

AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9<sup>TH</sup> DECEMBER 2014

ITEM 1

APPLICATION NO.

2014/1334

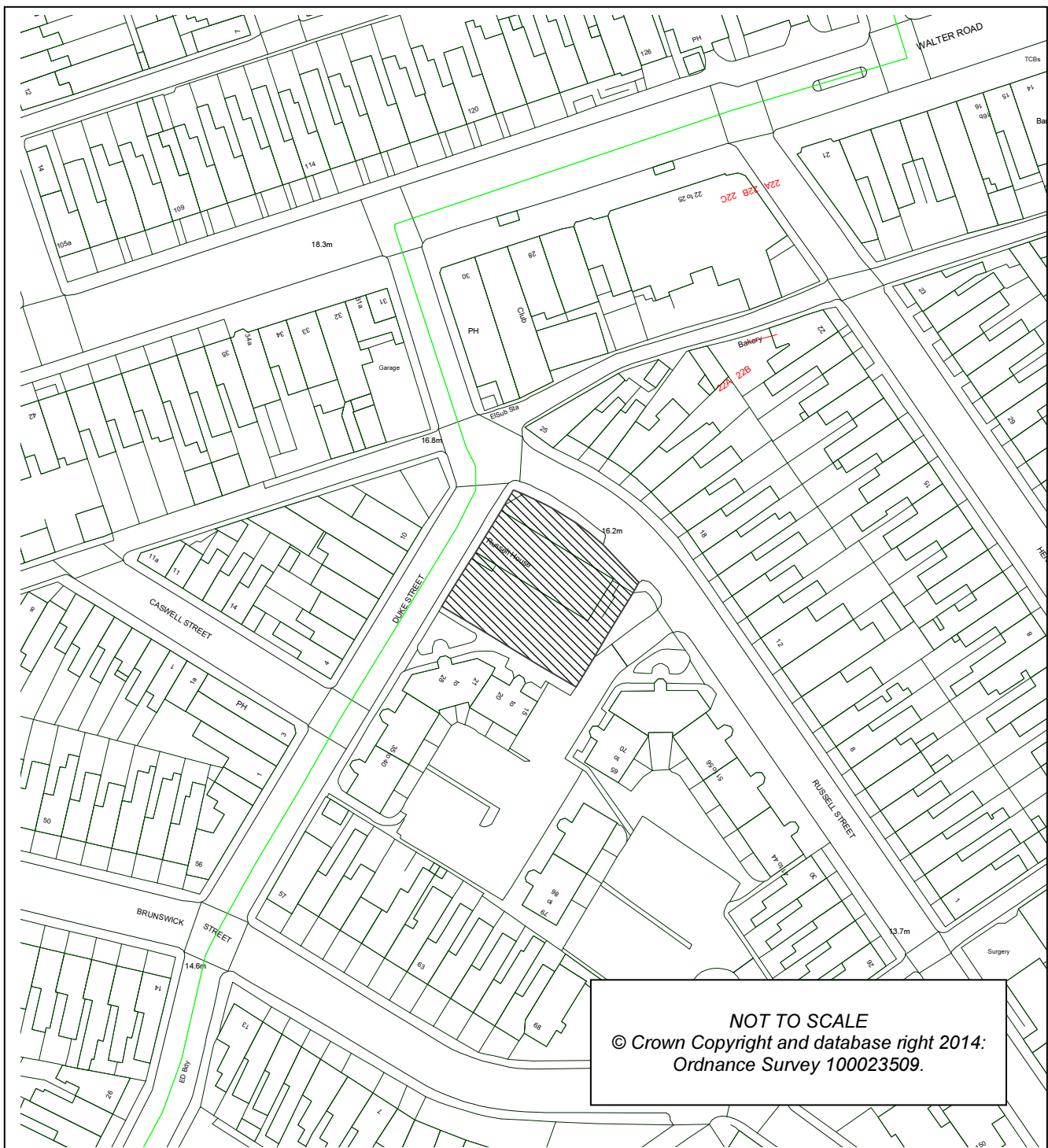
WARD:

Castle  
Area 1

**Location:** Russell House 31 Russell Street Swansea SA1 4HR

**Proposal:** Demolition of existing office building and replacement with 18 no. flats with associated parking and works – amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall

**Applicant:** Grwp Gwalia



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### BACKGROUND INFORMATION

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

#### **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2011/1310	Demolition of existing office building and replacement with 18 no. flats with associated parking and works Decision: Grant Permission Conditional Decision Date: 29/02/2012

#### **RESPONSE TO CONSULTATIONS**

Sixty five neighbouring properties were directly consulted. The application was also advertised by way of a site notice.

TWO LETTERS OF OBJECTION have been received which raise the following concerns:

1. I am a tenant of Russell Street and have viewed the proposal for the new development at no. 31. My concern is that there is already limited parking on our street as people tend to park here for work in town. I do not suggest permit parking on the whole street as we need somewhere for visitors to park but there is a problem in Swansea with a lack of parking and this new development will only add to the problem. The more people you squeeze into an area the more cars there will be.
2. The previously accepted planning application 2011/1310 enclosed the rear elevation and in addition, in response to comments from local residents, an additional requirement was added by the planning office that obscured glass be used to prevent loss of privacy to those facing the rear elevation. This latest application proposes to open up the rear elevation and use external communal balconies which appears to be an attempt to circumvent the restriction added by the planning office.
3. The previously accepted proposal is one full storey higher than the existing occupation level of the building, significantly adding overlook on to neighbouring properties and associated loss of privacy. The new proposed change to remove the rear building wall and open up the rear elevation with communal balcony walkways now exacerbates that increasing overlook and loss of privacy to neighbouring properties.

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4. The application is for a change of use – the previous commercial use only occupied the building during working hours. The change to residential, coupled with the new proposed changes to the rear elevation means all residents on all floors will now face loss of privacy and overlook at all times of the day which was not experienced during the commercial building use.
5. The previously accepted application had a clause added by the planning office requiring obscured glass to be used to prevent this loss of privacy. Opening up the rear elevation is contrary to that requirement added by the planning office after acceptance of 2011/1310.
6. The proposed opening up of the rear elevation – where residents walk about of their front doors in to an open communal balcony is reminiscent of the worst high rise blocks of flats. This is not in keeping with the local area, not of a sufficient standard for the residents who will live there, and damages the visually amenity for local residents. None of the existing apartment blocks in this area use such open external walkways.
7. An enclosed rear aspect would have kept additional noise from individual properties within the building as a whole. Using open exposed communal walkways on all floors of the rear aspect means any noise from an individual apartment will directly feed outside, adding to the disturbance to existing neighbours who face the rear of the development.

### APPRAISAL

The application is reported to Area 1 Committee for decision at the request of Councillor Fiona Gordon to allow consideration of the proposals impact on visual amenity and the amenity of the occupiers of adjoining properties. A site visit has been requested.

This application seeks amendments to planning permission Ref:2011/1310 granted on 29<sup>th</sup> February 2012 for the demolition of the existing vacant office building and the construction of a new 4 storey building containing 18 flats (9 x 1 bed and 9 x 2 bed) with a car park containing 20 car parking spaces (including 2 disabled parking spaces). All of the 18 flats are proposed to be 'affordable housing' managed by Gwalia Housing Association.

For clarification and the avoidance of doubt, the principle of residential development has been clearly established under planning permission 2011/1310. This application seeks only amendments to the external materials and the boundary treatments. There is no change to the overall footprint, layout, number of flats or parking provision which remains as previously approved. The building approved under planning permission Ref:2011/1310 is 4 storeys in height with a basement / lower ground level car park with 20 car parking spaces. The basement level would also have a cycle store for 27 bicycles, a plant / equipment room and a large enclosed bin store room for recyclables and residual waste.

The ground floor level would contain 4 flats (2 x 2 beds & 2 x 1 beds) & the main entrance

The first floor level would contain 5 flats (3 x 2 beds & 2 x 1 beds)

The second floor level would contain 5 flats (3 x 2 beds & 2 x 1 beds)

The third floor level would contain 4 flats (1 x 2 bed & 3 x 2 beds)

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The scheme approved under planning permission Ref:2011/1310 detailed that the flats on the rear elevation would be served by semi-enclosed external walkways. The walkways would be enclosed by clear glazed panels and louvers, and would be partially open to allow for natural ventilation. Each floor would be served by a lift and staircase. Vertical fins have been incorporated at the end of each walkway and obscure glass is proposed for the stairwell to prevent overlooking.

The main differences to be considered in this application relate to:

- **Flat Entrance Doors.** Glazed panels to individual flat entrance doors omitted.
- **Rear Walkway + Stair/lift core.** Full height glazed balustrade removed to rear walkway and stair / lift core. Metal railings added to rear walkway in lieu of full height glazed balustrade. Metal railings added to NW end of staircase in lieu of full height glazing. Solid rendered wall added to SW staircase in lieu of full height glazing with metal trellis attached for green wall to grow up over time. Raised planting bed added at bottom of staircore for green wall. Glazed screen and doors omitted on all floors between staircore and rear walkway.
- **Internal.** Built in wardrobes removed within individual flat bedrooms.
- **External Works - Perimeter Wall.** External perimeter brick / rendered wall to car park to be retained as existing. Note: some structural remedial work is required to south west corner. Minimum 1.8m height from adjoining pavements to be achieved to comply with Secure by Design, where necessary height of wall will be increased slightly to achieve the 1.8m throughout, finish will match existing.
- **External Works - Paving.** Area of block paving reduced to include area fronting onto Russell Street and vehicular access ramp down to gridline C only. Remainder of car park to be surface suitable to meet CFSH surface water drainage requirements.
- **Main entrance Lobby RM.12.** Brick face to both sides of this area omitted in lieu of rendered walls.

### Issues

As stated earlier, the main issues of the principle of the use of the site as residential, the impacts upon the visual amenity of the streetscene, and upon the residential amenities of neighbouring residential dwellings together with the impact upon parking and highway safety was clearly established with the granting of planning permission 2011/1310. It is not the intention of this application to go over the planning merits of the scheme that has already received approval but to consider the impact of the proposed amendments in relation to the materials proposed for the external elevation and the boundary treatment having regard to the provisions of Policies EV1, EV2 of the City & County of Swansea Unitary Development Plan 2008. There are no overriding issues with regard to the human rights act.

### Design & Visual Amenity

This current application seeks external alterations to the approved scheme to include alternative treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall.

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The proposed changes specifically comprises the removal of the previous glass curtain walling to the rear (south western) side of the proposed block so that the central section (enclosing the vertical circulation core of the stairs and lift) would be a rendered wall with a proposed planting frame attached to one half of this. The remaining parts of the rear elevation are now open with views of walkways and some individual apartment access doors in these locations. Due to the revised open nature of the walkways, balustrades are now proposed for safety reasons. The finishing material of the balustrades is not specified but can be controlled by an appropriate condition. The other proposed change is to the side and rear boundary of the application site so that the previously proposed boundary treatment of a wall topped with railings has been altered to an 1800mm wall.

The proposed changes to the block are to the elevational treatment and are therefore relatively superficial in nature, having no impact on the overall form, massing or scale of the approved block.

The proposed changes to the elevational treatment of the block are all located to the rear (south western) elevation which fronts onto the enclosed rear parking court area. These changes will therefore not impact upon the approved appearance of front or sides of the block as viewed along Russell Street. Views of the proposed changes will be limited to passing alongside the building at Duke Street and from within the private internal road serving the existing apartment development to the south of the application site. The proposed changes to the rear elevational treatment will therefore be minimal in terms of visual impact on the streetscene.

The horizontal banding to the grey rendered wall of the vertical circulation space is welcomed to break up the overall size of this otherwise continuous wall surface. Similarly the proposed planting frame is welcomed to break up the grey rendered wall and to add a green focal feature which helps to soften the appearance of the rear elevation. However the frame appears to be of an arbitrary height and as such should be increased in height to nearer the top of wall and also widened slightly to increase the positive visual impact of this feature again this can be secured by condition.

The revised plans state that the approach to the proposed boundary wall is:

*“Existing perimeter wall retained and heightened where required to achieve a minimum 1800mm above street level.”*

Given that the existing boundary walls abutting Duke Street and the private access road leading into the existing block of flats to the south are approximately 1500mm tall currently, the proposed increase in these locations is acceptable. However no indication of the boundary treatment to the rear side of the site has been provided. Given that the existing wall in this location steps down and is lower than the sides as well as the fact there are existing ground floor windows of flats in close proximity to this boundary there are concerns regarding the impact on the amenity and outlook from these flats if the wall in this location is to be raised to 1800mm. It is therefore considered that the wall in this location should be retained at its current height with supplementary railings provided on top to protect the outlook and amenity of the existing flats. If it can be demonstrated that the wall would not result in any unacceptable overbearing impact on the residents of the existing flats as the build progresses, this element can be revisited subject to further details being submitted to and agreed in writing with the local planning authority prior to beneficial occupation of the building commencing.

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In terms of the impact of the proposed amendments on residential amenity of the occupiers of the nearby properties, the main elevational changes are to the rear elevation (west). In respect of the removal of the obscure glazed glass screen to the stair enclosure this would be replaced with a solid wall and as such there would be no additional overlooking impacts or loss of privacy impacts. Turning to the removal of the clear glass screen, whilst the glass curtain walling that enclosed the rear access walkways has been removed and the access walkway would be open with safety balustrading, it is not considered that there would be any significant loss of privacy and overlooking impacts from the use of the walkways as the original enclosure proposed was a clear glass curtain wall with clear views in/out. In addition, the application site is in a densely populated urban area and faces onto the rear car parking area. As such, whilst there may be an element of noise from people coming and going into the flats accessed from this elevation, it is not considered that this would result in any demonstrable or significant harm to the residential amenity of the occupiers of neighbouring properties that would be so detrimental to warrant a recommendation of refusal. Furthermore, the proposed external amendments are considered to be visually acceptable and would not detract from the visual amenity of the neighbouring residents.

In light of the above analysis, it is considered that the proposed amendments would complement the overall scheme approved under planning permission Ref:2011/1310 and would not cause any additional harmful impact to the amenity of the residents of existing dwellings in the local area or the visual impact of the streetscene or surrounding area, over and above the scheme previously approved. As such the application complies with policy EV1 and EV2 of the UDP.

### **Highways & Parking**

There are no additional highway or parking impacts to consider over and above those considered under planning permission Ref:2011/1310.

### **Response to Objections**

The objections raised by local residents have been noted. However, matters relating to the overall layout, siting, design & height of the building, impacts upon residential amenity and highways & parking were carefully considered under planning permission Ref:2011/2014. Matters in relation to the impact of the proposed amendments on residential and visual amenity have been addressed in the above paragraphs.

### **Conclusion**

The proposed amendments are considered acceptable and would not result in any demonstrable harm on residential and visual amenity. The proposal is therefore in accordance with development plan policy and approval is recommended.

## **RECOMMENDATION**

### **APPROVE, subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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- 2 Notwithstanding the details submitted on Plan No: 1046\_GHR 401, no construction works shall commence until details showing how the green wall planting frame to the stairwell panel will be extended in width and increased in height have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details and retained as such in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity.
  
  - 3 Notwithstanding the submitted plans and unless agreed otherwise in writing with Local Planning Authority, the boundary treatment of the south western site perimeter facing Nos.15-28 Brunswick Court shall be retained at its existing height with any additional increase in height to 1.8m to be achieved through the provision of railings.

Reason: To protect the residential amenity of the occupiers of Brunswick Court.
  
  - 4 A composite sample panel of all external finishes including balustrades shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The development hereby approved shall be completed in accordance with the approved details before the use commences.

Reason: In the interests of visual amenity.
  
  - 5 The car parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of the development hereby approved and shall be retained at all times for parking purposes for the residents of the development only.

Reason: To ensure adequate parking provision on site.
  
  - 6 The cycle parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of the development hereby approved and shall be retained at all times for cycle parking purposes only.

Reason: To ensure adequate cycle parking provision on site.
  
  - 7 The development shall be completed in accordance with details shown within the approved Travel Plan and all residents of the scheme shall be provided with the Travel Plan welcome pack on first occupation of the flats.

Reason: In the interests of promoting sustainable forms of transport to and from the site.
  
  - 8 Before the development hereby approved is occupied, arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in Russell Street and Duke Street or the surrounding streets at any time.

Reason: In the interests of highway safety and sustainability.

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9 No construction works shall take place until full details of all external flue and vent apertures and all external pipe work have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details before the use commences.

Reason: To ensure the integrity of the design and to safeguard the visual amenity of the street scene.

10 No construction works shall commence until large scale plans (1:5 or 1:10) of the following elements have been submitted to and approved in writing by the Local Planning Authority. The development shall then be completed in accordance with the approved details prior to the use commencing:

- o Ramp, handrail and entrance doors
- o Typical window detail including external balustrade
- o Angled bay windows
- o Entry gates to vehicle ramp
- o Perimeter railings
- o Rear walkway balustrade detail
- o Junctions of materials
- o Eaves/ fascia of projecting roof

Reason: In the interests of safeguarding the visual appearance of the building and the streetscene.

11 No development shall take place until full details of the protective fencing to protect the two trees adjacent to the southern boundary of the site have been submitted to and approved in writing by the Local Planning Authority. The approved fencing shall conform to British Standard 5837 : 1991 'Trees in Relation to Construction' and shall be erected prior to the commencement of any work on the site and shall be retained and maintained until all building, engineering or other operations have been completed. No works shall be carried out or materials stored within the fenced area without the prior written permission of the Local Planning Authority

Reason: To ensure that the trees are not damaged during the period of construction and in the long term interests of local amenity and to protect the visual appearance of the streetscene.

### INFORMATIVES

1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, HC2, HC3, AS1, AS2, AS6.

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 The applicant is advised that the development must be carried out in accordance with the approved plans. If, prior to or during the implementation of this permission, any particulars are found to be inaccurate then the Local Planning Authority must be informed and works shall not commence or be continued until the matter has been resolved. Failure to do so could lead to the serving of an enforcement or stop notice.
- 4 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 2010. 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. 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 (01792 634960).
- 5 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 is in use or being built
  - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 6 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.
- Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.
- Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)
- 7 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste must be licensed waste carriers.
- 8 The activity of importing waste into the site for use as, for example hardcore, must re-registered by the Environment Agency Wales as an exempt activity under the Management Licensing Regulations 1994.

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- 9 The developer's attention is drawn to highway related implications of this proposal, including the need for other consents, which are detailed in the enclosed booklet entitled 'Highways Information Pack'.
- 10 The applicant or his contractor should follow the advice given in BS 3998 (2010) 'Recommendations for Tree Work'.
- 11 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.
- 12 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- 13 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 14 If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.
- 15 The developer is advised that the Welsh Government are planning to introduce new legislation that will make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).

### PLANS

1046\_GHR 100 site location plan, 1046\_GHR 101 existing topographical survey, 1046\_GHR 200 proposed lower ground floor plan, 1046\_GHR 201 proposed upper ground floor plan, 1046\_GHR 202 proposed first floor plan, 1046\_GHR 203 proposed second floor plan, 1046\_GHR 204 proposed third floor plan, 1046\_GHR 205 proposed roof plan, 1046\_GHR 300 section A-A, 1046\_GHR 400 proposed front elevation, 1046\_GHR 401 proposed rear elevation, 1046\_GHR 402 proposed north elevation, 1046\_GHR 403 proposed south elevation, 101 drainage layout, 101B drainage layout dated 12th September, 2014

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**ITEM 2**

**APPLICATION NO.**

**2014/1483**

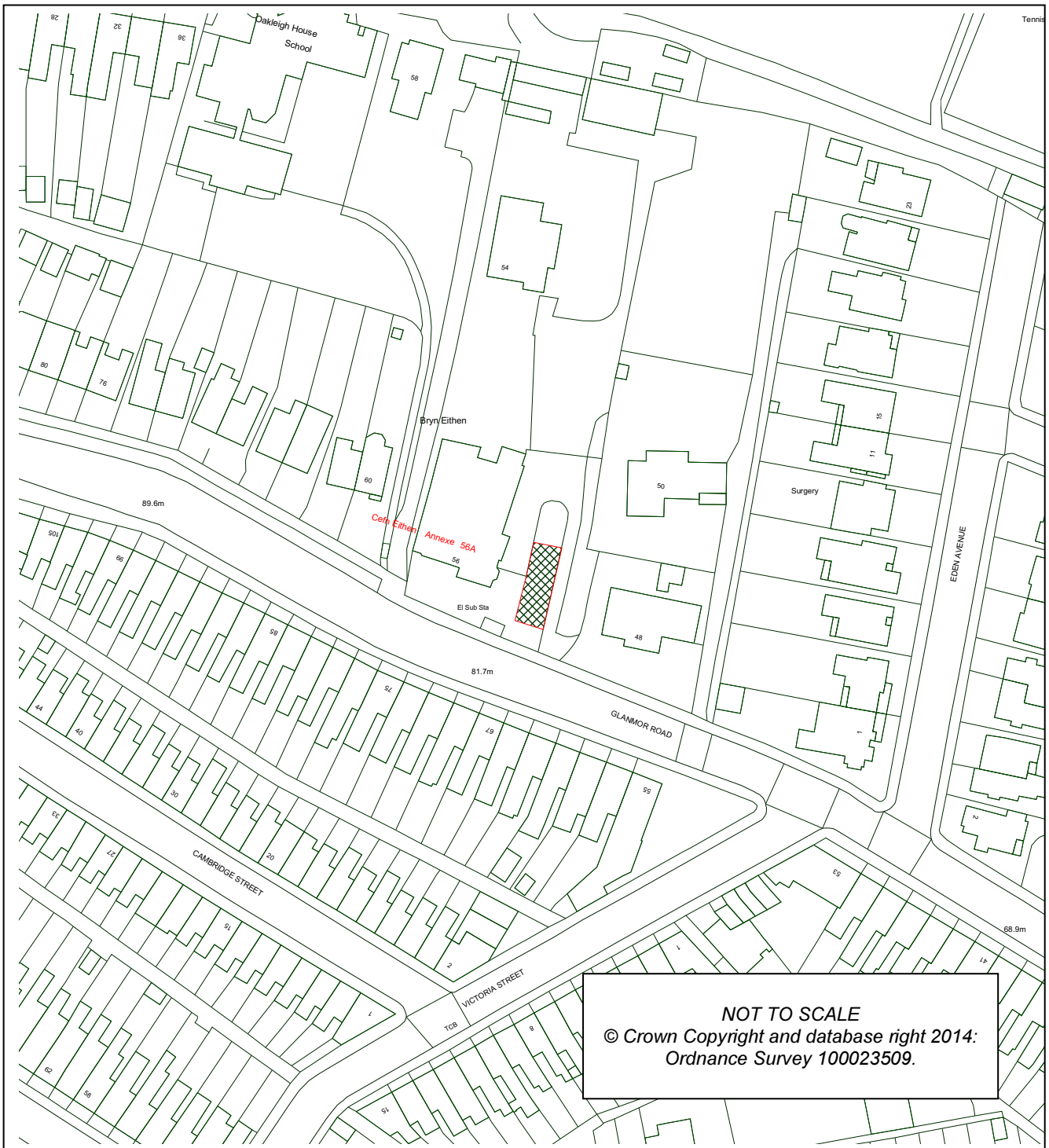
**WARD:**

**Uplands  
Area 1**

**Location: 56 Glanmor Road, Uplands, Swansea. SA2 0QB**

**Proposal: To fell 2 Yew trees covered by TPO No. 228**

**Applicant: Mr Ala Tahir**



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ITEM 2 (CONT'D)

APPLICATION NO. 2014/1483

### BACKGROUND INFORMATION

#### POLICIES

Policy	Policy Description
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

App No.	Proposal
2013/0816	To fell 2 yew trees covered by TPO No. 228 Decision: Refuse Decision Date: 12/07/2013
2012/0704	Detached dwelling (outline) Decision: Refuse Decision Date: 18/10/2013
2012/0796	To fell 2 yew trees covered by TPO No. 228 Decision: Withdrawn Decision Date: 01/10/2012
2013/1857	Detached dwelling (outline) Decision: Grant Permission Conditional Decision Date: 11/06/2014

#### CONSULTATIONS

**Highway observations** – No highway consultation was undertaken as the proposal applied for does not result in any access or highway safety issues.

#### **Conservation Area Team observations** –

Comments:

- The trees are relatively tall and form an important group which is visually prominent on approach up Glanmor Road from the east, and form an important part of the streetscene in this location which is recognised through their TPO designation.
- Given the nature of the 'open' frontage of the bungalow dwelling immediately to the east of the application site, which comprises a low front boundary wall with minimal planting, which is uncharacteristic of the northern side of the street, the proposed loss of the trees would have the effect of increasing the openness of this part of the streetscene to the detriment of the character of this area.

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- It is also worth noting that the Ffynone Conservation Area is currently undergoing a review (the public consultation for which has recently ended). This review includes a proposal to expand the Conservation Area boundary to take in new areas, including the Listed Buildings (residential dwellings) at Eden Avenue. As such, the proposal to remove the TPO Yew trees would potentially have an adverse impact on the approach to the future expanded Conservation Area and the setting of the Listed Buildings in Eden Avenue.
- In terms of the boundary treatments in close proximity to the TPO trees, these comprise a tall concrete block/brick wall abutting the highway which links to a 'retaining' wall abutting the private access drive serving the application site. This wall comprises a short, low section of stone wall which in turns links to a low concrete block/brick wall for its remainder. The adjacent property to the east has boundary treatments comprising a low, red brick boundary wall with close boarded fencing on top abutting the aforementioned private access drive, as well as a low concrete block/brick wall abutting the highway. The boundary treatments in this part of the street are therefore mixed and do not reflect the overarching character of the streetscene.
- With regard to the existing 'retaining' wall abutting the driveway, the Site Inspection Report undertaken by Vale Consultancy confirms that this wall "*comprises a single leaf concrete brick/block wall of varying height, ranging from approximately 800mm to 1100mm, over the full length of the left side of the driveway*". Given the uncharacteristic appearance of this wall, as well as its single leaf nature which is most likely unfit for the purposes of acting as retaining structure to hold the weight of the bank behind it, its removal and replacement with a more suitable retaining structure is acceptable. Any replacement structure should be faced in stone in order to enhance the streetscene in this location.
- However, there are concerns regarding the proposed approach to the replacement wall and its potential impact on the protected trees. The application proposes only one possible approach to the construction of the new wall which would require the removal of the TPO trees. Given the visual significance of this group of protected trees, as well as their importance as a part of the character of the streetscene, this approach will not be supported. Further options to replace the wall, which minimise the impact upon the protected trees and result in their retention, should therefore be explored and submitted for consideration.
- Given that the proposals seek the removal of protected trees of significant visual amenity and importance to the streetscene, any such works would require full justification by a fully qualified arboriculturist. It should therefore be noted that the arboricultural survey submitted as part of this application has been undertaken by a chartered surveyor and, in addition to statements regarding the retaining wall, also contains statements in relation to the condition of the trees pertaining to branch structure and root disturbance and development. Given that such statements should fall within the remit of a qualified arboriculturist, a statement of the author's qualifications and experience in this area should be sought to validate the report.
- Further, it should also be noted that the submitted arboricultural survey is exactly that which was submitted in support of the previous 2 applications for the removal of the protected trees, which were withdrawn and refused respectively.

In summary, it is considered that the proposals to remove the protected trees would result in a detrimental and unacceptable impact upon the visual quality and amenity of the surrounding streetscene.

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In addition, these proposals would likely have wider negative implications for the setting of the nearby Listed Buildings as well as the revised Ffynone Conservation Area. As such, the proposals to remove these protected trees are strongly resisted.

Furthermore given the protected nature of these trees, any further proposals/applications for the removal of these protected trees will need to be fully justified in an arboricultural survey report undertaken by a fully qualified arboriculturist. This report should contain a declaration regarding the qualifications and experience of the author to make any statements in relation to the condition/health of any part of these protected trees.

However, it is recognised that the single leaf concrete block/brick wall abutting the private shared access drive is likely not sufficient to act as a retaining structure to hold the weight of the bank behind it. As such, the replacement of this wall is acceptable subject to further exploration of options to minimise the impact of any potential works on the protected trees.

### **Neighbour consultations**

Eighteen neighbouring properties were individually consulted, and ONE LETTER OF COMMENT and FOUR LETTERS OF OBJECTION have been received as a result.

The LETTER OF COMMENT confirms that the writer has "*no observations or objections to the proposal to remove these trees to enable the reconstruction of the retaining walls, only to comment that if the application is approved, the re-construction of the walls is carried out in keeping with the structural survey and that any new structure will maintain the character of the existing structure*"

The FOUR LETTERS OF OBJECTION can be summarised as follows:

1. The trees are approximately 150 years old and as such form part of the fabric of the Uplands and contribute to the beauty of Glanmor Road. To remove these trees for any reason would have a deleterious effect on the local amenities and significant reduction in the visual well-being of the area.
2. The Arboricultural Survey appears to be at the centre of the proposal to fell the two trees but the company who prepared are not members of or affiliated to the Arboricultural Association, and the surveyor and author of the report John Eirian Davies has no formal Arboricultural qualification and as such in my view put in doubt the validity of all aspects of the report.
3. It is clear to me that the report has been commissioned with the specific rationale of removing the trees, and in reality the trees present no greater danger than any other tree... Any potential destabilisation of the root structure, subsidence and dilapidation of the retaining wall can be remedied with the construction of a properly engineered retaining wall.
4. I write to object in the strongest terms to the ... application ... to fell two Yew trees ... To even consider allowing them to be cut down should be resisted at all costs. I live adjacent to them and do not consider them a danger.
5. At no point in any of the reports that Mr Tahir has privately sponsored is there any suggestion other than that of felling the trees. Why hasn't the feasibility of building a modern engineered wall been undertaken? It seems incredible to suggest that with all humankind's prowess over nature we have failed at building a simple strong wall. I think it is essential that the council explores this possibility before any other decisions are made.

## AREA 1 DEVELOPMENT CONTROL COMMITTEE – 9<sup>TH</sup> DECEMBER 2014

ITEM 2 (CONT'D)

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6. I feel I must register my observations and objections to the aforementioned application. I along with other interested parties am deeply saddened by the proposed plan to remove these gracious and ancient Yew trees. They are clearly older than every single Swansea resident and I heartfully believe that every effort must be made to ensure they are preserved for the enjoyment and pleasure of future generations.
7. I have looked over all the documentation quite carefully and what has struck me enormously is the bias that every document has in favour of cutting down these wonderful trees.
8. Two previous applications for planning permission have been granted but both Decision Notices stipulate no work may commence without the approval of site access. It is self-evident that to achieve the required access and to comply with Highway Safety standards the applicant needs to fell these two impressive trees. Unbelievable!
9. Previous applications to fell the trees covered under Tree Preservation Order No. 288 have been made for the exact same "safety" reasons. Application (2013/0816) was refused and an earlier application (2012/0796) was withdrawn.

### APPRAISAL

The application is called to Committee for determination at the request of Councillor John Bayliss to allow Members to consider the impact of the removal of the trees on the area.

### BACKGROUND

The application site lies on the northern side of Glanmor Road between the junctions of this road with Penlan Crescent and Eden Avenue. To the west of the junction with Penlan Crescent, the nature of this street is that of a tree lined avenue, albeit of standard road width, with grass verges incorporating trees on either side. To the east of the aforementioned junction, the character of the street changes so that the grass verges are no longer present apart from a section on the northern side only, running between the junction of Glanmor Road with Edgware Road and running up to the western side of the application site. Despite the lack of verges to the east, the street still retains a relatively green character as a result of the numerous trees and dense hedges in private gardens abutting Glanmor Road, particularly on its northern side. Boundary treatments along Glanmor Road predominantly comprise stone walls abutting the back of the footway with some instances of other materials used.

The focus of the application is the 2 Yew trees (trees T2 and T3 of TPO 228) which lie adjacent to the western side of a private access drive which serves the dwelling known as Cefn Eithin (56 Glanmor Road). This access drive also provides access to 3 existing dwellings to the rear (north) of this as well as a plot of land with planning permission for a further dwelling (see planning history below). Abutting the eastern side of the access drive lies a mature Copper Beech tree which is also covered by TPO 228 (T4). The TPO schedule also highlights a tree Cotoneaster (T1) on the southern boundary of the site which completes the group of 4 trees covered by TPO 228.

Planning history for the site reveals 2 previous applications for the development of the remaining plot of undeveloped land to the rear of Cefn Eithin. These applications, 2012/0704 and 2013/1857, were refused and granted permission with conditions respectively. The reason for refusal of the 2012 application was as follows:

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ITEM 2 (CONT'D)

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*“1. The proposed 4.5m wide access drive does not adequately provide for the retention of protected trees on the site, the loss of which would be to the detriment of the visual amenity of the area, contrary to the provisions of Policies EV1, EV2, EV3, EV30 and HC2 of the City and County of Swansea Unitary Development Plan 2008.”*

The 2013 application was recommended for refusal on the grounds that the proposals did not demonstrate that the widening of the access required to serve the development could be provided without adverse impacts upon the protected trees. However, members did not accept the recommendation and granted planning permission subject to conditions relating to, inter alia, the submission and approval of a suitable scheme for the protection of trees (conditions 8 & 9) as well as an exclusion of the felling of the TPO trees from the application:

*“10. Notwithstanding the submitted details regarding removal of TPO trees as indicated on the location and indicative site plan this permission expressly excludes the felling of the TPO protected trees growing on the site.”*

In addition to these, 2 applications were submitted for the removal of the Yew trees (applications 2012/0796 and 2013/0816) which were withdrawn and refused respectively. The 2013 application was refused for the following reason:

*“The unjustified removal of the two protected trees on the site would result in a significant detrimental impact upon the visual amenities of the area, contrary to the provisions of Policy EV30 of the adopted City and County of Swansea Unitary development Plan 2008.”*

The current application seeks the removal of the 2 Yew trees (T2 & T3) covered under TPO 228. It is stated that the trees are required for removal as these have damaged a nearby retaining wall and that they constitute a danger as a result of the instability of the wall.

Inspection of the trees was carried out by the Council's Landscape Assistant (Arboriculture) on 19<sup>th</sup> November 2014.

### **Summary of Inspection**

**Species:** 2 Yew trees (locations shown on submitted plan) (T2 and T3 on the Tree Preservation Order plan and schedule)

**Age:** semi-mature

**Safe Useful Life Expectancy:** 100+yrs

**Amenity Value:** The trees are highly visible in the streetscene and offer high amenity value to the surrounding area. The trees are adjacent to Glanmor Road, a major route.

**Physiological Condition:** Good



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**Structural Condition:** Good

### **Inspection conclusions**

The trees are in good condition. The twin-stemmed Yew closest to Glanmor Road (T3) is 1.5 metres from the edge of the wall and the other, single-stemmed Yew (T2) is 1 metre away from the edge of the wall. There are no roots visible in the structure of the wall and, whilst it is noted that the wall is in poor condition and cracked, the structure can be repaired without removing the trees.

### **Comments on objections**

The letters of objection received in response to consultation refer generally to the age, health/vitality and high amenity value of the trees concerned, and to the adverse visual impact that would result from their removal, in order to allow for the construction of a replacement retaining wall along the applicant's driveway. This adverse visual impact is the primary consideration for the Local Planning Authority when determining an application for such works, and the comments of the Council's Landscape Assistant (arboriculture) confirm that the trees remain of high amenity value and that their continued protection should be ensured.

In conclusion, and having regard to all material considerations, including the Human Rights Act, the proposal is considered to represent an unacceptable form of works to TPO protected trees, conflicting with the criteria of Policy EV30 of the adopted City & County of Swansea Unitary Development Plan (2008).

### **RECOMMENDATION**

#### **REFUSE TREE PRESERVATION ORDER CONSENT, for the following reason;**

- 1 The trees in question are highly visible in the streetscene along Glanmor Road and offer very high amenity value to the surrounding area. The unjustified removal of the two protected trees on this site would result in a significant detrimental impact upon the character and appearance of the area, including the nearby Ffynone Conservation Area and the setting of the Listed Buildings on Eden Avenue to the east, and on the visual amenities of the surrounding area generally. As such, the proposal is contrary to the provisions of Policy EV30 of the adopted City & County of Swansea Unitary Development Plan 2008.

### **INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policy EV30 of the adopted City & County of Swansea Unitary Development Plan 2008.

### **PLANS**

dated 3rd October 2014

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