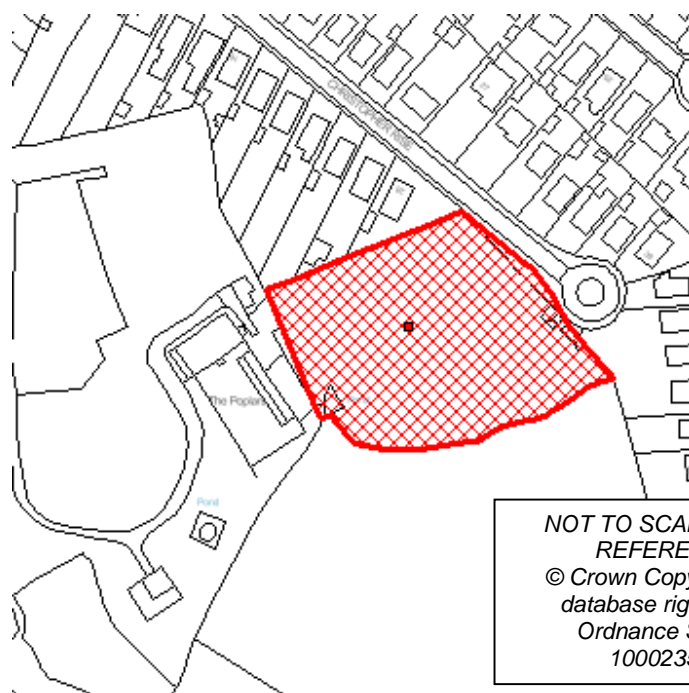


## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 1** **APPLICATION NO:** 2017/1342/FUL  
**WARD:** Llangyfelach - Area 1  
**Location:** Land To The South Of 28, Christopher Rise, Pontlliw, Swansea,  
**Proposal:** Construction of 11 detached dwellings  
**Applicant:** Garrison Barclay Estates Ltd



### **BACKGROUND INFORMATION**

#### **POLICIES**

##### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - EV2 - Siting

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).

##### UDP - EV17 - Large Villages

Within the boundaries of the large villages as identified on the Proposals Map, development will be limited to existing commitments, small infill plots and, in locations outside the AONB, small scale rounding off, subject to the other defined criteria. (City & County of Swansea Unitary Development Plan 2008)

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### ITEM 1 (CONT'D)

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#### UDP - EV30 - Trees, Woodland and Hedgerow Protection

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)

#### UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV34 - Protection of Controlled Waters

Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS2 - Design and Layout

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

| App Number    | Proposal  | Status | Decision Date |
|---------------|---|--------|---------------|
| 2017/1342/FUL | Construction of 11 detached dwellings   | PDE    |               |
| 2017/1344/DOC | Discharge of conditions 4 (boundaries), 6 (materials), 7 (drainage), 9 (travel plan), 13 (trees) and 14 (trees) of planning permission 2009/1435 granted 30th December 2014 | APP    | 25.08.2017    |

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

| ITEM 1 (CONT'D) | APPLICATION NO:                           | 2017/1342/FUL   |
|-----------------|---|-----------------|
| 2017/1342/FUL   | Construction of 11 PDE detached dwellings |                 |
| 2009/1435       | 11 detached dwellings (outline)           | S106 30.12.2014 |

### RESPONSE TO CONSULTATIONS

36 LETTERS OF OBJECTION have been received, which are summarised as follows:

1. Unable to find the pumping station.
2. Houses have problems in their garden due to excess water.
3. Traffic noise for the houses as site is approached.
4. Can plans be displayed in the village hall?
5. Increase in vehicle use in particular on Oaklands Road with its difficult layout.
6. Other than single storey would have an unacceptable impact through overlooking and overbearing physical impact.
7. Other than a bungalow would be uncharacteristic of the neighbouring estate.
8. Access and egress of Swansea Road via Oaklands Road would exacerbate the traffic difficulties for residents.
9. Extra traffic would lead to congestion.
10. Oaklands Road is unsuitable for large lorries.
11. The village infrastructure is already under great pressure and has reached the point of being unsustainable.
12. If yellow lines are introduced along Oaklands Road and Woodfield Avenue then I will not be able to park outside my home and I require my car to be close at hand for work purposes.
13. Yellow lines would be unfair as there are no garages or driveways for residents to park on Oaklands Road.
14. A second access from Swansea Road would be a safer option.
15. Residents on the left hand side of Oaklands Road should be granted parking permits.
16. The application boundary encroaches onto the Christopher Rise footpath.
17. The numbered conditions the applicant refers to do not correspond with the minutes of the meeting.
18. The site is indicated as 1.4 acres but the Garrison Barclay website say the site is 6.56 acres which acknowledges the future development of the whole of the site.
19. I am concerned about the elevations.
20. The access should be re-considered.
21. The introduction of a mini-roundabout has not been considered.
22. It should be refused on the basis of access.
23. The site promoter says that there is a potential to re-plan the poplars and Christopher rise sites together and accesses via Swansea Road which is sound common sense.
24. Any suggestion of solving the pinch point area at Oaklands Road and Woodfield Avenue by putting down yellow lines will simply exacerbate and transfer the parking problems and cause hardship for elderly residents.
25. One of the reasons I bought my property was the quiet and peaceful location and I will be heavily affected by the development.
26. When the bungalows were built in Woodfield Avenue there was supposed to have been a one way system out in place but this never materialised.
27. The yellow lines will affect the value of our properties.
28. Cars parked on Swansea Road would create further hazards for children.

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### ITEM 1 (CONT'D)

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29. Introducing yellow lines will provide a solution as it will only move the problem from one place to another.
30. Yellow lines will led to neighbour discontent.
31. Poor visibility on bend at Oaklands Road/Woodfield Avenue.
32. The temporary Eisteddfod car park a few years ago has shown that it is possible to create a new access onto Swansea Road.
33. Concerns over safety as an ambulance or fire engine would have difficulty negotiating the roads in the evening.
34. The development will have a devastating effect on the quality of our lives not to mention the value of our homes.
35. I raise issues with the Highways response as the increase in traffic as whilst I appreciate that 11 new properties only adds an extra 10% to the traffic, it actually equates to an increase of nearly 30% over and above what the road was originally built to accommodate.

#### **Tonia Antoniazzi MP** – Comments as follows:

“Mr and Mrs Hewitt live on a very dangerous corner of the road where parking outside their property is an issue.

I would like to urge the Planning Department to not put double yellow lines outside their property. Whilst Mr and Mrs Hewitt support the LDP and the further 15 houses to be built under the LDP, access to these properties will need careful consideration.

Any use of double yellow lines on this road will push vehicles to park everywhere with serious knock-on consequences.”

#### **Pontlliw and Tircoed Community Council** – Object as follows:

The Community Council has three points to make:

1. Access to the site is not as per the outline planning permission.
2. The type of dwellings proposed in the detailed planning application are significantly different and larger than those envisaged when the outline planning application was considered.
3. The intensification of use of the site is inappropriate.

These views are elaborated upon below.

The access to the site is via Christopher Rise, which is a street of single storey dwellings. The outline planning permission provides that all properties in the proposed development would be accessed via a new estate road to be constructed along with this new development. The detailed planning application envisages two of the new dwellings accessing directly off Christopher Rise with a new access road for the remaining nine dwellings.

The detailed planning permission application is for a variety of five different styles (although details of only two designs appear in the application) but including 4 bedroom and 3 bedroom dwellings with two parking spaces and an integral garage. Although the application suggests these are “single storey dwellings with accommodation in the roof space” the reality is that these are effectively 3 and 4 bedroom houses.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 1 (CONT'D)**

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In the view of the Community Council this is contrary to what was originally proposed and will result in an intensification of the use of the site beyond what was originally intended and envisaged when the outline planning permission was granted. The types of dwelling proposed are out of keeping with the existing development in the area.

The effect of this intensification of the use of the site will be to increase the volume of traffic that will be accessing the site via Oaklands Road. This is the only access point onto Swansea Road. This junction is already problematic with limited visibility. Increased traffic using this site will increase the pressure on that junction and the risk of accidents.

**Dwr Cymru Welsh Water** – No objection subject to standard conditions and informatives

**Highways Observations** - The application is a full application although an outline application has already been granted and hence the principle of 11 houses has already been established under planning permission 2009/1435 which was granted in December 2014.

A number of objections have been raised with regard to traffic, access and the potential of using a direct access off Swansea Road and I would comment as follows:

1. The impact of the traffic has already been considered under the outline consent.
2. The traffic regulation orders will be considered under a condition attached to this consent (having previously been attached to the outline consent which has not yet been discharged).
3. There is no option for any other access over and above what has been agreed. I consider that an Access onto Swansea Road (even if it was up for comment) would not be supported due to concerns regarding highway safety and inadequate visibility.

Oaklands Road and Woodfield Avenue currently serve as the sole access for Christopher Rise, Vernon Close (in addition to the residents that live on Oaklands Road and Woodfield Avenue). The access road serves in excess of 110 properties so the proposed development (11 dwellings) will only increase the existing traffic by less than 10%.

Given that the principle of the development has already been approved then there is no reason to not support this application on highway grounds.

Adequate parking is indicated for each plot and the geometric layout of the site is acceptable in term of site access, visibility and turning. It is not known whether the site is intending to be offered up for adoption but a condition to be added regarding a section 38 agreement with the Highway Authority, or a private management company to take over the maintenance. Adoption of the access road is not compulsory.

I recommend that no highway objections are raised to the proposal subject to:

1. The permitted development rights being removed with respect to the garages and the parking areas as indicated being maintained for parking purposes only in perpetuity.
2. The front boundaries to the dwellings being kept below 1m in the interests of visibility.
3. The works to facilitate vehicular access to the site being undertaken under a section 278 Agreement with the Highway Authority.

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**ITEM 1 (CONT'D)**

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4. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

5. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

6. The development hereby approved shall not be occupied until a scheme to provide Traffic Regulation Orders along Oaklands Road/ Woodfield Avenue/ Swansea Road has been submitted to and agreed in writing by the LPA. The works shall be completed in accordance with the approved details prior to any works commencing on site.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

7. Prior to the occupation of any of the dwellings hereby approved a travel plan shall be submitted to and approved in writing by the Local Planning Authority in order to promote more sustainable modes of transportation

Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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**ITEM 1 (CONT'D)**

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The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

### **APPRAISAL**

This application is reported to Committee for decision as the objection threshold has been met and a call in request has been received from Cllr Gareth Sullivan.

The full planning application is for the construction of 11 dwellings. Access and layout were approved as part of the outline planning permission granted in December 2014 – 2009/1435 refers. As the current application indicates changes to the previously approved layout under 2009/1435, the application cannot be considered as a reserved matters application and as such it has been changed to a full application. It should be noted that the access details remain as previously approved and that the outline permission is still extant meaning a reserved matters application for the approval of the landscaping, scale and design could be submitted with the access and layout as previously approved.

#### The Site and its Surroundings

The site comprises an irregular shaped parcel of land that forms part of the 'The Poplars', a large house sited within substantial grounds that extend from Christopher Rise to Swansea Road. The site is currently overgrown with ground vegetation and mature trees around the site perimeter. It should be noted that the trees on the southern boundary of the site are protected by a Tree Preservation Order (TPO).

To the north east the site has a frontage onto Christopher Rise. To the south, south east and south west of the site is land designated within the Llan Valley Green Wedge, the site therefore extends to the village boundary.

The site is approached through streets with traditional semi-detached properties on Oaklands Road and Woodfield Avenue. The character then changes to a large development of 1960's bungalows and dormer bungalows on Christopher Rise and Vernon Close. The context surrounding the application site is therefore a mix of countryside and low rise low density suburban housing.

For information, the rest of the Poplars land has been put forward as a candidate housing site within the emerging Local Development Plan(LDP), although no details e.g. of housing unit numbers or access has been decided as yet.

#### Main Issues

The main issues for consideration with regard to this application relate to the acceptability of the proposal in terms of its impacts on the character and appearance of the area, the residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking, highways safety and environmental interests. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 1 (CONT'D)**

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Under the provisions of Section 54A of the Town and Country Planning Act determinations of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10th November 2008.

The UDP policies relevant to this application are: Policies EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV17 (Large Villages), EV25 (Sites of International Importance), EV30 (Trees, Woodland and Hedgerow Protection), EV33 (Sewage Disposal), EV34 (Protection of Controlled Waters), EV35 (Surface Water Run-Off), HC3 (Affordable Housing), AS2 (Design and Layout), AS6 (Parking).

Policies EV1 and EV2 seek to ensure that new development is appropriate, inter alia, to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, etc. and integrates into the existing settlement with no detrimental impact on local amenity.

With regard to the ecology of the site, full regard has been given to Policy EV25 and the impact on the European protected sites in the Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs), and the requirements of related Policies EV33, EV34, EV35 regarding sewage disposal, surface water run-off, and development and flood risk.

There are mature trees located around the perimeter of the site, which have an intrinsic interest in terms of visual amenity and natural heritage. Policy EV30 requires such assets to be protected and during the consideration of the original outline application, the trees along the southern boundary of the site were protected by a Tree Preservation Order (TPO).

### Character and Appearance of the Area

The application site is located to the east of the existing dwelling 'The Poplars' and would extend the built form to the south of the existing dwellings on the southern side of Christopher Rise. Whereas the existing dwellings on Christopher Rise directly face the road the proposal is for the construction of a new cul-de-sac with turning head accessed near the roundabout at the head of Christopher Rise as approved as part of the outline planning permission 2009/1435, with only the dwellings either side of the access point facing Christopher Rise. Access to these dwellings will be directly from Christopher Rise.

Details of access and layout were considered as part of the original planning application and in principle the layout is very similar to the approved plan, with a change in footprint, orientation and plot sizes. The layout also includes 2 no. affordable housing units on plots 7 and 8, the provision of which was agreed via a Section 106 agreement as part of 2009/1435.

The layout of the development is dictated by the provision of the central access road within the site. The plots have off street parking to the sides of the dwellings and front and rear gardens of a good size, which provides opportunities for compensatory planting for any existing vegetation that may be lost as a result of the development.



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**ITEM 1 (CONT'D)**

**APPLICATION NO:**

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Around the perimeter of the site on the northern, southern and part of the eastern boundary there are numerous mature trees which form part of the street scene and contribute to the character of the area. The layout plan that has been submitted identifies the good quality trees on or bordering the application site. The Council's Tree Officer has been in discussion with the applicant's agent with regards to the layout and the impact upon these trees and has clarified that the tree protection plans to be put in place prior to the commencement of works and during construction are acceptable. It is considered therefore that the layout of the development has had regard to existing trees on the site and the majority of good quality and moderate quality trees will be retained and will provide a wooded backdrop to the development. Furthermore, the landscaping scheme for the site indicated that acceptable compensatory/mitigation planting will be provided.

The dwellings take the form of both bungalows and dormer bungalows, in line with the requirements of the original outline permission. The dwellings will have off white rendered walls, with grey upvc windows and doors and slate effect roofing tiles. These materials are considered acceptable for the area and whilst the surrounding properties in Christopher Rise have brown concrete tile roofs and a partial buff brick and white rendered front elevation, the external materials of the new dwellings would ensure that the dwellings would not appear as incongruous features in the street scene but complement the character of the existing dwellings.

Having regard to the above it is considered the layout of the development and the footprint of the dwellings would be in accordance with the layout and built form of the dwellings in the surrounding area. In this respect the character of the development would complement the low rise, low density housing surrounding the site to the north and east. In terms of the visual appearance of the development, the footprints of the buildings together with the dormer style bungalows proposed will ensure that the development would not result in any significant adverse impacts in terms of visual appearance, and therefore would be satisfactory in terms of its impact on the character and appearance of the area having regard to UDP Policies EV1, EV2, EV17 and EV30.

### Residential Amenity

The closest existing dwellings to the development are the single storey bungalows at Nos. 24, 26 and 28 Christopher Rise which back onto the northern boundary of the site. Nos. 24 to 26 have rear gardens in excess of 22 metres whereas, at its closest, the corner of the dwelling at No. 28 is some 5 metres from the boundary of the application site. The proposed dwellings on plots 1 to 6 have rear gardens of between 12-13 metres in depth; this is considered to be a satisfactory distance to ensure there would be no direct overlooking of neighbours gardens and no overbearing or overshadowing impacts from the proposed dwellings. A separation distance of some 20 metres would be achieved between the rear elevation of No. 28 Christopher Rise and the rear elevation of the proposed dwelling on plot 3. This is considered to be satisfactory given that No. 28 is splayed away from the rear elevation of the dwelling on plot 3 as such it is not considered there would be any significant detrimental impacts upon the occupiers of No. 28 Christopher Rise.

The proposed development is considered to be a satisfactory distance from the existing dwelling at The Poplars to ensure there would be no significant residential amenity impacts upon the occupiers of this dwelling.

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**ITEM 1 (CONT'D)**

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Concerns have been raised in letters of objection that the proposed development would result in a noise pollution to existing occupiers. It is considered the proposed development would complement the existing residential uses surrounding the site and would not generate excessive noise pollution.

In view of the above the proposed development is considered to be satisfactory in terms of residential amenity having regard to UDP policies EV1 and EV2.

### Access and Highway Safety

The site is accessed from Christopher Rise via Oaklands Road and Woodfield Avenue. Oaklands Road is narrow due to on street parking and there is a sharp bend which leads onto Woodfield Avenue. Concerns have been raised in letters of objection regarding congestion and highway safety issues on these roads and the surrounding road network. In addition concerns were raised regarding the amount of traffic that may result from the construction of the development. As has been previously indicated, the access reflects that which was approved as part of the extant outline planning permission for the site.

With regard to traffic concerns on Oaklands Road and Woodfield Avenue, to ensure that traffic is free flowing along this narrow stretch and to avoid conflict at the bend it will be a requirement of any planning permission to put in suitable Traffic Regulation Orders to protect the passage of vehicles. This would address any traffic and highway safety concerns regarding the additional traffic movements arising from the development. This was also a condition on the outline planning permission.

The layout shows a road layout to adopted standards with sufficient space to provide parking for each plot. The turning head is acceptable and the development is therefore considered to be satisfactory having regard to UDP Policies AS1, AS2 and AS6.

Having regard to the above the Head of Transportation and Engineering has raised no objection to the proposal subject to: the internal road layout being agreed with the highway authority under a section 38 agreement; adequate parking provision within the plots; the provision of Traffic Regulation Orders (TRO) on Oaklands Road and the submission of a travel plan.

The above conditions are those that that were requested and imposed as part of the original outline application. The details in respect of the Travel Plan have been agreed via planning permission 2017/1344/DOC and a condition is recommended to ensure that these agreed details are complied with as part of this current application.

Objectors have suggested that the site be accessed from Swansea road to prevent additional traffic along Oaklands Road and Woodfield Avenue. However, this has not been put forward as part of this application. In addition, and notwithstanding this, the access to the site is identical to that which was granted under the previous planning permission.

### Water Quality Issues

Burry Inlet Habitat Regulations Assessment

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**ITEM 1 (CONT'D)**

**APPLICATION NO:**

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### Introduction

The City and County of Swansea, as the competent authority, is required under Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (known as the 'Habitat Regulations') to undertake a Habitat Regulations Assessment of any project likely to have an effect on a European Site, or candidate/proposed European Site, either alone or in combination with other plans or projects, that is not necessary to the management of the site for management of the site for nature conservation.

In this instance, the European sites potentially affected are the Carmarthen Bay and Estuaries European Marine Site (CBEEMS), the Carmarthen Bay Special Protection Area (SPA) and the Burry Inlet SPA and RAMSAR site. Before deciding to give permission we must therefore first consider whether this development is likely to have a significant effect on the CBEEMS either alone or in combination with other plans or projects in the same catchment area.

Following an investigation of likely significant effects on the CBEEMS features water quality was identified as the only factor that might have an effect this is discussed below.

### Water Quality

With regard to the water quality issues in the Burry inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits, as it is considered that the relevant parts of the earlier parts of the assessment remain robust and have not become outdated by further developments.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

### Other Possible Effects on CBEEMS features

In addition, it is considered that there are no other potential adverse effects from this development proposal, either alone or in combination with other plans or projects on the above protected European sites.

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ITEM 1 (CONT'D)

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### CONCLUSION

On this basis there is no requirement to make an appropriate assessment of the implications of the proposed development in accordance with regulation 61(1).

#### Ecology

The applicant had provided an extended phase 1 habitat report on the original planning permission which confirmed that no protected species were identified as having been recorded on or adjacent to the site, however, there are two trees (1 x Ash and 1 x Oak) on the southern boundary of the site which were considered to have features suitable for roosting bats and if works were to be carried out on these trees then a further survey would need to be undertaken. The submitted plans do not indicate that any works are being carried out to these trees. In addition, the tree protection details submitted and agreed will prevent any physical damage to these trees.

Bats are particularly sensitive to disturbance caused by increased levels of lighting therefore it is recommended a condition is placed on the permission restricting any additional lighting falling on the trees surrounding the site in particular those identified as having bat potential. This is considered to be both reasonable and necessary in order to ensure there would be no detriment to the conservation status of any bat species in and around the site. It is noted there is Japanese Knotweed on site and a treatment and management schedule to deal with this has been submitted and agreed by the Council's Knotweed Officer.

#### Trees

The proposed development would result in the loss of a number of trees on the site, however, the layout will allow for all trees in Category A and a high percentage of the moderate quality trees to be retained.

A Tree Preservation Order (P17/7/4/563) has been placed on the trees on the southern boundary to ensure a measure of control over the better quality trees on the site. As indicated above, the Council's Tree Officer has agreed a root protection area to ensure these trees are unaffected by the development. The development is therefore considered to be satisfactory having regard to UDP Policies EV2 and EV30.

#### Affordable Housing

The current scheme indicates the provision of 2 affordable housing units on Plots 7 and 8 as required by the Section 106 agreement signed as part of the outline planning approval.

#### Education

The Director of Education had requested a financial contribution for both Pontlliw Primary School and Pontarddulais Comprehensive School as part of the original planning permission and the applicant agreed to provide a contribution of £38,352 which may be used to fund improvements and/or extensions to this school. This figure was in accordance with the guidance contained within the Planning Obligations SPG and as such it is recommended that the Section 106 contributions are duplicated as part of the consideration of the current scheme via a Deed of Variation.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 1 (CONT'D)**

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### Outdoor Play Space

The nearest open space provision fronts Woodfield Avenue and the nearest outdoor play provision is at Pontlliw Park which is approximately 1km walk from the application site. In view of the size of the development it is not considered reasonable or necessary to require on site open space or play provision. Whilst it may be desirable for the developer to provide a contribution to fund improvements to Pontlliw Park, in this instance in view of the established need for affordable housing in the area and the capacity issues in local schools, S106 contributions for this development have been prioritised for Education and affordable housing. As such, a contribution for outdoor play space has not been sought and was not considered necessary in order to make the proposal acceptable in planning terms.

### Other Material Considerations

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to UDP policy considerations, the current status of this greenfield site and its acceptability for development. The highway access and public safety concerns relating to traffic are considered in the Highways Officer's response. The design and layout considerations have been carefully assessed with regard to the impact of the development on the character and appearance of the area and residential amenities of neighbouring occupiers. The impact on local wildlife and ecology has been properly assessed and is considered to be satisfactory in this respect.

The comments received concerning access are noted but the access route was considered and approved by Committee as part of the outline planning permission. No evidence has been produced to demonstrate that the situation now is worse than when the outline planning permission was approved and it is not considered there are grounds to refuse this application on highway safety grounds.

The details in respect of drainage, boundary treatment and tree protection measures have also been agreed via planning permission 2017/1344/DOC and conditions are recommended to ensure that these agreed details are complied with as part of this current application.

### Conclusion

In conclusion and having regard to all material considerations, it is considered that the proposal would not harm the character or the appearance of the area. The layout of the development has had regard to the mature trees on the site, many of which are of high or moderate quality and have both amenity and wildlife value. In addition it is not considered the proposal would have any significant residential amenity impacts on neighbouring occupiers and would not have any significant impacts on highway safety. Having regard to all of the above the proposal is considered to be satisfactory and in accordance with UDP Policies and approval is therefore recommended.

**PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017**

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1342/FUL

**RECOMMENDATION**

**APPROVE**, subject to the applicant entering into a Deed of Variation of the Section 106 Planning Obligation to provide an education contribution of £38,352 and agreeing that the two affordable housing units on plots 7 and 8 are retained as such in perpetuity and 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: AS17.05.L.00.00 P1 site location plan, DT90 005 REV A detailed landscape proposals plan, AS17.05.L.02.10.P3 floor plans and elevations type A & B, AS17.05.L.01.00 P1 proposed rendered site plan, AS17.05.L.01.00 P4 proposed site plan, AS17.05.L.04.00 P1 proposed street elevations version B, AS17.05.L.93.00 P2 proposed external works plan received 16th June 2017, AS17.05 L.02.11.P2 house types C & D floor plans, AS17.05 L.02.12.P1 House types B & C (handed), AS17.05 L.02.13.P1 House types C2 & D (handed) received 22nd June 2017, highways cross section sheet 1, highways cross section sheet 2, highways longitudinal sections sheet 1 received 17th July 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The garages and parking areas hereby approved shall be retained as such in perpetuity for the occupiers of the dwellings and their visitors.  
Reason: To ensure sufficient off-street parking is provided, in the interest of highway safety.
- 4 The boundary treatment shall be completed in accordance with the details as approved on plan AS17.05L 93.00 P2, approved under application 2017/1344/DOC, before the dwelling hereby approved is occupied and shall thereafter be retained as such.  
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 5 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.  
Reason: In the interests of the ecology and amenity of the area.
- 6 Before the any dwelling hereby approved is brought into beneficial use, the finishes for the external surfaces shall be completed in accordance with the details shown on Plan Nos. AS17.05.L.02.10 P3, AS17.05.L.02.11 P2, approved under planning application 2017/1344/DOC on 23rd August 2017 .  
Reason: In the interests of visual amenity.

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### ITEM 1 (CONT'D)

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- 7 The development shall not be brought into beneficial use until the drainage works have been completed in accordance with the drainage details shown on plans 03.01 P2; 08.01P1; 09.01 P1 and 02.01.P3 approved on 24th October 2017 under application 2017/1344/DOC.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 8 Foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 9 The Travel Plan shall be implemented and operated in accordance with the scheme and timetable as approved under application 2017/1344/DOC.  
Reason: In order to promote more sustainable modes of transportation.
- 10 The development hereby approved shall not be occupied until a scheme to provide Traffic Regulation Orders along Oaklands Road/ Woodfield Avenue/ Swansea Road has been submitted to and agreed in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to any works commencing on site.  
Reason: To reduce the likelihood of obstruction of the highway, danger to road users, in the interests of highway safety
- 11 Before the development hereby approved is occupied, any external lighting proposed within the development shall be in accordance with details to be first submitted to and approved in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details.  
Reason: In the interests of nature conservation.
- 12 No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.  
Reason: In the interest of highway safety
- 13 No development including demolition work shall commence until all tree protection measures as detailed in the Tree Protection Scheme shown on plan no. AS17.05.L.01.00 P4, Arboricultural report and the amended tree protection plan approved on 23rd August 2017 under application 2017/1344/DOC have been implemented in accordance with the approved details, inspected and approved in writing by the Local Planning Authority. The Tree Protection Measures shall remain in place for the duration of the construction works hereby approved and shall only be removed or altered in that time with the prior written approval of the Local Planning Authority  
Reason: To ensure the protection of retained trees on site during construction works.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

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### 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, EV17, EV30, EV33, EV34, EV35, HC3, AS2 and AS6.

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

3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 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).

4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

5 It is an offence under the Town and Country Planning Act 1990 to:

Cut down, uproot, top, lop, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order.

Wilful damage to a protected tree includes damage to its surrounding rooting area by: excavation work, storage of materials or machinery, parking of vehicles, deposit of soil or rubble, disposal of liquids, or the mixing of cement.

6 The internal road layout should be agreed with the Highway Authority under a section 38 agreement.

7 The developer and future occupiers are advised that any external lighting should be designed and sited so as to have regard to the potential present of roosting bats in the trees on the southern boundary of the site.



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**ITEM 1 (CONT'D)**

**APPLICATION NO:**

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- 8 As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or greywater harvesting from the new buildings, etc.
- 9 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.
- 10 To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area, no development should commence, including any works of demolition, until a Construction Method Statement has been agreed with the Highway Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during demolition and construction; and
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
- 11 All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader, e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk), tel. no. 01792 636091

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**ITEM 1 (CONT'D)**

**APPLICATION NO:**

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

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry Schemes for Adoption of Private Sewers Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 13 The proposed development is crossed by a distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
-

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 2** **APPLICATION NO:** 2017/1440/S73  
**WARD:** Uplands - Bay Area  
**Location:** 30 Uplands Crescent, Uplands, Swansea, SA2 0PB  
**Proposal:** Variation of conditions 2 and 4 of planning permission 2016/0726 granted 24/06/2016 (Change of use from office (Class B1) to restaurant (Class A3) and partial demolition and re-design of the existing garage to facilitate the provision of 2 off street parking spaces) to allow an amended parking layout, boundary treatment details, an external fire escape and a terraced area to the front  
**Applicant:** Mrs Kimberley Fry



### **BACKGROUND INFORMATION**

#### **POLICIES**

UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

### ITEM 2 (CONT'D)

APPLICATION NO:

2017/1440/S73

#### UDP - EV9 - Development in Conservation Areas

Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC5 - District Shopping Centres

Development within designated district centres will be encouraged where it is of a type and scale that maintains or improves the range and quality of shopping facilities and meets other specified criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - EV9 - Development in Conservation Areas

Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

| App Number    | Proposal  | Status | Decision Date |
|---------------|---|--------|---------------|
| 2017/1440/S73 | Variation of conditions 2 and 4 of planning permission granted 24/06/2016 (Change of use from office (Class B1) to restaurant (Class A3) and partial demolition and re-design of the existing garage to facilitate the provision of 2 off street parking spaces) to allow an amended parking layout, boundary treatment details, an external fire escape and a terraced area to the front | PDE    |               |

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

| ITEM 2 (CONT'D) |   | APPLICATION NO: | 2017/1440/S73 |
|-----------------|---|-----------------|---------------|
| 2017/2195/ADV   | 1 internally illuminated free standing sign and 2 non illuminated fence mounted signs   | PCO             |               |
| 2016/0726       | Change of use from office (Class B1) to restaurant (Class A3) and partial demolition and re-design of the existing garage to facilitate the provision of 2 off street parking spaces.   | APP             | 24.06.2016    |
| 2015/0873       | Change of use from Offices (Class B1) to Class A3 with associated fenestration alterations to front elevation and replacement of single garage with double garage and associated works. | REF             | 20.08.2015    |
| 2015/0452       | Change of use from offices (Class B1) to Restaurant/Bar (Class A3)  | PRENE<br>G      | 22.04.2015    |
| 2005/0657       | Change of use from residential use (Class C3) to office use (Class B1)  | APP             | 28.06.2005    |

### RESPONSE TO CONSULTATION

Two neighbouring properties were consulted and the proposal was advertised on site and in the press as being development within a Conservation Area. 35 LETTERS OF OBJECTION have been received which are summarised as follows:

- 1) The tree must be kept (visual benefit).
- 2) Shortsighted for a council that considers itself a progressive one. How on earth can plastic trees and plastic shrubbery be a substitute for the real thing.
- 3) Too many bars in the area.
- 4) Noise and public order implications that it will bring to the Uplands.
- 5) The building/garage shouldn't be changed as it contributes to visual amenity.
- 6) Deliveries will cause noise disturbance.

A PETITION OF OBJECTION containing 50 signatures has been received which raises the following concern:

- 1) Detrimental impact on the conservation area

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

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**Highway Authority** - No objection: The existing garage and the front driveway space, which is currently in use as such, comply with requirements and 2 parking spaces, the level that an Inspector at appeal deemed to be the minimum requirement to mitigate for the increase in parking demand can be made available. There are no highway objections to the proposals

**Tree Officer** - The patio could be constructed without an adverse impact on the trees if a suitable method is used. A tree protection plan and arboricultural method statement (in accordance with BS5837:2012) is required to show how the construction will be carried out (a no dig option is required). The drainage is still a concern and this should also be addressed. An alternative material should also be used that will not affect the ground pH. This can be conditioned.

### APPRAISAL

This application is reported to committee for decision at the request of Councillors Irene Mann and Peter May. A petition of objection containing 50 signatures has also been received in addition to 35 letters of objection.

### Description

Permission is sought for the variation of conditions 2 and 4 of planning permission 2016/0726 granted 24/06/2016 to allow an amended parking layout, boundary treatment details, an external fire escape and a terraced area to the front of 30 Uplands Crescent, Uplands.

Following initial receipt of the application and in response to both officer and public concerns about the scheme amended plans have been received which seek to overcome concerns relating to visual impact through the omission of the timber fence along the boundary with No. 28 and alongside the proposed parking area and omission of all initially proposed artificial box hedging. The existing brick pillars are proposed to be retained and details relating to the external door for deliveries has been provided.

### Site History

Planning permission was originally granted under Ref: 2005/0657 for the change of use of the property from residential use (Class C3) to office use (Class B1). A more recent application was submitted under Ref: 2015/0873 for the change of use from offices (Class B1) to Class A3 with associated fenestration alterations to front elevation and replacement of single garage with double garage and associated works. That particular application was refused for the following reasons:

1. *The proposal would represent an unacceptable and unjustified encroachment outside of the Uplands District Centre, which would introduce a Class A3 use into a predominantly residential area of Uplands and would undermine the vitality and viability of the established District Centre, contrary to Planning Policy Wales (Edition 7), UDP Policy EC5 and adopted 'District Centres, Local Centres and Community Centres' Supplementary Planning Guidance.*

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

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2. *The proposal would introduce a Class A3 use into a predominantly residential part of Uplands and in doing so would result in unacceptable impacts on residential amenity arising from noise, general disturbance and indiscriminate car parking, contrary to UDP Policies EV1 and EV40.*
3. *The physical aspects of the development would adversely affect the character and appearance of the host building and in doing so would fail to preserve or enhance the Fynnone Conservation Area, contrary to UDP Policies EV1 and EV9.*
4. *The proposed change of use from Class A1 to Class A3 is likely to attract more parking demand, particularly at peak times and in the evening, in an area where there is no dedicated off street car park and the availability of on-street parking is limited. This would put significant pressure on an already congested area to the detriment of highway safety and parking provision for existing residents, contrary to UDP Policy AS6.*

The refusal was subsequently appealed by the applicant to the Planning Inspectorate. The appointed Inspector concluded that given the site's location opposite and adjacent to other commercial uses that it had the characteristics and sense of being located within the retail and commercial frontage of the District Centre. Furthermore the Inspector felt that the Local Planning Authority had failed to demonstrate how the approval of this application would affect the vitality and viability of the centre and concluded that competition between similar businesses within the market place is not a planning justification for resisting the proposal.

The Inspector felt that the introduction of a high end food and drink outlet which is currently not available within the District Centre would benefit the area. Furthermore the concept of a restaurant and wine bar would allow the premises to remain open for business during both the working day and evening which would prevent the creation of a dead frontage. This was considered to promote the vitality and viability of the District Centre rather than cause harm.

In addition to this it was felt the new business could attract new footfall to the District centre which would help local shops through linked trips. On this basis therefore the Inspector concluded that in land use terms the proposal was acceptable in terms of the principle of the use applied for.

In terms of the highway considerations resulting from the proposed use the inspector considered that existing parking in the streets is well regulated with limited waiting areas for general use and shoppers but also noted that the appeal is in close proximity the City centre and benefits from excellent bus services that provide customers with the opportunity to use public transport rather than relying on private car. He suggested that this was pertinent given the fact that customers are likely to consume alcohol at the restaurant and are therefore more likely to use public transport or taxis. He also noted it would be likely that there would be linked visits to other premises and the development would not significantly increase the level of car parking demand in the area in the evenings. The Inspector also considered the fall-back position of an office which could create significantly more demand for parking during the day. On this basis the Inspector considered the principle of the use was acceptable in terms of highway movements, however, dismissed the appeal on the basis of concerns raised by the Highway Authority that the amended garage and scheme would not provide at least 2 off-street parking spaces which was considered by the Inspector to be an essential component of the scheme.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

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Following the appeal decision a revised application was submitted in May 2016 proposing to address the inspectors concerns relating to parking provision by providing 2 off street parking bays in addition to the existing garage which was proposed to be reduced in scale. Given the acceptance of the principle of the use by the Planning Inspector full planning permission was granted in June 2016 (2016/0726) for the change of use of No 30 Uplands Crescent from office (Class B1) to restaurant (Class A3) and partial demolition and re-design of the existing garage to facilitate the provision of 2 off street parking spaces.

This Section 73 application therefore follows on from the June 2016 approval in which the applicant is proposing revisions to conditions attached to that permission.

### **Main Issues**

As an application made under Section 73 of the Town and Country Planning Act (1990) the only matter which can be considered is the conditions to which the application relates and the original planning permission itself, including the principle of development, is not a matter for consideration. The application proposes physical works and accordingly the key considerations are the impact of the development upon visual amenity and the Ffynone and Uplands Conservation Area, impact upon residential amenity and highway safety matters.

### **Visual Amenity and impact upon Ffynone & Uplands Conservation Area**

The site lies within the Ffynone & Uplands Conservation Area. As set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 a Conservation Area is defined as an area of 'special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance'. Section 72 of the Act specifies that in making a decision on an application for development in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.

The proposed changes include:

- Staircase and first floor fire exit door (eastern elevation), ground floor fire exit door
- External extraction system to first floor to the eastern elevation window
- Access ramp from Uplands Terrace (western elevation) with new access point and gate
- Steps from Uplands Terrace and new gate to western elevation
- Metal railings and existing brick pillars to southern and part western boundary treatments
- Revisions to rear parking area to allow the retention of existing garage
- External door to facilitate deliveries to lower ground floor with ramp from rear parking area.

In terms of the context of the building the site lies within the Ffynone and Uplands Conservation Area and within the Uplands District Shopping Centre. The application site comprises an unlisted building of character with attractive external features such as the large four pane windows on the front elevation. This building was apparently designed by Glendinning Moxham who was responsible for many of Swansea's finest buildings. The application building is viewed as one of the most important buildings within this part of the Conservation Area and is located on a prominent corner at the junction of Uplands Terrace and Uplands Crescent.



## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

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The proposal to construct a new steel fire escape staircase to the eastern elevation of the building is acceptable in principle. The staircase will have a small first floor platform area and will provide direct access from a new fire escape door at first floor to ground floor level. The staircase will be located to the eastern elevation in close proximity to the shared boundary with no.28 Uplands Crescent. Given the set back from the building frontage and the presence of an established tree within the application site curtilage, there will be limited views of this structure from the public realm and subsequently this element is deemed acceptable subject to appropriate quality finish (i.e. not galvanised).

Access to the fire escape staircase will be provided from a new secure fire exit door in place of an existing first floor window. This replacement is considered acceptable given the limited visibility from public vantage points.

The addition of an extract ventilation fan with non-return shutters to an existing first floor window will not be visible from the street scene and raises no concerns in terms of visual amenity.

The proposed access ramp to provide disabled access to the site from Uplands Terrace (western elevation) will be facilitated through the creation of a new gated access point in the existing stone boundary wall. A new pillar is to be constructed in reclaimed brick to match the existing pillar at the step in the boundary wall with stone capping to match. Whilst the creation of a new access point will result in a break in the uniformity of the existing brick wall, this addition is considered acceptable on the basis of matching materials. The proposed gate and railings are shown to be wrought iron with a painted finish stated to be in a style to match the era of original building with circular detail on gates to be painted bronze which raises no concern.

The proposal seeks to reconfigure the existing stepped access to the site from Uplands Terrace by pulling forward the steps towards the boundary to allow the creation of a paved gradual ramp to be facilitated within the site. The Council's Conservation Officer raised concern over the increased height of the existing pillars originally proposed. However, these are now to remain as existing with no height increase proposed. This element of the proposal is not considered to harm the overall character and appearance of the property and surrounding Conservation Area.

It is proposed to install metal railings to the southern boundary and part of the western boundary. The original application proposed artificial box hedging which following concerns raised to the applicant about its unacceptable appearance within the Conservation Area was removed from the scheme.

The surrounding street scene, especially along Uplands Crescent is characterised by the in most part, uniform brick boundary treatment as seen at the application site, with consistent brick pillar heights and a lack of infill boundary treatments between pillars. The rear portion of the western boundary originally proposed timber close boarded fencing surrounding the bin storage area, however, following concerns this has now been omitted from the scheme with a natural hedgerow at this part of the site to remain.

The omission of the box hedging and the use of metal railings with the retention of the pillars at their existing height is considered to have an acceptable impact upon the character and appearance of the host dwelling and would preserve the character and appearance of the conservation area.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2017/1440/S73

In essence the proposed boundary treatments are now considered visually acceptable and would not detract from the appearance of the host building and would preserve and enhance the character and appearance of the conservation area, having regard to the criteria set out in Policies EV1 and EV9 of the City and County of Swansea Unitary Development Plan 2008.

In terms of the proposed terraced area to the front, this area contains trees which are annotated to be retained on the submitted plan. The trees make a significant contribution to the vista of the area and their retention is welcomed. The Council's Tree Officer has raised no objection to the proposal and, subject to a condition requiring a tree protection plan and arboricultural method statement to be submitted that includes a no dig zone, drainage (in terms of protecting tree root systems) and suitable paving, there are no objections to the proposal.

### **Residential Amenity**

With respect to the impact on the living conditions of neighbouring residents, it was considered by the Planning Inspector in the former appeal that the Local Planning Authority had provided no evidence to suggest that the addition of one more A3 use in this location would lead to any material increase in general activity, antisocial behaviour, noise or disturbance with this mixed use area. The Inspector felt that a condition restricting opening hours would ensure that local residents would not be harmfully disturbed by the proposal. A planning condition was appended to the original planning permission (ref:2016/0726) to control the opening hours of the property to customers for only being outside of the hours of 00:30 and 07:30 and on this basis the revised application is considered to be acceptable.

### **Highway Safety**

The Head of Transportation and Engineering has raised no objection to the parking layout amendment on the basis that it provides for 2 parking spaces, a level which was determined to be required by the Planning Inspector.

### **Response to consultation**

With regard to the issue surrounding the retention of the tree, the submitted plans indicate its retention and the Council's Tree Officer, subject to condition, is supportive of the proposal. The issues relating to the number of bars in the area and alterations to the building were assessed under the previous application and appeal at this site and therefore are not under consideration at this stage. In terms of deliveries, the area proposed for parking is associated with staff and would be too small to accommodate large delivery vehicles. However, such an issue would not warrant a refusal in this instance as the use of the premises has already been established under a previous application.

### **Conclusion**

Having regard to all material planning considerations including the Human Rights Act, the proposal is considered to represent an acceptable form of development having regard to the criteria set out in Policies EV1, EV9 and EV40 of the City and County of Swansea Unitary Development Plan 2008.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2017/1440/S73

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

### **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 amended approved plans and documents: Elevations (103 PE Rev E) proposed floor and exterior plans (102 PP Rev G) received on 2nd October 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The materials used in the development hereby approved shall match those of the existing building.  
Reason: In the interests of visual amenity and the character and appearance of the conservation area.
- 4 The restaurant/bar hereby approved shall not be brought into beneficial use until the parking spaces indicated on the approved plans (BC UB 102 Rev G) have been provided in accordance with the approved details. The spaces shall be kept available for parking in connection with the restaurant/bar at all times.  
Reason: In the interest of highway safety.
- 5 The premises shall not be used by customers between 00.30 and 07:30 hours on any day.  
Reason: In the interest of residential amenity.
- 6 The premises shall be used as a cafe bar/bar/restaurant Class A3 and for no other purpose (including any other purpose in Class A3) of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification). The premises shall not operate as a hot food takeaway.  
Reason: In the interest of residential amenity.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

### ITEM 2 (CONT'D)

APPLICATION NO:

2017/1440/S73

- 7 The use hereby permitted shall not commence until a scheme, which specifies the provisions for any condensing units relating to refrigeration and freezing of products has been submitted to and approved in writing by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are brought into beneficial use  
Reason: In the interest of public health and residential amenity.
- 8 The use hereby permitted shall not commence until a scheme of ventilation and fume extraction, including full details of the equipment to be installed for that purpose, has first been submitted to and agreed in writing by the Local Planning Authority. The approved scheme shall be fully installed prior to the unit being brought into beneficial use and shall be retained thereafter to serve the development.  
Reason: In the interest of public health and residential amenity.
- 9 Prior to works commencing a Tree Protection Plan and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details which shall include a 'no-dig zone'; outline how any drainage system shall be installed without adversely affecting the trees on site; and paving which will not affect ground pH levels.  
Reason: In order to prevent harm to trees within the application site in the interests of visual amenity and the character and appearance of the conservation area.
- 10 Notwithstanding the submitted details and prior to its erection on the building full details of the approved 'Fire Escape Staircase' in terms of form and finish shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and character of the Ffynone & Uplands Conservation area.

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 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: Policies EV1, EV9 and AS6 of the City and County of Swansea Unitary Development Plan 2008.
-

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

ITEM 3

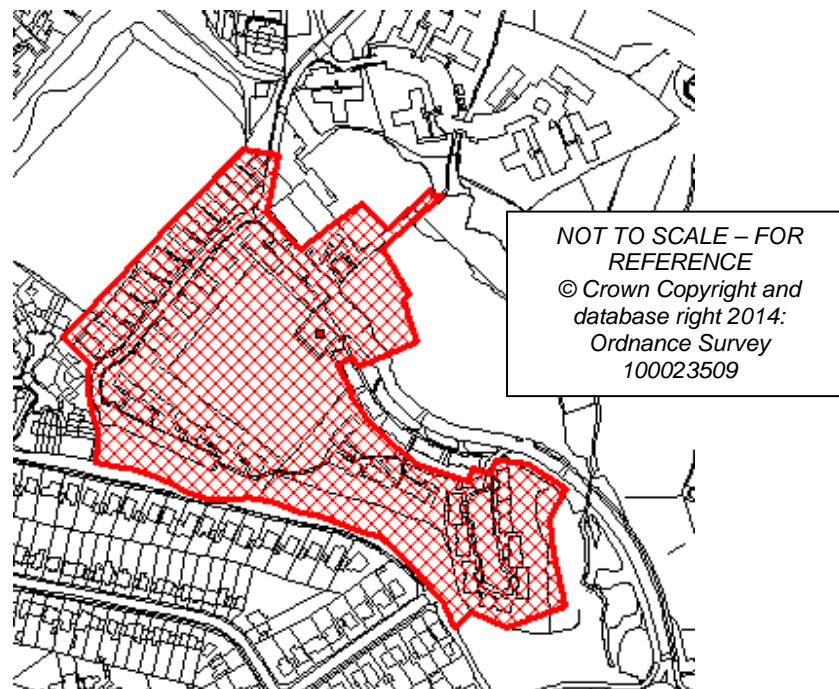
APPLICATION NO: 2017/1801/RES

WARD: Killay North - Area 2

Location: Hendrefoilan Student Village, Sketty, Swansea, SA2 7PG

Proposal: Demolition of existing student accommodation/buildings and construction of 113 no. two & three storey dwellings and associated access road infrastructure, pedestrian links, engineering/drainage works, public open space, woodland planting and landscaping (Details of access, appearance, landscaping, layout and scale pursuant to conditions 2, 5, 6, 8 & 16 of the outline planning permission 2014/1192 approved 6th January 2016) - Phases 2 & 3

Applicant: St. Modwen Homes Limited



### **BACKGROUND INFORMATION**

#### **POLICIES**

##### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - EV2 - Siting

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).

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### ITEM 3 (CONT'D)

APPLICATION NO:

2017/1801/RES

#### UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV11 - Historic Parks, Gardens and Landscapes

Development will not be permitted that would harm the character or setting of a registered Historic Park or Garden or the character of an Historic Landscape. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV24 - Greenspace System

Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV30 - Trees, Woodland and Hedgerow Protection

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)

#### UDP - EV33 - Sewage Disposal

Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV35 - Surface Water Run-Off

Development that would have an adverse impact on the water environment due to:

- i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or,
- ii) A reduction in the quality of surface water run-off.

Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV36 - Development and Flood Risk

New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC2 - Urban Infill Housing

Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

### ITEM 3 (CONT'D)

APPLICATION NO:

2017/1801/RES

#### UDP - HC11 - Higher Education Campus Development

Higher education campus development will be permitted subject to compliance with the defined set of criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC17 - Planning Obligations

The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC24 - Play Areas/Public Open Space

Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS1 - New Development Proposals

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

#### UDP - AS4 - Public Access Routes

Accessibility - Creation and improvement of public rights of way. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

| App Number    | Proposal   | Status | Decision Date |
|---------------|--|--------|---------------|
| 2016/3273/DOC | Residential Development<br>43 units - Discharge of<br>conditions 2 (Notification)<br>and 3 (Site Notice) of<br>Planning permission<br>2016/0177 granted<br>04/02/2016  | APP    | 23.11.2016    |
| 2017/0040/NMA | Non Material Amendment<br>to planning permission<br>2016/0177 granted 4th<br>February 2016 to allow for<br>the amendment of the<br>surface finish along the<br>estate roads from dressed<br>tarmac to concrete setts | APP    | 27.01.2017    |

**PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017**

| <b>ITEM 3 (CONT'D)</b> | <b>APPLICATION NO:</b>  | 2017/1801/RES      |
|------------------------|---|--------------------|
| 2017/0223/DOC          | Residential Development (Phase 1) - Discharge of condition 5 (External Finishes) of Planning Permission 2016/0177 granted 4th February 2016   | APP 15.03.2017     |
| 2017/0761/PRE          | (Pre-application) Application for the approval of reserved matters - Phases 2 _ 3   | MIXPR E 26.06.2017 |
| 2017/1148/DOC          | Residential redevelopment - Discharge of condition 15 (surface water drainage strategy) of planning permission 2014/1192 granted 6 January, 2016 - (Re-submission)  | APP 30.06.2017     |
| 2017/1801/RES          | Demolition of existing student accommodation/buildings and construction of 113 no. two & three storey dwellings and associated access road infrastructure, pedestrian links, engineering/drainage works, public open space, woodland planting and landscaping (Details of access, appearance, landscaping, layout and scale pursuant to conditions 2, 5, 6, 8 & 16 of the outline planning permission 2014/1192 approved 6th January 2016) - Phases 2 & 3 | PDE                |
| 2017/1830/DOC          | Residential Development (Phase 1) - Discharge of condition 5 (External Finishes) - (revised brick type) of Planning Permission 2016/0177 granted 4th February 2016  | APP 07.09.2017     |



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| <b>ITEM 3 (CONT'D)</b> | <b>APPLICATION NO:</b>   | 2017/1801/RES      |
|------------------------|--|--------------------|
| 2016/1486              | Non material amendment to condition 17 of planning permission 2014/1192 granted 6th January 2016 to allow implementation of flood risk mitigation scheme within Phase 4 of residential development   | APP 05.08.2016     |
| 2016/0568              | Residential redevelopment - Discharge of condition 15 (surface water drainage strategy) of planning permission 2014/1192 granted 6 January, 2016   | NOBJ 19.07.2016    |
| 2016/0526              | Residential redevelopment - Discharge of conditions 4 (phasing), 10 (Construction Traffic Management), 12 (Construction Environment Management), 13 (Construction Waste Management), and 19 (Aboricultural Method Statement) of planning permission 2014/1192 granted 6 January, 2016  | NOBJ 01.07.2016    |
| 2016/0177              | Construction of 43 no. two / three storey dwellings and associated access, infrastructure, engineering works, public open space and landscaping (Details of access, appearance, landscaping, layout and scale pursuant to conditions 2, 5, 6, 8 & 16 of the outline planning permission 2014/1192 approved 6th January 2016) | APP 15.06.2016     |
| 2015/2560              | Pre-application - phase 1 residential development - 40-45 dwellings  | PREP OS 17.03.2016 |

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

| ITEM 3 (CONT'D) |  | APPLICATION NO: | 2017/1801/RES |
|-----------------|--|-----------------|---------------|
| 2014/1192       | Demolition of the existing student accommodation and other University buildings and comprehensive residential re-development of the site, with access road infrastructure, public open space, woodland planting and associated works (outline with all matters reserved) | S106            | 06.01.2016    |
| 2007/1680       | Single storey front extension, new front entrance, front access ramps and rear extension   | APP             | 26.09.2007    |

### RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. TWO LETTERS OF OBJECTION have been received making the following points:

1. The cul de sac road already in development does not meet the standards with reference to widths for the Access Roads.
2. With regard to Plots 142 to 145, the proposal to build three-storey houses at what is one of the highest and most prominent parts of the development. It would appear that the ground level on which these proposed houses are to be built will be raised by up to 0.6m above the ground level of the existing two-storey building currently in this location.
3. The proposed three-storey houses are also positioned so that their rear elevations directly overlook a number of existing properties in Cowper Close, unlike the two-storey building currently on the site. This would result in an unacceptable loss of privacy for the properties in Cowper Close and obliteration of the views currently enjoyed.
4. The Design Statement refers to new "woodland planting" at the rear of properties in Cowper Close. However, it is contended that such a narrow strip of sapling deciduous trees will do little or nothing to offset the negative effect of such gratuitously tall and overbearing buildings in the proposed location.
5. The units on Plots 142 to 145 are the only three-storey buildings of their kind within this phase of the development and as such are out-of-keeping with the context and character of both the existing and proposed developments surrounding them. This is clearly demonstrated by the developer's own Street Elevation drawing (Elevation C-C), which shows these proposed three storey houses as being out of proportion with the neighbouring two storey houses.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

### ITEM 3 (CONT'D)

APPLICATION NO:

2017/1801/RES

6. The construction of three-storey houses in such a prominent and elevated position would be far too obtrusive, to the detriment of both privacy and other residential amenities of neighbouring properties in Cowper Close and the visual amenity of the surrounding area.

**Dwr Cymru Welsh Water** - No objection - have confirmed only foul flows will be allowed to discharge to the public sewerage system.

**Council's Drainage Engineer** - No objection to approval of Condition 16 in respect of Phases 2 and 3.

**Highway Authority** - No objection as set out below.

#### 1 Background

- 1.1 Outline consent was granted for up to 300 dwellings on this site. This is the detailed second phase of development for 113 dwellings.

#### 2 Layout

- 2.1 The site benefits from an existing access road and the proposed main access is to utilise that which exists. New roads are proposed to serve the dwellings from a new 'spine road' and this phase indicates three cul-de-sacs (two of which are quite lengthy). There is frontage development along the new spine road.

- 2.2 The layout conforms to modern standards and is indicated to accord with advice in Manual for Streets, with 13 of the dwellings being served off a private drive. The remainder of the dwellings will front the spine road and its hammerheads. It is not possible to link the long cul de sacs for vehicles to provide a continuous road network due to level differences across the site.

- 2.3 All dwellings are provided with on-site parking in accordance with adopted standards through a combination of garage, driveway and frontage parking.

- 2.4 There is no indication to offer the roads up for adoption and as there are no dedicated pedestrian facilities included then we would not wish to pursue this adoption. The indicated widths are adequate for shared usage to take place but are not segregated and as such are a 'shared use' with no formal footway and upstand kerbs. As requested however there is a dedicated pedestrian path which runs through the site and links from the main spine road to the pedestrian link onto Duvant Road using a combination of ramps and steps. The level differences across the site are such that disabled provision is not achievable using this short cut route. The short cut is well overlooked and provides natural surveillance for all users.

- 2.5 Tracking has been provided to show that servicing and emergency vehicles can enter turn and leave in a forward gear in all of the cul-de-sac locations.

- 2.4 Visitor parking has also been included dotted throughout the site mainly in lay-by locations.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

### ITEM 3 (CONT'D)

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2.5 The pedestrian link to Dunvant Road has been indicated in principle but no details supplied. An appropriate scheme will need to be submitted for approval to the LPA detailing the form, finishes, lighting and pedestrian containment to prevent pedestrians/cyclists accidentally entering onto Dunvant Road.

### 3 Recommendation

3.1 I recommend no highway objection subject to the following:

- i. Permitted development rights being removed with respect to the garages.
- ii. The front boundary walls being kept below 1m in the interests of visibility.
- iii. All roadworks being constructed to adopted standards in accordance with approved details.
- iv. The pedestrian link to Dunvant Road being completed in accordance with details to be submitted for approval to the LPA, to include form, finish, lighting and pedestrian/cyclist containment and that approved scheme to be completed prior to beneficial occupation of any units of this phase of development

## APPRAISAL

### Background

Outline planning permission for the demolition of the existing student accommodation and other University buildings and the comprehensive residential re-development of the site, with access road infrastructure, public open space, woodland planting and associated works was granted 6 Jan. 2016 following the completion of a Section 106 Planning Obligation (Ref:2014/1192). The outline permission was approved with all matters reserved but the development envisaged a development of approximately 300 homes and the accompanying Indicative Development Framework Plan illustrated the design principles for the site, the access road infrastructure, retained woodland areas with an integrated network of pedestrian linkages and areas of public open space. The outline permission has therefore established the principles of the development. The Section 106 Planning Obligation requires:

- o Education - a single payment of £650,000 is to be made to fund a 2 class extension to Hendrefoilan Primary School. The payment will be made before the occupation of the 51st home on the site
- o Affordable housing - 10% of the homes on site will be affordable (according to prevailing definitions). These will comprise a mix of 2 and 3 bed homes and will be offered to the nominated RSL/Council at 70% of Open Market Value or ACG (whichever is lower). Phasing to be agreed but the working proposition is that 70% of the affordable homes will be delivered by the time 50% of the market housing is complete, and all of the affordable will be provided before 70% of the market housing is complete.
- o Transport - A sum of £20,000 is to be paid before the occupation of the 51st dwelling towards improvements to the traffic lights at the Gower Road/Wimmerfield Road junction.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

### ITEM 3 (CONT'D)

APPLICATION NO:

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Reserved matters approval for the first phase (Phase 1A) of the development involving the construction of 43 no. two / three storey dwellings and associated access, infrastructure and engineering works was granted 15 June, 2016 and construction is well underway (Ref:2016/0177). The Phase 1A proposal included the provision of 4 no. affordable housing units (Plots 1 - 4) as a 10% provision in accordance with the Section 106 Planning Obligation, however, it is indicated that due to a delay in obtaining vacant possession for the next phase of the housing (currently being used as student housing) and the demand experienced on site for market housing, it is now proposed to offer plots 1 - 4 for open market housing and to include an additional 4 affordable housing units within Phase 2.

This current reserved matters application for Phase 2 is for the further demolition of the student accommodation / buildings and the construction of 113 two and three storey dwellings and associated access road infrastructure and engineering works. The 113 houses include a range of terraced, semi-detached and detached houses in a mix of 2, 3, 4 and 5 bedroomed houses including 15 no. affordable units constituting a 10% provision in accordance with the Section 106 Planning Obligation. In accordance with Condition 5 (external finishes), Condition 6 (levels), Condition 8 (internal roads) and Condition 16 (surface water drainage strategy) appropriate details are included with this current submission.

### Main Issues

The principle of the residential development of the site is established under the outline planning permission which also sets out the principles of the development layout for the future development within the approved Indicative Development Framework Plan. The main issues for consideration in relation to this detailed proposal for Phase 2 relate to:

- o Urban design ;
- o Highway layout
- o Other technical issues

The development also needs to be considered against the National Planning Policy guidance through Planning Policy Wales (Edition 9 Nov. 2016) which supports in principle the redevelopment of 'brownfield' sites for new development, in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. Additionally, the proposed development should be assessed against the guidance within Technical Advice Note 12: Design and the Council's Supplementary Planning Guidance.

- o Places to Live - Residential Design Guide (Adopted January 2014)
- o Parking Standards (Adopted March 2012)
- o Planning Obligations (Adopted March 2010)
- o Planning for Community Safety (Adopted December 2012)

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

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

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### Urban Design

In terms of considering the design and layout of the proposed development, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design, in particular, new development should be appropriate to its local context in terms of scale, height, massing, elevational treatment, materials, and detailing, layout, form, mix and density. Additionally, criteria xi of EV1 states that new development should have regard to the desirability of preserving the setting of any listed building. Whilst Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location.

Approximately half of the 18 hectare site was used as student village accommodation with the remainder covered by woodland, a large section of which is protected by Tree Preservation Orders. The vehicular access from Gower Road provides a hierarchical route through the site with local access roads permeating through it. The site topography has determined the layout of the student development, and is steeply sloping in certain areas, which poses several challenges to its redevelopment. The mature woodland areas provide a significant characteristic of the site. Additionally, there are several watercourses which run through the site and woodland areas. The existing road layout, site topography and the mature woodland areas have dictated the Indicative Development Framework Layout. The existing vehicular access from Gower Road is retained as the primary access and the existing spine road through the site and the mature woodland areas would be largely retained.

Condition 1 of the outline planning permission (ref: 2014/1192) requires the proposed development to be implemented in accordance with the approved Design and Access Statement (DAS) and the Indicative Development Framework Plan which set out the vision, objectives, urban design principles and development strategy for the site.

The layout for Phase 2 is generally consistent with the Design and Access Statement (DAS) / Indicative Framework, however, the main deviation from the Indicative Framework Plan is the omission of the second pedestrian stepped street to the west of the 'Quadrant' woodland area. This has left one primary solely pedestrian connection in a north-south direction in combination with the proposed vehicular access (which also forms part of the pedestrian network). It is indicated that this been due in order to target the amount of housing without impacting on the economic viability of the scheme. Moreover, it is considered that the creation of one strategic connection through the heart of the development will provide a legible pedestrian route whilst connecting to the surrounding residential area and local schools / facilities.

The proposed hierarchy vehicular routes remains as approved in the outline application (utilising the central spine road through the development) with secondary routes providing access into the development areas. The connection to the secondary route has been adjusted due to the topography of the site.

The loss of the second north-south pedestrian route means that it is especially important to ensure that the remaining stepped street provides a strong link through the development. Since the application was first submitted, additional information has been submitted indicating how the stepped street will be opened up visually in order to provide more direct and clear sightlines for the legibility of this route.

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ITEM 3 (CONT'D)

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As outlined the steepness of the site dictates that the route would be provided in a series of sections and for pedestrian / community safety reasons, the link must be well overlooked from habitable-room windows of the adjacent dwellings, and additionally the neighbouring dwelling / garden boundaries have been provided with robust enclosures together with a suitable planting scheme along this route to avoid dark recesses/hiding spots for pedestrian safety as well as to protect garden/dwelling security. The DAS indicates that the topography of the site does not allow all properties to front directly onto the pedestrian stepped street (although Plots 130 - 134 would at the top of the street) and natural surveillance will be provided as the rear facades of the split level units would look over the stepped area. Additionally, windows would be incorporated into side elevations where possible set back to the rear of landscaping, and overall would provide an acceptable level of natural surveillance.

### *Condition 22 - Footpath link to Dunvant Road*

There is the requirement to provide a visual connection from the central 'spine' road and also to integrate the southernmost exit/entrance to the stepped street through the development and also across the middle access road. It is proposed to delineate this route through suitable surfacing materials linking the route to the proposed footpath link through the woodland onto Dunvant Road. Condition 22 of the outline permission requires the development layout to incorporate pedestrian connections along Dunvant Road and to be implemented in accordance with the approved phasing programme and this connection will be laid as part of this current phase of development. The engineering layout indicates the alignment of the footpath through the woodland which will be constructed by re-profiling the existing ground levels in order to create an accessible path for users in relation to the level of Dunvant Road. The link will be surfaced with a self-binding gravel and a condition shall be imposed requiring adequate lighting to be installed together with a means of pedestrian containment (such as a guard rail) where it emerges onto Dunvant Road in the interests of public / community safety to prevent pedestrians/cyclists accidentally entering onto Dunvant Road.

The Indicative Development Framework Plan also highlights the provision of a pedestrian link along the north-western boundary linking the existing Hendrefoilan Woods residential development to the west and the provision of this pedestrian connection which is also required under Condition 22 of the outline permission. There is already an informal footpath link through this area with the local community creating a desire line and is widely used by local schoolchildren attending Olchfa Comprehensive School. The implementation of this connection has been discussed with the developer, and whilst details are not included with this current proposal, the link will be provided at a later stage in the development due to health and safety concerns in respect of access through the construction site.

### *Design Layout*

The removal of the 'quadrant' woodland is a key component of this section of the development and due to the challenging site topography; the DAS envisaged the creation of tired development zones working with the site contours with dwellings fronting onto the woodland areas as far as possible. In this respect the proposed layout is broadly consistent with the Framework Plan. The Framework Plan also highlighted new woodland planting in the south-western corner of the site and this needs to be given due consideration.

## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

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The DAS acknowledged the site topography and incorporates a typical section through the upper tiers dealing with the levels / garden treatment with back to back residential gardens / separation distances of 21 metres. In terms of privacy and amenity, the Councils SPG Places to Live Residential Design Guide highlights the requirement to provide a minimum 21metre back-to-back separation distance between habitable room windows.

In circumstances where homes would be set at different slab levels (as is the case here), the higher dwellings can potentially cause issues of additional overlooking and overbearing impact on the lower home/garden space. The Design Guide acknowledges that the potential need for earthworks or retaining structures can limit the useable garden areas of the lower home and is a consideration when assessing the relationship to new and existing homes. It is recommended that the basic separation distances should be increased by 2m for every 1m difference in level but where the increased distances cannot be met then planting or a design solution may be required. It is highlighted that the layout will seek to avoid providing large (2m) retaining walls whilst providing 21 - 23m separation distances. It is indicated that in addition to incorporating the split level units at this location, the proposed layout achieves a 1:10 fall across the rear gardens but with a 3 metre 'level' patio area adjacent to each property. This minimises the difference in levels that needs to be accommodated by retaining features. It is considered that over the minimum 21 m back to back distance between the properties, the significant height difference can be bridged whilst minimising issues of overlooking and physical overbearing.

### *Relationship to Properties in Cowper Close*

In respect of the objection relating to the three storey dwellings on Plots 142 - 145, the developer has provided an additional site section to illustrate that the existing dwellings in Cowper Close and additionally, the engineering layout indicates the finished floor levels of the proposed units and the spot heights of the existing ground levels. These illustrate that the properties in Cowper Close are situated on a higher level (approximately a storey higher than the existing ground level of the student accommodation), and therefore whilst the house types will present a three storey elevation along the street frontage due to the site topography will present a two storey rear elevation when viewed from the rear of the properties in Cowper Close. Moreover, the proposed dwellings would be sited between 25 - 30 metres away from the residential properties in Cowper Close and also orientated at an acute angle, and together it is considered would be an adequate distance in order to avoid any adverse overlooking / loss of privacy or physical overbearing impact. Additionally, this part of the site to the rear of Plots 139 - 148 is proposed to be subject to a woodland planting scheme which was identified within the Outline Approval in order to link the existing woodland areas. Whilst the trees will take a number of years to mature, they will provide additional mitigation in order to safeguard the residential amenities of the neighbouring residents.

### *House Design*

The design of the house types would be similar to those as approved within Phase 1 using a similar palette of materials. It is stated that the proposed palette of materials are intended to add character and a sense of place within a contemporary residential development whilst respecting the context of the site's surroundings. The material palette consists of a mix of natural stone, off-white render, red brick and slate grey roof tiles with white window profiles and black rainwater goods.



## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

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The mix and disposition of the external finishes are generally considered to be acceptable and similarly the contemporary house type designs are generally welcomed at this location. The boundary treatment would consist of a mixture of brick / stone walling where fronting onto areas of public open space with timber fencing along more private boundaries. The front gardens would be enclosed with dwarf walls / railings to provide public / private definition of space.

The primary road access would be tarmacked with the shared surfaces and raised tables finished with concrete setts with block paving to the private household drives. The strategic footpath links (including the link to Dunvant Road) would be surfaced with a self-binding buff coloured gavel.

### **Highways and traffic issues**

The proposed access to serve this further phase of the development will be obtained from the existing central spine access road as envisaged in the outline permission and this phase indicates the provision of three new cul-de-sacs and some frontage development along the spine road. The layout conforms to modern standards and is indicated to accord with advice in Manual for Streets, with the cul-de-sacs consisting of shared surface roads. As previously indicated the internal roads will not be offered for adoption. The Head of Transportation raises no highway objection to this further phase of development.

With regard to the point of objection regarding the road layout within the Phase 1 development, the layout of the secondary road is a cul-de-sac which conforms to modern standards to accord with Manual for Streets and the reduced 4.50 metre road width has been designed to reduce traffic speeds. The cul-de-sac will be designed as a shared surface road laid out with concrete setts giving priority to pedestrians, and as indicated above the estate roads are not proposed to be offered for adoption and retained for maintenance by the developer.

### **Section 106 Issues**

#### *Affordable Housing*

The Section 106 Planning Obligation requires 10% of the dwellings to be provided as affordable housing. The approved Phase 1 scheme under ref: 2016/0177 indicated that 4 of the 43 units (10%) would be provided as affordable housing units. However, it has been subsequently agreed that those 4 units within Phase 1 (plots 1 - 4) will now be used as open market housing. In order to compensate for the loss of these units, it is now proposed to provide 15 of the units as affordable homes equating to 10% of the 152 (39 + 113) units to be constructed under Phases 1 & 2 in accordance with the Section 106 Agreement.

It was originally propose to provide 11 two / three bedroom and four 1 bed maisonettes, however, it was agreed as part of the outline planning permission that two and three bedroom properties to Development Quality Requirements (DQR) standard and not 1 bedroom flats would be provided. This was due to the reduction to 10% equating to less properties and the highest need being 2 & 3 bedroom units. The layout has since been amended to provide the affordable housing in the form of 10 two bedroom & 5 three bedroom two storey dwellings (omitting the 1 bedroom flats). The units will be provided within two clusters within the layout and as further phases of the development are built out there will be the requirement to provide additional affordable housing units.

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### *Education Contribution*

The education contribution within the Section 106 Planning Obligation requires a single payment of £650,000 to be made to fund a 2 class extension to Hendrefoilan Primary School. The Section 106 requires the payment to be made before the occupation of the 51st home on the site which would be delivered as this current Phase 2 reserved matters submission is implemented.

### *Transport Contribution*

The Section 106 Planning Obligation requires a transport contribution of £20,000 to be paid, again before the occupation of the 51st dwelling towards improvements to the traffic lights at the Gower Road/Wimmerfield Road junction which again would be delivered as part of this current phase 2 reserved matters submission.

### *Local Equipped Area of Play (LEAP)*

Condition 18 of the outline permission requires the development to incorporate a LEAP in accordance with details to be submitted for approval and to be provided in accordance with the agreed phasing of development. As part of the pre-application submission there was a discussion about providing the play area towards the woodland area, providing a more natural approach to the play provision of the LEAP.

The siting of the LEAP is highlighted on the Landscape Strategy within the DAS, which indicates it being set back off the central 'spine' road within the area of informal open space but 'encroaching' into the woodland. The siting of the LEAP is indicated within the red line application boundary of this current submission, however, whilst it has been agreed that it will be provided as part of this current phase of the development, it's final detail will be agreed as part of a separate submission to discharge Condition 18 of the outline approval. However, the principal of providing the LEAP at this location is agreed as it would be adequately overlooked by the proposed residential units and would be of an acceptable size and set within a central area of the development and within a wider area of public open space. The final detail and design of the LEAP will require consultation with the Council's Play Team officers as to this approach and other matters regarding the type of equipment etc.

### *Condition 16 - Surface Water Strategy*

The existing surface water drainage system comprises a number of individual small catchments, each served by an existing piped drainage network outfalling directly into the ordinary watercourses on site. The application is accompanied by a Phase 2 drainage layout and drainage strategy. It is proposed to utilise the existing surface water outfall catchments and the strategy ensures there will be no increase in surface water offsite following the development which will be achieved through the integration of SuDs into the drainage network. The Council's Drainage Engineer has reviewed the additional information in accordance with the site's Drainage Strategy and recommends that the site be developed and built in accordance with the drainage network for phase 2.

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### Conclusion

This further phase of this development will generally relate well to the Indicative Development Framework Plan whilst acknowledging that the changes in the layout having responded to the detailed site opportunities and constraints retain the key design principles of the central spine link and retention of the woodland areas. Approval is therefore recommended.

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

### RECOMMENDATION

**APPROVE, subject to the following condition(s):**

- 1 The development shall be carried out in accordance with the following approved plans and documents: [ 8438-PL01 Site Location Plan; 8438-PL02 Existing Site Plan; 1792-A3 - Woodland Link; 1792-A3-07 Landscape Specification & Planting; 1792 -A3- -8 Proposed Woodland Belt to rear of Plots 139 -146; PL15 Site Sections; PL20 House Type H3B791; PL21 House Type H3B839; PL22 House Type H3B938 T1; PL23 House Type H3B938 T2; PL24 House Type H3B965; PL29 House Type H4B1244; PL30 House Type H4B1282 T1; PL31 House Type H4B1282 T2; PL34 House Type H4B1348; PL42 House Type H5B1665; PL43 House Type H5B1858; PL44 House Type A1B1538; PL45 House Type H2B830; PL46 House Type H3B970; PL47 Garages - plans received 10 August, 2017.

8438 PL03 Rev B - Proposed Site Layout Plan; 8438 PL14 Rev A - Street Elevations; 8438 PL16 Additional Site Sections; PL25 Rev A House Type H3B987; PL26 Rev A House Type H3B1271 T1; PL27 Rev A House Type H3B1271 T2; PL28 Rev A House Type H4B1209; PL32 Rev C House Type H4B1305; PL33 Rev A House Type H4B1335; PL35 Rev A House Type H4B1381; PL36 Rev A House Type H4B1475; PL37 Rev C House Type H4B1556; PL38 Rev A House Type H4B1576; PL39 Rev A House Type H4B1668 T1; PL40 Rev A House Type H4B1668 T2; PL41 Rev A House Type H5B1516; PL50 Additional Site Views Plan; 161034 SKC 100 rev G - Phase 2 Engineering Appraisal; 161034 SKC 101 Rev I Phase 2 Visibility and Tracking; 161034 SKC 102 rev H Phase 2 Drainage Layout; 101034 SKC 103 rev G Phase 2 Drainage Catchment Plan; 101034 SKC 105 rev A Phase 2 Longitudinal Section Sheet 1; 101034 SKC 106 rev A Phase 2 Longitudinal Section Sheet 2; 101034 SKC 107 rev C Phase 2 Longitudinal Section Sheet 3; 101034 SKC 108 rev A Phase 2 Longitudinal Section Sheet 4; 101034 SKC 109 rev B Phase 2 Longitudinal Section Sheet 5; C161034 N002 Addendum to Hydraulic Modelling Report; 1792 A3 01 rev C Planting Strategy; 1792 A3 02 rev B Detailed Planting Plan 1 of 5; 1792 A3 02 rev C Detailed Planting Plan 2 of 5; 1792 A3 04 rev C Detailed Planting Plan 3 of 5; 1792 A3 05 rev B Detailed Planting Plan 4 of 5; 1792 A3 06 rev C Detailed Planting Plan 5 of 5 - Amended plans received 18 October, 2017;

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### ITEM 3 (CONT'D)

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PL04 Rev B Materials Plan; PL05 Rev B Boundaries Plan; PL06 Rev 6 Affordable Plan; PL07 Rev B Building Heights Plan; PL45 Rev A - House Type H2B830

Reason: To define the extent of the permission granted.

- 2 Notwithstanding the details indicated in the application, the pedestrian connection to Duvant Road shall incorporate footpath lighting and a safety guard rail where emerges onto the existing carriageway in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.

Reason: In order to maximise the permeability of the site to allow future residents adequate accessibility to local facilities and in the interests of pedestrian safety.

- 3 The integral garages shall be constructed with a clear internal dimension of 6 metres by 3 metres and shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

### 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: [UDP Policies EV1, EV2, EV3, EV11, EV24, EV30, EV33, EV34, EV35, EV36, EV38, EV40, HC2, HC3, HC11, HC17, HC24, AS1, AS2, AS4 & AS6]

- 2 No development shall take place until the developer has notified the Local Planning Authority of the initiation of the development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that Order.

No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is carried out.

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## PLANNING COMMITTEE – 7<sup>TH</sup> NOVEMBER 2017

ITEM 4

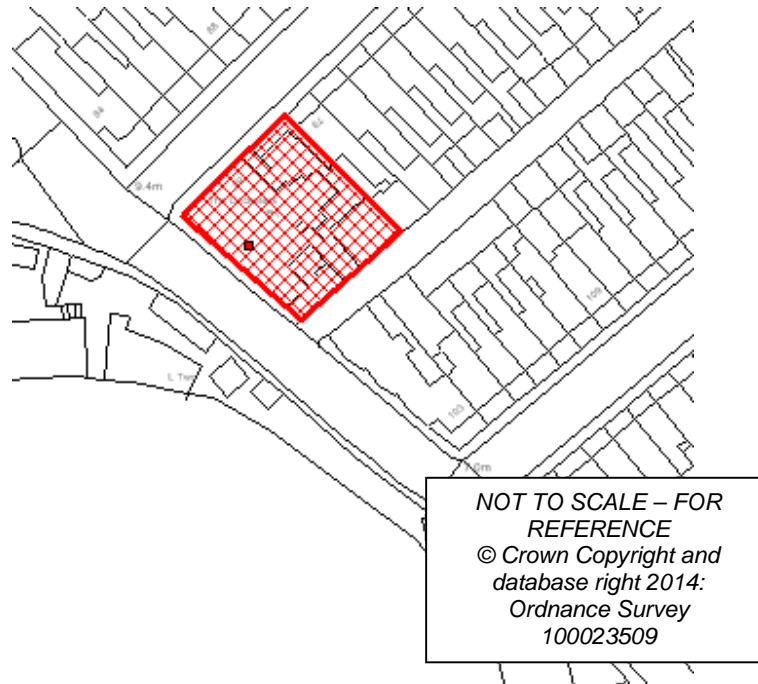
APPLICATION NO: 2017/1819/FUL

WARD: Uplands - Bay Area

Location: The Cricketers , 83 King Edwards Road, Brynmill, Swansea, SA1 4LX

Proposal: Change of use of public house and extensions to King Edwards Road and Gorse Lane elevations to provide 15 student residential units comprising 8no. Studio flats, 2no. 1 bed flats, 1no. 3 bed shared flat, 1no. 4 bed shared flat, 1no. 8 bed shared flat and 2no. 10 bed shared flat (Total of 45no. bedrooms) with associated car parking facilities

Applicant: Swan Lettings Ltd / Kalra Properties Limited



### BACKGROUND INFORMATION

#### **POLICIES**

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV2 - Siting

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).

UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

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UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC6 - Flat Conversions

Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

| <b>App Number</b> | <b>Proposal</b>   | <b>Status</b> | <b>Decision Date</b> |
|-------------------|---|---------------|----------------------|
| 2017/0218/PRE     | PRE-APP Change of use and extension to existing building to facilitate purpose built student accommodation comprising 46 no. bedrooms, social area, garden, bike and bin store and parking for 7 cars   | NEGP<br>RE    | 03.03.2017           |
| 2017/1819/FUL     | Change of use of public house and extensions to King Edwards Road and Gorse Lane elevations to provide 15 student residential units comprising 8no. Studio flats, 2no. 1 bed flats, 1no. 3 bed shared flat, 1no. 4 bed shared flat, 1no. 8 bed shared flat and 2no. 10 bed shared flat (Total of 45no. bedrooms) with associated car parking facilities | PDE           |                      |
| 2001/1989         | Retention of one externally illuminated individual letter sign, two non-illuminated fascia signs, one externally illuminated double sided projecting sign and five non-illuminated wall mounted amenity boards  | APP           | 18.01.2002           |

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ITEM 4 (CONT'D)

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### RESPONSE TO CONSULTATION

10 Neighbouring properties were consulted and the proposal was advertised on site. THIRTEEN LETTERS OF OBJECTION have been received which are summarised as follows:

- 1) Too many student properties in the area
- 2) Highway safety concerns
- 3) Litter
- 4) Noise and disturbance
- 5) Overbearing impact
- 6) Loss of the pub would impact area

THREE petitions of objection have been received, totalling 70 signatures, raising concerns regarding parking issues, noise, overintensification, refuse and community cohesion.

**Welsh Water** - No objection

**Pollution Control** - No objection subject to condition relating to noise control.

**Drainage** - No objection subject to condition.

**Highway Authority** - No objection subject to entering into a Section 106 Agreement and Conditions.

#### 1. Introduction

1.1 This application is for a planning permission for works as outlined above on a site currently used as a public house.

1.2 The applicants undertook a PAC and Highways was consulted as a statutory consultee. Pre-application advice had been given regarding this proposal and the current document provides the elements that had been requested. In addition the principle of a Highways section 106 contribution was requested to improve the infrastructure for walking/cycling in the area. In this instance the sum was £14,400 to be used to improve pedestrian flows using the existing signalised pedestrian crossing on Mumbles Road by the St Helens rugby ground.

1.3 The site is located on the junction of King Edwards Lane with Gorse Lane. The proposed plans show that car parking is available to the rear of the site accessed off an adopted rear lane and cycle parking is also indicated. Pedestrian access is available from the front and from the rear.

1.5 The student accommodation will consist of 15 residential units housing 45 students. .

#### 2. Vehicular Access and Traffic

2.1 There is a car park proposed at ground floor level holding 7 cars. There is also cycle rack providing adequate cycle storage.

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### ITEM 4 (CONT'D)

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- 2.2 All the main roads within the vicinity of the application site have pedestrian footways on both sides of the carriageway together with public lighting.

The student accommodation is likely to generate negligible vehicular traffic due to the limited parking facilities provided which in the main are intended to serve visitors/servicing/and wardens. A Section 106 Agreement to include the tenancy agreement will be required to ensure that students taking up residence do not own cars and bring them to the site or the surrounding area as there is no parking provided for this purpose.

- 2.3 The thrust of land use and transport policy is to promote and encourage the choice of walking/cycling above all else where travel needs to occur. It is reasonable to assume that walking is a viable and growing means of travel and this development should be designed to promote it. The section 106 Contributions which are being requested will support this thrust. The site is ideally placed for bus routes too as well as being a short walk to the Quadrant bus station with national links.

- 2.4 As has been mentioned the main thrust of the modal splits is towards non car modes of transport. For the 78 one bedroom units the sum that will be requested is £14,400 towards a Highways section 106 agreement to promote/enhance cycle/walking/public transport routes. This is in line with the SPG on Highway Contributions and monies have been received (or promised to receive) from other similar student sites across Swansea. At this site the money will be used to upgrade the existing signalised pedestrian crossing on Mumbles Road a short walk from the site providing access to the promenade.

### 3. Car Parking

- 3.1 The site is located outside the City Centre core and as such there is a requirement to provide parking. 7 spaces are being provided and this is in line with the CCS parking standards for managed student accommodation.

- 3.2 The student accommodation is planned to be essentially car-free. 7 car parking spaces are provided for visitor and disabled use. To ensure that this car free arrangement works satisfactorily and does not cause overspill parking problems onto the adjacent residential streets there is a need to ensure that students do not have cars, and that alternatives are in place. The tenancy Agreement will have to form part of the Section 106 agreement which will tie the student residents into not bringing cars to the site.

- 3.3 Due to the lack of parking for the student element there is a requirement for a management scheme to ensure that all the limited parking spaces are managed effectively (including for the ancillary uses) and to ensure that maintenance/servicing can be satisfactorily accommodated. This parking management scheme should also include the start of term drop offs and end of term pick ups as there will be a significant increase in cars that cannot be accommodated within the site.

### 4. Pedestrian and Cycle Access

- 4.1 Pedestrian/cycle facilities are to be enhanced by the development. A sum of £14,400 will be requested. This will be put towards providing enhanced pedestrian/cycle facilities for the existing pedestrian crossing on Mumbles Road.



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- 4.2 Adequate cycle parking is shown to be available so cycling will be a viable sustainable mode of transport particularly in view of the proximity of the site to the NCN Routes.
5. Public Transport
  - 5.1 The site is currently served by frequent bus services along King Edwards Road and Mumbles Road. The site is located within walking distance to the Quadrant Bus station where trips can be made further afield. It is not considered that there are any improvements needed to improve the frequency given the existing levels of service provision.
  - 5.2 The Train Station is further afield but can be reached by a number of frequent bus services that run past the site.
6. Highways Infrastructure
  - 6.1 The applicant will be required to make a contribution of £14,400 which will be used to improve the pedestrian flow on the existing pedestrian crossing on Mumbles Road.
  - 6.2 The change of use proposed is unlikely to have any impact on existing highway infrastructure.
  - 6.3 Existing access points are to be utilized so there are no highway safety issues arising from continued use of the points.
  - 6.4 Accident data showed that there were no obvious issues in and around the site.
7. Conclusions
  - 7.1. The development can be accommodated within the existing infrastructure and parking will be controlled by the use of the tenancy agreement to prohibit cars being brought to the site.
  - 7.2 Pedestrian and cycle facilities will be catered for within the development in conjunction with the contents of the Section 106 and the proposed building layout and the provision of cycle storage and pedestrian access points.
  - 7.3 The use of the incorporation of the tenancy agreement into the Section 106 agreement should ensure that car use is minimized.
8. Recommendations
  - 8.1 I recommend that no highway objections are raised to the proposed development subject to the following;
    - i. The Section 106 to include details of a parking management scheme for the parking area. The document should make specific reference to general day to day management as well as the pick ups and drop offs which will bring more vehicles than can be accommodated at once.

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### ITEM 4 (CONT'D)

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- ii. The Section 106 to include the tenancy agreement to ensure that there is a mechanism for dealing with failure to comply with the parking management regime, in the interests of highway safety as the parking for 'managed student accommodation' is significantly lower than unrestricted residential uses.
- iii. The Section 106 to include the financial contributions as outlined above (£14,400) for the works to upgrade the existing infrastructure pedestrian crossing on Mumbles Road.
- iv. I recommend that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
- v. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
  - i) the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during demolition and construction; and
  - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- vi. The development to be occupied by students only at all times in the interests of highway safety.

### APPRAISAL

This application is reported to committee for decision at the request of Councillor Nick Davies. Petitions containing over 30 signatures have also been received and therefore the criteria set out in the Council's Constitution has been reached.

### Description

Permission is sought for the change of use of public house and extensions to King Edwards Road and Gorse Lane elevations to provide 15 student residential units comprising 8 no. studio flats, 2 no. 1 bed flats, 1 no. 3 bed shared flat, 1 no. 4 bed shared flat, 1 no. 8 bed shared flat and 2 no. 10 bed shared flat (Total of 45 no. bedrooms) with associated car parking facilities to include 7 car parking spaces and 36 cycle parking spaces at The Cricketers, 83 King Edwards Road.

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### Background

Pre-application advice has previously been provided (ref: 2017/0218/PRE) for a broadly similar scheme comprising the change of use and extension to existing building to facilitate purpose built student accommodation comprising 46 no. bedrooms, social area, garden, bike and bin store and parking for 7 cars.

At pre-application stage, the proposal put forward was not considered acceptable on design grounds and it was advised that the starting point for any acceptable design proposal would be to assess the context of the locality and provide a design solution based on this assessment. This included amending the extension to 3 storeys with a pitched roof to better complement the scale of buildings and the character of roofs within the street scene. It was advised that an additional floor may be possible within a vaulted roof space and to serve this with feature gable windows given that gables are a feature of both street scenes onto which the proposals front. It was also suggested that the public façade of the extension should be of matching traditional or contemporary character which complements the host building as well as the wider locality.

### ISSUES

The main issues for consideration relate to the principle of use at the location, the visual implications of the extensions and physical works, the impact upon residential amenity, highway safety, drainage and ecology implications, having particular regard to Policies EV1, EV2, EV3, HC6 and AS6 of the City and County of Swansea Unitary Development Plan 2008.

### Principle of Development

The applicant has provided information within the submitted Design and Access Statement setting out that the pub ceased trading in 2015 and despite marketing attempts no interest has materialised which would have allowed for it to re-open. On this basis the current A3 use was held to be unviable and during the period of vacancy the building has fallen into an increasing state of repair.

There are no specific policies within the UDP which would prevent the loss of a public house at this location and whilst being an unfortunate loss its conversion to a residential form of accommodation would much better complement the character of the surrounding area. It can be noted that the area is characterised by residential developments in various forms which include privately owned dwellings, private/rented flats and Houses in Multiple Occupation.

In terms of the principle of student accommodation Policy HC11 refers to 'Higher education campus development' and sets out that the use of appropriate City Centre sites for student accommodation will be favoured whilst Policy HC5 relates to the conversion of dwellings or non-residential properties to HMOs. The development proposed does not relate to campus type development and is not a HMO and whilst these policies provide useful criteria to form a basis of assessment they do not restrict conversion of the building to student accommodation. Relevant assessment is therefore required under more general policies EV1, EV2, EV3 and conversion policy HC6.

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Policy EV1 sets out general objectives of good design in relation to new development whilst Policy EV2 sets out that the siting of new development should give preference to the use of previously developed land over greenfield sites.

Policy EV3 specifically supports change of uses of existing buildings to new uses where these (i) provide access and facilities to all, (ii) provide satisfactory parking in accordance with Council adopted design standards, (iii) Contribute to high quality public realm and (iv) Be accessible to pedestrians, cyclists and users of public transport.

Policy HC6 supports proposals for conversion of larger dwellings and vacant or underutilised commercial and industrial buildings to flats or other self-contained units of accommodation subject to detailed planning considerations.

Alongside this general support for a change of use, and a relevant material consideration, is the lawful use of the building as a public house which comes with a level of noise and disturbance particularly likely to be more prevalent at evenings and weekends. Given this potential disturbance the proposed development comprising of student accommodation is unlikely to result in an adverse level of general noise and disturbance over and above that that could be experienced from a fully operating A3 public house use. It could be argued that the continuation of an A3 use in proximity to residential uses is more harmful then student accommodation which is residential in nature.

On the basis of the above it is therefore considered that student accommodation would, in principle and subject to the criteria set out in the above policies, be acceptable at this location.

### **Visual Amenity**

The proposal has been amended since the initial pre-application stage to reduce the height of the extensions from 4 storeys to 3 storeys in order to respect the height of the existing building and the adjacent 2 storey dwelling which comprises of the end of a long row of terraced dwellings of matching 2 storey ridge heights located along King Edwards Road. In addition, this reduction in height fronting onto Gorse Road is considered to form a far improved relationship to the existing building rather than the unacceptable 'jarring step' up which was previously shown. The slight set down from ridge height is supported as it provides a demarcation between old and new rather than any extension competing with the existing building. This approach allows the existing corner building to remain the key feature of the view along several streetscenes with an extension which compliments rather than competes in terms of scale and appearance. The proposed extension is set back behind the existing building line to Kings Road which helps to maintain the strong building line of the terraces with the existing pub to be retained and set forward as a corner feature. This also assists in giving the required subservient nature of the extension to the host property.

The proposed pitched roofs run parallel to the street and feature a gable facing onto King Edwards Road. The proposed roof form is considered to complement both the existing building and wider streetscene.

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**ITEM 4 (CONT'D)**

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In terms of the elevational treatments, amendments have been made in an effort to ensure the extensions visually correspond with the floor levels of the existing elevations of the pub. The elevations facing onto King Edwards Road now demonstrate a good level of symmetry in terms of fenestration detailing. The existing second floor windows at the pub have been used for reference and replicated to ground, first and second floors of the extension. This uniform arrangement, whilst not providing any hierarchy in windows as you move through the floors of the building, is considered acceptable. With regard to the elevation facing onto Gorse Lane, it is proposed to utilise original openings at ground floor which is supported. Due to the arrangement of existing ground floor openings it is not possible to align all windows above. However, the arrangement to first and second floors makes reference to both the ground floor fenestration detailing and the existing second floor windows at the existing building. It is recommended that the detailing of all windows be conditioned in order for the proposed to match existing in terms of profile, colour and materials.

With regard to the recessed balconies to first and second floors fronting the Gorse Lane elevation of the extension are appropriate to reflect existing balcony on pub as well as to make most of views into St Helens. It is noted that efforts have been made to complement the façade detailing to both Gorse Lane and King Edwards Road elevations. A condition is recommended, however, to ensure new windows and surrounds, and plasterwork columns match existing. It would also be reasonable to condition details of railings/balustrades to ensure they are acceptable.

The supporting drawings indicate a small courtyard area with planting to the front and it is considered reasonable to require a condition of landscaping to ensure the planted area to the front is retained to soften the frontage to King Edwards Road.

The proposal, subject to conditions as mentioned above, is considered visually acceptable having particular regard to the criteria set out in Policies EV1 and EV2 of the City and County of Swansea Unitary Development Plan 2008.

### **Residential Amenity**

In terms of residential amenity the proposal incorporates two extensions, one to the south east of the main building replacing an existing structure, and one to the north east. Both elements are to be three storeys in height. With regard to the south east element, this will project towards the side elevation of the property to the south east which provides a blank end elevation facing the application site. Due to the relationship of the proposal and this property, it is not considered that the proposal will have an adverse physical impact in terms of overbearing or overshadowing in this instance. Furthermore, whilst there are high levels of fenestration proposed, the separation distances, relationship to neighbouring properties to the south east and elevational treatment of neighbouring properties would dictate that there would be no unacceptable loss of privacy that would warrant a refusal in this instance.

With regard to the impact on the properties to the north east, this element of the proposal will increase in height and proximity to these properties. The end gable of the property closest to the application site contains no fenestration. The rear wing is offset from the side gable end, being set back from the application site by approx. 2.5m and a further 1.8m to the side elevation of the proposed elevation. This relationship is considered appropriate and would not represent a significant difference above that which currently exists.

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**ITEM 4 (CONT'D)**

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There are windows proposed on the north eastern elevation, however, giving their siting along the building these will face the blank elevation of the neighbouring property as opposed to overlook any windows or private amenity space. These do not serve habitable rooms but internal access corridors. The proposed rear stair case on the building is a sufficient distance from the existing boundaries of the site and accordingly will not overlook neighbouring occupiers. As a result it can be concluded that the development will not result in adverse overlooking issues in this instance.

With regard to the wider surrounding area, directly opposite lies the St Helen's Rugby and Cricket ground and northwards the application site is separated from the residential properties by King Edwards Road and Bryn Road. Again, there are no physical overbearing issues to address in this instance.

Concerns have been raised in connection with potential noise pollution from the proposed student accommodation, social disquiet from the remainder of permanent residents of Brynmill given late night noise and anti-social behaviour in addition to pressure being created in terms of litter dumping and conversion mess.

Consultation has been undertaken with the Council's Pollution Control Section who have raised no objection although suggest a condition in connection with traffic noise and that a scheme be submitted to provide for all habitable rooms to have sound insulation measures. There is no evidence here to suggest that the student accommodation would bring noise and disturbance of a level that would be harmful to warrant a refusal of planning permission. Late night noise, anti social behaviour and litter are issues that are resolved under separate legislation and are not determining issues in the current planning application.

On the basis of the above it can be regarded that the application is acceptable in respect to impacts upon residential amenity and complies with the requirements of policies EV1, EV2, EV3 and HC6 of the Unitary Development Plan.

### **Highway Safety and Parking**

The supporting information to the application sets out that the redevelopment will provide 15 student residential units and that it is envisaged that the development will be essentially car free on a day to day basis. It is suggested that the development will result in a significant reduction in terms of car travel to and from it when compared to the fall back use of a public house.

Notwithstanding the above the application includes 7 car parking spaces to the rear which is in accordance with the Council's Adopted Car Parking Standards SPG for 'Purpose Built Student Accommodation' which states that 1 space per 25 bedrooms should be provided in purpose built accommodation albeit that this is not a wholly purpose built scheme but a conversion and extension. It is envisaged that these spaces will be for visitors to and from the site and for drops offs. In addition the scheme puts forward 36 cycle parking spaces.

It can be noted that in comparison parking standards for a public house extend to 1 space per 5m<sup>2</sup> of public area in addition to a requirement for 1 commercial space and 1 space per 3 non-resident staff. Taking into account solely the ground floor spaces within the building, and there being 3 non resident staff then there would be a likely requirement for up to approximately 38 car parking spaces and there are no existing spaces on site.

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Consultation has been undertaken with the Highway Authority in which no objections have been raised subject to conditions and subject to the applicant entering into a section 106 agreement in relation to providing for a mechanism to deal with parking management, tenancy agreements to prevent students bringing cars to the site and a financial contribution in connection with works required to upgrade the existing signalised pedestrian crossing on Mumbles Road a short walk from the site providing access to the promenade.

Whilst it is reasonable to provide for some control over parking management on site in the form of suitable planning conditions in addition to a financial contribution to provide appropriate pedestrian links in the area to serve this development, in this particular instance it would be considered unreasonable to enforce that all those living at the site do not bring a car to or near the development site. As set out above the former public house would have attracted a parking demand in excess of that required by student accommodation. Given that the scheme complies with the figures presented in the Parking Standards SPG for 'Purpose Built Student Accommodation' and notwithstanding that this scheme would be a 'conversion' opportunity it would be onerous to enforce a further obligation upon the developer.

Added to the above the applicant has pointed out that the site lies within a sustainable location and within a reasonable distance of services including a takeaway, convenience store, laundrette, restaurant, store and beach and watersports centre all within walkable distance of up to 230m. In addition a bus stop is located within 125 metres of the site with frequent bus services. Furthermore the road network adjoining the building along Gorse Lane is subject to Traffic Regulation Orders and King Edwards Road is subject to a residents only parking scheme.

Attention can be drawing to an appeal decision of 29th June 2017 in connection with a 500 bedspace student development proposal allowed at Plot A1, Kings Road (References 2016/1511 and APP/B6855/A/16/3164052). In that particular instance the Planning Inspector noted that the development did not achieve the extent of parking provision set out in the SPG, however, considered that the site was in a sustainable location for the proposed use. Whilst a legal agreement was put forward with a covenant that would restrict occupation of the development to students with a tenancy agreement that they shall not keep a motorized vehicle within 3 miles of the site the Inspector did not consider that this covenant would meet the statutory and policy tests given that he had already concluded that the effect of the proposed development upon highway safety was acceptable in its own right. A similar scenario can be drawn to the current proposals in which the development is acceptable on its highway safety impacts alone and it would be unnecessary to further control through a covenant over bringing a vehicle to the site.

On the basis of the above it is considered that the application is acceptable in respect of highway safety and parking. The compliance with the adopted parking standards, provision of suitable conditions and a Section 106 for improvements to pedestrian links render that there are no grounds to object to the application as submitted and the scheme complies with Policy AS6 of the Unitary Development Plan.

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### Drainage

The application form identifies that foul and surface water discharges are to be through the mains sewer. The Council's Drainage Officer has been consulted and raised no objections and notes Welsh Water have raised no objection. A condition to require a scheme of comprehensive and integrated drainage is recommended and in view of the extensions to the buildings this is considered reasonable.

### Ecology

The application submitted identified that there is no reasonable likelihood that the site supports protected species and given NRW's comments at pre-application stage about seeking assistance as to whether or not the building does contain bats, a European Protected Species, the applicant undertook a Bat Survey to support the application. The Bat Survey identified that the Cricketers did not support roosting bats at the time of the survey and there was only very limited potential for bats to access the building wall tops. An observation study showed no bat activity associated with the building and very limited activity generally in the area. On this basis the Local Planning Authority can be satisfied that there is no potential adverse harm from the development in relation to ecological issues.

### Conclusions

Having regard to all material planning considerations, including the Human Rights Act, it is considered that the proposal represents an acceptable form of development having particular regard to the criteria set out in Policies EV1, EV2, EV3, AS6, and HC6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, approval is recommended.

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

### RECOMMENDATION:

**APPROVE, subject to the completion of a Section 106 Planning Obligation to include a financial contribution to highway infrastructure as set out below:**

1. Highway Infrastructure

Financial contribution of £14,400 to be used to improve pedestrian flows using the existing signalised pedestrian crossing on Mumbles Road by the St Helens rugby ground. The contributions to be made prior to first beneficial occupation of the development.

**and subject to the following planning conditions:**



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- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan and Block plan 00REV A received 14th August 2017; Proposed ground floor 10 REV C, proposed first floor 11 REV C, proposed second floor 12 REV C, proposed third floor 13 REV C, proposed roof plan 14 REV C, proposed front elevation 15 REV C, proposed rear elevation 16 REV C received on 1st September 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby approved , including large scale drawings of typical window profiles and metal railings to an appropriate scale, have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 4 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:  
  
All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35dBALeq16hour during the day and 30dBALeq8hour at night.  
  
The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.  
  
Reason: In 2012 Welsh Government carried out strategic noise mapping to meet the requirements of the Environmental Noise Directive (Directive 2002/49/EC) and the Environmental Noise (Wales) Regulations 2006 (as amended). The maps show that the proposed development is exposed to noise levels between 55 - 65dB LAeq,16 and 50 - 60dBLnight. According to TAN11: Noise (1997) the development falls into Category B for the daytime period and the night-time period. In Category B noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection.
- 5 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network.

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The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

- 6 Prior to the beneficial use of the development, details of a Waste/ Refuse Management Plan (including recycling facilities) for the future operation of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place and be managed in accordance with the approved plans.

Reason: To ensure the management and movement of refuse within the site in the interests of site safety.

- 7 The development shall be carried out in accordance with a Travel Plan to be submitted to and approved in writing by the Local Planning Authority prior to any beneficial use of the development commencing.

Reason: In the interests of sustainability and to prevent unacceptable highway congestion.

- 8 No development shall take place until details of the construction of the car park and bicycle store area shown on the Block Plan Drawing Reference 00 Revision A including levels, drainage and details of the finished surface and space demarcation have been submitted to and approved in writing by the Local Planning Authority. Development shall be completed in accordance with the approved details prior to the first beneficial occupation of any part of the development and the car parking spaces shall remain available for their designated use for the lifetime of the use.

Reason: To reduce the likelihood of obstruction of the highway or danger to road users, to maintain a minimum amount of interference to the free flow of through traffic, to ensure that no deleterious material is carried onto the road and in the interests of road safety.

- 9 No development shall take place until a Parking Management Scheme in connection with the approved parking area has been submitted to and approved in writing by the local planning authority. The scheme shall make specific reference to general day to day management as well as the pick ups and drop offs which will bring more vehicles than can be accommodated at once. Development shall take place in accordance with the approved Parking Management Scheme.

Reason: In the interests of parking and highway safety.

- 10 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

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- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 11 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 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: Policies EV1, EV2, EV3, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 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).

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