the use does not operate outside of these hours and that customers are also not on the premises outside these hours would be necessary. This would ensure that the residential amenity of neighbouring occupiers is protected.

### **Parking and Highway Safety**

It is considered that a district centre is an appropriate location for commercial uses given the level of short term parking available and transport links. In terms of demand for parking spaces it is not considered that there would be a significant increase from the proposed change of use. Therefore the impact on highway safety is considered to be acceptable in this instance.

### **Conclusions**

In conclusion, whilst the principle of development is considered acceptable on balance despite being a departure, it is considered that the proposal represents an unacceptable form of development by virtue of the external roller shutters to the front and side elevations. It is considered that this would have a negative impact on the character and appearance of the Morryston conservation area, contrary to Policy PS2, RC2, RC5 and HC1 of the Swansea LDP and guidance contained within the Shopfront and Commercial Frontage Design Guide. Refusal is recommended.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle under Part 2 Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development 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**

#### **Refuse for the following reason:**

- 1 The projection of the roller shutter housing forward of the shopfront and the incorporation of a primarily non-transparent solid shutter which would not allow clear views through the premises, presenting a largely solid dead frontage will result in the introduction of a visually incongruous structure which has an unacceptable impact upon the character and appearance of the application property, the streetscene in general and the wider Morryston conservation area, to the detriment of visual amenity. The proposal is therefore contrary to Policies PS2, HC1 and HC2 of the Swansea LDP (2010-2025), advice contained in Planning Policy Wales and the Supplementary Planning Guidance Document entitled 'Shopfront and Commercial Frontage Design Guide' (adopted January 2017).

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Application Number:

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**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 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

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, RC5, RC9, HC1, HC2, T5, T6 and RP2.

- 2 PLANS

01 site location & block plans, received 28th September 2021.

03 REV B proposed plans, 04 REV B existing & proposed elevations, 05 REV A proposed roller shutter, received 19th November 2021.

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Planning Committee – 1<sup>st</sup> February 2022

Item 3

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Ward:

Llansamlet - Area 1

Location:

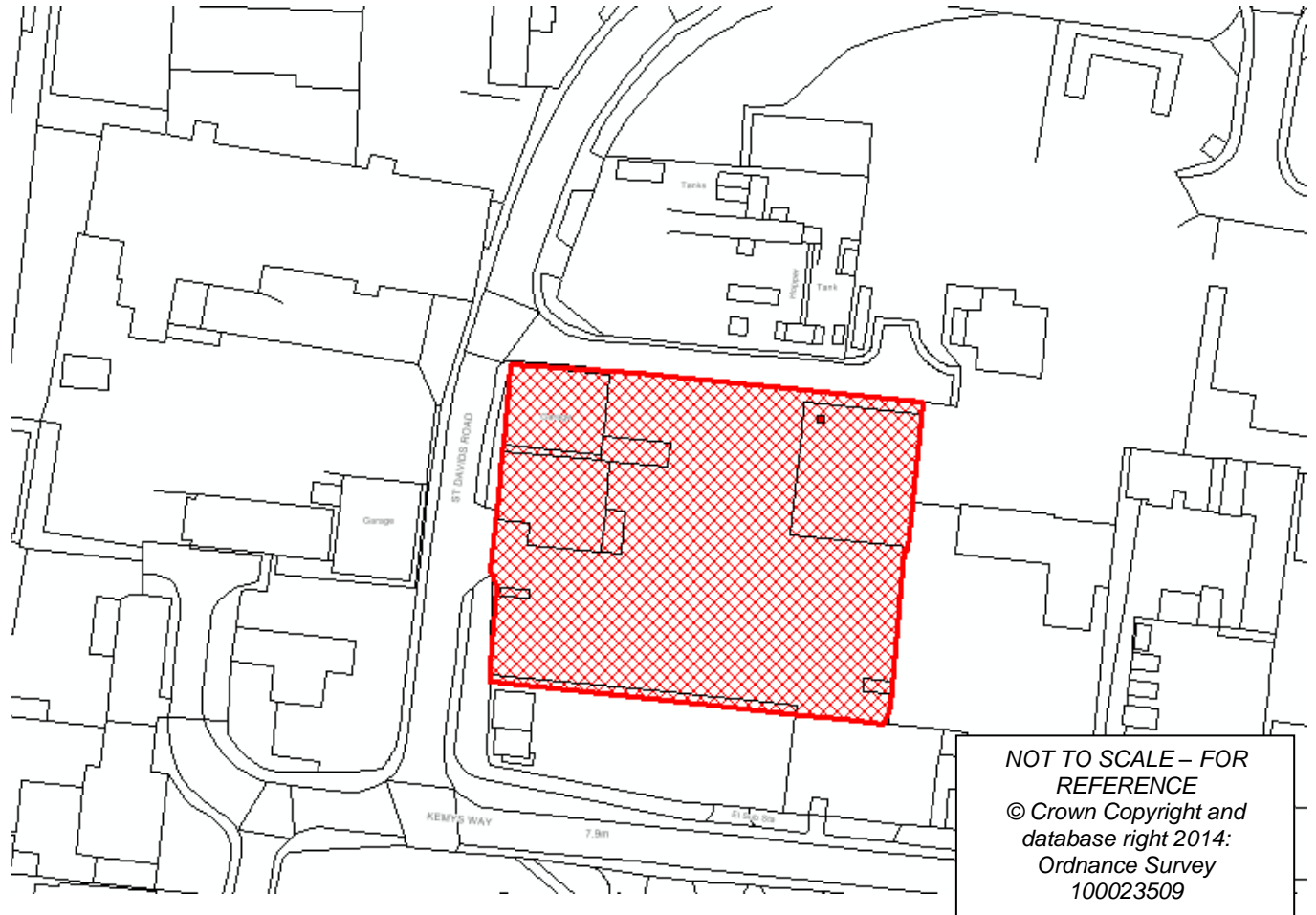
Unit 11 Swansea Truck Centre, St Davids Road, Swansea Enterprise Park, Swansea, SA6 8QL

Proposal:

Extension to workshop to incorporate area for commercial vehicle servicing and maintenance together with plant room for biomass boiler and flue

Applicant:

W.G. Davies (Landore) Ltd W.G. Davies (Landore) Ltd





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Application Number:

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### Background Information

#### Site History

App Number	Proposal	Status	Decision Date
2017/0499/PRE	PRE APP for demolition of single storey building and replace with an MOT garage (revision to 2014/1327)	MIXPR E	21.03.2017
2017/1314/FUL	Demolition of an existing single storey building and construction of an MOT garage	APP	17.08.2017
2020/0298/FUL	Retention of biomass boiler plant flue	APP	02.04.2020
99/0348	ERECTION OF SINGLE STOREY BUILDING FOR SERVICING AND TESTING OF LIGHT/HEAVY GOODS VEHICLES	APP	28.05.1999
99/0347	RETENTION OF RE-CLADDING OF EXISTING VEHICLE WORKSHOP/MOT TESTING BUILDING	APP	28.05.1999
2014/1327	Demolition of building, erection of replacement building and recladding of existing building	APP	18.11.2014
2004/0022	Erection of 4.3 metres high internally illuminated pylon sign	WDN	10.05.2004
2001/1615	Erection of vehicle workshop building (Class B2)	APP	22.11.2001

#### Background

**This application is reported to Committee for decision given it is a departure from the Swansea Local Development Plan.**

This application was first submitted in June 2021 but due to its location within a C1 flood zone, a Flood Consequence Assessment was requested, which was submitted to the Local Planning Authority in October 2021.

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The neighbouring units were consulted on the application on 11th June 2021. A notice was placed in the press on 17th January 2022 to advertise the application as a departure from the development plan, the consultation period ends on 7th February.

There have been a number of planning applications on this site. The most relevant of which is an application submitted in 2017 (ref: 2017/1314/FUL) for the demolition of an existing single storey building and construction of an MOT garage - approved 17th August 2017. This permission has not been implemented.

### Site Location

The premises occupies a corner plot located at the junction of St David's Road and an unnamed dead-end road. The site is surrounded by commercial/ industrial uses including a concrete batching plant to the north, a plant hire premises to the east and a recycling centre to the south. The application premises has a frontage onto St David's Road, the proposed building would be located at the rear of the site, but would be visible from St David's Road.

### Description of Development

This application seeks full planning permission for the construction of a single storey extension and the installation of a flue serving a biomass boiler to Unit 11 (Swansea Truck Centre), St Davids Road, Swansea Enterprise Park, which is situated in the local ward of Llansamlet.

The proposed extension will measure approximately 25.9m wide, 22m deep and measure approximately 9.2m at its ridge. The extension will be finished in metal profile cladding to the elevations and roof to match the existing unit with roller shutter doors. The flue would measure 11.25m and extend beyond the ridge by circa 2m.

### 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.

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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.

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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

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.

**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.

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 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 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.

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

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.

**Consultations**

**Local Highway Authority**

Revised swept path analysis has been submitted to demonstrate that a 16.5m articulated vehicle can enter, turn with the site and exit in a forward gear. On that basis the extension is not considered to have an unacceptable impact on highway safety.

I recommend that no highway objections are raised to the proposal subject to the proposed turning facility being marked out on site prior to beneficial occupation, and maintained as such for turning purposes only thereafter.

**Natural Resources Wales (NRW) Final Comments:**

We continue to have concerns with the application as submitted and our technical comments with regard to flood risk are as follows.

**Flood risk**

The planning application proposes less vulnerable development, namely a workshop extension. Our Flood Risk Map confirms the site to be within Zone C1 of the Development Advice Map (DAM) contained in TAN 15.

Section 6 of TAN 15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the submitted Flood Consequences Assessment (FCA) ref. 21.5058 dated October 2021, which has used the NRW River Tawe Vale Model (V1.0 2015), which has not yet been updated to account for revised peak river flows (+30%) for climate change.

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During the 1% fluvial flood event the development site is not flood free; and therefore may not be compliant with TAN 15, paragraph A1.14.

- The predicted water level is 8.8m AOD (above ordnance datum) and general site levels are between 7.8 - 8.0m AOD.
- The development site is predicted to experience flood depths of up to 1.0m; tolerable conditions for Commercial and Retail development is 600mm, and for Industrial development is 1000mm, your Authority needs to determine what 'type' of development this proposal is classified as (if development type is Commercial and Retail it is not compliant with TAN15, paragraph A1.15; if development type is Industrial, then it is compliant)
- The development site is predicted to experience flood velocity of 0.30m/sec; this is within tolerable conditions for Commercial and Retail and Industrial development, therefore compliant with TAN 15, paragraph A1.15.

During the 0.1% fluvial flood event the development site is not flood free and does not comply with any of the tolerable conditions for all development types listed in TAN15, paragraph A1.15.

- The predicted water level is 10.8m AOD and general site levels are between 7.8 - 8.0m AOD

Flooding is predicted on access routes during both fluvial events; egress/access is a matter for your Authority to consider if acceptable or manageable.

The FCA has not assessed the effects of overtopping or a breach of the nearby flood defences on the development site. They have stated that the defences are 'robust' and 'maintained' and 'a breaching scenario of unlikely' but have not provided any evidence to substantiate this. We therefore cannot comment on this risk of flooding.

The FCA accepts the new development will flood (as does the existing building), and that retaining the current site level will ensure flooding is not increased elsewhere. The site is on existing hard-standing so there will be no increase in impermeable area, the increase in the building footprint is small in context to the whole site. The building will also to a large extent be open.

It is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN 15.

We would recommend that you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on or grant the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

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We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

#### **Pollution Control**

No response received to date. Any comments received will be provided on the update sheet or verbally at Committee.

#### **Public Consultation**

A site notice was posted within the vicinity of the application site on 17th January 2021 and five neighbouring units were consulted.

No responses have been received to date.

A subsequent Press Notice was advertised on the 17th January 2022 given that the proposal is considered a departure application. The consultation period expires on the 7th February 2022.

#### **Principle of Development**

The application site is located within the settlement limits of Llansamlet. The application site is also located within the Swansea Enterprise Park and is currently used as a vehicle servicing facility.

#### **Visual and Residential Amenity**

This application seeks consent for the construction of an extension to the side elevation of the existing industrial unit and the installation of an external flue. The extension will measure approximately 25.9m wide, 22m deep and measure approximately 9.2m at its ridge. The extension will be finished in metal profile cladding to the elevations and roof which will match that of the existing unit to which it will be attached. Given that the proposed extension will infill an area to the side of the existing industrial unit currently used for external storage and parking, and it will be finished in materials to match that of the existing unit; it is not considered that the proposal would have an adverse impact upon the visual amenity of the wider area. The flue would project circa 2m above the ridgeline of the building and visible from the surrounding area but is not considered to be incongruous or out of keeping with this commercial location given its scale and siting.

In terms of neighbouring amenity, given the location of the development within a purely industrial area within the Enterprise Zone, there are not considered to be any significant impacts upon neighbouring amenity as a result of the extension itself. The extension will be for the expansion of the existing industrial unit within their yard area which is currently occupied by a vehicle servicing facility. Whilst a flue would be located on the building, the site is identified within a general industrial area within the Enterprise Zone SPG. Pollution Control has been consulted on the application but no response has been received to date and any comments will be provided verbally at Committee or on the Update Sheet. Should they provide any recommended conditions, these would be attached as appropriate unless they are covered by the permitting regime.



### Flood Risk and Drainage

Given the size of the proposed extension the development will require sustainable drainage to manage on-site surface water and subsequent SuDS Approval Body Consent will be required.

Policy ER 1 seeks to mitigate the effects of climate change and Policy RP 5 also seeks to avoid flood risk. The application site is located within a C1 Flood Risk Zone and the applicants have submitted a Flood Consequence Assessment (FCA). TAN 15 describes Flood Zone C1 as areas of floodplain which are developed and served by significant infrastructure, including flood defences and states that development can take place subject to the application of the justification test, including the acceptability of consequences. Section 6.2 of TAN 15: 2004 states that development will only be justified within zone C1 if it can be demonstrated that:

- i. Its location in zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement, or
- ii. Its location in zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

And

- iii. It concurs with the aims of PPW and meets the definition of previously developed land; and
- iv. The potential consequences of a flooding event for the particular type of development have been considered, and in terms of the criteria contained in sections 5 and 7 and appendix 1 found to be acceptable.

It is considered with due regard to the above that the development will contribute to key employment objectives as described in Policies PS2 and PS4 of the Swansea LDP. In this instance, it is considered that the proposal clearly accords with criteria (ii) in that it is within a key employment area.

In terms of criterion (iii), the proposal generally complies with the aims of PPW and is located on an area currently hard surfaced and used for the storage and parking of vehicles. The less vulnerable nature of the use aids this interpretation providing the consequences of flooding are considered to be acceptable through an FCA. On balance, the proposals are not considered contrary to the criterion (iii).

Figure 2 in section 5 of TAN 15 categorises general industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities as less vulnerable development. Given the nature of the proposed development, it is considered that it falls under the 'less vulnerable development' category which weighs in its favour.

The submitted FCA notes that the site is not flood free during a 1% fluvial flood event. The predicted water level is 8.8m AOD (above ordnance datum) and general site levels are between 7.8 - 8.0m AOD. The development site is predicted to experience flood depths of up to 1.0m and tolerable conditions for industrial development is 1000mm. Therefore, as it is considered that this development is industrial development, it would be compliant with paragraph A1.15 of TAN 15. The development site is predicted to experience flood velocity of 0.30m/sec; which is within tolerable conditions for industrial development and therefore compliant with TAN 15.

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However, notwithstanding the above, during the 0.1% fluvial flood event the development site is not flood free and does not comply with any of the tolerable conditions for all development types listed in paragraph A1.15 of TAN15,. The predicted water level is 10.8m AOD and general site levels are between 7.8 - 8.0m AOD. NRW raises concerns in this respect.

Whilst it is recognised that the proposal does not meet all of the criteria of TAN 15 in that it will flood during a 0.1% fluvial flood event, the development is for the extension of an existing industrial building, which will retain the current site level to ensure flooding is not increased elsewhere. The existing development is at risk of this type of flooding presently, the proposed development is not intended to be flood free as the levels of the existing building will be retained.

It should also be highlighted that the site is on existing hard-standing, there will be no increase in impermeable area and the building will also to a large extent be open which weighs in favour of the development. The submitted FCA states that all electrical equipment will be located at a height above 1.10m above finished floor level and should the building flood damage would likely be minimal, particularly given the use of the site as a workshop and plant room. It should also be noted that the 0.1% fluvial flood event (1 in 1000 years) is very unlikely and given the context of the proposal, for the extension of an existing industrial unit and therefore less vulnerable development, on balance the risk of flooding is acceptable in this particular instance for these set of circumstances.

The application is being reported to Planning Committee as the application of TAN 15 is closely linked to the LDP policies and as the proposal does not comply with the tolerable conditions for the 0.1% event, the Flood Consequences Assessment are not met in their entirety.

However, this technical breach needs to be considered in the planning balance. TAN 15 acknowledges that some flexibility is required in existing commercial areas at risk of flooding. In this instance, it is important to note that the development would not increase flood risk elsewhere and the site meets the tolerable threshold for the 1% event. The development proposes an extension to an existing building within the flood zone and there is an inherent risk already. Refusing this application could result in the existing operator looking to relocate. The Enterprise Park has a commercial focus and given the economic benefits of the proposal, a degree of pragmatism is considered appropriate and the benefits of sustaining this business, and the overall enterprise park itself, are considered to have more weight in the balancing exercise. This approach is consistent with other applications considered in the enterprise park and there are flood warnings in place.

In conclusion, the proposal is considered to be a less vulnerable development and on balance, having regard to the findings of the FCA, the impact of flooding is considered acceptable in this location.

### **Highway Safety and Parking**

The Local Highway Authority have raised no objections to the proposal. It is clear that there is parking associated with the industrial units in this location. It is also considered that there would remain sufficient turning and manoeuvrability within the wider industrial estate to not give rise to any highway safety concerns in this instance.

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The Local Highway Authority has suggested that a condition be imposed to ensure that the turning facility is marked out on site prior to beneficial occupation of the development. However, it is not considered that this would be necessary; the existing layout is not demarcated and manages itself and the layout of the site is such that manoeuvring within the site would be clear to follow without explicit markings.

### Ecology

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Whilst the applicant has not indicated any measures as part of the application, it is considered reasonable and necessary in this instance to secure a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application.

### Conclusions

In conclusion, and in the planning balance, it is considered that the proposal represents an acceptable form of development at this location. It is not considered that the proposed extension to the existing industrial unit would give rise to any significant concerns with regards to visual and residential amenity and highway safety. In respect of flooding it is considered that at the present time and having regard to all material considerations, it is acceptable on balance.

As noted above, the application is still being consulted on in the press, despite no comments being received to date from the neighbour notification process. The recommendation is therefore for the Chief Planning Officer be given delegated powers to determine the application at the end of the formal consultation period. Should any material objections be received that have not been addressed above, the application would be reported back to Planning Committee for determination.

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

### RECOMMENDATION:

**Give the Chief Planning Officer delegated powers to approve the application, subject to the following conditions and any others as may be necessary, at the end of the consultation expiry period, provided no new material objections are received within the formal consultation period:**

- 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.

## Planning Committee – 1<sup>st</sup> February 2022

**Item 3 (Cont'd)** **Application Number:** 2021/1431/FUL

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

202109.03 proposed elevations, 202109.02 proposed plan, received 1st June 2021.

202109.04VS/1 location & block plans, received 12th August 2021.

VT.01 vehicle tracking - 01, received 24th September 2021.

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

- 3 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

### 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 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

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, ER1, ER8, ER9, T6, RP4 and RP5.

- 2 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](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.
- 3 Please note that the Ecological Enhancement Measures could include: bat boxes, bird boxes, green walls/ roofs, the provision of hibernacula in the garden for animals, a pond or native planting/ wildflowers in any landscaping scheme. The above are provided as an example and are not an exhaustive list.

Planning Committee – 1<sup>st</sup> February 2022

Item 4

Application Number:

2018/1683/FUL

Ward:

Bonymaen - Area 1

Location:

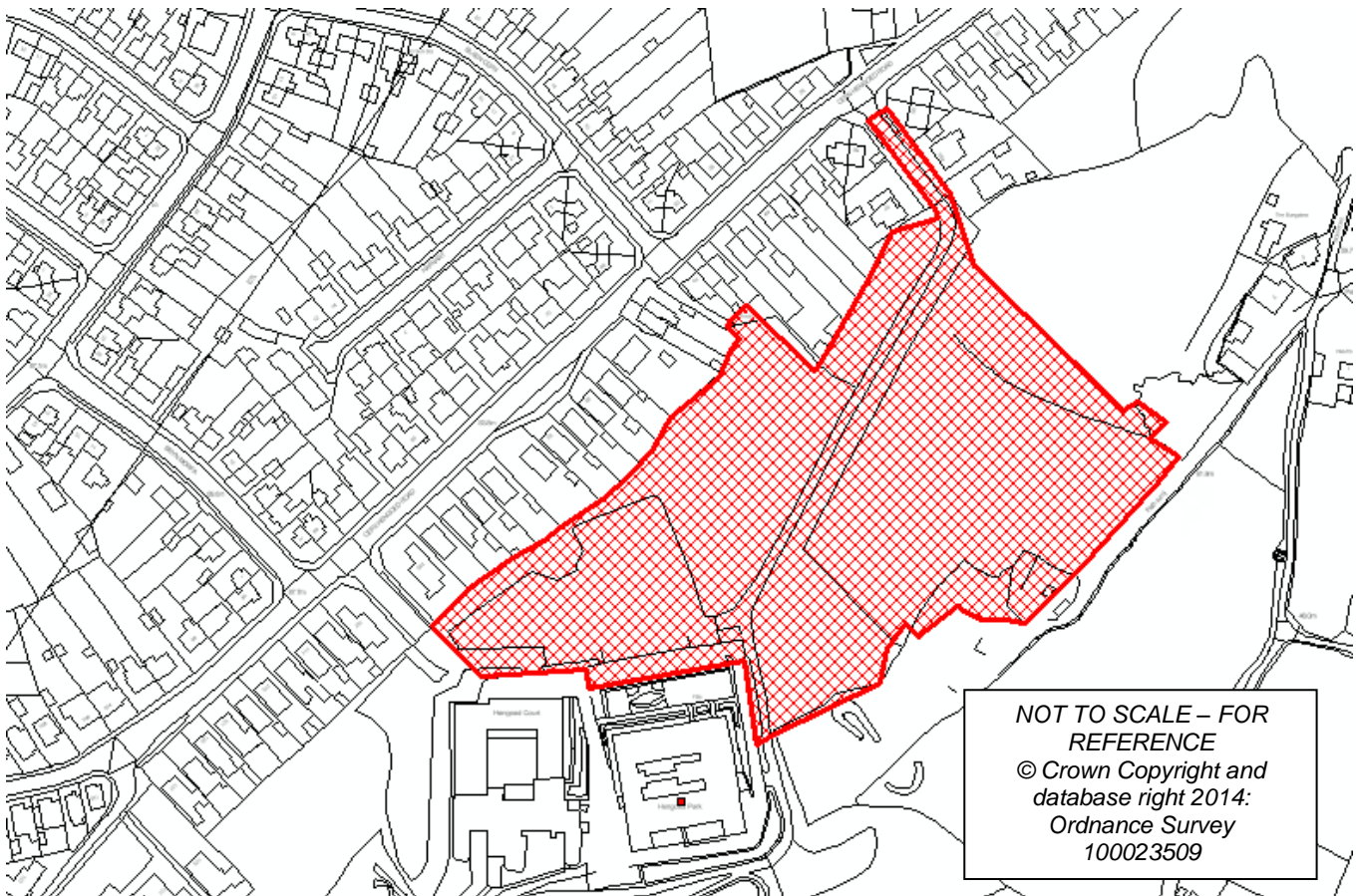
Hengoed Park Care Home , Cefn Hengoed Road, Winch Wen, Swansea, SA1 7LQ

Proposal:

Proposed residential development (retirement community) comprising of 70 apartments together with flexible commercial floor space (A1-A3 or D1-D2), community building (D1) and offices (B1) with access, parking, landscaping and associated development

Applicant:

Mr Desmond Davies



**Planning Committee – 1<sup>st</sup> February 2022**

Item 4 (Cont'd)

Application Number:

2018/1683/FUL

**Background Information**

**Site History  
App Number**

**Proposal**

**Status**

**Decision Date**

2002/1316	Two storey side extension incorporating 30 additional bedrooms and conservatory extension with car parking area for 26 additional spaces	APP	22.10.2002
2019/0717/FUL	Two storey extension to provide communal lounge/living area with balconies	APP	13.08.2019
2004/2713	Retention of works undertaken and completion of two storey side extension incorporating 53 additional bedrooms and conservatory extension with car parking area (amendment to planning permissions 2002/1316 and 2002/2202 granted on 22nd October 2002 and 16th June 2003 respectively)	APP	05.04.2005
2006/0537	Assist Living Complex (outline)	REF	06.06.2006
2008/2212	Residential care home (outline)	APP	06.05.2009
2009/0819	Construction of a 50 Bed nursing home in a part three, part four storey building and retention of temporary access road leading from Cefn Hengoed Road	APP	06.01.2010

**Planning Committee – 1<sup>st</sup> February 2022**

**Item 4 (Cont'd)**

**Application Number:**

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2010/0920	Construction of an 83 bed nursing home in a part three, part four storey building, and retention of temporary access road leading from Cefn Hengoed Road.	APP	16.11.2010
2010/1090	Variation of conditions 3 (landscaping), 4 (levels), 5 (samples), 10 (foul water drainage) and 11 (surface water drainage) of planning permission 2009/0819 granted on 06/01/2010 to discharge the named conditions following the commencement of development on site, for the construction of a 50 bed nursing home in a part three, part four storey building and retention of temporary access road leading from Cefn Hengoed Road	APP	18.08.2010
2011/1294	Proposed woodland and park area including additional car park.	APP	04.04.2012
2014/0266	Day centre for use by residents/visitors and Local Community and 29 no. sheltered bungalows for disabled and elderly together with associated access road and parking (outline)	REF	27.06.2014
2015/2519	Construction of a day care centre, community hall and creche (outline)	REF	18.04.2016

**Background**

This application is being reported to the Planning Committee as the size of the site and the number of dwellings proposed would exceed the Committee threshold as set out within the Council's Constitution.

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**Application Number:**

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Moreover, a combined total of more than 20 letters have been received and a petition of 41 signatures. The application has also been called-in by Councillor Mandy Evans.

There is considerable planning history at this site relating to the development of the care home complex at Hengoed Court and Hengoed Park. The land which is the subject of this application is located to the north and north east of the care home complex. Over the past ten years there have been several unsuccessful applications to develop this land in association with the care facility (see site history above). Part of the application site is currently used as a car park for the care facility. The remainder is generally scrub land but a sizable portion of the land has more recently been used as a compound for the storage of building materials while works have been undertaken to extend the existing care complex. This part of the site is currently in an untidy state.

This application was originally submitted in 2018 and was given the following description of development:

*"Construction of 79 retirement bungalows, doctors surgery and well-being spa, access roads and landscaping"*

Following initial feedback from officers and consultees, there has been a significant delay in the applicant progressing the application, which has been held in abeyance. The applicant submitted a pre-application enquiry in 2019 which the local planning authority has responded to. Since that time the applicant has undertaken a statutory pre-application consultation exercise and the application has been accompanied with a pre-application consultation (PAC) report, which sets out the responses received to the consultation exercise and how those responses have been taken into consideration in the current scheme.

The development now proposed is significantly changed from original submission, hence it has been necessary to undertake a full re-consultation exercise with members of the public, statutory and non-statutory consultees.

**Site Location**

The site encompasses an irregular shaped parcel of land with an area of approximately 2.1ha located between the care home complex to the south and the linear run of housing, comprising of mainly bungalows, that fronts onto Cefn Hengoed Road. On lower lying land to the east is Bog Road. The land is broadly flat, for the most part, and lies on the edge of the upland plateau that drops down towards Crymlyn Bog. From the site, there are expansive views of Swansea Bay including the Swansea University Bay Campus. To the east, there are views of the housing development at Coed Darcy in Neath Port Talbot.

**Description of Development**

As indicated above the scheme has evolved considerably since its original submission in 2018. The scheme now proposes a mixed use development of 70 apartments, mainly for the over 55s arranged in 12 blocks. The blocks contain 6 apartments with 2 bed apartments for the over 55s (46 in total) and 1 bed apartments for general use (24 in total) with the latter aimed primarily at students and workers at the care home according to the submission.



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There would be a central bowling green area surrounded by a proposed commercial building (use classes A1-A3 or D1-D2) with flats above and a separate community building (use class D1) incorporating office accommodation (use class B1) to be used in association with the care home complex. Two existing vehicle access points and a new footpath are proposed to be used to access the site off Cefn Hengoed Road.

The development which is for consideration under this amended application is described within the submission as Phase 1A. However, the application drawings also show indicatively the proposed next phase - Phase 1B which immediately adjoins Phase 1A and a further area for development in blue for Phase 2. The red line application site boundary has been amended since submission and only includes Phase 1A (one block within Phase 1A has been specifically excluded from this application).

## **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 7 - Delivering affordable homes

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.

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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.

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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

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.

#### Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans

#### 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.<sup>140</sup> 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.

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A concerted effort of this nature will bring benefits over a whole catchment. 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 1 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.

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

PS 3 Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

SD 2 Masterplanning Principles - On all sites where there is capacity for 100 homes or more, development must deliver a comprehensively planned, sustainable neighbourhood with distinct sense of place that must comply with relevant masterplanning principles. Strategic Development Areas must also accord with additional relevant masterplanning principles. Design and Access statements are required to support the strategic placemaking approach.

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

IO 2 Employment and Training Opportunities - developers are encouraged to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar 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.

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### Item 4 (Cont'd)

Application Number:

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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.

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.

ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

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.

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.

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In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

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

EU 2 Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

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

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.

H 10 Specialist Housing - Proposals for specialist housing development, and extensions to established specialist housing facilities, will be permitted where they comply with relevant policy principles.

HC 1 Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

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 2 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.

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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.

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.

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. 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.

### **Supplementary Planning Guidance (SPG):**

The following supplementary planning guidance (SPG) documents are considered to be relevant to the determination of this application:



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- Placemaking Guidance for Residential Development (adopted 2021)
- City and County of Swansea Parking Standards (adopted 2012)
- Trees, Hedgerows and Woodlands (adopted 2021)
- Biodiversity and Development (adopted 2021)
- Planning Obligations (adopted 2010)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. The Parking Standards 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 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:**

**Placemaking and Strategic Planning:**

This application deals specifically with proposals for phase 1a of the site in the south western portion of Non-Strategic Housing site allocation H1.4. Phase 1a incorporates 70 x C3 residential units for independent living (comprising a mix of 1 and 2 bed self-contained flats). This phase also includes the provision of a community building, bowling green and seating area, shop and office space. The 70 units include 7 affordable dwellings.

A further phase (1b) is proposed which is outside the scope of the application, but is presented in application documents as context to the masterplanning approach to the site.

Future phases propose additional over 55s residential development, community allotment, and various ancillary works. The total number of dwellings proposed on the whole site is intended to be 164.

**Principle of Development:**

The site is vacant greenfield land, located within the urban settlement boundary and allocated in the LDP as a non-strategic residential housing site, reference H1.4 with an approximate capacity for 70 units (Land between Bog Road and Cefn Hengoed Road, Llansamlet). The development proposed covers approximately two thirds of the extent of the allocated site. Extract of boundary of H1.4 allocation shown below for comparison with site boundary.

**Specialist Housing:**

It has been established through the LDP process that the principle of residential use on the site is appropriate and deliverable within the Plan period.

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The provision of 70 independent living apartments for over 55s would be in accordance with the Plan, on the basis that these are C3 residential units, and would make an important contribution to delivering the LDP housing requirement identified in Policy PS 3 and accommodating a range of housing needs. The site is allocated in the LDP for 70 units, which represents an indicative figure based on information available at that time.

The LDP states that housing designed and designated for occupation by older people, or people with disabilities, who have specific housing needs, is to be determined against LDP Policy H 10, Specialist Housing. The policy sets out that proposals for specialist housing development, and extensions to established specialist housing facilities, will be permitted within existing settlements subject to the following criteria

i. There is safe and convenient access to shops, services, community facilities and public transport appropriate to the needs of the intended occupiers. The applicant will need to demonstrate that the development has safe and convenient access to facilities, services, shops and public transport appropriate to the needs of the occupants. It is noted that a community centre and small shop are proposed within the development which would help address this element.

ii. It is suitable for the intended occupiers in terms of the quality, design, type, and affordability of the accommodation, as well as the provision of support and care; and

iii. It can be demonstrated that the scheme is viable and sustainable, and that appropriate consultation has been undertaken with the Council's Social Services Department.

The supporting text to Policy H10 emphasises that the scheme should be endorsed by the Council's Social Services Department where care and/or support funding may be required for some or all of the residents either from the outset or in future, including with regards to the design of the scheme and specification of the units and communal areas, to help ensure there is capacity and funding to provide any care needed. If it is intended that the facility will become an asset that is managed by the Council through the Housing Revenue Account (HRA) as a social rented scheme, the proposals should be accompanied by details of the future management of the scheme and a viability assessment (to demonstrate future viability and sustainability of the scheme in terms of the number of units and future income) and the cost of acquiring the scheme from the developer will need to be agreed with the Council in advance to ensure it can be supported within the HRA Business Plan.

With respect to the above, a letter submitted by the applicant from the Council's Social Services Dept is noted which supports that there is a need for the proposed facility and that the proposals have the potential to make a valuable contribution to addressing the current shortage of essential residential dementia nursing services. The letter highlights the need for continued engagement with the Council's Social Services as the proposals progress to the planning application stage.

#### Placemaking Principles

The Development Plan places significant emphasis on the importance of placemaking, and defines key principles in this regard for all proposals to seek to incorporate:

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Future Wales Policy 2 sets out that:

- development should adhere to key placemaking principles in order that it positively contributes towards building sustainable places that support well-being objectives, and
- opportunities should be taken to ensure that multifunctional GI is fully integrated into development schemes wherever possible.

Swansea LDP Policies PS 2 and ER 2 highlight that:

- all proposals should adhere to key placemaking principles and development criteria, to ensure that proposals make a positive contribution to the experience and enjoyment of places
- development should enhance the quality of places and spaces, and respond positively to aspects of local context and character
- the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity, and that
- development must take opportunities to maintain and enhance the County's GI network, having regard to the extent, quality and connectivity of the GI resource

Policy SD 2 applies to all sites with capacity for 100 homes. The proposal must therefore be assessed against Policy SD 2 to establish that it has been comprehensively planned, to form a sustainable neighbourhood with a distinct sense of place that meets detailed policy criteria which require provision of good quality legible street hierarchy incorporating active travel, social infrastructure, appropriate phasing of development and infrastructure, net residential density of at least 35 homes per ha, :open spaces which are multifunctional and maintain and enhance biodiversity.

Given the nature of the development it is important that the proposals are also assessed against the relevant adopted placemaking/design guidance SPG relating to residential development. The adopted Placemaking Guidance for Residential Development SPG should therefore be applied, as well as the key LDP policies identified. The key placemaking requirement is for a green infrastructure led placemaking approach that clearly responds to the site context.

This application deals specifically with phase 1a, incorporating 70 dwellings, comprising a mix of 1 and 2 bed self-contained flats. The below placemaking appraisal considers the scheme submitted against the key placemaking requirements highlighted in the abovementioned adopted SPG:

Neighbourhoods:

In terms of the requirement to create sustainable places and promote active travel there are considered to be a range of facilities and services with safe access. These include some retail units located approx. 300m to the NE of the site, a convenience store approx. 250m from the site and a number of bus stops within easy walking distance. As a non-strategic housing allocation, the site will have undergone stringent site appraisal and has been deemed to conform with the LDP plan strategy and sustainable development objectives. Furthermore, the proposal seeks to provide a range of community facilities within the development site, including community building. The community hub, and associated focal open space creates a heart to the walkable community.

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#### Density

The wider site is allocated as a non-strategic residential housing site (H1.4) with an approximate capacity for 70 units. Phase 1a, to which this application relates, covers only approximately a quarter of the wider site provision. The proposal includes 63no. 1 and 2 bed market apartments, and 7no. affordable units, in line with the target of 10% for the local area. The Council's Housing Officer has requested that the affordable units are located together for management/maintenance and for the AH to be 2 storey 'walk-up' flats.

The proposed density is far in excess of that set indicatively in the LDP, however the dwelling type (flats) and nature of the development (independent living for over 55's) should be taken into consideration in overall density considerations. On this basis, LDP policy SD 2 is relevant, setting a density target of at least 35 dph for all sites where there is a capacity for 100 homes or more.

#### Green Infrastructure

The Planning Authority must be satisfied that the applicant has sufficiently encompassed the principle of creating a connected multi-functional Green Infrastructure network at all scales, in the interests of achieving high quality sustainable development that maximises the benefits from ecosystem services.

The site comprises open, undeveloped land. To the southern area of the site is existing hedgerow/ sparsely populated tree coverage which forms a loose defensible boundary to this southern perimeter. There appear to be very few landscape/biodiversity features to retain within phase 1a of the site, however this needs to be clarified.

No GI Strategy has been submitted to illustrate existing GI/ Biodiversity features at the site that are to be retained and set out proposed GI features at all scales (landscape/ neighbourhood/street/plot level). This fundamental element seems to have been overlooked. In particular, as part of the overall place-led approach, the streets need to be 'green' and include multifunctional GI/SuDS features such as street trees either within green verges/build-outs or within appropriate structures in swales/raingardens. A coherent site wide GI Strategy is required. A key consideration will be how the site relates to the Crymlyn Bog SSSI.

It is not clear whether the proposal requires the loss of any trees? The Council has recently adopted the Trees, Hedgerows and Woodland SPG. This document notes that the Council will seek to mitigate the impact of development by maximising the number of appropriate trees to be retained on site and integrated into the design and layout. Where, exceptionally, significant trees are lost as a result of a development the SPG sets out a tree replacement standard to support the process of establishing how trees should be replaced. (See Appendix B for extracts of SPG).

The GI requirement ties in directly with the need to incorporate multifunctional SuDS features. A 'temporary lagoon for storm water infiltration' is shown on the proposed masterplan, however no further details of SuDS features i.e. swales/raingardens have been provided. The Planning Statement mentions the inclusion of raingardens but specific detail does not appear to have been provided? Has a SAB application been submitted? Whilst the SAB approval is separate from planning the drainage features are a key element of placemaking and therefore SuDS should be considered at an early stage in the design process (and cannot be retrofitted).

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An LVIA has been submitted to consider the potential landscape and visual effects arising from the proposed development. Principal and secondary viewpoints have been identified (page 24). The Council's Landscape Officer should be consulted.

**Making Connections**

Looking at connections to the wider area, vehicular and pedestrian access to the site is shown to be taken via the existing Hengoed Court Care Home and via an existing entrance point off Cefn Hengoed Road from the north of the site. There are no existing footpaths/PRoWs in close proximity to the site.

The site layout seeks to address permeability within and through the site and provides a range of legible links and connections. However, it appears that there is no vehicular access through from block 6 to block 10?

There is also an existing footpath running alongside no. 79 Cefn Hengoed Road. However, if this route is to be pursued it must be viewed as legible, safe and have adequate natural surveillance.

The layout demonstrates a walkable neighbourhood with low-speed streets and links to the surrounding area. Is there also scope to improve/provide any links into the green/vegetated area to the south of the site? The layout provides a choice of well overlooked, routes within the site to link into the central community hub and open space, these would inevitably be enhanced through additional greening. Pedestrian routes should also consider the need to enable access for all levels of ability through the appropriate inclusion of areas for resting and shading along the key routes.

**Public Spaces**

In terms of POS, the allocation requires the provision of open space in accordance with the FiT guidance. However, the specialist accommodation being provided warrants a flexible approach to POS at the site to cater for the individual needs of residents.

Phase 1a includes a centrally located bowling green and two associated areas of open space that include seating and shaded areas for rest and relaxation. These are linked to the wider site by multiple wide and well-overlooked footpaths. In addition to this there is a triangular shaped parcel of open space including water fountain to the west of block 9, which again includes some seating. This type of POS is logical to cater for future residents needs and the location provides a focal point which is accessible to the wider site and well overlooked by adjoining blocks.

However, given the nature of the proposal there needs to be more clarity provided on how the proposals respond to the resident's needs, in particular:

- There needs to be very frequent benches for resting - clusters for conversation, single benches for watching the world
- Places for wheelchair user next to benches
- Covered external seating - canopies and shade from trees, also protection from prevailing winds - Areas for personal gardening i.e. micro allotments - Sensory planting etc - Provision for dementia residents etc
- Accessible gradients

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- Places to store and charge mobility buggies.

A further consideration is whether there should be an incidental LAP be included for visitors? Are there also opportunities to incorporate, as part of the multifunctional GI approach, local food production in the form of community gardens/allotments etc?

The Access section of the DAS does not adequately explain how the public realm has been designed to be accessible and inclusive as a 'care village'. Given this is a higher density scheme for specialist accommodation it is imperative that the public realm is of a sufficient size and function to support people outdoors and ensure they do not feel trapped inside their homes. An interesting and informative exercise would be to calculate how many residents will reside in the 70 homes and whether sufficient space is proposed for each of them to enjoy the external space at the same time.

For all phases, opportunities to increase the multifunctionality and biodiversity of open spaces as part of the wider GI network within and outside the site should be explored.

#### Streets as Places

In accordance with PPW the street layout is based on a low speed neighbourhood to ensure legibility and permeability in support of walking and community cohesion. The street layout includes gentle meandering alignments and offers a degree of interest and variety with broadly speaking, a good level of active frontage and engagement with the streetscene.

Phase 1a is predominately served by non-adoptable, shared surface. The Council's Highways Officer will provide comments on the acceptability of this approach, however broadly speaking, the Council expects that most new streets will be adopted; this includes non-standard street designs.

There are some issues of frontage parking and parking spaces being located some distance away from the dwellings they serve. For example, which parking spaces relate to blocks 3, 7, 8 and 9? Also, the extensive parking courtyard opposite blocks 24-25 comprising 31 parking spaces is not ideal. Whilst the orientation of the proposed buildings allows good natural surveillance the parking spaces, they do not seem to logically relate to the overall site layout? If larger parking courtyards are to be considered acceptable they must be broken up with planting.

#### Townscape / Quality & Character

The immediate locality comprises a mixture of bungalow development and two storey semidetached dwellings and small terraces. There is no strong local vernacular character.

This phase of development proposes a mixture of 2.5 - 3.5 storey buildings with pitched roofs and box-style dormer windows finished in a variety of colours.

Sections have been provided that show the sloping nature of the site from north to south. Question remains as to whether development up to 3.5 storeys is appropriate in this highly prominent location, how this scale relates to local context, and the siting of the taller buildings - i) immediately to the rear of single storey development fronting Cefn Hengoed Road, and ii) at the brow of an elevated hillside location.

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Further sections need to be provided to show the proposal in context with existing development, i.e. Cefn Hengoed Road.

In terms of the design, the DAS notes that inspiration has been taken from 'individual vernacular found within Welsh towns'. Whilst there are some interesting design aspects, it is not clear however how the design reflects any positive elements of local character? To this regard the DAS lacks sufficient contextual analysis. The starting point should be to take cues from the architectural traditions and environmental qualities of the locality, the aim being to understand valued local character. Where there is no existing positive character which can be reflected, this provides an opportunity to improve the character, possibly by establishing a new contemporary character.

Furthermore, whilst there are place precedents in the Design Statement, it is also necessary to flag best practice precedents for care villages, potentially examples from Europe.

As outlined in the adopted Placemaking Guidance for Residential Development, there is a requirement for sites comprising 50 or more homes for key frontages (corners, junctions and facing onto key public space) to be 'uplifted and/or bespoke'. These uplift dwellings should be highlighted on the layout plan. Admittedly the situation is somewhat different of this site in comparison with the 'standard' housing development, however the same principles should apply and it may be that the blocks fronting POS are 'uplifted' accordingly in this instance.

Similarly, on sites of more than 100 homes (phases 1a and 1b), Policy SD 2 requires that character areas will be defined to differentiate parts of the new place.

All corner plots should be dual aspect with windows to habitable rooms in the side elevations in order to positively turn the corner and maximise natural surveillance. It appears that this approach has largely been adopted throughout the site with good engagement with the public realm. Streetscenes should be provided.

#### Privacy, Amenity and Comfort

In terms of space inside the home, the space standards set out in the Placemaking Guidance SPG state that 1 bed flats should have a min. internal floorspace area of 50sqm and 2 bed flats a floorspace of 70sqm (2 person). Where homes proposed fall below this then applicants must clearly demonstrate why the house type is considered appropriate in the context of the wider scheme proposed. It is noted that some floorspace falls below the standard and therefore this needs to be justified in the DAS.

Due to the nature of the proposal each flat does not benefit from private amenity space, rather residents will have access to communal gardens. This is unlikely to be an acceptable site-wide approach and direct access to private amenity space needs to be explored for all ground floor flats, especially those that do not front onto the central, communal open space. Where private amenity space is not provided, this needs to be fully justified. In addition, balconies are expected to be provided for all flats above ground floor level.

All separation distances should be checked by the case officer.

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Other Key Issues

Affordable Housing

The proposal provides 7 affordable units built to DQR standards which will be provided as apartments on 3 separate plots within phase 1a. This meets requirement specified in Policy H3, for sites in the East Strategic Housing policy to provide 10% of the 70 proposed units on the site as affordable housing built to DQR standards. Policy H10 is clear that specialist housing of this nature is not exempt from affordable housing requirements. The tenure, type and size mix of the proposed affordable homes should be discussed with the Council's housing department to ensure they address the need.

Biodiversity Enhancement

Complementary to the need to align with placemaking requirements, developments are required to take opportunities to enhance biodiversity and integrate nature-based solutions to the design process wherever possible, in line with Development Plan policy and having regard to Council adopted SPG on Biodiversity and Development. This reflects the Council's duty under Section 6 of the Environment (Wales) Act 2016 ('the S6 duty').

Future Wales Policy 9 and PPW require that:

- all applications demonstrate the actions that have been taken where possible to maintain and enhance biodiversity and ecosystem resilience, as well as relevant GI assets.
- a clear and proportionate approach is taken to considering biodiversity and securing overall enhancement.

Extracts from the Council's Biodiversity and Development SPG are provided in Annex B of this response. These relate to how the requirement for biodiversity can be addressed, as well as details of specific measures that could be provided to enhance biodiversity and ecosystem resilience.

Issues likely to require specific measures relate to the relationship with the adjacent Pentredwr Grasslands SINC, and at the landscape scale, ecosystem connectivity with the Crymlyn Bog SSSI. Consultation with the Council's ecologist is strongly advised to establish how issues may affect the design and layout of the site, and any mitigation, compensation and enhancement measures required.

Site Infrastructure - Infrastructure Development Requirements for this site are set out in Appendix 3 of the LDP. The majority of infrastructure required has been considered in the proposal submitted, and comments provided in response in the above placemaking and policy comments.



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Education contribution

Given the nature of the scheme, for over 55's, the small size of the proposed 1 and 2 bed apartments and the fact that the site is not designed to accommodate families, it is not considered reasonable to seek education requirements on this part of the H1.4 allocation, despite this being specified in Appendix 3 development requirements for the site.

Highways and Active Travel

The transport requirements for this development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires the accessibility of the site to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes. Appendix 3 of the Plan notes small scale measures for improvements to Public Rights of Way BO394 and LT398. It is not clear whether this requirement has been addressed by the proposal, or how much of this lies outside the site area. The extent to which the proposal meets the policy requirements is addressed above in the placemaking comments.

Community facilities

Policy SI 2: Providing and Safeguarding Community Facilities and Locally Important Uses states that new community facilities, such as the proposed community hall, must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible. The extent to which the proposal meets the policy requirements is addressed above in the placemaking comments.

Policy RP 10: 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.

Drainage - in-line with Policy EU4, the proposal will need to demonstrate that the utility infrastructure is adequate to meet the needs of the development, and if it requires new or improved utility infrastructure, it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure. Policy RP 4 requires that sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. It is expected that detailed comments will be provided from the relevant Council department(s) for consideration. These comments should be referenced against the LDP policies listed above to assess compliance of the proposals.

Summary and Final Comments

- The principle of development of 70 C3 units for independent living apartments for over 55s would be in accordance with the Plan and would make an important contribution to delivering the LDP housing requirement identified by Policy PS 3 while enabling local people to move into supported accommodation and remain in their local area.
- The submission lacks sufficient detail in terms of placemaking, to fully comment on GI at all scales. A GI Strategy should be prepared to address this.

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- Further clarity is required on SuDS features throughout the site and how these are multifunctional.
- The location and provision of POS appears to be broadly acceptable given the nature of the proposal.
- Further clarity is required to clarify how residents' needs will be met, in terms of frequency of seating, places for wheelchair users, covered seating etc.
- The access section of the DAS must adequately explain how the public realm has been designed to be accessible/inclusive.
- Question remains to the appropriateness of the scale of development and how this relates to the wider context and this needs further justification.
- The DAS should include some best practice precedents for care villages.
- The lack of private amenity space is unacceptable.
- Further sections need to be provided to show the proposal in context with existing development, i.e. Cefn Hengoed Road.

### Local Highway Authority:

A revised application form has been submitted stating that the scheme now also includes flexible floor space (A1/D2). A revised Planning Statement was submitted which states that the proposal is for a retirement community for over residents aged over 55. As previously advised there is no category within the parking standards for such an end user group, as such the parking needs to be provided fully in accordance with the CCS parking standards, which is 1 per bedroom up to a maximum of 3 per unit, plus visitor spaces at one per 5 units. It appears that there are two elements to the proposed Phase 1 of construction, 1a which is for 70 units, and 1b for an additional 94. It appears that the issues raised previously by the Highway Authority in 2018 and again in 2019 (during the pre-app) have not been actioned/addressed.

The proposed site is located adjacent to the existing care homes. The homes employ 270 care staff with 8 administration staff. The care homes accommodate 107 residents (Hengoed Court) and 125 residents (Hengoed Park). The document makes reference to the spine road being 'adopted' but it is unlikely that this would be supported. It is stated that a plan has been submitted outlining the possible limits for adoption, that plan has been assessed and it is considered that the layout is not considered appropriate for adoption.

The existing vehicular access is located between numbers 105 and 107 Cefn Hengoed Road. The access has been widened to allow for two way traffic flow and one continuous footway is provided into the site. There is a secondary access proposed to the north of the site between 55 Cefn Hengoed Road and 59 Cefn Hengoed Road. Part of that access is adopted highway. The access has been included within the red line but notice has not been served on the Highway Authority, this needs to be addressed. There is also another parcel of land that is not in highways ownership but is showing as being outside of the land registry polygon, the owner needs to be identified and the relevant notice served as it looks to be the main access to the site.

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It appears that the existing access is not included in the red line and hence all traffic associated with the proposed development will be accessed through the entrance to the north of the site, despite the site plan clearly showing access to parts of the site from the main care home access. The use of the northern access should have been supported by a Road Safety Audit (as previously requested) to demonstrate that its use was appropriate but none was submitted.

In terms of car parking the document states that phase 1a will be provided with 39 spaces (at one space per 2 units) with 19 spaces being provided for visitors (at one space per 4 units). This level of car parking is a massive under-provision compared to the parking standards. Even if the development was assessed under the standards typically used for sheltered accommodation (where the age limit is over 65) the site is likely to fall short. The main issue with the proposed over 55's scenario is that there is no evidence that car ownership drops off at that age. The assessment of the link to local amenities in the TA shows that most attractive amenities i.e. shops, post offices, surgeries etc are outside the desirable walking distances as the walking routes are longer than the 'as the crow flies' distances. The proximity to schools is of no relevance give the 'retired' nature of the residents.

No car parking has been provided for any of the ancillary uses proposed and this should be addressed.

In terms of layout the internal layout is haphazard with no obvious legibility through the site, the use of right angled bends and radius kerbs of less than 2m gives cause for concern with no forward visibility. Some footways are present but they are not continuous. Swept path analysis has been submitted to try to demonstrate that the site can be serviced and can accommodate emergency vehicles however the paths show that the vehicles are on top of the kerbs, the layout proposed is therefore unacceptable. The fire tender assessed is only 7.9m length, well below the length of a standard vehicle. The refuse vehicle swept paths (again using old superseded standard lengths of 7.9m) clearly show that two vehicles cannot pass each other and again are on top of the kerb lines. It is also noted that all the swept paths are extremely tight and any overspill parking on the internal road would prevent the movements being carried out. Given the unacceptable low levels of parking proposed it is likely that on street parking would be a necessity for the residents which would have a detrimental impact on access for deliveries/servicing/refuse/emergency vehicles.

The swept paths should also cover the whole access from the junction with Cefn Hengoed Road, not look at turning movements in isolation.

No visibility splays have been indicated at any of the junctions, these should be provided both for internal junctions and external junctions with Cefn Hengoed Road.

In terms of trip generation the TRICS assessment shows that the expected trips are 2.432 per unit. I would suggest that these figures are unacceptably low and the site selection needs adjusting to get a more representative sample. As the TRICS has formed the basis for all the PICADY analysis then I have no confidence in those results either.

In summary the scheme is considered unacceptable for a numbers of reasons, the main issue is lack of car parking appropriate to the level of development over 55's is not a recognised category to allow for reduced car parking to be provided, and no evidence has been provided to the contrary.

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The layout gives cause for concern and whilst it would not be adopted, it still needs to have a safe layout suitable for the level of development with adequate visibility and accessibility for all modes. The swept paths need work and the TRICS trip rates are too low to represent this site. No RSA has been submitted to support the intensification of the use of the northern vehicular access.

I recommend that the application is refused as it considered to be detrimental to highway safety.

### **Pollution Control:**

We have no comments for this application.

### **Ecology:**

Summary:

Conditions recommended in relation to:

Protection of Pentredwr Grassland SINIC, and as per recommendations contained within the PEA report (Wildwood, 2020); lighting strategy; nesting birds; reptiles and amphibians; pre-construction checks; trenches and excavations to be covered; hedgehog friendly boundaries; roost assessment survey of trees if tree works are proposed; method statement for removal of invasive non-native species; landscaping; ecological enhancements; construction environment management plan;

Request for details of landscaping, including for SuDS features, to be provided prior to determination.

### **Housing:**

Summary:

This application proposes 10% onsite affordable housing in line with the LDP H3 policy, 7 units in Phase 1. The scheme is a development containing several apartment blocks and the plan provided has marked separate affordable units across the site. Housing ask for the affordable housing to be located together in a block/s for management/maintenance purposes and to avoid service/leasehold charges which may be applicable to the market units.

Housing ask for the affordable housing flats to be 2 storey "walk-up" type flats where possible, they must be built to WDQR standards and be social rented tenure. The affordable housing should not be obviously segregated through location, layout or design. The units are to be transferred to the Council/RSL to be determined negotiated.

### **Landscaping:**

No response received to date.

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**Parks:**

"No comment/objections to make"

**Economic Development (Beyond Bricks and Mortar):**

Request a community benefit clause should be attached to any Section 106 agreement.

Swansea Council's Community Benefits Policy requires us to obtain community benefits from developments in the County as part of our impact on deprivation and alleviation of poverty:

**Drainage:**

"We have reviewed the submitted information and comment as follows, we would query the design proposed as infiltration lagoon is labelled as temporary, also we have been unable to match up the working infiltration rate location with the location of the infiltration basin, the only plan available shows further development".

**Dwr Cymru Welsh Water:**

"We note that our consultation response (Ref: PPA0005774) has been acknowledged and included at Appendix D of the accompanying Pre-Application Consultation (PAC) Report, prepared by Geraint John Planning, which offered concerns on the capacity of our public sewerage and watermain networks to accommodate this proposed development. The report also corroborates our pre-application discussions in which we confirm that a suitably worded condition can be included to secure a hydraulic modelling assessment (HMA) of the public water supply network whereas a proportion of foul water flows, for 70 no. units, can be accommodated in the public sewerage system and the remainder subject to HMA. In addition, as part of this latest consultation, we acknowledge receipt of a foul drainage layout (Drawing No. 120 & 121) which appears to indicate proposals to discharge flows to an existing on-site pumping station albeit is unclear to which outfall and therefore we maintain the requirement for a drainage scheme within the wording of this condition to clarify.

With respect to surface water drainage, it would appear the re-registered planning application is now subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore requires SAB consent. Nonetheless, the accompanying 'Planning Drainage Strategy' indicates proposals to dispose surface water flows to a soakaway system and in principle we would offer no objection.

Notwithstanding the above, as highlighted in the PAC Report, we maintain concerns regarding the distance and relationship of the proposed development to our 12" trunk watermain which crosses the application site. With respect to the accompanying 'Masterplan - Detailed Phase 1' (Drawing No. 1906.PL/104), whilst the PAC report acknowledges that the main comprises a protection zone measured 3 metres either side of the centreline and it would appear buildings have been appropriately positioned accordingly, we note that the proposed bowling green is still centrally located above our watermain. As previous (Ref: PPA0005774), we remind that Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs.

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In its current form, the bowling green will restrict our rights of access and present undue risk to the development, the health and safety of its occupants, the health and safety of the operatives responsible to effect repairs as well as undue risk of pollution and detriment to the environment. The applicants have been advised that there may be an option to divert the asset with an application under Section 185 of the Water Industry Act 1991 and we continue to discuss the matter. However, in the absence of a Section 185 application, we would request further information regarding protection measures for the watermain during the construction and lifetime of development; this may still entail a requirement to divert part of the asset.

Accordingly, if you are minded to grant planning permission for the above development, we would request that the following Conditions 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:"

Note: conditions recommended in relation to:

- A scheme for the disposal of foul water. No more than 70 units permitted shall communicate with the with public sewer. A point of connection on the public sewerage system to be identified by a hydraulic modelling assessment for the remainder of the development.
- A potable water scheme to serve the site to be submitted and, if necessary, a scheme to reinforce the existing public water supply network.
- A scheme for the structural protection of the water main crossing the site.

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

Information in the Historic Environment Record indicates that there are no known archaeological sites within the proposed development area. Similarly, a review of historic Ordnance Survey mapping indicates no archaeologically important features or structures in the vicinity. As such it is unlikely that any significant archaeological remains would be encountered during the course of the requisite works.

As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. This is consistent with our recommendations for pre-planning enquiries, as well as our response to the LDP.

**Natural Resources Wales:**

Summary of comments:

Land Contamination

Note the submission of the document; 'Mining Risk Assessment: Land Adjacent to Hengoed Court, Llansamlet, Swansea. (Report No. BC/MB/11.14.02)', by Blandford Consulting.

NRW consider the site to be low risk with respect to groundwater and request a condition in relation to unsuspected contamination.

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### Pollution Prevention

Given the potential hydrological links to the Crymlyn Bog and Pant y Sais Site of Scientific Interest (SSSI), which is part of the Crymlyn Bog Special Area of Conservation (SAC), NRW advise that a detailed site-specific Construction Environment Management Plan (CEMP) is produced, with particular reference given to the protection of the surrounding land & water environments. NRW advise that condition is necessary in relation to the provision of a Construction Environmental Management Plan (CEMP).

### Ecology and Protected species

Note the Great Crested Newt and bat survey work carried out to support this application and advise that the recommendations detailed in Table 8 on the above report are implemented.

### Protected sites

NRW consider that the proposals may affect the Crymlyn Bog Special Area of Conservation (SAC). NRW have identified potential impact pathways to features of this site. The above development may not result in an adverse effect if pollution prevention measures are adhered to.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

### **Coal Authority:**

Having reviewed the latest Mining Risk Assessment report, we note that its content, conclusions and recommendations remain largely unchanged from the original report. As such, the Coal Authority wishes to raise no objection to the planning application, however, our comments and recommendation set out in our previous consultation letter remain valid and relevant to the decision making process.

### **Police Designing Out Crime Officer:**

#### Summary:

Generally pleased with the site layout. All the vehicle parking bays are overlooked.

Concerns that parking bays are situated away from residents homes. People wish to park directly outside their properties and this could especially be the case with this development as it is for older people. This could lead to vehicles parking outside properties on pavements causing obstructions rather than in the spaces provided.

Question whether there is enough parking provided within this development, taking into consideration its location.

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Note: other specific comments also made in relation to secure by design requirements.

**Neighbour comments:**

**1st Consultation October 2018 in relation to the following description of development:**

"Construction of 79 retirement bungalows, doctors surgery and well-being spa, access roads and landscaping"

The application was advertised in the press, by site notices and individual properties were consulted by letter.

A petition of objection was received containing 41 signatures and 20 letters of objection were received, which may be summarized as follows:

- Concerns regarding the amount of traffic the development would generate on narrow local roads including safety concerns in relation to children travelling to and from Cefn Hengoed school.
- Concerns regarding impacts on residents from noise, dust and disturbance during building works.
- Pollution from increased road traffic.
- There would be insufficient parking provision to serve the development.
- The proposal would distort the age demographic balance of the area.
- Concerns regarding drainage at the site and whether the existing system has sufficient capacity.
- Concerns the proposal would be a private development and would not provide housing for the local and wider community. It will be for paying private residents/patients of Hengoed Court and Hengoed Park.
- The proposal would de-value surrounding properties.
- The development would change the outlook for existing residents, particularly those adjoining the site.
- Concerns regarding the management of the facility if dementia patients would be housed there.
- Concerns regarding the planning history at the site whereby planning applications have been approved contrary to officer recommendations and where the Planning Inspectorate has allowed appeals.
- The proposal would harm the green wedge and surrounding conservation site.
- The access between 55-59 Cefn Hengoed Road is not owned by the applicant and is not wide enough to cope with regular traffic.
- There is Japanese knotweed on the site.
- Concerns regarding the protection of the human rights of neighbouring residents due to noise, dust, rubbish, bonfires, helicopters taking off and landing, degradation of the green wedge and the threat of planning applications for more than 20 years.
- Concerns in relation to ensuring adequate parking is retained for the care homes.
- A new doctors surgery and well-being spa are not needed.
- The development would affect the integrity of this protected site and species such as nesting birds, kestrels, red kites, woodpeckers, badgers, slow worms, grass snakes, hedgehogs, foxes and bats, which are seen on a regular basis.



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- Where would the development take its power from? There are residential amenity concerns regarding the noise at the existing substation at Lan Coed.

Councillor Many Evans (objection):

The loss of privacy to residents in the vicinity to the site. Effect on green areas/trees. An extensive application with the potential impact on neighbouring views. Extra traffic transporting to/from and accessing the site in a residential area, with residents/ families/ friends/ commercial/ service vehicles.

- 1) Blaen Cefn, Bryn Morfa are residential roads which would have massive impact from the construction/development of the site.
- 2) Cefn Hengoed Road would experience excessive traffic as main access to the site is located on the road.
- 3) Cefn Rd along to Cefn Hengoed Rd has single track passing points.
- 4) Other potential access points are lanes which also hold single track passing points, and heavy agricultural plant utilise these potential access points to the site too.

Potential impact to residents with undue noise, disruption and pollution with the construction/development of the site.

As a community the impact of an extensive expansion of the site would have detrimental effects as listed above, what is known affectionately as "Bell Homes" area is a residential area which is inadequate to facilitate the potential impact of this extensive planning application.

### **2nd Consultation October 2021 in relation to the following description of development:**

"Proposed residential development (retirement community) comprising of 70 apartments together with flexible commercial floor space (A1-A3 or D1-D2), community building (D1) and offices (B1) with access, parking, landscaping and associated development"

The application was advertised in the press, by site notices and individual properties were consulted by letter.

Five letters of objection have been received, in addition to the concerns raised in relation to the previous consultation, the following concerns have been raised:

- 2.5. and 3.5 storey buildings would not be suitable for elderly/retired people. Bungalows would be more suitable.
- There would be insufficient parking to serve the development.
- Shared surfaces would not be appropriate for this development.
- The buildings would look out of place in the area.
- The development would overlook the bedrooms and gardens of adjoining properties.
- Concerns regarding existing noise at the site in relation to staff when changing their shifts from voices and car engines and from bin lorries.
- Concerns regarding foul language from workmen.
- Concerns regarding the amount of rubbish discarded at the site.
- Concerns regarding the impacts of the existing flood lighting on residents and wildlife.

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- Concerns that access should be available to the rear of No. 77 Cefn Hengoed Road for maintenance purposes.
- The revised scheme should not be considered an amendment to the original 2018 application.
- The plans have not been drawn to scale.
- Concerns the secondary access road has not been removed.

## **APPRAISAL**

### **Main Issues**

The main issues to consider in the determination of this application relate to the principle of the proposed development in this location, the impacts upon visual amenity, residential amenity, highway safety and impacts upon the environment 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**

A number of the letters of objection have raised concerns that the development would be located on green wedge land. In response to these concerns, while the site was within the green wedge under the previous Unitary Development Plan (UDP), but under the current adopted LDP the land is no longer green wedge and is specifically allocated as a non-strategic housing site under LDP Policy H1.4 with an anticipated capacity of 70 units. On this basis alone the principle of new housing on the site is considered to be acceptable.

The remaining question in terms of the principle of the development therefore relates to the specific type of development proposed under this application, which the applicant has indicated would be, for the most part, over 55's housing albeit the Planning Statement states that accommodation will be provided for care workers and students in the form of smaller 1 bed apartments located throughout the development at loft level.

Comments from the Placemaking and Strategic Planning section have confirmed the provision of 70 independent living apartments for over 55s would be in accordance with the Plan, on the basis that the development is for C3 residential units that would make an important contribution to delivering the LDP housing requirement identified in Policy PS 3, thus accommodating a range of housing needs.

The LDP states that housing designed and designated for occupation by older people, or people with disabilities, who have specific housing needs, is to be determined against LDP Policy H 10, Specialist Housing. The policy sets out that proposals for specialist housing development, and extensions to established specialist housing facilities, will be permitted within existing settlements subject to the criteria of the Policy:

i. There is safe and convenient access to shops, services, community facilities and public transport appropriate to the needs of the intended occupiers. The applicant will need to demonstrate that the development has safe and convenient access to facilities, services, shops and public transport appropriate to the needs of the occupants. It is noted that a community centre and small shop are proposed within the development which would help address this element.

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ii. It is suitable for the intended occupiers in terms of the quality, design, type, and affordability of the accommodation, as well as the provision of support and care; and

iii. It can be demonstrated that the scheme is viable and sustainable, and that appropriate consultation has been undertaken with the Council's Social Services Department.

In relation to the latter two criteria, the design and layout of the scheme is critiqued below. The affordability of the development, the accommodation would depend on the market at the time the flats are completed and offered for sale. There is no evidence to suggest that the proposed housing would attract a greater premium than any other private housing development aimed primarily at those over 55. The site includes an element of affordable housing and this would be either sold or rented below market rates.

In relation to criterion iii. while no viability information has been submitted with this application, this is not considered to be necessary as an appropriate quantum of affordable housing units is being proposed. The development is proposed on an allocated site, as such it is accepted that high level viability work has already been undertaken for this site as part of the LDP housing allocation process. The indicative number of units for the entire LDP allocation is 70 units and given this application relates to approximately half of the housing allocation and proposes 70 units, this would suggest that the development would be favourable in viability terms.

In relation to the requirement to consult with the Council's Social Services Department the amplification to Policy H10 states that schemes should be endorsed by the Council's Social Services Department where care and/or support funding may be required for some or all of the residents either from the outset or in future. This is not considered to be necessary in this instance as the proposal is effectively for use class C3 open market housing (save for the affordable housing element), albeit it is aimed primarily at the over 55s. Therefore it is unlikely that any significant form of additional care or support would be required over and above the levels that may be required within any new open market housing scheme. Notwithstanding this, the applicant has been in dialogue with social services directly who are broadly supportive of the proposals.

In light of the above, in principle, it is considered that the proposed development would not conflict with the aims of the Council's housing strategy or the specific housing allocation at the site.

**Design, Layout and Visual Amenity**

The existing context for the scheme includes the large (up to four storey) utilitarian buildings of the adjacent care home and the smaller single storey and two storey scale of the housing on Cefn Hengoed Road. Also important to understanding the context of the site is its topography. The site is essentially an upland plateau, where the land levels drop down from the site to the coast with an open rural aspect afforded by this change in topography.

The scheme proposes a new mixed use development comprising of mainly new housing arranged in a variety of blocks with a central area providing a central bowling green, public open space, commercial unit and community facility incorporating office accommodation. The application also includes the formalisation of the surface car park for the care home which is currently an open gravel area.

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The blocks, which range from 2.5 storey to 3.5 storeys are arranged within a permeable street structure with vehicular access derived from existing access points off Cefn Hengoed Road. An additional pedestrian access is indicated from the site leading to Cefn Hengoed Road between Nos. 79 and 81.

The blocks have a dual-aspect design, which is an important feature of the development given that no private rear gardens areas are indicated within the plans. For the vast majority of the blocks, save for block 4, all elevations of the buildings are visible from the public realm. This has generally resulted in elevations with good levels of fenestration and detailing. The architecture has a distinctly traditional aesthetic, the Design and Access Statement produced by the scheme architect explains that the inspiration for the general form of the buildings is taken from the variety of buildings seen in small towns and villages in Wales and elsewhere. The majority of the units comprise 2 bed flats on the lower floors and 1 bed flats on the upper floor arranged in groups of six in 2.5 storey buildings with one 3.5 storey building proposed within this phase. The blocks are either detached or semi-detached to create some variety in the street scene. The masterplan indicates the next phase of the development (Phase 1B) would be entirely 3.5 storeys.

The central focal area is located immediately to the north east of the existing Hengoed Park building. The proposed community/office closes the vista upon entering the existing access road to the Hengoed Court complex and provides the visual link between the existing buildings and the new development. The central area has a tight car free street structure with the bowling green and public open space enclosed by the surrounding blocks, thereby providing high levels of natural surveillance. Outside of the central area blocks are arranged in streets of varying width. The scale of the buildings is generally split in in two across the wider masterplan site with 2.5 storey buildings proposed on the north western half of the site and 3.5 storey buildings proposed on the south eastern side. However, for the purposes of this application only one 3.5 storey residential block is proposed (block 13) and one 3 storey block, that being the community and office building.

The scheme does display many positive aspects, in particular the detailing on the buildings including the use of balconies, bay windows, canopies and small dormer windows, which add quality to the development. Generally corner buildings provide good active frontages and parking areas are well overlooked. The idea of a central open space with mixed uses on both sides is also welcomed in principle.

Notwithstanding these positive aspects, there are a number of areas where significant placemaking concerns remain and there is a lack of supporting information to justify the approach.

In relation to the buildings, the Placemaking Officer has questioned the architectural approach and is concerned that the development does not provide a truly contextual response, instead drawing upon examples of traditional buildings within Welsh towns without fully considering and incorporating positive aspects of the architecture and built form in the locality, which includes more contemporary styles.

The concerns regarding the contextual response are also evident in relation to the scale of the development whereby 2.5 storey blocks on the northern side of the development would be sited in close proximity to modest single storey bungalows.

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Particularly blocks 3, 4 and 5 which are sited in close proximity to the rear boundaries of existing properties resulting in a somewhat cramped appearance.

While there is no question that the existing buildings at the care home are large in scale, for the most part the height of the existing buildings facing into the site is 2 storey, with the taller elements either set down below road level or located on the southern elevations. In contrast the proposed scheme would see substantial 2.5 and 3.5 storey blocks within the main routes through the development and on the sensitive countryside edge of the development (although the latter does not form part of Phase 1A). It is considered that whilst the use of larger scale buildings may be justified on important corners or at key vistas, their indicative use within the south eastern portion of site is ubiquitous and unjustified. It would result in a development that would pay little regard to the local context or the sensitive edge of settlement location. It should also be noted that the cross sections indicate that some of the buildings on the south eastern edge of the site would be built up some 2m with retaining walls above existing levels, which would exacerbate their scale. While it is acknowledged that the south eastern blocks along the countryside edge do not form part of this application, Policy SD2 requires new places to be comprehensively planned using a masterplanning approach, this includes a requirement for lower densities on rural/sensitive edges and for developments to be sympathetic to, and integrate with, the topography, landscape and views to and from the site.

A landscape and visual impact assessment has been submitted which assesses the site from a number of selected local viewpoints. This document demonstrates that the site will be visible and prominent from some local views. Clearly while some change in the local landscape character is expected through the development of this housing allocation, it is considered that the provision of additional large scale buildings within this visually sensitive edge of settlement areas would have a harmful visual impact upon the site and its surroundings.

In relation to green infrastructure, the Placemaking Officer considers the proposal has not given sufficient consideration to providing multi-functional and connected green infrastructure. There is a lack of consideration to existing green infrastructure in and around the site and no clear strategy regarding how the proposed development would achieve the above. Moreover, very limited information has been provided in relation to how multi-functional SuDS features would form part of the street scene and the attenuation basin to serve the development is described as a "temporary" lagoon that would be outside of the Phase 1A site area. This brings into question what the permanent solution would be for surface water attenuation within Phase 1A.

It is clear from the indicative submissions that areas of planting would be provided within open space areas. There are the makings of a green "heart" to the development, but there is little evidence of green corridors or SuDS features running through the site and how these could connect to corridors or drainage features outside of the site. While the bowls area will provide a focal green area, this would have a limited GI function and the provision of a bowling green is questioned given that a number of existing bowling greens in Swansea are no longer used for this purpose (e.g. Brynmill and Cwmdonkin). This large area may be better used with a small boules area and landscaped with trees, shelters and outdoor eating areas for events. The provision of a small play area for visitor to the site should also be considered. The amount of street level tree planting is patchy throughout the site resulting in a relatively hard street scene in parts. Moreover, little attempt has been made to break up the vast parking areas within the site, particularly those adjacent to blocks 24-26 and 18-20 and the proposed parking for the nursing home.

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This would conflict with advice within Planning Policy Wales (4.1.50) and the "Placemaking Guidance" SPG which requires that parked cars should not visually or physically dominate any space, especially where the development density is high.

Turning to public open space (POS) the LDP allocation requires open space provision to be in accordance with the Fields in Trust (FiT) guidance, however, given the proposed accommodation is, in the main, for over 55's accommodation, it is considered that a flexible approach can be applied to open space provision to cater for the needs of the future occupiers. Notwithstanding this, the Placemaking Officer has questioned whether the approach has fully catered for the specialist end users in terms of the amount of open space available, given the high density scheme proposed, and whether the nature of the provision is suitable, for example, in terms of considering covered seating areas, allotments, places for wheelchair users, and places to store and charge buggies. The lack of clarity in relation to suitable POS provision relative to the development does weigh against the development.

Cross sections have been provided through the site together with finished floor levels for the buildings. The existing levels gently slope down to the south east and the drawings indicate that a number of plateaus will be formed with retaining walls including a new wall of approximately 1.5m in height at the back of the existing properties on Cefn Hengoed Road. This hard engineered approach will result in a number of blocks within later phases being accessed via steps from car parking areas which does raise concerns regarding their accessibility given the proposed minimum age of the future occupiers.

In relation to the density of the scheme, LDP Policy SD 2 is relevant, which sets a density target of at least 35 dph for all sites where there is a capacity for 100 homes or more. For this specific Phase the density would be approximately 33 dph. This is lower than the Policy SD2 target due to the inclusion of the parking area for the care home, the provision of the community building, commercial building and central green area within this phase. Across the wider LDP allocation, as illustrated within the wider masterplan for the site, the density would likely be far in excess of the LDP target and this does raise concerns in relation to whether such a high density development across the site allocation would be appropriate on the edge of the settlement within an area that is not highly sustainable. While the northern blocks have some usable green areas adjacent to them, the central and southern blocks have very little and this would add to the dense and hard landscape character within parts of the site. On this basis, clearly there are concerns with the scale of the buildings and the large areas of surface parking, which indicate that the scheme is an overdevelopment of the site. Moreover, there is little amenity space around a number of the blocks which, when combined with the tall buildings, will add to the dense character of the layout in parts of the site. This is discussed further in the "Residential Amenity" section below.

Having regard to the above it is considered the proposal would not provide an appropriate contextual placemaking response. There is a lack of justification for the design approach and the scale of the buildings. Moreover, the dense layout, including dominant parking arrangements, a lack of green infrastructure and SuDS, and the tight relationship with existing neighbouring properties, would result in an overly dense development that would not be in keeping with this edge of settlement location and would not follow good placemaking and masterplanning principles contrary to LDP Policies SD2 and PS2 and contrary to the guidance within the Placemaking Guidance for Residential Development SPG.

### Residential Amenity

In relation to the impacts of the development upon the living conditions of existing neighbouring occupiers, the highest degree of change would be along the north western boundary where blocks 3, 4 and 5 would be located in close proximity to the rear boundaries of existing properties on Cefn Hengoed Road. Blocks 3 and 5 are broadly orientated with their gable ends facing towards the existing properties whereas the rear elevation of block 4 would be in a back-to-back relationship. A retaining wall of up to 1.6m is proposed along this boundary with the effect that the ground floor of the blocks, which are at a lower level, would not be directly visible from the gardens and dwellings of the existing properties. Notwithstanding this, the elevations of these blocks contain balconies and windows at first floor level that would still provide views in close proximity to the rear gardens of existing properties at close quarters (significantly less than 10m espoused in the SPG). This relationship would not be acceptable and would result in a significant direct overlooking into the garden and a loss of privacy to the occupiers of Nos. 87 to 89 Cefn Hengoed Road. The existing properties are bungalows that currently benefit from a high level of privacy with very little mutual overlooking between properties.

There are also concerns in terms of overlooking from the eastern balcony serving Block 5 into No 91 Cefn Hengoed Road given the set off from the boundary (circa 7.5m). Notwithstanding this, is also considered the separation distances to existing properties and the change in levels would not result in any significant overbearing impacts or loss of outlook for existing residents. While it is accepted that the housing allocation in this area will result in a degree of change for the occupiers of existing properties, it is considered the introduction of block 4 in this location would result in a significant impact upon the privacy of Nos. 87 and 89, to a lesser degree No. 85 given the substantial rear garden associated with this property and trees located within the boundary.

While the location of the blocks will result in some overshadowing impacts upon existing properties, the lower levels of the blocks relative to existing properties, and the large rear gardens of existing properties, would mitigate any significant loss of sunlight to these properties.

Turning to the impacts upon the future occupiers of the development, the size of the flats compares favourably with the space standards guidance within the Placemaking Guidance for Residential Development SPG and the general levels of outlook and light to the properties is satisfactory, however, in relation to block 4, the outlook for the ground floor flats at the rear in proximity to the proposed retaining wall (with boundary fence atop) is somewhat compromised. However, this would be mitigated by the provision of a side window, which would alleviate any significant impacts. Notwithstanding this the upper floor bedrooms within the 1 bed flats would not benefit from a satisfactory outlook given the height of the lowest part of the dormer windows serving these bedrooms would be some 1.65m above the floor, thus preventing any meaningful outlook other than sky views. Had the development been acceptable in all other respects this matter could have been dealt with by a condition to lower the dormer window within the roof slope. As such this is not considered to be a reason to refuse the application.

In terms of outdoor amenity space, the Placemaking Guidance for Residential Development SPG indicates that balconies are expected to be provided for new build and converted flats above ground floor level. The guidance states that as a minimum, private balconies should be 3m<sup>2</sup> for 1 person or 2 person dwellings. Also, ground floor flats should have direct access to a private garden/ terrace area of at least comparable size to the upper floor balconies.

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The plans indicated that balconies would be provided for the flats of a size comparable to the minimum SPG standard and this is welcomed. Notwithstanding this, and particularly within this suburban/rural edge location, there is an expectation that satisfactory outdoor amenity space should also be provided to serve the ground floor flats and to provide secure communal areas for residents to sit out, relax and dry clothes. No comprehensive landscaping details have been provided with the application, however, the Illustrative Masterplan (1906.PL/103) does provide an indication of where soft and hard landscaping areas may be provided. Blocks 3-5 would appear to have space that could be enclosed and used as a private communal garden area for residents (albeit that block 3 would be north facing), however, aside from blocks 13 and potentially 26, the remainder of the blocks would have very little provision for outdoor space, certainly no private outdoor space. In addition, the provision of private amenity space for the ground floor flats would reduce the space available for communal amenity space and without some privacy, there would be significant overlooking from communal areas into the ground floor flats.

This weighs heavily against the development and provides a further indication of an overly dense and cramped form of development. This is exemplified in relation to blocks 6, 7, 8, 9, 10 and 24 which are sited near the back edge of the pavement with little defensible space at the front and no private area to the rear, being open to the bowling area at the rear. Moreover blocks 4 & 5 would be sited directly opposite blocks 6 & 7 in close proximity to the front elevations, thus resulting in a further loss of privacy to the occupiers of these blocks. This type of relationship is also evident within the masterplan for Phase 1B where the majority of the blocks appear not to have satisfactory levels of amenity space. On this basis, it is considered this tight relationship between blocks and the public realm would result in a detrimental impact upon the privacy of the future occupiers of the ground floor units. The layout would afford little respite from potential overlooking, or the perception of being overlooked, from passers-by within the public realm and the windows of adjacent blocks. As such the proposal would result in a detrimental impact upon the living conditions of the ground floor occupiers of blocks 6, 7, 8, 9, 10 and 24.

On this basis, and for the reasons set out above, the development would have a detrimental impact upon the living conditions of the existing and future occupiers and would conflict with LDP Policy PS2 and the guidance within the Placemaking Guidance for Residential Development SPG.

Turning to impacts arising from the proposed mixed uses at the site, these include a small commercial unit at the northern end of the bowling green which is proposed to accommodate a shop (A1-A3), office (B1) or community use (D1 or D2). While flats are also proposed within this block, subject to restrictions on the hours of operation, it is not considered that the introduction of a small scale commercial use in this location would result in any significant residential amenity impacts. Similarly, the proposed community use and offices at the southern end of the bowling green, subject to conditions, would not result in any material impacts upon the living conditions of the future occupiers of the development.

An extensive car park is proposed fronting blocks 5, 24, 25 and 26. This would be located along the rear boundaries of properties on Cefn Hengoed Road, for the most part, and also partly along the side boundary of three properties. The existing properties generally benefit from large rear gardens which, it is considered, would mitigate any significant noise or disturbance impacts upon existing occupiers.



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No. 57 has a smaller rear garden, however, a suitable boundary treatment and landscaping between the parking area and this property would mitigate any significant residential amenity impacts upon the occupiers of this property.

Concerns have been raised in relation to the noise and light pollution emanating from the existing facility from staff changeovers and outdoor lighting respectively. While the existing situation is noted, it is not considered the formalisation of the car park on the western side of the development would result in any material increase in disturbance to existing residents over and above the existing situation. Moreover, it is considered that with appropriate boundary treatments and landscaping, the future residents of the development would not be adversely affected by the proximity of the staff parking to serve the nursing home. In relation to light pollution, any new lighting at the site would need to be sensitively designed having regard to its impact upon the ecology of the area and is unlikely to result in disturbance to existing or future residential properties.

**Access and Highway Safety**

The main access into the Hengoed Court complex between Nos. 105 and 107 Cefn Hengoed Road would be utilised to serve the new development together with a proposed new permanent access between Nos. 55 and 59 Cefn Hengoed Road, part of which is adopted. A separate footpath link is also indicated between Nos. 79 and 81.

The LHA have reviewed the proposals and have identified a number of areas of concern, including that highways have not been served notice given that part of the application site red line extends into the adopted carriageway. In response to this concern, clearly the LHA is aware of the proposed development and has commented on the proposals. Concerns raised in a letter of objection have also indicated the applicant may not own all the access road. Notwithstanding this, it is a requirement within the Town and Country Planning Development Management Procedure Order 2012 (as amended) for notice to be served on any owner of the land to which the application relates. As this has not yet been clarified / undertaken it is recommended that the decision notice cannot be issued until this situation has been clarified or rectified as the case may be (see recommendation below).

Importantly, in relation to the development of the site as a mainly over 55's development, the LHA has noted that over 55's is not a recognised category that would allow for reduced car parking provision to be justified for the proposed development. While the applicant has indicated the site is located within a sustainable location, this would not justify the reduction in car parking provision indicated within the submission either.

The LHA has previously requested the submission of a road safety audit in relation to the new permanent access road between Nos. 55 and 59 Cefn Hengoed Road, however, this information has not been submitted. As such concerns remain in relation to whether this access is suitable and safe given the increased levels of traffic proposed.

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In relation to the layout of the development the LHA has significant concerns in relation to: the lack of legibility through the site; the use of right angle bends in relation to a lack of forward visibility; lack of continuous footway provision; the submitted swept path analysis indicates the layout would not safely accommodate emergency vehicles or refuse vehicles; there is a significant under provision of car parking to serve the development, that being 39 spaces (at one space per 2 units) with 19 spaces being provided for visitors (at one space per 4 units). Also no parking is proposed for the ancillary commercial uses; a lack of parking would result in increased on street parking, however, given the tight street structure, the swept path analysis indicates the layout could not function safely should this occur; no visibility splays have been indicated at any of the junctions; the inputs into the trip generation assessment are considered to be too low for the development proposed. This casts doubt on the accuracy of the junction analysis work undertaken in support of the application.

In addition to the above technical deficiencies within the submission, it is noteworthy that the parking provision to serve the blocks within Phase 1A is remote from the units, with residents having to travel over 40m in some parts of the site to reach a parking area. This does raise concerns regarding the overall strategy for parking provision to serve this mainly over 55's development. The current parking arrangements within the proposed layout and the under provision identified by the LHA would lead to significant on street parking. This would be detrimental to highway safety and would fail to provide an attractive street environment.

Several highway safety concerns have been raised within third party letters of objection and from Councillor Mandy Evans, notably in relation to traffic impacts upon surrounding roads, lack of parking provision to serve the existing and proposed development, and concerns regarding the new access between 55-59 Cefn Hengoed Road.

In response to these concerns, clearly the LDP housing allocation at the site has established the principle of a new residential development at the site for up to 70 dwellings being accessed by local roads, however, in the absence of the further information required by the LHA, as set out above, material traffic or highway safety impacts cannot be discounted. Similarly, in relation to parking provision to serve the existing and proposed development, the LHA clearly have concerns with the proposal in this respect, as set out within their comments above.

A further concern has been raised within an objection letter in relation to the appropriateness of shared surfaces within the development. While this concern is noted there is no objection in principle to the use of shared surfaces within appropriate street designs with low traffic speeds and a clear definition of the safe pedestrian area.

In light of the above, it is considered that the applicant has not demonstrated that the proposed development would be acceptable in terms of highway safety. The development would therefore be contrary to LDP Policies T1, T5, T6, PS2 and would be contrary to the guidance within the Parking Standards SPG.

**Ecology and Trees**

The application site lies adjacent to the Pentredwr Grasslands Site of Importance for Nature Conservation (SINC) and is also located within 500m of the Crymlyn Bog Special Area of Conservation (SAC).

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In order to consider the ecological impacts of the proposal and in line with LDP Policy ER8 and ER9, the application has been accompanied by a Preliminary Ecological Assessment (PEA) prepared by Wildwood Ecology dated 18th June 2020.

The PEA notes that the development does have the potential to impact upon the SINC and specifically bats, nesting birds, amphibians, reptiles and hedgehogs. It is noted that a number of third party objections have raised concerns in relation to the ecological impacts of the development.

The PEA has been reviewed by the Council's ecologist and NRW. While no specific objections have been raised by these consultees, this is on the basis that a number of mitigation measures and enhancements will be required in order to satisfactorily address the ecological impacts of the proposed development.

In accordance with the Conservation of Habitats and Species Regulations 2017, the Council is currently undertaking a test of the likely significant effect of the proposal on the SAC. The test will assess whether the proposals, either alone or in combination with other plans and projects, would result in likely significant effects on the Crymlyn Bog SAC. The conclusions of the test will be reported verbally to the planning committee.

In order to protect the adjacent SINC and the SAC a Construction Environment Management Plan would be required including the provision of pollution protection fencing, as detailed within the PEA. Other specific mitigation measures to be controlled by conditions and informative notes have been recommended by the Council's ecologist in relation to: bats, sensitive lighting, breeding birds, reptiles and amphibians, hedgehog, invasive non-native species, landscaping details, ecological enhancements and trees.

Had the development been acceptable in all other respects, all necessary conditions and informative notes would have been included in order to ensure the development would not result in any significant ecological impacts and to ensure appropriate mitigation and ecological enhancements in accordance with FW Policy 9, LDP Policies ER2, ER6, ER8, ER9 and the Biodiversity and Development SPG.

The tree officer has commented that confirmation should be provided in relation to whether the development would impact upon existing trees. In response to these comments, reference to the layout and site boundary indicates that Phase 1A would not affect existing trees, whereas Phase 1B, which extends further to the south east, would potentially affect existing trees. On this basis, it is not considered the development would result in any impacts upon existing trees and would not therefore conflict with LDP Policy ER11.

**Drainage**

Concerns have been raised within letters of objection in relation to the potential impacts of the development upon the existing drainage infrastructure in the area. In relation to surface water disposal, the application has been accompanied by a proposed drainage strategy which indicates that various SuDS features would be utilised on the site including bio retention/ rain gardens and permeable paving. As indicated above, there are significant concerns in relation to how SuDS features would be incorporated into the street layout.

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Importantly, the "temporary lagoon for storm water infiltration" is indicated on the plans to the north east of the site, which is outside the red line boundary of the site (and is considered to constitute development in its own right). The Council's drainage officer has reviewed the proposals and has highlighted technical concerns in relation to the "temporary" nature of the proposed lagoon and concerns regarding infiltration rates.

While surface water drainage is a matter to be considered by the SuDS Approving Body regime, rather than the Local Planning Authority, in this instance where significant engineering operations are proposed outside of the application site area with the specific function to drain the surface water from the site, it is considered that this proposed arrangement would not be acceptable. Reference to the indicative masterplan for the whole site, which including Phases 1A, 1B and Phase 2, reveals that no substantial permanent surface water attenuation features are indicated within the site. As such it is considered that the proposed development has failed to demonstrate that it would incorporate satisfactory surface water or flood attenuation drainage features within the site and would therefore conflict with LDP Policies RP4 and RP5.

In terms of foul water disposal, the applicant has engaged with Dwr Cymru Welsh Water (DCWW) in relation to the capacity available to serve the development within the existing mains infrastructure. DCWW have reviewed the proposals to discharge foul flows to the mains sewer and have noted within their response that there are currently capacity issues with the mains system. As such no more than 70 units may connect to the mains foul drainage system. DCWW have clarified that any further connections, over and above 70 units (including the commercial units and community centre), would require a hydraulic modelling assessment to clarify whether any further reinforcement works would be necessary to allow for additional connections. This matter is capable of being addressed by a condition. The foul water drainage proposals are therefore considered to be acceptable in principle and would not conflict with LDP Policies EU4 and RP4.

### **Land Contamination**

The application site is located within an area of past industrial activity in relation to former coal mine working and is within close proximity to a former landfill area (Llanwilks Farm). NRW and the Council's Pollution Control Division have reviewed the submitted information and have offered no objection to the application on land contamination grounds. NRW specifically note that the site is considered to be low risk with respect to potential groundwater contamination. In order to address any residual risks in relation to potential contamination at the site, which may be mobilized during development works, NRW have recommended a condition in relation to unsuspected contamination. Had the development been acceptable in all other respects, it is considered the recommended condition would address the residual land contamination concerns at the site, in accordance with the requirements of LDP Policies RP1 and RP6.

### **Land Stability**

The application site is partly within a development high risk area for former coal mine workings and has been accompanied by a Mining Risk Assessment prepared by Blandford Consulting. The Assessment indicates that two disused mine adits are located towards the south western corner of the site and considers there is a significant risk of shallow mine workings being present beneath the site at a shallow enough depth to pose a risk of surface subsidence that could affect the structural integrity of development within the site.

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The Assessment recommends intrusive site investigations in order to fully assess the risks posed from any former workings and design any remediation measures, if necessary. Monitoring for mine gas has also been recommended within the Assessment.

The Coal Authority have reviewed the Assessment and have raised no objection to the application, subject to a condition for further site investigation works and, where necessary, a scheme of remedial measures. Had the development been acceptable in all another respects, in accordance with the advice of the Coal Authority, it is considered the residual risks from former coal mine workings could have been addressed by a condition. The development would not, therefore, conflict with LDP Policy RP7.

**Heritage**

Glamorgan Gwent Archaeological Trust (GGAT) have reviewed the Historic Environment Record and have confirmed there are no known archaeological sites within the proposed development area. Similarly, a review of historic Ordnance Survey mapping indicates no archaeologically important features or structures in the vicinity. As such GGAT consider it is unlikely that any significant archaeological remains would be encountered during the course of development.

While Cadw has been consulted on the application, no response has been received to date. Notwithstanding this, the nearest ancient monument is sited some 2km from the application site and would not be adversely affected by the development, as such the proposals would not result in any harmful heritage impacts and would not conflict with LDP Policies HC1 or HC2.

**Affordable Housing**

The application site is located within the East Strategic Housing Policy Zone where the affordable housing target percentage is 10% for all new qualifying developments under LDP Policy H3. In accordance with the Policy the application proposed 10% on site affordable housing within Phase 1A amounting to 7 units in total.

Notwithstanding this, the proposed affordable housing units would be mixed within blocks with market housing units. While Policy H3 indicates affordable housing should be integrated within the development and should not be obviously segregated through location, layout or design, the Council's Housing officer has indicated that the affordable housing units should be located together in a block for effective management and maintenance purposes and to avoid service/leasehold charges which may be applicable to market units. The Housing Officer has indicated a preference for the affordable housing units to be designed within 2 storey "walk-up" type flats. The units must be built to WDQR standards and be social rented tenure.

A review of the scheme indicates there are no blocks that could accommodate all the necessary affordable housing units within one block, with the maximum number of units being 6 within each block. In view of the comments received from the Housing Officer, the scheme for the provision and management of the affordable units would need to be carefully considered and discussed further with the appointed Registered Social Landlord. However, notwithstanding the comments of the Housing officer, it is considered that the development would not conflict with the requirements of LDP Policy H3.

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### **Renewable and Low Carbon Energy**

LDP Policy EU2 requires the submission of a comprehensive Energy Assessment on sites where there is capacity for 100 homes or more. This is required to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks. While the development proposed under this application is for 70 dwellings, the masterplan for phases 1A and 1B indicates a combined total of 164 units. As such it is clear that with the density of the scheme as proposed, there is capacity for the wider site to accommodate more than 100 dwellings. The application has not been accompanied by an Energy Assessment as such the application would conflict with the requirements of LDP Policy EU4 and refusal is recommended for this reason.

LDP Policy EU2 requires the submission of a comprehensive Energy Assessment on sites where there is capacity for 100 homes or more. This is required to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks. As the development proposed under this application is for 70 dwellings, and notwithstanding the masterplan for phases 1A and 1B indicates a combined total of 164 units, it is considered that Policy EU2 would not be applicable in this instance. Any future application which takes the overall development above the 100 home threshold would require an Energy Assessment.

### **Section 106 requirements**

As the proposal is mainly for over 55s accommodation with other units being 1 bed accommodation it is not considered necessary in this instance to require a financial contribution towards education provision in the area on the basis that the accommodation is highly unlikely to generate a need for any additional school places in the locality. Similarly, the development would not result in the requirement for a financial contribution to local play facilities in the area. As a result of this, a condition would need to be attached to any grant of consent requiring the development to only be available to over 55's if the scheme was considered acceptable in every other aspect as this is a clear material factor in the decision making process.

The LHA has not indicated that any financial contribution would be required for any highway improvements in the area. While the LDP allocation indicates connections and improvements will be sought for public footpaths in the area, there are no obvious connections available from the application site to these footpaths, which are located some 300m to the north (B0394) and 600m to the west (B0483), as such it would not be reasonable to require a financial contribution for improvements to these footpaths.

Affordable Housing could have been secured via a S106 agreement if the scheme was considered acceptable in all other aspects.

### **Other Matters**

In response to objections received from member of the public, matter raised in relation to the visual amenity, residential amenity, highway safety impacts, drainage impacts, and ecological impacts have been addressed above within the report.

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Concerns raised in relation to potential noise, dust and general disturbance during construction works are noted, however, such impacts would be temporary during the construction period and could be mitigated through good construction and site management. Allied to this, a CEMP has been recommended which could incorporate best practice to ensure noise and disturbance is minimised.

Concerns raised in relation to excessive pollution from the traffic associated with the proposed development are afforded little weight. There are no air quality management areas in the vicinity of the site and it is considered the scale of the development is not so significant as to result in any significant material increase in local air pollution levels. The Pollution Control Division have not raised any concerns in relation to this matter.

In relation to the potential for the development to de-value surrounding properties, it is not the role of the planning system to pitch the interests of one party against another, as such this concern is afforded little weight and no evidence has been provided of this in any respect. The broad role of the planning system is to manage the development and use of land in the public interest. In this instance significant harm has been identified, should the development be allowed. As such it is considered that it would not be in the public interest to approve the development as submitted.

In response to concerns the proposal would harm the age demographic balance in the area, it is considered that a sizable proportion of future residents may live in the local areas and this would potentially free up larger properties that could be accommodated by families. Moreover, each block contains 2 x 1 bed apartments with no age restrictions, which would also serve to dilute the over 55s population at the site. As such, on balance, it is not considered the proposal would result in any significant impacts in this respect.

Concerns have been raised that the development would be for "private" housing. In response to this concern it is acknowledged that the vast majority (90% of the units) would be for market housing, this could be for rental or owner occupier. Aside from securing an appropriate level of social rented housing to meet the housing need in the area in accordance with LDP Policy H3, the Local Planning Authority would not normally seek to impose restrictions on the tenure of new housing. There are not considered to be any good material planning reasons to impose and further tenure restrictions upon the proposed development.

Concerns have been raised regarding the management of the facility in the event that it accommodates dementia patients. In response to this concern the proposed development is not for a specialist care facility, which would fall within a separate planning use class (Class C2), as such this concern is afforded little weight in the determination of this application.

Concerns raised regarding the previous planning history are noted, however, this application is being considered against current national and local planning policies having regard to any other relevant material planning considerations as set out within the above report.

It is acknowledged that a number of planning applications have been submitted on the site over the past 20 years and residents have expressed concerns in letters of objection in relation to their human rights having been affected in relation to noise, dust, rubbish, bonfires, helicopters taking off and landing, degradation of the green wedge and uncertainty regarding the number of planning applications submitted.

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**Application Number:**

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These matters are generally outside of the scope of material matters to be considered under this planning application and appear to fall mainly within the control of environmental health legislation. As indicated above the site is not located within the green wedge. Moreover, the fact that the site is now allocated for housing within the LDP confirms that the principle of housing on the site is acceptable. While objectors may disagree with the LDP allocation, this does provide a degree of certainty in relation to the future use of the land within the site. On this basis it is not considered that the proposal would conflict with the provision of the Human Rights Act, specifically Article 1 of the First Protocol in relation to the protection of property.

A specific concern has been raised in a letter of objection that the development of the site may result in increased noise emanating from an existing substation at Lan Coed. In response to this concern, any existing or future excessive noise from this facility is not considered to be a planning matter. Similarly, matters raised in letters of objection in relation to: the current untidy state of the application site; the provision of a maintenance access to the rear of No. 77 Cefn Hengoed Road; and concerns that the temporary access from Cefn Hengoed Road has not been removed, are not considered to be material planning considerations in the determination of this application. It is noted that at least one of the plans (1906.PL.103 – Illustrative Masterplan) has annotated the incorrect scale. Notwithstanding this, there are several other correctly scaled drawings which show the development in context with existing properties surrounding the development as such it is not considered any third parties have been significantly prejudiced by this error.

### **Conclusion**

The proposal seeks to develop part of an allocated housing site with the Bonymaen Ward adjacent to an existing large scale care facility. The proposed mixed use over 55s residential development is considered to be acceptable in principle, however, the scale, design and density of the development would result in harmful visual and residential amenity impacts. It has not been demonstrated that the proposed development would be acceptable in terms of highway safety or that satisfactory green infrastructure or surface water drainage infrastructure could be accommodated within the application site to serve the development. These matters all weigh heavily against the proposal.

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 refusal.

### **Recommendation**

**Refuse (following confirmation from the applicant that the correct notices have been served), for the following reasons:**



## Planning Committee – 1<sup>st</sup> February 2022

### Item 4 (Cont'd)

Application Number:

2018/1683/FUL

- 1 The proposed development by virtue of its scale, design and layout, would result in an overly cramped and inappropriately designed form of development that would not be in keeping with its local context or its surroundings and would result in a significant harmful impact upon the visual amenity of the site and surrounding area contrary to Policies PS2 and SD2 of the Swansea Local Development Plan 2010-2025, advice contained within Planning Policy Wales 11 (2021) and contrary to the "Placemaking Guidance for Residential Development" Supplementary Planning Guidance (2021).
- 2 The proposed development by virtue of its scale, design and proximity to existing neighbouring properties would result in harmful overlooking impacts upon the occupiers of 87 - 91 (odds) Cefn Hengoed Road to the detriment of their privacy and overall living conditions contrary to Policy PS2 of the Swansea Local Development Plan 2010-2025, advice contained within Planning Policy Wales 11 (2021) and contrary to the "Placemaking Guidance for Residential Development" Supplementary Planning Guidance (2021).
- 3 The proposed development by virtue of the design and layout of blocks 6, 7, 8, 9, 10 and 24 would allow clear opportunities for looking into every habitable room at ground floor level from the public realm in close proximity to the blocks. This, together with the absence of meaningful defensible space to the front or private amenity space at rear would result in a significant loss of privacy, to the detriment of the living conditions and overall well-being of the future occupiers of the development. This would be contrary to Policy PS2 of the adopted Swansea Local Development Plan (2010-2025) and advice contained within Planning Policy Wales 11 (2021).
- 4 The proposed development by virtue of its design and layout would not provide satisfactory levels of private amenity space to serve the future occupiers of the development of all Ground Floor apartments or secure communal amenity space for blocks 6, 7, 8, 9, 24, 25 or 26, to the detriment of the living conditions and overall well-being of the future occupiers, contrary to Policy PS2 of the Swansea Local Development Plan 2010-2025, advice contained within Planning Policy Wales 11 (2021) and contrary to the "Placemaking Guidance for Residential Development" Supplementary Planning Guidance (2021).
- 5 The proposed development by virtue of its inappropriate design and layout and the resultant significant lack of parking provision together with insufficient appropriate supporting information to demonstrate safe access at the entrance to the site and within the site, has failed to demonstrate that the development would not result in harmful highway safety impacts contrary to Policies T1, T5, T6 and PS2, advice contained within Planning Policy Wales 11 (2021) and contrary to the "City and County of Swansea Parking Standards" Supplementary Planning Guidance (2012).
- 6 The proposed development by virtue of its inappropriate design and layout together with a lack of appropriate supporting information, fails to demonstrate the incorporation of multi-functional green infrastructure at all scales or multifunctional SuDS features within the development site, and is contrary to Policies PS2, SD2, ER2, RP4 and RP5 of the Swansea Local Development Plan 2010-2025, advice contained within Planning Policy Wales 11 (2021) and contrary to the "Placemaking Guidance for Residential Development" Supplementary Planning Guidance (2021).

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Application Number:

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**Informatives**

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, PS3, SD2, IO1, IO2, ER2, ER6, ER8, ER9, ER11, T1, T2, T3, T6, EU2, EU4, H1, H2, H3, H10, HC1, RP1, RP2, RP3, RP4, RP5, RP6, RP7, SI3, SI6 and SI8.

2 PLANS

1906.PL/100 (Location Plan Existing)  
1906.PL/101 (Site Plan Proposed Phase 1 - Indicative Phase 2)  
1906.PL/102 (Site Plan - Neighbourhood Mixed Uses)  
1906.PL/103 (Masterplan Illustrative Layout Phase 1A)  
1906.PL/104 (Masterplan - Detailed Phase 1)  
1906.PL/105 (Site Plan - Building heights Phase 1)  
1906.PL/106 (Site Plan - Mixed Uses Phase 1)  
1906.PL/140 (Render View 1)  
1906.PL/141 (Render View 2)  
1906.PL/200 (Building Type A1 - 2.5 Storey Elevations + DQR)  
1906.PL/201 (Building Type A1 - 2.5 Storey Plans & Section + DQR)  
1906.PL/202 (Building Type A1 - 2.5 Storey Elevations)  
1906.PL/203 (Building Type A1 - 2.5 Storey Plans & Section)  
1906.PL/204 (Building Type A3 - 2.5 Storey Elevations + DQR + Shop + Office)  
1906.PL/205 (Building Type A3 - 2.5 Storey Plans & Section + DQR + Shop + Office)  
1906.PL/206 (Building Type A2 - 2.5 Elevations)  
1906.PL/207 (Building Type A2 - 2.5 Storey Plans & Section)  
1906.PL/218 (Building Type B2 - 2.5 Storey Plans & Section + DQR)  
1906.PL/219 (Building Type B3 - 2.5 Storey Plans & Section + DQR)  
1906.PL/220 (Building Type B1T - 2.5 Storey Elevations)  
1906.PL/221 (Building Type B1T - 2.5 Storey Plans)  
1906.PL/222 (Building Type B1T - 2.5 Plan & Section)  
1906.PL/223 (Building Type B1 - 2.5 Storey Elevations)  
1906.PL/224 (Building Type B1 - 2.5 Storey Plans & Section)  
1906.PL/225 (Building Type B2 - 3.5 Storey Elevations & Section)  
1906.PL/226 (Building Type B2 - 3.5 Storey Plans)  
1906.PL/229 (Building Type Community Hall and Offices Elevations)  
1906.PL/230 (Building Type Community Hall and Offices Floor Plans)  
1906.PL/231 (Building Type Community Hall and Offices Floor Plans)  
20140-MA-SI-P1-SK-C-0120 -P04 (Preliminary Levels Phase 1)  
20140-MA-SI-P1-SK-C-0130-P02 (Site Cross Sections Sheet 1 Phase 1)  
20140-MA-SI-P1-SK-C-0131-P02 (Site Cross Sections Sheet 2 Phase 1)  
20140-MA-SI-P1-SK-C-0132-P02 (Site Cross Sections Sheet 3 Phase 1)  
20140-MA-SI-P1-SK-C-0001-P11 (Highway Design Sheet 1 of 2)  
20140-MA-SI-XX-SK-C-0002-P06 (Highway Design Sheet 2 of 2)  
110 P2 (Storm Drainage)  
120 P1 (Foul Drainage (1 of 2))  
121 P1 (Foul Drainage (2 of 2)) received 24th September 2021.

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Planning Committee – 1<sup>st</sup> February 2022

Item 5

Application Number:

2021/1571/S73

Ward:

Oystermouth - Bay Area

Location:

41A Beaufort Avenue, Langland, Swansea, SA3 4PB

Proposal:

Retention of two storey rear extension, addition of first floor front balcony, fenestration alterations, addition of front gable to roof, new vehicular access, demolition of detached garage, removal of front porch, construction of attached side garage and side boundary fence - Variation of condition 1 of planning permission 2020/0071/FUL granted 14th July 2020 to allow for amendments comprising increase in the height of the garage, fenestration alterations, front porch, new access, hardstanding, wall and provision of a single storey side extension (plant room)

Applicant:

Mr Alex O'Brien



Planning Committee – 1<sup>st</sup> February 2022

Item 5 (Cont'd)

Application Number:

2021/1571/S73

**Background Information**

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2019/0346/PRE	PRE APP Two storey side extension, two storey rear extension incorporating front and rear balconies and alterations to dormer	MIXPR E	04.03.2019
2019/1158/FUL	Two storey rear extension, addition of first floor front balcony, front porch, fenestration alterations, addition of front gable to roof and new vehicular access	APP	13.08.2019
2020/0071/FUL	Retention of two storey rear extension, addition of first floor front balcony, fenestration alterations, addition of front gable to roof, new vehicular access, demolition of detached garage, removal of front porch, construction of attached side garage and side boundary fence	APP	14.07.2020
2021/0607/NMA	Retention of two storey rear extension, addition of first floor front balcony, fenestration alterations, addition of front gable to roof, new vehicular access, demolition of detached garage, removal of front porch, construction of attached side garage and side boundary fence (Non Material Amendment to planning permission 2020/0071/FUL granted 14th July 2020 to allow for the increase in the eaves height and ridge height of the attached garage and alterations to the fenestration)	WDN	25.03.2021

**Item 5 (Cont'd)**

**Application Number:**

2021/1571/S73

### **Procedural**

This application was 'called-in' for determination at Planning Committee by Local Ward Councillor Myles Langstone and the objection threshold set out in the Council's Constitution has been met.

### **Background**

A full planning application for a two storey rear extension, addition of first floor front balcony, front porch, fenestration alterations, addition of front gable to roof and new vehicular access, ref; 2019/1158/FUL, was approved on 04/09/2019.

A full application, for the retention of a two storey rear extension, addition of first floor front balcony, fenestration alterations, addition of front gable to roof, new vehicular access, demolition of detached garage, removal of front porch, construction of attached side garage and side boundary fence, ref; 2020/0071/FUL, was approved on 14/07/2020 following a planning committee meeting in July 2020.

This latest application is a Section 73 application which seeks to vary the approved plans condition attached to application ref; 2020/0071/FUL.

### **Site Location**

The application site forms part of the Swansea urban area, local ward of Oystermouth. The given address is; 41A Beaufort Avenue, Langland, Swansea, SA3 4PB.

### **Description of Development**

The application is described as:

Retention of two storey rear extension, addition of first floor front balcony, fenestration alterations, addition of front gable to roof, new vehicular access, demolition of detached garage, removal of front porch, construction of attached side garage and side boundary fence - Variation of condition 1 of planning permission 2020/0071/FUL granted 14th July 2020 to allow for amendments comprising increase in the height of the garage, fenestration alterations, front porch, new access, hardstanding, wall and provision of a single storey side extension (plant room).

The works proposed, that did not already form part of the original application, have in part already been completed or started on site.

### **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.

**Item 5 (Cont'd)**

**Application Number:**

2021/1571/S73

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

### **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.

#### **Section 73 Procedures**

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

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

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.

#### **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.

Item 5 (Cont'd)

Application Number:

2021/1571/S73

- 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 multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.
- 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 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.

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.

### **Supplementary Planning Guidance:**

Supplementary Planning Guidance (SPG) relating to 'Placemaking Guidance for Householder Development' provides further information and guidance to clarify the policy aims of LDP Policy PS 2. This is referenced in the amplification text of Policy PS 2 of the LDP. The SPG was formally adopted by the Council in October 2021, which followed a period of public consultation and stakeholder engagement that informed the content of the document.

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

### **Consultations:**

### **Neighbour comments:**

The Section 73 application was initially advertised on site by a notice and notification letters were sent to the immediate neighbours of the site.

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Following a number of revisions to the plans, to correct inaccuracies as well as to amend the original proposals, all previous neighbours and any objectors that sent individual letters were sent re-consultation notifications.

19 individual letters of objection were received, which can be summarised below:

- Work has already been completed.
- Some of the works undertaken on site are not on the proposed plans.
- The plans are inaccurate.
- The garage door is not wide enough to allow cars to access.
- The side extension is two storey.
- The Highways department previously stated that the garage should be retained for the use of cars only.
- The Applicant's Agent used to work for Swansea Planning Department.
- Overbearing
- Visual impact
- The proposed works exceed the original planning consent and should not be considered a variation.
- The proposed building footprint extends onto land outside the Applicants ownership.
- Applicant is in breach of the Party Wall Act.
- Overlooking
- Overdevelopment
- Frustration over the Developer not building in-accordance with previously approved plans.
- Light pollution
- Impact on the hedge and wildlife
- Lack of drainage and non-SuDS compliance.
- Lack of consultation for neighbours to the opposite side of the road,
- Visual terracing

Two objecting petitions were received. The first had 36 signatures from separate addresses and the contents of which are copied below:

*We wish to object to the latest planning application in relation to 41A Beaufort Avenue, Langland. Ref: 2021/1571/S73 and request that the following be put before the Planning Committee of the City and County of Swansea.*

*At the outset, we have concerns that the plans are incorrect in relation to proximity to boundaries, description of intended use, and an in/out driveway. The applicant is applying for structures already built or partially built and to conform with the submitted plans those structures would have to be demolished and rebuilt. Notwithstanding that, there are discrepancies between the elevation drawings and the site plan as acknowledged in an email from the Planning Department on March 17th 2021. We are concerned that, as yet, revised plans have not been submitted for consideration.*

*However, the strategy of successive applications has resulted in an oppressive building which is far greater in bulk and massing than originally suggested.*



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*The building is situated in an elevated position on a compromised corner plot which exacerbates its adverse impact on private and public amenity. There is a clear overdevelopment of the plot as a result of the successive applications.*

#### *Objections to "garage"*

- The "garage" is approximately 37ft long and 21ft high with a large cathedral window and has a significant impact on private amenities to the rear and public amenity to the front.*
- It tracks along the boundary to the rear at a distance of approximately 125 mm from that boundary making it impossible to comply with previous planning approval to render the sides.*
- While the structure is described as a "garage" the plans show construction to be traditional cavity wall and insulation. There does not appear to be any vehicle access to the garage from the drive since the height of the cavity wall would preclude vehicle access. The construction of the garage area appears to be consistent with an extension of the residential living area and therefore a subsequent change of use application would result in a successful application as already suggested by the planning department. This structure is also remarkably similar (albeit larger) to a two-storey residential side extension in the pre-app which was subsequently dropped following the council's response. As a consultee, the Highways department commented on 6th June 2019 ' The garage shall be retained for parking purposes only and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling'. We would request that Highways be given the opportunity again to comment in relation to this and the in/out driveway which requires through access and as such would limit parking.*

#### *Objections to in/out driveway*

- An in /out driveway has been constructed and paved, yet does not appear on the latest plans submitted which show two access points at approximately 9ft wide with adjacent pillars. However, those access points are in reality, 32ft and 24ft wide respectively. The in/out driveway is out of keeping with every other driveway in Beaufort Avenue and given the property's elevated position has an impact on public amenity and the street scene.*
- As residents, we are concerned that the width of the constructed access points would require the removal of a much larger than necessary area of the public grass verge which is so characteristic of Beaufort Avenue. We request a condition so that the access points remain as set out in submitted plans.*

#### *Objections to fenestration*

- The fenestration for which approval is now being sought was installed within days of councillors approving more traditional windows to the ground floor as per submitted plans last summer. The amount of glass to the front of the property has a significant adverse impact on residents opposite and given the elevated and prominent position of the building, an adverse impact on the street scene.*

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*Objections to plant room*

- *The plant room is shown at a clear distance from the boundary. However, the plant room has been constructed by excavating the natural bank with a neighbouring property and there is no separation between the plant room and the boundary. With the addition of the "garage" the property stretches boundary to boundary with no external access to the rear.*

*Objections in relation to the adopted Householder Design Guide*

- *The latest planning would, if approved, result in a building far removed than that which was initially anticipated and constitute a significant overdevelopment of the plot which borders the AONB*
- *The latest plans for the building appear to contravene  
Section A 3/6 spaces between buildings, height of surroundings buildings  
Section C1. Residential amenity, C2 Overbearing  
Section 1/ 6 a minimum of 1m should be retained between the eaves of any extension and the adjoining  
side boundary. This will also allow for maintenance  
Section 8.9 Parking, the visual impact of hard standing on the street scene  
Section 9.2 Frontage Boundary Treatment*

A second petition was also received, with 40 signatures from individual addresses, the contents of which are summarised below:

*The undersigned wish to object to the latest planning application , ref :2021/1571/S73 , alternative ref :PP-09913047, 41A Beaufort Avenue, and request that the following be put before the Planning Committee of the city and County of Swansea.*

*We contend that the latest application, if granted, exacerbates the overdevelopment of this compromised, elevated corner plot which is now constructed boundary to boundary with no exterior access to the rear. As such it contributes to the significant adverse impact on private and public amenity, and is at odds with neighbouring and opposite properties and is not characteristic of the street scene. In addition, we believe there is an unacceptable environmental impact, due to excess fenestration adjacent to the AONB, concerns regarding the destruction of hedgerows contrary to the SPG and water run off.*

*The strategy of successive applications has resulted in a building that is far greater in bulk and massing that suggested before. and is now contrary to pre application advice, despite earlier applications which appeared to comply with that advice.*

*We are also concerned that the applicant and his representative have continued to submit incorrect plans over an extended period.*

*In more detail.*

*The "Garage"*

*Despite the applicant insisting the 37ft long garage will be used as such, its construction precludes vehicle access and suggests otherwise.*

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*It is a reasonable assumption that the applicant intends to extend the residential living area following occupation - this could circumvent the planning process.*

- We request that the application to extend the roof even higher be refused, particularly as there is an acknowledged 10% leeway that could be taken advantage of. There is adequate space for storage if that is intended. If the roof were raised, the structure would be two storeys high with an even larger cathedral window and should be a metre from the boundary, rather than the 120cm it currently is.*
- We request that a condition should be made that the garage should be used as such which would comply with Highways comments of 6th June 2019. If not, Highways should be reconsulted.*
- The increased size of the "garage" significantly contributes to the overdevelopment of the plot and has a direct impact on public and private amenity. We request a condition that a garage door should always be in place on the ground floor to mitigate any potential increase in fenestration.*
- We request that a condition be placed that the applicant complete the property with regard to rendering on the "garage" side of the boundary with 39 Beaufort Avenue.*

#### *The Plant Room*

*There is concern that while construction for this structure have been visible for more than a year, only now has it appeared on a planning application. The plant room is also in same size and the same position as a garage the applicant initially wished to build, but was told by the planning department that there was no room.*

*We object to the plant room for which retrospective permission is now sought on the following grounds*

- Overdevelopment and building boundary to boundary contrary to the Adopted Design Guide.*
- The plant room has been constructed by excavating a natural bank with 41 Beaufort Avenue. There is no separation between the plant room and the boundary. The boundary is also an ancient hedgerow, seen on plans as early as 1888 and now appears to be protected by the recently published SPG.*
- As with much of this development, residents and the planning authority seem to be presented with a fait accompli. We ask that this should not influence a planning decision.*

#### *Fenestration*

*We maintain that the property now has an excessive amount of fenestration facing the road and houses opposite. It is worth noting that floor to ceiling windows were installed on the ground floor within a few days of councillors approving installation of smaller more traditional windows.*

- We ask that retrospective permission for the windows be refused to comply with the previous planning application that was considered in good faith. In addition, the windows are not characteristic of neighbouring and opposite properties and the street scene in general.*

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- *The windows contribute to unnecessary light pollution, especially as the windows for which planning is sought encompass the open plan ground floor living area.*

*The in/out driveway and boundary walls*

*Residents have for more than 2 years approached planning about concerns that an in/ out driveway was being built. Enforcement officers were assured that was not the case. Time has proved otherwise. Previously submitted plans showed two entrances of around 9 ft each with lawn with no in/out access and a lawned area. We object to the in/out driveway on the following grounds.*

- *The in/out driveway is wholly uncharacteristic of Beaufort Avenue- no other house has one.*
- *The entrances are now 32ft and 24ft respectively, the whole area is paved, except for a raised flower bed.*
- *The in/out driveway would necessitate removing a large part of the public grass verge, which is so characteristic of Beaufort Avenue*
- *The area to the front of the house is elevated and as such, has an unacceptable adverse impact on public amenity*
- *The applicant has built boundary walls instead of the approved 1.8 and 1 metre fences. He has already erected fences on top of boundary walls to the left. There is an unacceptable height of the boundary treatment if a condition is not set to prevent this and a direct impact on the private amenities of both 39 and 37 Beaufort Avenue*
- *The applicant has excavated to the rear of the property, undermining a neighbour's boundary. The applicant has not complied with the Party Wall Act , and plans do not include any indication of that which he intends to construct in that area. We request the applicant be required to submit plans*

*Environment.*

*The applicant is seeking permission for walls where fences had previously been approved. We object as the applicant will erect fences on top of those walls increasing their impact. Lighting has been installed all around the front of the property including the boundary wall again increasing the adverse impact on public amenity and Dark Skies. The majority of the site has been paved with an impact on wildlife already evident.*

- *We request that planning permission not be granted for the walls and the applicant be required to revert to the fence treatments for which he previously sought planning permission.*
- *We request that the lawn treatment be reinstated to go some way to limiting drainage run off*

*The applicant has removed one hedgerow between 41A and 39 completely and the revised plans now confirm that the construction of the proposed fence will involve the removal of the hedge/hedgerow between 41 and 41A.*

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*The portal Planning Application forms for 2021/1571/S73 and 2020/0071/FUL have the following responses :- to question 6 'Are there any trees or hedges on the site or adjoining the proposed site that would be affected by the development proposal' the answer has been 'No'. Likewise 'No' to question 7 on hedgerows.*

*The farm field boundary between where 41 and 41A now exist is depicted on the O/S map of Langland dated 1888 and the hedge is visible in the aerial photograph dated 1945. The hedge is therefore very old.*

*Swansea Local Development Plan 2010 - 2025 ER11 Trees, Hedgerows and Development states 'Development that would adversely affect trees, woodlands and hedgerows of public amenity or natural/cultural heritage, or that provide important ecosystem services will not normally be permitted'*

*'Trees, Hedgerows and Woodland Supplementary Planning Guidance October 2021' sets out the importance and benefits of trees and hedges to the local scene and sense of 'place' etc*

*'1.1 ...For the avoidance of doubt the guidance set out in this document relates to all trees, hedgerows and woodland, not just those that are protected.'*

*'1.5 Trees are of vital importance to the landscape. It is now widely accepted that trees in and around towns and cities have a vital role to play in promoting sustainable communities... Trees make a positive contribution to the scenic character, local distinctiveness and diversity of the landscape and are important in the creation of 'place'.*

*'1.8 ... the public's awareness of environmental issues and the health benefits of being near or seeing trees is also increasing. Developers are therefore under increasing pressure to focus attention to trees and their role in providing a more pleasant and healthier environment.'*

*Planning permission has been granted for the housing development in the field adjoining Beaufort Avenue 2018/2634/FUL with conditions that the natural field boundary trees/hedges be retained. The same principle of retaining the natural field boundary hedges/trees from the same estate field system should be applied to this case and is according to the SPG , a material consideration.*

*Adopted Design Guide*

*Objections in relation to the adopted Householder Design Guide*

- *The latest planning would, if approved, result in a building far removed than that which was initially anticipated and constitute a significant overdevelopment of the plot which borders the AONB*
- *The latest plans for the building appear to contravene*
  - a. *Section A 3/6 spaces between buildings, height of surroundings buildings*
  - b. *Section C1. Residential amenity, C2Overbearing*
  - c. *Section 1/ 6 a minimum of 1m should be retained between the eaves of any extension and the adjoining side boundary. This will also allow for maintenance*
  - d. *Section 8.9 Parking, the visual impact of hard standing on the street scene*
  - e. *Section 9.2 Frontage Boundary Treatment*

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## APPRAISAL

### Main Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to the impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts.

### Visual Amenity

The site is of a triangular shape, which narrows to the rear and whilst the plot is on the road bend only the front elevation is presented to the street, and therefore it is not considered to be a corner plot. The street as a whole is made up of predominantly similar detached two storey dwellings of various designs. As previously mentioned the site already benefits from consent for significant alterations to the dwelling as it previously existed. This application seeks to amend the original consent to increase the height of the garage, fenestration alterations, front porch, new access, hardstanding, wall and provision of a single storey side extension (plant room). Some of these have already been constructed on site.

It is noted that the extensions already approved cannot be considered again in this application, however the proposed alterations will be viewed in the context of those previously approved and on their own merits. Taking each of the alterations in turn, the side garage eaves height is proposed to be increased by approximately 0.4m to 3.5m, with the ridge height also increasing by 0.4m to 6m, compared to the extant consent. Whilst the resultant garage is in close proximity to the shared boundary and could be considered larger than what would usually be expected for a single storey side extension, it is not considered to be visually unacceptable. The extension will still leave a visual gap between the two storey sections of the host property and neighbour. Furthermore the design of the extension is visually in-keeping with the character of the host dwelling and would not result in any unacceptable harm on the visual character of the streetscene.

The proposed single storey side extension to provide a plant room, is a relatively modest structure. It does have visibility from public vantages and its flat roof is not strictly in-keeping with the pitched roof of the main dwelling. However given its small scale it is not considered that the extension would have any significant visual impacts to warrant refusal of the application. A relevant fall back position can be noted in that the extension would be permitted development by virtue of Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and taken on its own accord would not require planning permission.

The proposed alterations to the fenestration details, are not strictly in-keeping with the character of the local area or traditional nature of the dwelling. Particularly for the ground floor front elevation windows, given their full height patio door design. However whilst this is the case it is not considered that the alteration would have any significant harmful impact on the visual character of the local area. It is also considered that the porch which is a canopy above the access door is relatively minor and acceptable.

In regard to the front boundary it is considered that the side elevation wall is acceptable. The proposed new access and hardstanding is also not considered to have any unacceptable visual impacts.

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It is noted that whilst maintaining the front grass would have been desirable, a number of properties to the street have existing hardstanding to the whole of their front boundaries. It is also of relevance that the creation of an access off a non classified road (as in this instance) and a hardstanding itself is also permitted development and would not actually require planning permission, subject to sufficient drainage or permeable surfacing, which can be secured by condition.

The site does lie adjacent to the Gower AONB, however, it is not considered that there would be any unacceptable impact from the extensions within the local context upon the Gower AONB which will remain to be preserved. It is considered that the proposal would have an acceptable impact on the visual amenity of the host property and character of the wider area, and is therefore compliant with policy PS2 of the Local Development Plan (Adopted 2019).

### **Residential Amenity**

Turning to residential amenity it is not considered that the proposal would result in any unacceptable overshadowing impacts. The extensions to the dwelling would not breach a 45 degree angle of light from neighbouring habitable room windows and to that effect would not have a significant impact. In regard to overlooking it is not considered that the proposed amendments would have any impacts in excess of the original consent. It is noted that neighbours have objected on this ground, including those across the street, however the altered front windows face the public realm and therefore would not directly overlook any neighbouring private amenity spaces.

In terms of any potential to be an overbearing form of impact, it is not considered that the side extension plant room, given its siting and scale, would have any unacceptable impacts. In regard to the increase in the height of the garage, whilst this is in close proximity to the shared boundary with the neighbour, it will only have a physical impact on a small area of the neighbouring amenity space. On balance, whilst the proposal will see an increase in the height of the structure, it is not considered that the height of the garage would have a significant enough impact to warrant refusal of the application.

In all given the above it has been concluded that the application is acceptable in regard to its impact upon residential amenity and complies with the requirements of Policy PS2 of the Swansea Local Development Plan (Adopted February 2019).

### **Access & Highway Safety**

In terms of highway safety the Authority's Car Parking Standards SPG recommends that single dwellings should provide one parking space per bedroom, up to a maximum of three. Space for three parked cars can be accommodated to the front hardstanding, and on that basis it is not considered that a condition removing the right to the convert the garage would be necessary in this instance. It is also considered that the proposed new access is acceptable, subject to the fitting of a dropped kerb agreed with and constructed to Highway standards. The proposal is therefore considered to have an acceptable impact on highway safety.

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## Ecology

It is noted that concerns have been made by neighbours on the impact of the development on the boundary hedge. It has been stated that the hedge is historic and is an important refuge for wildlife. Whilst this may be the case ultimately the hedge is not protected and it could be removed without planning consent. Reference was also made to the housing development off Higher Lane and the retention of the hedge in that location, however that is not directly comparable to this application as in that case the land was an undeveloped green field. The retention of the hedge may be desirable, however as it is not protected it is not considered to be within the scope of this application to retain it, if the owners want its removal. In terms of light pollution from larger window openings, it is not considered that the proposed openings will have a significant impact given that the property will remain as a residential use.

Policy 9 of Future Wales (in addition to Policy ER9 and the Supplementary Planning Guidance Document - Biodiversity) require 'enhancement' of biodiversity at all levels. Action shall be taken to secure the maintenance and enhancement of biodiversity (to provide net benefit) and innovative, nature-based approaches to site planning and the design of the built environment are required. In view of this, it is required to provide 'enhancement' and therefore any consent will have a planning conditions imposed to secure details of enhancements. Ecological Enhancement Measures could include: bat boxes, bird boxes, green walls/ roofs, the provision of hibernacula in the garden for animals, a pond or native planting/wildflowers in any landscaping scheme. It could include the removal of an invasive non-nature species at a site. The above are provided as an example and are not an exhaustive list.

## Drainage

This application does not need to adhere to SuDS requirements which is a separate approval process reserved for developments in excess of 1 dwelling or 100 square metres. In terms of the hardstanding area this may create water runoff, however, the consent shall be conditioned in line with the permitted development criteria to ensure that the surfacing is permeable or allows water run off to a suitable drainage area within the site.

## Response to Objections

The objections in regard to the impacts on ecology, drainage, light pollution, visual amenity and residential amenity in terms of overbearing and overlooking have been addressed in the above report. The application has been advertised and consulted on, in full accordance with statutory requirements, residents to the opposite side of the road were not consulted as they do not physically border the site. Highway safety and parking have been addressed above and it is not considered necessary to seek Highway Authority consultation for a householder development of this scale. Objections were also raised over the potential use of the garage for future conversion to habitable space and that the garage opening is not large enough to allow cars to access. However the Authority does not see any material planning harm in the use of this space as a habitable room as there is enough parking within the site. In any event the garage must be constructed in accordance with the approved plans, in the first instance, and the Applicant did not wish to amend it to a habitable room.



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It is noted that many objectors are concerned by the fact that the development has already taken place, however this application has been judged on its own merits. There is also a suggestion that a Section 73 application was not appropriate, given the scale of the changes, however this is not the case. The plans have been through a number of revisions, and are considered to be accurate and reflective of what the developer is constructing on site. The fact that the Agent was previously employed by Swansea Council Planning Department has had no bearing upon the determination of the application, which is judged on its own merits.

It has been claimed that the development includes land under the ownership of the neighbour. The Applicant has declared that all land within the red-line is under their ownership and no evidence has been presented to contradict this, and on that basis the application has been considered. Any contravention of the Party Wall Act is not a planning matter but a Civil matter between the two parties.

The boundary fencing and height is displayed on the proposed plans and matches that previously consented, other than the front boundary wall. If the Applicant again doesn't build in accordance with the approved plans then appropriate enforcement action can be taken. It is noted that there are potential discrepancies with the information on the application form, however there is sufficient information on the plans to determine the application.

## **Conclusion**

In conclusion it is considered that the proposal represents an acceptable form of development on the basis of the proposed plans which has an acceptable impact in regard to visual amenity, residential amenity and highway safety. Therefore it is considered that the development is compliant with the requirements of Policies PS 2, ER 2, ER 8, ER 9, and T 6 of the Swansea Local Development Plan and advice provided within the Placemaking Guidance for Householder Development (2021), Development and Biodiversity (2021) and Parking Standards SPG (2012).

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 shall be carried out in accordance with the following approved plans and documents: 1113A-A(90)101 boundary detail, 1113A-A(90)102 boundary detail received on 17th March 2020. 1113A-L(90)114 REV E site plan + location plan, 1113A-L(99)105 REV F proposed ground floor layout, 1113A-L(99)106 REV F proposed first floor layout, 1113A-L(99)107 proposed second floor layout received on 10th November 2021. 1113A-L(99)111 REV D proposed elevations received on 9th December 2021.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 2 The proposed new driveway area hereby approved/illustrated on the submitted plan shall be:
- (i) porous or permeable; or
  - (ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and
  - (iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

Reason : In the interests of sustainability.

- 4 Prior to first beneficial occupation of the development, any part of the proposed South side elevation first floor bathroom window, as shown on plan no. 1113A-L(99)106 REV F the proposed West side elevation second floor bathroom window, as shown on plan no. 1113A-L(99)107, that is less than 1.7m above the floor of the room in which it is installed, shall be fitted with obscured glazing to a minimum level 3 and be non-opening. The windows shall be permanently retained in that condition thereafter.
- Reason: In the interests of conserving the privacy and amenity of adjoining properties.

- 5 Prior to first beneficial occupation of the development the door opening/access that has been provided in the first floor side (south) facing elevation during the construction of the development shall be blocked up and rendered to match the approved plans (Drawing No. 1113A-L(99)111 REV D) and retained in that condition thereafter.
- Reason: To preserve the amenity of neighbouring properties.

- 6 The flat roof area above the ground floor garage shall not be used as a storage area, balcony, roof garden or similar amenity area.
- Reason: To preserve the amenity of neighbouring properties.

- 7 With a period of 3 months from the date of this consent, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.
- Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

### Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, ER2, ER8, ER9 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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- 3 Please note that the Ecological Enhancement Measures could include: bat boxes, bird boxes, green walls/ roofs, the provision of hibernacula in the garden for animals, a pond or native planting/ wildflowers in any landscaping scheme. The above are provided as an example and are not an exhaustive list.
  - 4 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.
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