



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Planning Committee

At: Multi-Location Meeting - Lilian Hopkin Room, Guildhall / MS Teams

On: Tuesday, 2 July 2024

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

Councillors: M Baker, P M Black, P Downing, A J Jeffery, M H Jones, M B Lewis, R D Lewis, N L Matthews, M S Tribe, T M White and R A Williams

Watch Online: <http://tiny.cc/PC2-7>

Agenda

	Page No.
1 Apologies for Absence.	
2 Disclosures of Personal and Prejudicial Interests. www.swansea.gov.uk/disclosuresofinterests	
3 Minutes. To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 3
4 Items for deferral/withdrawal.	
5 Determination of Planning Applications under the Town and Country Planning Act 1990.	4 - 16
6 Exclusion of the Public.	17 - 20
7 Enforcement Report.	21 - 27

Next Meeting: Tuesday, 6 August 2024 at 2.00 pm

A handwritten signature in black ink that reads 'Huw Evans'.

Huw Evans
Head of Democratic Services
Tuesday, 25 June 2024

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Multi-Location Meeting - Lilian Hopkin Room, Guildhall / MS

Teams

Tuesday, 4 June 2024 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

M Baker
A J Jeffery
R D Lewis
T M White

Councillor(s)

P M Black
M H Jones
N L Matthews
R A Williams

Councillor(s)

P Downing
M B Lewis
M S Tribe

Officer(s)

Gareth Borsden
Ian Davies
Sally-Ann Evans
Eilian Jones
Jinny Jones
Chris Healey
Hayley Kemp
Dave Owen
Spiro Panagi
Katie Watkins

Democratic Services Officer
Development Manager
Lead Lawyer
Area Team Leader
Senior Planner
Area Team Leader
Area Team Leader
Principal Planning Officer
Transport Planner
Transport Officer

Also present

Councillor V Holland

Apologies for Absence

None

4 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea no interests were declared.

5 Minutes.

Resolved that the minutes of the meetings held on 14 & 16 May 2024 be approved and signed as correct records.

6 Items for deferral/withdrawal.

None.

7 Determination of Planning Applications under the Town and Country Planning Act 1990.

A series of planning applications were presented on behalf of the Head of Planning & City Regeneration.

Amendments/updates to this schedule were reported and are indicated below by (#)

(Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting.)

Resolved that the undermentioned planning applications be approved:

#(Item 1) - Planning Application 2023/1965/FUL - Construction of 31 no. affordable dwellings with associated infrastructure works at Land East of Clordir Road, Pontlliw, Swansea

A detailed visual presentation was given.

A site visit had been undertaken to the application site the day before the meeting.

Rob Davies (agent for applicants) addressed the committee and spoke in support of the application.

Councillor Victoria Holland (Local Member) addressed the committee and spoke against the proposals on parking/traffic safety issues and around the lack of public transport/free school transport only.

Report updated as follows:

Five additional letters, two from one address, objecting to the application were received. The comments have been amalgamated and summarised as follows:

1. Highway safety of school children, parents and residents. Particularly at dropping off times at 8-9am, 11am – 12pm for nursery children and 2.30 - 4pm but throughout the whole school day;
2. Illegal car parking on roads is detrimental to highway safety and access issues for emergency services;
3. Several more suitable sites, rather than using greenfield and green belt;
4. Impact of increased traffic and congestion on wider highway network;
5. The site is outside village boundary; and
6. Local services including Pontlliw Primary School, surgeries and bus service are already struggling or at full capacity and have expansion issues.
7. Adverse effect on dormice and other wildlife, ecology and biodiversity
8. Air pollution/Air quality
9. Possible future expansion of development
10. Devaluation of property
11. Not in keeping with the area

12. Loss of view

The matters raised have already been reasonably addressed within the original committee report. With regards to future expansion, each application is assessed on its own merits, taking account of the particular circumstances and the policies and guidelines applicable at the time of assessing the application. There are no other planning application(s) before the Authority for expansion of this site. As such, only limited weight could be afforded to this particular matter at this stage in the consideration of this application. Loss of view is considered not to be a significant material planning consideration in the determination of this application.

Application approved subject to a Section 106 agreement.

(Item2) - Planning Application 2024/0164/S73 - Outline planning application (with all matters reserved) for the refurbishment, alteration and/or demolition of all existing buildings/ structures on the site (except St Mary's Church and St David's Church) and redevelopment of site with indicative access/layout and scale parameters on the north site of a maximum of 1 to 7 storeys and maximum new floorspace of 84,050 sqm comprising retail/ commercial/office use (Classes A1/A2/A3/B1) residential (Class C3), non-residential institution (Class D1) and leisure (Class D2), multistorey car park and redevelopment of south site of a maximum of 40,700 sqm of floorspace comprising a new arena (Class D2), up to 13 storey hotel/residential building (Class C1/ C3), food and drink (Class A3), undercroft car park, potential energy centre. Across both sites, the provision of associated new public open space/public realm and landscaping, new pedestrian and vehicular access and servicing arrangements (including a pedestrian bridge link across Oystermouth Road), provision of new bus stops on Oystermouth Road, new pedestrian access through existing arches along Victoria Quay, relocation of Sir H Hussey Vivian statue, earthworks, and plant -Section 73 application to vary conditions 1 & 4 of permission 2019/0980/S73 granted 5th June 2019 to amend the development parameters and allow a revised timeframe in which Reserved Matters are to be submitted at Former St Davids Centre and Other Land North And South of, Oystermouth Road, Swansea

A detailed visual presentation was given.

Gordon Gibson (objector) addressed the committee and spoke against the proposals.

The meeting ended at 3.13 pm

Chair

Agenda Item 5

City and County of Swansea
Dinas a Sir Abertawe

Report of the Head of Planning & City Regeneration
to Chair and Members of Planning Committee

DATE: 2nd July 2024

Bay Area Team Leader: Hayley Kemp Tel: 07970 680580	Area 1 Team Leader Eilian Jones Tel: 07929 822781	Area 2 Team Leader: Chris Healey Tel: 07970 680562
Castle Cockett Mayals Sketty St Thomas Uplands Waterfront Waunarlwydd West Cross	Bonymaen Clydach Cwmbwrla Gorseinon and Penyrheol Landore Llangyfelach Llansamlet Llwchwr Morriston Mynyddbach Penderry Penllergaer Pontarddulais Pontlliw and Tircoed Townhill	Bishopston Dunvant and Killay Fairwood Gower Gowerton Mumbles Penclawdd Pennard

Members are asked to contact the relevant team leader for the ward in which the application site is located, should they wish to have submitted plans and other images of any of the applications on this agenda displayed at the Committee meeting.

Phil Holmes
BS(Hons), MSc, Dip Econ
Head of Planning & City Regeneration



TWO STAGE VOTING

Where Members vote against officer recommendation, a two stage vote will apply. This is to ensure clarity and probity in decision making and to make decisions less vulnerable to legal challenge or awards of costs against the Council.

The first vote is taken on the officer recommendation.

Where the officer recommendation is for “approval” and Members resolve not to accept this recommendation, reasons for refusal should then be formulated and confirmed by means of a second vote.

The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by Members. The reason(s) have to be lawful in planning terms. Officers will advise specifically on the lawfulness or otherwise of reasons and also the implications for the Council for possible costs against the Council in the event of an appeal and will recommend deferral in the event that there is a danger that the Council would be acting unreasonably in refusing the application.

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Members should also confirm reasons for approval which should also be lawful in planning terms. Officers will advise accordingly but will recommend deferral if more time is required to consider what conditions/obligations are required or if he/she considers a site visit should be held. If the application departs from the adopted development plan it (other than a number of policies listed on page 83 of Part 3 of the Constitution) will need to be reported to Council and this report will include any appropriate conditions/obligations.

The application will not be deemed to be approved unless and until suitable conditions have been recorded and confirmed by means of a second vote.

Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

Contents

Item	App. No.	Site Location	Officer Rec.
1	2024/0728/FUL	3 Acacia Road, West Cross, Swansea, SA3 5LF Two storey side extension	Approve

Planning Committee – 2nd July 2024

Item 1

Application Number:

2024/0728/FUL

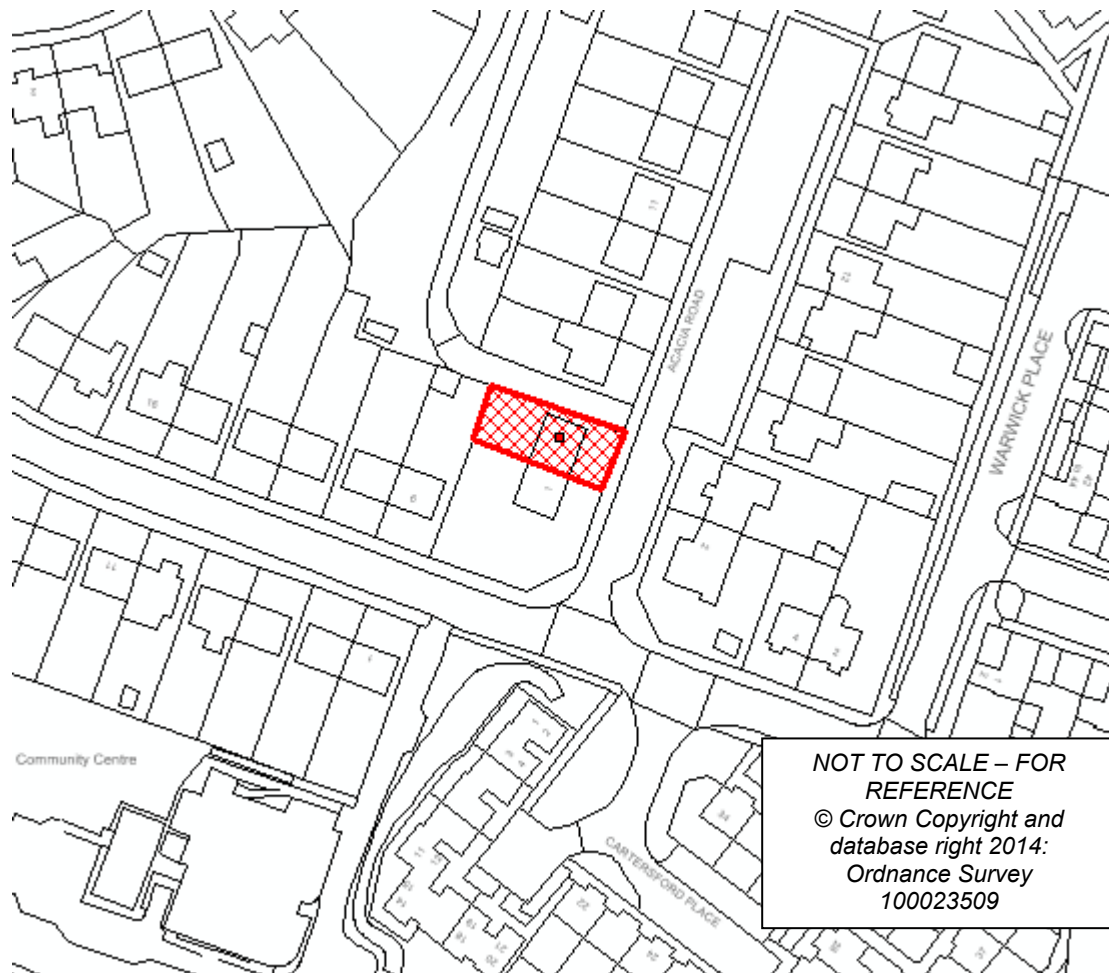
Ward:

West Cross - Bay Area

Location: 3 Acacia Road, West Cross, Swansea, SA3 5LF

Proposal: Two storey side extension

Applicant: Mr & Mrs Fogarty



Procedural

This application is being reported to Planning Committee for decision because the application has been submitted by a Councillor.

Site Location

The site is occupied by a semi-detached property with front garden, driveway and a private garden to the rear and is located within a predominately residential area. The street scene is characterised by semi-detached properties of a comparable scale and appearance. A vehicular access lane runs along the northern boundary of the property serving nearby properties. The application property displays a corrugated metal roofing material - a material which is also displayed by a number of other properties within the street scene.

Item 1 (Cont'd)

Application Number:

2024/0728/FUL

Description of Development

Planning permission is sought for a two-storey side extension. The proposed extension is to replace the existing single storey side projection and will be set down and set back from the main dwelling with a pitched roof and measuring approximately 6.8m in height and approximately 2.7m in width by 6.5m in length incorporating a bedroom with en-suite to the first floor and study with shower room and utility to the ground floor. The ground floor extension will comprise of a mono pitched roof that projects slightly forward of the front elevation and that aligns with the existing porch structure. The extension is to be served by one door and one window at ground floor to the rear; one window to the first floor rear elevation and two windows to the front elevation, with no windows located in the side elevation. Proposed materials are to include corrugated metal sheet roofing; black UPVC fascias, soffits, bargeboards, gutters and downpipes; the externally insulated walls are to incorporate a smooth render finish and white UPVC windows and external doors to match the existing dwelling house.

The original proposal consisted of a two-storey side extension that was to be built in line with the existing front elevation and to match the ridge height of the existing property, however, amended plans were submitted on the 06 June 2024 with an amended design which proposed a set down and set back two storey extension.

Relevant Planning History

None.

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. The following policies are of particular relevance to the proposal:

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 (12th Edition) 2024

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.

Item 1 (Cont'd)

Application Number:

2024/0728/FUL

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.

Integrating Green Infrastructure and Development

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, informed by an appropriate level of assessment, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, help to overcome the potential for conflicting objectives, and contribute to health and wellbeing outcomes.

A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants. The green infrastructure statement will be an effective way of demonstrating positive multifunctional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach has been applied.

There are multiple ways of incorporating green infrastructure, depending on the needs and opportunities a site presents, and the green infrastructure assessment should be referred to, as appropriate, in order to ascertain local priorities. Landscaping, green roofs, grass verges, sustainable drainage and gardens are examples of individual design 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)

Policy PS 2 states that "[d]evelopment should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place." It continues "[a]ll proposals should ensure that no significant adverse impacts would be caused to people's amenity."

Paragraph 2.2.11 of the LDP states "poor design not only detracts from the character and appearance of an area, but can harm neighbour's quality of life. Potential impacts on people's amenity will be assessed by considered elements such as visual impact, loss of light, overlooking, privacy, disturbance and likely traffic movements."

Item 1 (Cont'd)

Application Number:

2024/0728/FUL

Policy 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 networks. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met relating to need and impact mitigation/compensation.

Supplementary Planning Guidance (SPG)

The Placemaking Guidance for Householder Development (adopted 2021) is supplementary design guidance (SPG) that emphasizes the need to achieve a good standard of design within all householder type development and provides further information and guidance to clarify the policy aims of LDP Policy PS 2.

Section 3 of the SPG sets out the Overarching Placemaking Requirements of the Council in relation to Householder Development, setting out various key design principles against which extensions and alterations to properties will be assessed, such as protecting amenity, understanding your house and local area, respecting context and character and biodiversity gain and enhancement, all of which are applicable to this application.

Section 4 provides guidance on various types of householder development, setting out general principles of development for all house types, then providing more specific criteria for extensions to the relevant house types.

The Council's Biodiversity and Development (2021) SPG provides guidance to augment Policies ER6, ER8 and ER9 of the LDP, and provides clarity on the interpretation of those policies, in order to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. The document sets out the requirement to follow the stepwise approach in relation to the consideration of developments including, where necessary, the requirement for ecological mitigation and enhancement measures. This aligns with the Council's duties under s.6 of the Environment (Wales) Act 2016 and the Resilient Wales Goal of the Well Being of Future Generations Act 2015, and is consistent with National Development Plan (Future Wales) Policy.

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.

Item 1 (Cont'd)

Application Number:

2024/0728/FUL

Consultations

Neighbour and ward member notification letters were sent on 22nd April 2024 and a site notice displayed on the 25th April 2024. No comments have been received to date.

The **Authority's Ecologist** has raised no objection subject to the following comment:

Bats:

Please attach the standard Bats Informative to any permission.

Nesting birds:

Please attach the standard breeding birds informative to any permission.

Condition:

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings (including demolition) shall be undertaken during the bird nesting season, late February to early September inclusive.

Hedgehogs:

Records show that there is the potential for hedgehogs to be present in the area. Therefore, please include the following condition:

Condition:

All trenches and excavations shall be fenced off or covered over at night to prevent any animals (especially hedgehogs) from falling in and becoming trapped. If this is not possible, an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities.

Ecological enhancements:

Condition:

Prior to the commencement of development, a scheme of Ecological Enhancement Measures shall be provided within or to the walls of the building. The ecological enhancements shall comprise:

1 (no.) Schwegler 1B (or similar) general purpose bird nesting box

The approved Ecological Enhancement Measures and Implementation timetable shall thereafter be undertaken in accordance with the approved scheme and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity for the lifetime of the development.

Lighting:

We require more information to be submitted regarding any proposed external lighting.

Landscaping:

Please Attach the following informative to any permission:

Item 1 (Cont'd)

Application Number:

2024/0728/FUL

The use of native species of local or at least Welsh provenance and species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates. This will improve ecological connectivity across the site and with other nearby habitats.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to impact of the proposed development upon visual and residential amenities, ecology and highway safety having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Visual Amenity

The proposed extension measures approximately 50% of the width of the host dwelling and incorporates a set-back and set-down from the host dwelling in accordance with Paragraph A2 of design guidance contained in the Council's Householder Development SPG (2021) which states:

'A side extension should not dominate or upset the proportions of your house and the most straightforward way to ensure this is to limit the size of the extension relative to the original house. Depending upon the design of the original house and shape of the roof there are several ways this could be achieved: setting back the extension from the front of the house; dropping its roof height below that of the original house; limiting the width of the extension relative to the frontage width of the original house; and avoiding the use of strong architectural features that might compete with the original house'.

The extension will also incorporate matching materials to reflect that of the main dwelling house. All of the proposed features are considered to represent a subservient and subordinate addition which does not detract from or dominate the host property. In addition, given the scale and appearance of the proposed extension, the balance and visual relationship between the pair of semi-detached properties is considered to be undisturbed and is considered in keeping with the character and appearance of the street scene. Finally, it should be noted that, given the proposed scale of the extension and its location next to the access lane to the north of the site, 'terracing' is not likely to occur as a result of the proposal.

The scheme is therefore deemed acceptable in terms of visual amenity and compliant with Policy PS2 of the Local Development Plan (2010-2025) and the advice and guidance contained in the Supplementary Planning Guidance for Householder Development (2021).

Residential Impact

Adjoining neighbours have been notified of the application along with a site notice displayed at the address. No comments or objections have been received to date.

Item 1 (Cont'd)

Application Number:

2024/0728/FUL

The extension is to be sited on the opposite side of the dwelling in relation to the adjoining property, therefore there are considered to be no undesirable impacts in terms of overshadowing or overbearing impact on the property known as No.1 Acacia Road. Similarly, given the presence of the vehicular access lane to the north of the property, the built mass of the proposed extension is unlikely to introduce unacceptable impacts on no. 5. In terms of overlooking, no windows are proposed to the side elevation and whilst the extension will introduce additional first floor windows to the front and rear elevations, the views towards neighbouring properties are not considered to be any more harmful or direct than the existing views provided by the first-floor windows of the main dwellinghouse. The proposed development also results in adequate amenity space to serve the occupiers of the application property.

The scheme is therefore deemed acceptable in terms of residential amenity and complaint with Policy PS2 of the Local Development Plan (2010-2025) and the advice and guidance contained in the Supplementary Planning Guidance for Householder Development (2021).

Biodiversity and 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. The applicant has indicated ecological enhancement measures which are deemed to ensure that a net benefit is provided to biodiversity.

The Local Authority's Ecologist has been consulted on the application and has raised no objection subject to a number of recommendations as set out above. Given the domestic nature and modest scale of proposals, the requirements for landscaping, hedgehogs and lighting conditions are not required and will be included as an informative. The application proposes the installation of bird boxes as an ecological enhancement which is considered acceptable and a condition is to be included to ensure that these are implemented prior to the occupation of the development to accord with Policy ER2 and ER9 of the Swansea Local Development Plan 2010-2025.

Green Infrastructure

Chapter 6 of Planning Policy Wales states that green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is intrinsic to the quality of the spaces we live, work and play in. It also states that a green infrastructure statement should be submitted with all planning applications and that the green infrastructure statement will be an effective way of demonstrating positive multi-functional outcomes which are appropriate to the site in question and must be used for demonstrating how the step-wise approach has been applied. A green infrastructure statement has been submitted with the application.

Therefore, it is considered that the proposed development demonstrates how the scheme would contribute to the sustainable management of natural resources, and in particular how it avoids damage to biodiversity whilst providing an enhancement to biodiversity and the resilience of ecosystems. The proposal is therefore considered to comply with Future Wales Policy 9, Chapter 6 of Planning Policy Wales, and Policies PS2, ER2 and ER9 of the Swansea Local Development Plan 2010-2025.

Item 1 (Cont'd)

Application Number:

2024/0728/FUL

Access and Highway Safety

The proposal is not considered to impact the availability of onsite parking or the demand for spaces and therefore highway safety is considered to be unaffected.

CONCLUSION

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

Having regard to all material planning considerations, including the Human Rights Act, the proposal represents an acceptable form of development, which is in accordance with the criteria of Policy PS2, ER2 and ER9 of the Swansea Local Development Plan (2010 - 2025), the Future Wales National Plan (2040) and with the guidance contained in the Supplementary Planning Guidance document 'Placemaking Guidance for Householder Development' (2021).

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 2024; 1281-L(99)101 - Existing Floor Plans and Elevations and Green infrastructure Statement received 18th April 2024, 1281-L(99)102 REV B Proposed Floor Plans & Elevations; 1281-L(99)103 REV A and Proposed Site Location Plan and Block Plan received 6th June 2024.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the development hereby approved being occupied, the scheme of Ecological Enhancement Measures as indicated on plan 1281-L(99)102 REV B received 6th June 2024 and the Green Infrastructure Statement received 18th April 2024 shall be implemented in accordance with the approved scheme 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: 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: Policies PS 2 ER2 and ER 9

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The use of native species of local or at least Welsh provenance and species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates. This will improve ecological connectivity across the site and with other nearby habitats.
- 4 All trenches and excavations shall be fenced off or covered over at night to prevent any animals (especially hedgehogs) from falling in and becoming trapped. If this is not possible, an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities.
- 5 No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings (including demolition) shall be undertaken during the bird nesting season, late February to early September inclusive.
- 6 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).

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

Planning Committee – 2nd July 2024

Item 1 (Cont'd)

Application Number:

2024/0728/FUL

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.

Agenda Item 6



Report of the Chief Legal Officer

Planning Committee – 2 July 2024

Exclusion of the Public

Purpose:	To consider whether the Public should be excluded from the following items of business.	
Policy Framework:	None.	
Consultation:	Legal.	
Recommendation(s):	It is recommended that:	
1)	The public be excluded from the meeting during consideration of the following item(s) of business on the grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Paragraphs listed below of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007 subject to the Public Interest Test (where appropriate) being applied.	
	Item No	Relevant Paragraphs in Schedule 12A
	7	17
Report Author:	Democratic Services	
Finance Officer:	Not Applicable	
Legal Officer:	Tracey Meredith – Chief Legal Officer (Monitoring Officer)	

1. Introduction

- 1.1 Section 100A (4) of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007, allows a Principal Council to pass a resolution excluding the public from a meeting during an item of business.
- 1.2 Such a resolution is dependant on whether it is likely, in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present during that item there would be disclosure to them of exempt information, as defined in section 100I of the Local Government Act 1972.

2. Exclusion of the Public / Public Interest Test

- 2.1 In order to comply with the above mentioned legislation, Cabinet will be requested to exclude the public from the meeting during consideration of the item(s) of business identified in the recommendation(s) to the report on the

grounds that it / they involve(s) the likely disclosure of exempt information as set out in the Exclusion Paragraphs of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) (Wales) Order 2007.

- 2.2 Information which falls within paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended is exempt information if and so long as in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
- 2.3 The specific Exclusion Paragraphs and the Public Interest Tests to be applied are listed in **Appendix A**.
- 2.4 Where paragraph 16 of the Schedule 12A applies there is no public interest test. Councillors are able to consider whether they wish to waive their legal privilege in the information, however, given that this may place the Council in a position of risk, it is not something that should be done as a matter of routine.

3. Financial Implications

- 3.1 There are no financial implications associated with this report.

4. Legal Implications

- 4.1 The legislative provisions are set out in the report.
- 4.2 Councillors must consider with regard to each item of business set out in paragraph 2 of this report the following matters:
 - 4.2.1 Whether in relation to that item of business the information is capable of being exempt information, because it falls into one of the paragraphs set out in Schedule 12A of the Local Government Act 1972 as amended and reproduced in Appendix A to this report.
 - 4.2.2 If the information does fall within one or more of paragraphs 12 to 15, 17 and 18 of Schedule 12A of the Local Government Act 1972 as amended, the public interest test as set out in paragraph 2.2 of this report.
 - 4.2.3 If the information falls within paragraph 16 of Schedule 12A of the Local Government Act 1972 in considering whether to exclude the public members are not required to apply the public interest test but must consider whether they wish to waive their privilege in relation to that item for any reason.

Background Papers: None.

Appendices: Appendix A – Public Interest Test.

Public Interest Test

No.	Relevant Paragraphs in Schedule 12A
12	Information relating to a particular individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 12 should apply. Their view on the public interest test was that to make this information public would disclose personal data relating to an individual in contravention of the principles of the Data Protection Act. Because of this and since there did not appear to be an overwhelming public interest in requiring the disclosure of personal data they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
13	Information which is likely to reveal the identity of an individual.
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 13 should apply. Their view on the public interest test was that the individual involved was entitled to privacy and that there was no overriding public interest which required the disclosure of the individual's identity. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
14	Information relating to the financial or business affairs of any particular person (including the authority holding that information).
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 14 should apply. Their view on the public interest test was that:</p> <p>a) Whilst they were mindful of the need to ensure the transparency and accountability of public authority for decisions taken by them in relation to the spending of public money, the right of a third party to the privacy of their financial / business affairs outweighed the need for that information to be made public; or</p> <p>b) Disclosure of the information would give an unfair advantage to tenderers for commercial contracts.</p> <p>This information is not affected by any other statutory provision which requires the information to be publicly registered.</p> <p>On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

No.	Relevant Paragraphs in Schedule 12A
15	<p>Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 15 should apply. Their view on the public interest test was that whilst they are mindful of the need to ensure that transparency and accountability of public authority for decisions taken by them they were satisfied that in this case disclosure of the information would prejudice the discussion in relation to labour relations to the disadvantage of the authority and inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
16	<p>Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.</p>
	<p>No public interest test.</p>
17	<p>Information which reveals that the authority proposes:</p> <p>(a) To give under any enactment a notice under or by virtue of which requirements are imposed on a person; or</p> <p>(b) To make an order or direction under any enactment.</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 17 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by the public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>
18	<p>Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime</p>
	<p>The Proper Officer (Monitoring Officer) has determined in preparing this report that paragraph 18 should apply. Their view on the public interest test was that the authority's statutory powers could be rendered ineffective or less effective were there to be advanced knowledge of its intention/the proper exercise of the Council's statutory power could be prejudiced by public discussion or speculation on the matter to the detriment of the authority and the inhabitants of its area. On that basis they felt that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. Members are asked to consider this factor when determining the public interest test, which they must decide when considering excluding the public from this part of the meeting.</p>

Agenda Item 7

By virtue of paragraph(s) 17 of Schedule 12A
of the Local Government Act 1972
as amended by the Local Government (Access to
Information) (Variation) (Wales) Order 2007.

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