



## **FOR INFORMATION**

### **Report of the Head of Planning and City Regeneration**

**PLANNING COMMITTEE – 3 October 2023**

## **Planning Application Ref: 2015/0453 – Appeal Decision**

### **Four detached dwellings with detached garages**

### **Land Off The Croft, Castle Street, Loughor, Swansea**

#### **1.0 Background**

- 1.1 On 4<sup>th</sup> July 2023, Planning Committee resolved to refuse the above application, in line with officer recommendation for the following reasons:
1. The applicant has failed to demonstrate that the proposed development will not give rise to an increase in the risk of third party flooding, as the proposal has not been subject to TUFLOW modelling, contrary to Policy RP5 of the Swansea Local Development Plan (2010-2025).
  2. The applicant has failed to provide an adequate Arboricultural Impact Assessment which assesses the impacts of the proposals in relation to trees and associated foliage. It has therefore not been demonstrated that the proposal would not have a detrimental impact on the health and longevity of the trees located within or adjacent to the site and other foliage, contrary to Policy ER11 of the Swansea Local Development Plan (2010-2025).
- 1.2 An appeal was submitted against the decision to refuse the application which was considered by the appointed Inspector by way of written representations.
- 1.3 In the Inspector's view, the main considerations in the appeal were whether the proposed development would be safe from flooding for its lifetime without unacceptably increasing the risk of flooding elsewhere, and whether sufficient information had been provided to assess the effect on trees within and adjacent to the site.
- 1.4 In terms of flood risk, the Inspector noted that the proposed development fell into the category of highly vulnerable development and was at risk of flooding. The Inspector was satisfied that the finished floor levels of the proposed houses would be set above the level recommended in the flood consequences assessment to avoid flooding of the properties.

The Inspector also recognised the concerns of both NRW and the Council that that application submissions did not address the potential impacts of the development on flooding on third party land. The Inspector considered the appellant's submissions on the consequences of flooding on third party land but concluded that insufficient evidence had been presented to show that the proposed development would be safe from flooding for its lifetime without unacceptably increasing the risk of flooding elsewhere. The proposal was therefore contrary to Policy RP 5 of the LDP and national guidance.

1.5 With regard to the impact on trees, the Inspector note the Council's concerns regarding the adequacy of the Arboricultural Impact Assessment submitted but was satisfied that subject to conditions, such deficiencies could be overcome. It was concluded that there would be no significant breach of LDP policy ER 11 in this regard.

1.6 The appeal was dismissed.

1.7 A copy of the Inspector's report is attached to this report as Appendix 1.

**Background Papers:** None

**Appendices:**

Appendix 1 Inspector's report

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<i>Date of</i>	<i>19<sup>th</sup> Sept 2023</i>	<i>Document</i>	<i>Appeal 2015/0453</i>
<i>Production:</i>		<i>Name:</i>	