



City and County of Swansea

Notice of Meeting

You are invited to attend a Special Meeting of the

Planning Committee

At: Remotely via Microsoft Teams

On: Tuesday, 22 March 2022

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

Councillors: C Anderson, P M Black, P Downing, W Evans, M H Jones, M B Lewis, R D Lewis, P B Smith, D W W Thomas, L J Tyler-Lloyd and T M White

Watch Online: <https://bit.ly/3tMEFOs>

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| 2 | Disclosures of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Items for deferral/withdrawal. | |
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Next Meeting: Tuesday, 5 April 2022 at 2.00 pm

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

Huw Evans
Head of Democratic Services
Tuesday, 15 March 2022

Contact: Democratic Services - 636923

Agenda Item 4

City and County of Swansea
Dinas a Sir Abertawe

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

DATE: 22nd March 2022

Bay Area Team Leader	Area 1 Team Leader Andrew Ferguson - 633947	Area 2 Team Leader Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cockett Cwmbwrla Landore Llangyfelach Llansamlet Mawr Morrison Mynyddbach Penderry Penllergaer Pontarddulais Townhill	Bishopston Dunvant Fairwood Gorseinon Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Penyrheol Upper Loughor

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

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



TWO STAGE VOTING

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

The first vote is taken on the officer recommendation.

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

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

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

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

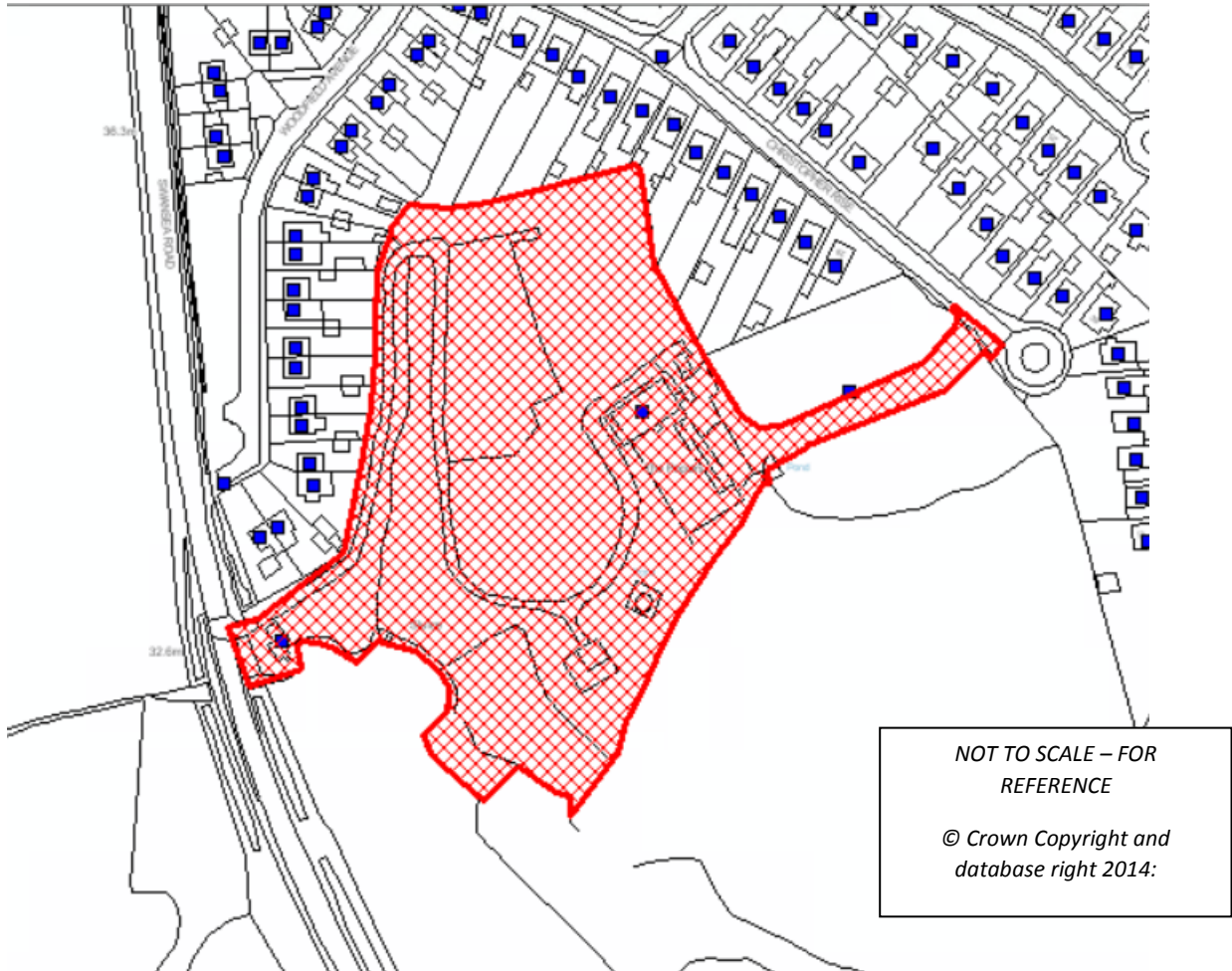
Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

Contents

Item	App. No.	Site Location	Officer Rec.
1	2020/0434/FUL	The Poplars, Pontlliw, Swansea Construction of 9 no. new dwellings with associated access, garages, parking and open space, conversion of The Poplars into 2 no. residential units, conversion of stable building into 1 no. residential unit, demolition of lodge building and associated works	Approve
2	2021/3008/FUL	73 St Teilo Street, Pontarddulais, Swansea, SA4 8SS Change of use from retail (Class A1) to an osteopathy clinic (Class D1)	Approve

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Item 1 **Application Number:** 2020/0434/FUL
Location: **Ward:** Llangyfelach - Area 1
 The Poplars , Pontlliw, Swansea
Proposal: **Construction of 9 no. new dwellings with associated access, garages, parking and open space, conversion of The Poplars into 2 no. residential units, conversion of stable building into 1 no. residential unit, demolition of lodge building and associated works**
Applicant: **Garrison Barclay Estates**



Background

This application is being reported to Planning Committee as the site exceeds 2Ha and the Local Member has called it in and it has hit the committee objection threshold.

The Local Ward member has also requested that a Committee site visit is undertaken but Officers do not consider it is essential at this time given the Covid situation.

There is no planning history on the site itself but 11 dwellings were approved subject to a Section 106 Agreement in May 2019 on the adjacent site, land off Christopher Rise (Ref: 2017/1342/FUL).

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The Local Planning Authority are also currently considering a Listed Building Application (Ref: 2020/0435/LBC) for the conversion of the Grade 2 Listed Building into 2 residential semi-detached units and conversion of Grade 2 Listed stable building into single dwelling. The application is currently under consideration.

Site Location

The site comprises 2.4 hectares (ha) consisting of the former house and gardens of The Poplars, a late 19th century private house, as well as former agricultural land to the east and is located on the edge of the village of Pontlliw, the centre of which is located c. 550m to the north. The site is densely populated by trees and shrubs and access to the site is currently gained via a private drive from the A48 Swansea Road.

The Grade II listed house and stables were listed by Cadw in 2018 due to their 'special architectural interest as a late C19 house of exceptional style and quality, retaining its original character.'

The structures considered to be part of the curtilage of the listed buildings were identified as the pond/water feature near the stables and the possible gazebo and brick garden walls but the remains of the entrance lodge were stated as excluded from listing due to their derelict condition.

Description of Development

Full planning permission is sought for the construction of 9 detached dwellings, (5 x 4 bed and 4 x 3 bed) at The Poplars in Pontlliw together with the vertical conversion of The Poplars Grade 2 Listed Building into 2 x 4 bedroomed self-contained units and the conversion of the existing stable block, also a Grade 2 Listed Building, into a 3 bedroomed dwelling. All of the new properties would be 2 storey in height, constructed in a red heritage brick with grey fibre cement timber effect cladding of contemporary design.

One of the new dwellings (Plot 12) i.e. The Lodge, will be sited to the very west of the site with its access off Swansea Road. The remainder of the new dwellings and the converted Stables will be located to the north, west and south of The Poplars itself, all 11 units gaining access via Christopher Rise and through the adjacent previously approved application for 11 dwellings as indicated above. An area of open space will be provided opposite The Poplars, between plots 2, 3 and 4.

The development will include the variety of dwellings as below:

- Plots 1 and 2 would be House Type A – 4 bedroom detached
- Plots 3, 5 and 8 would be House Type B – 3 bedroom detached
- Plot 4 would be House Type C – 4 bedroom detached but with individual fenestration detailing to prevent a blank frontage onto the adjacent open space.
- Plots 6 and 7 would be House Type C – 4 bedroom detached.
- Plot 12 (The Lodge) – would be a 3 bedroom detached.
- The Stables would be a 3 bedroom dwelling.
- The Poplars would provide 2 x 4 bedroom dwellings.

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In addition, a new timber bat house is being proposed to the north east of the Stables (Plot 11) and would measure approximately 4.6m x 5.6m, have an eaves height of 2m and an overall gable roof height of 3.5m

Planning Policy

The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

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

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Planning Policy Wales (11th Edition – February 2021)

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government.

It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

Paragraph 1.2 explains that the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

Paragraph 3.3 states that Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

Paragraph 3.4 notes that meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Adopted Swansea Local Development Plan 2020-2025)

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

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H 2 Affordable Housing Strategy - provision will be made to deliver a minimum 3,310 affordable homes over the Plan period.

H 3 Affordable Housing – sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

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

ER 6 Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

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

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

T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

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

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality.

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Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 5 Avoidance of Flood Risk – In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

H 1 Non-Strategic Housing Sites – land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes

H1.24 Land at the Poplars, Pontlliw 15 units

Supplementary Planning Guidance(SPG):

- Placemaking Guidance for Residential Development (Adopted January 2021)
- Trees, Hedgerows and Woodland (Adopted October 2021)
- Parking Standards (Adopted March 2012)
- Planning Obligations (Adopted March 2010)
- Planning for Community Safety (Adopted December 2012)
- Biodiversity and Development (Adopted February 2021)

Consultations:

Strategic Planning Officer:

The Development Plan:

In Wales, development plans are prepared at national, regional and local scales, and it is these documents together that comprise 'the Development Plan' against which planning applications must be determined, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act:

Future Wales (FW), published by the Welsh Government (WG) on 24th February 2021, contributes the national tier of the Development Plan. It has policies relating to those matters that government considers are a national priority, and matters which are distinctly spatial and require national leadership. FW sits at the centre of the new and refreshed network of legislation, strategies and plans that now govern planning across the country, and it is clear that the document is seen as being a central force for delivering a range of cross cutting, national objectives for the economy, environment and society. This includes delivering transport infrastructure, economic development, enhanced health and well-being, reduced carbon, and biodiversity enhancement. Annexe A sets out some of the key national policies in Future Wales.

A Strategic Development Plan (SDP) for the region will be prepared in due course, which will form the regional tier of the Development Plan.

The Swansea Local Development Plan (LDP), adopted by the Council on the 28th February 2019, forms the local tier of the Development Plan.

Further material considerations:

In addition to the development plan, there are other considerations in terms of local policy/guidance and national policy and legislative requirements that are relevant to determination, as follows:

The LDP is augmented by various Supplementary Planning Guidance (SPG). Annex B of this response sets out relevant extracts from SPG that are relevant to this application

Relevant national policy and guidance is also set out in Planning Policy Wales (PPW) Edition 11 and in Technical Advice Notes (TANs). Annex C of this response lists some of the key relevant policy and guidance set out in these national documents.

In addition to the legislative provisions of the Planning and Compulsory Purchase Act, the following legislation contains important duties that the proposal needs to comply with:

- Well-being of Future Generations (Wales) Act 2015
- Environment Act – including S6 Duty
- Equality Act 2010 – including Socio-economic Duty
- Placemaking and Green Infrastructure (GI)

The Development Plan, comprising Future Wales and the Swansea LDP, places significant emphasis on the importance of placemaking and the integration of multi-functional Green Infrastructure (GI). Welsh Government and Swansea Council are also signatories to the Wales Placemaking Charter which sets out the placemaking principles to be applied to all developments.

The requirement for a strategic placemaking approach to decision making is set out in Future Wales Policy 2 'Shaping Urban Growth and Regeneration, Strategic Placemaking', which sets out principles to be followed to shape urban growth and regeneration (see Annex A of this response for further details). The policy states that development should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with GI. Future Wales makes clear that specific opportunities should be identified, including through GI Assessments, to ensure that GI is fully integrated into development schemes.

Similarly, placemaking and GI is central to the Swansea LDP, as emphasised in Policies PS 2 and ER 2. These state that all proposals should be assessed having regard to these key principles, and should enhance the County's GI network. Policy PS2 also emphasises that development should enhance the quality of places and spaces, and respond positively to the aspects of local context and character that contribute towards a sense of place. The policy states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity. With regard to this need to address key placemaking principles, including the integration and delivery of multi-functional GI within the proposal, it is necessary for the Delegated/Committee Report on this application to set out whether the policy requirements have been met in this regard. In terms of GI, this means highlighting whether appropriate opportunities to retain existing GI networks, or plugging identified gaps in the network have been explored at all relevant scales of the development.

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Proposal:

This is a full planning application for the construction of 12 new dwellings in total with associated access, garages, parking and open space. It comprises 9 no. new dwellings, conversion of the 'The Poplars' building into 2 no. residential units, and conversion of a stable building into 1 no. residential unit. The proposals also include demolition works associated with the lodge building and other associated works. The applicant has also recognised that an application for listed building consent was required. This response relates to both the full and the listed building application.

This site is an allocated non-strategic housing site (H1.24) in the Plan with an anticipated capacity of 15 units. The principal of housing development on this site has therefore been established as acceptable through the LDP process. The site is considered appropriate for up to 15 units (subject to detailed assessments) and deliverable within the Plan period, and is a site that makes an important contribution to delivering the LDP housing requirement identified in Policy PS 3.

The number of residential units proposed on the current submitted plans equates to 12 in total, which is 3 units short of the anticipated capacity as set out in Policy H1.24. The applicant has stated in their supporting information that in keeping with Placemaking principles the capacity has been reduced to reflect the site constraints (listed buildings, TPOs and topography) and the character and setting of the site as a rural edge. The site capacity identified in the LDP (i.e. 15) does not represent an absolute figure in terms of what is required on the site and it is right that the actual number of dwellings considered suitable should ultimately be based on the consideration of detailed appraisals carried out into the sites characteristics and constraints, which the applicant has done.

LDP Policy PS2 is founded on Placemaking principles, which is a cornerstone of the national planning agenda in Wales and the sustainable development objectives which underpin it. All new development can contribute in some form to the making of places, and influence how that place will be experienced and enjoyed (i.e. its 'sense of place'), which will stand as a legacy for future generations of occupants and visitors. Policy PS2 provides detailed guidance on placemaking and place management. It states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. It also states, the design, layout and orientation of the buildings proposed on this scheme should ensure that no significant adverse impacts would be caused to people's amenity. The Policy also recognises the importance of safeguarding the County's unique historic and culture heritage, which is an issue of particular relevance for this application as it proposes alterations and a change of use of Listed Buildings. The detailed comments from the Placemaking and Heritage Team will be important when considering compliance with the key requirements of the policy in this regard.

An extract of The Development Requirements for this site are set out in Appendix 3 of the Plan. This provides detail of key infrastructure requirements identified for this allocated site, together with site informatives to highlight where further assessments will be required to establish the impact of development in relation to identified issues, constraints and designations. Where impacts of development have already been established the table sets out the required mitigation measures or measures to retain/enhance identified natural or built heritage assets. The information is intended to make developers and site promoters aware of some of the key issues that proposals will need to address.

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Proposals will be expected to consider these principles, and integrate any development requirements that are highlighted, in the context of the particular circumstances that apply at the time of any future planning application, including financial viability.

Table 1: Development Requirements for LDP Allocation H1.24 (Extract from Appendix 3 Allocated Site Requirements and Informatives)

Site Ref & Name	H1.24 - Land at the Poplars, Pontlliw	
		SHPZ GNW
Education	Off-site financial contributions under S106 to existing Primary and Secondary Schools in the catchment area. In accordance with Policy SI 3 Education Facilities.	
Green Infrastructure Network	Provide Green Infrastructure network throughout the site in accordance with Policy ER 2 Strategic Green Infrastructure Network.	
Open Space	Provision of Open Space in accordance with the FIT guidance set out in Six Acre Standard Document, Policy SI 6 Provision of New Open Space, Council's Open Space Assessment and Open Space Strategy.	
Biodiversity Measures and Environmental Enhancements	Biodiversity and environmental enhancements in accordance with relevant LDP policies, which may include the requirement to submit and agree ecological management plans. (Policies ER 9 Ecological Networks and Features of Importance for Biodiversity, RP 1 Safeguarding Public Health and Natural Resources, RP 2 Noise Pollution, RP 3 Air and Light Pollution, RP 4 Water Pollution and the Protection of Water Resources, RP 6 Land Contamination, RP 7 Land Instability).	
Social Infrastructure	Provision in accordance with Policy SI 2 Providing and Safeguarding Community Facilities and Locally Important Uses.	
Transport	None	
DCWW WWTW	Gowerton WwTW: no issues in the WwTW accommodating the foul flows from the allocation.	
	DCWW HMA Foul Water	No
	DCWW HMA Clean Water	No
	Compensatory Surface Water Removal	Yes ³
Flood Risk	No	
Welsh Language Action Plan	Yes	
SINCS	SINC	
Other Informatives	TPO'd woodland, hedgerows and mature trees should be safeguarded and retained in development.	

A key element of the application is the effect of the new build on the setting of the designated heritage assets, and the works to be carried out to the listed building. I note that a Heritage Impact Statement (HIS) has been submitted. Consideration of the appropriateness of that HIS should reference the requirements set out in LDP Policy HC 1 Historic and Cultural Environment and Policy HC 2 Preservation or Enhancement of Buildings and Features. Ultimately it is essential that the proposals are considered to preserve or enhance the County's buildings and features of historic importance in compliance with the policy principles. The detailed comments from the Placemaking and Heritage Team will be important in this regard.

LDP Policy ER 2 sets out the requirements for GI provision in Swansea. Green infrastructure In accordance with ER 2 proposals should, at the earliest stage, consider all opportunities to maintain and enhance the multifunctional benefits of the County's green infrastructure network. The principle of multi-functionality is key to delivery of GI. It will require a multidisciplinary approach to ensure that matters relating to drainage, ecology, active travel, open space, air/noise/light and water quality are all considered holistically and that each element of infrastructure proposed is designed in such a way to perform functions and provide benefits which go beyond their obvious primary function. For example, the primary function sustainable infrastructure is to manage the flow of surface water run-off, however an optimal GI solution would also address improvements to the quality of the surface water run-off and its impact on species and habitat in the wider catchment area.

Having regard to the above policy requirements, in determining the application the Planning Authority must be satisfied that the applicant has sufficiently engaged with the Council as part of the commitment to ensure proposals adhere to the principle of creating a connected multi-functional Green Infrastructure network within the site. Fundamentally, in order for the Council to effectively appraise the proposals against the relevant LDP GI Policies and the requirements of national policy, the application must clearly demonstrate how the elements of green infrastructure proposed as part of the scheme are a reasonable and justified response to the constraints and opportunities identified on the site, and show how the development will maintain and enhance the GI network and deliver the key requirements of multi-functionality and connectivity. The applicant has provided some details of its green infrastructure proposals for the scheme (although there is no specific GI strategy set out) but there is limited information on the proposed multi-functional benefits of the GI provision. From the details that have been submitted, including statements made in the DAS and the submitted Landscape Plan, it is clear that significant thought has been given to how the scheme interacts with the surrounding landscape and will incorporate GI in the form of new planting and landscaping and integration of SuDS features. An initial officer assessment of the potential multifunctionality of the current proposals as understood from the various submitted documents is provided below. The applicant should be advised that these features should be presented on a single plan/drawing within the DAS. This will enable all functions and benefits of the GI proposed to be clearly communicated.

Initial Appraisal of GI Functionality:

The Drainage Strategy provides a good range of SuDS measures, including swales, bioretention, raingardens and rain water harvesting. These will provide additional GI functions such as improvements of water quality, infiltration and evapotranspiration. However, the Drainage strategy does not provide specific details of how proposals will directly address SuDS standards relating to biodiversity.

Soft landscaping proposals have considered biodiversity and include planting of native shrubs, wildflowers and hedgerows. Areas of soft landscaping are well integrated into the proposals and have had regard to the need to maintain and enhance ecological connectivity for extant species on the site. The restoration of the historic pond and planting of other wet habitats on the site will enhance habitats for reptiles present on the site. A significant number of trees will be retained on the site which will provide biodiversity, surface water management, evapotranspiration, cooling and shading and health and well-being benefits. The combination of these measures will enhance ecological connectivity both throughout the site and to the high quality ecological networks surrounding the site which is a key function of quality green infrastructure.

Hard landscaping and boundary treatments will provide GI functions through provision of permeable paving, and biodiversity enhancements through provision of a standalone bat lodge integrated bat roosts in each property, and appropriate gaps in fencing to maintain ecological connectivity for small mammals.

Policy ER 9 requires that development maintains and enhances ecological networks and features of importance for biodiversity. The Council's ecologist should be consulted to establish what measures are appropriate to enhance connectivity within the site and to consider if the measures included are appropriate in terms of delivering biodiversity enhancement.

All residential development must accord with the principles of providing good children's play and leisure opportunities as outlined in Policy SI 6 Provision of New Open Space. The Policy requires open space provision for all development proposals of 10 units or more. The quantity, quality and location of the open space contribution required is determined against the standards set out in the most recent Open Space Assessment (OSA). The OSA incorporates the widely acknowledged national standards for Fields In Trust (FIT) and Accessible Natural Green Space (ANGS) provision as set out in 'Beyond the Six Acre Standard - Guidance for Outdoor Sport and Play (Wales) and the NRW (formerly Countryside Council for Wales) toolkit for assessing ANGS respectively. The application site is based in the Llangyfelach Ward and based on the findings in the OSA, the Ward has insufficient FIT provision as set out in the guidance. There is a significant amount of ANGS in the ward but the majority of Pontlliw has insufficient access to ANGS and is almost entirely deficient. The FIT scale of development quantity guidelines indicates that, as a minimum, a Local Area of Play (LAP) should be provided. Fundamentally, it is clear that there is significant deficiency to FIT provision in Pontlliw which the new development would exacerbate and therefore the quality and function of the open space provision proposed within the site is a key issue for determination.

The consideration of the open space requirements for this site must have regard to the unique characteristics of the site, which I recognise is one of historic and cultural significance, which will have a significant bearing on the scheme's design. It is also a constrained site in terms of its developable area. I note that the applicant highlights that they consider the open space should "reinstate a more formal garden feel appropriate to the sites history". This approach is respectful of the sites character which is welcomed, but it remains a material consideration that the standard definition of a LAP is a small area of open space specifically designated and primarily laid out for very young children to play close to where they live, designed to allow for ease of informal observation and supervision and primarily function to encourage informal play and social interaction for toddlers. Whilst a LAP requires no play equipment as such, it should have demonstrative features indicating that play is positively encouraged. My own view is that whilst the 'formal garden' approach may be an appropriate, site specific solution for the open space, further consideration should be given as to how the area of open space will deliver on the necessary informal play function.

The Development Requirements set out above (Table 1) refer to potential Education Contributions. Policy SI 3 makes clear that the requirement for any such contribution will need to be determined having regard to discussions with the Education Department.

Turning to Drainage issues, and in-line with Policy EU 4, the proposal will need to demonstrate that the utility infrastructure is adequate to meet the needs of the development, and if it requires new or improved utility infrastructure, it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure. Policy RP 4 requires that sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

The application proposes 12 separate dwellings which would trigger Policy H3 Affordable Housing, subject to the consideration of the financial viability of the proposal. The site lies within the 'Greater North West' Strategic Housing Policy Zone which has a target affordable housing percentage of 15%. The amplification to Policy H3 states that "In certain developments, where there are fewer constraints or requirements, such as a lack of S106 obligations, a higher percentage than that stated in the policy may be sought in exceptional circumstances.

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Conversely, where the Council is satisfied that financial viability at the target percentages cannot be achieved and/or S106 costs are particularly high, the affordable housing percentage agreed for a proposal may be lower than the target percentages stated in the policy. In such circumstances the Council will work collaboratively with developers to agree an appropriate proportion of on-site affordable housing provision for individual schemes. In the first instance, the full percentage of affordable housing would be sought on-site.

Based on the relevant percentage target and policy amplification, the development would normally be expected to deliver 2 affordable units on site. Having reviewed the submitted information there appears a lack of clarity or justification/explanation of how affordable housing will be addressed by the scheme. The application states that 'Increasing the existing provision of housing stock within the local area is likely to mitigate (to a certain extent) any existing issues of affordability'. The planning statement refers at para 6.2 to a deliverable scheme which would make an important contribution to meeting the Authority's affordable housing need in a sustainable manner. Ultimately, having regard to the policies of the adopted Plan and its supporting evidence, the scheme should deliver 2 affordable homes. These should normally be delivered on site, but in exceptional circumstances an off-site contribution can be considered. Without appropriate affordable housing provision being delivered in association with the development, or the LPA being provided with sufficient information to justify its exclusion (including financial viability evidence), such a scheme would be a departure to the adopted LDP. It should be noted that Policy HC3 makes clear the Council will expect matters of viability to be discussed in an open and transparent manner if these issues are sited as pertinent to not providing the necessary affordable housing on site.

In summary, the above appraisal highlights that the development of the site for a residential scheme remains acceptable in principle having regard to the new development plan and the latest national policy. There are however specific requirements, as highlighted above, that need to be addressed and clarified by the applicant before the scheme can be considered policy compliant. In particular these relate to the delivery of affordable housing and the proposed public open space within the scheme. I have also outlined how the applicant could usefully set out further how they consider green infrastructure opportunities have been incorporated on the site, and how these elements will be multi-functional and maintain and enhance the Authority's GI network.

Given the above I would encourage the applicant to undertake some revisions to the scheme, and/or provide appropriate clarifications, to address the above matters. Any revisions should be done having regard to the separate comments of the Council's Placemaking and Heritage Team.

Strategic Planning Officer's Comments on viability appraisal:

I can confirm that the Council's Placemaking and Strategic Planning Section has reviewed the viability appraisal of the proposed development on the site known as 'The Poplars', which has been undertaken using the Council's Development Viability Model (DVM). The applicant and their agents/advisors have engaged with the Council in an open book manner, which has enabled the Section to fully understand the costs and values associated with the project.

The DVM has itemized a range of abnormal costs, which demonstrate the significant and unavoidable additional costs associated with restoration and enhancement of the fine listed buildings on the site that have unfortunately deteriorated significantly. It also confirms the works required to the walled garden and veranda that are also required to realize the development.

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I am satisfied that a fair and accurate assessment of the scheme's development viability has been undertaken. As well as the abnormal costs associated with the listed building works, the assessment has evidenced the overall build costs and the potential development value that the scheme can provide having regard to sales values.

The DVM shows a profit margin arising from the proposal that is considerably below the 15-20% range specified in national guidance as being acceptable as a margin for developers, particularly where a scheme has a level of additional risk associated with abnormal costs that can affect profitability.

In summary, the findings of the DVM appraisal process are that, having regard to the costs and values associated with bringing the development forward on this site, any S106 contributions relating to affordable housing provision or other financial contributions would reduce the developer's margin to a level that is well below what is considered reasonable for the proposals to be financially viable to be delivered. Should a scheme not come forward on the site due to viability issues, there is a realistic prospect of the condition of the listed buildings declining further, which is clearly a significant concern.

Placemaking and Heritage Officer:

A key element of the planning application is the effect of the new build on the setting of the designated heritage assets. The Heritage Impact Statement (HIS) recognises the significance of the south west (front) elevation of Poplars:

The south-west facing elevation is the front of the house with its main entrance set under a decorative timber veranda, with a balcony above which is covered by the wide eaves of the house's roof. The veranda/balcony structure extends around to the north-west elevation. The timber structure is one of the most prominent aesthetic features of the house's exterior, serving to highlight the main entrance and has an impressive presence in views to the house from the approach on the drive, from the west. The structure, and others like it elsewhere on the exterior exemplify the Alpine Chalet architectural style which the building emulates. Section 4.19 of the HIS notes that the timber structure (SW veranda) is one of the most prominent aesthetic features of the listed building, serving to highlight the main entrance and has an impressive presence in views to the house from the approach on the drive, from the west. The HIS goes on to note that the veranda on the south-west elevation is the most prominent aspect of the exterior carpentry and is considered to possess the greatest aesthetic value (4.59). The amended site plan ensures a positive setting and outlook from this key elevation.

The amended site plan shows plots 2 and 3 moved to the south closer to the drive from the stables and plot 4 have been moved north to retain a lawn area to the west adjacent to the veranda of the Poplars. This ensures the new houses do not crowd the setting of the principle elevation of the listed building and also ensures that there is an open outlook from the veranda.

Plot 4 has also been amended to ensure active frontage at first floor onto the lawn area. This includes habitable room windows and Juliette balcony. The ground floor includes a study window and the brickwork is softened by the hedge running alongside.

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Plot 1 is acceptable on balance within the walled garden to provide active frontage onto the main access and has been moved from the north east to south east area of the walled garden to avoid conflict with protected trees. A method statement is needed to clarify how the new house would be constructed in very close proximity to the curtilage listed wall.

There are no heritage issues with plots 5-8. Other officers may have comments on tree retention etc.

Plots 9 and 10 within main Poplars House supported in principle and the aspects of LBC detail have been resolved in the amended proposals.

Plot 11 within former stable supported in principle and the aspects of LBC detail have been resolved in the amended proposals.

Plot 12 reuses the footprint of the former lodge off Swansea Road (Cadw confirm that this is not curtilage listed). The existing lodge is ruined and proposed is to reconstruct a single house of similar appearance albeit with more contemporary character. This supported in principle but important to reuse brickwork or select new bricks that makes link between function of lodge and main house.

The architecture of the new build is broadly supported and it will be important to match the red brickwork and mortar colour of the listed building to give a synergy underlying the contemporary homes. At present the representation of the Poplars brickwork in the CGIs is incorrect – this shows an orange/ yellow brick whereas the basis of the main house is red brickwork and the new homes should match this. Furthermore the proposed new build drawings annotate a grey cladding whereas the CGIs show a white cladding where the latter has a better synergy with the white veranda of the listed house. Therefore the final materials selection/ colours can be controlled by a condition requiring a composite sample on site.

It is noted that main drive is retained as a landscape feature and active travel route providing vehicular access to the lodge and stables only. The main proposed vehicular access arrangements off Christopher Rise mean that the Poplars will be primarily approached from the north which is the rear and that elevation was never designed to be seen in a formal setting. This change of approach is addressed by reinstating planting outside the northern garden wall to screen the rear elevation.

The HIA identifies that the Austrian Pines along the main drive relate to the original planting scheme (and some are shown in the period photos). The tree report identifies that these trees as a group offer a higher value to the site but removal is proposed on safety grounds. The proposed layout shows these trees removed and replaced with new Austrian Pines which will grow to stature over time to eventually recreate the formal planting along the drive.

The drainage plan proposes a raingarden immediately to the west of the Poplars which will need to be fully lined to ensure no risk of flooding the basement or saturating the fabric of the listed building. This can be controlled by condition.

It is for the case officer to assess amenity and relationship to existing homes.

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The DAS suggests an offsite Affordable Housing contribution and the comments from the Housing Officer requests 2 affordable homes site. A viability appraisal has been undertaken and this suggests that the site is not viable with the costs of renovating the listed buildings and provision of Affordable Housing. Therefore in this instance it is suggested that the requirement for Affordable Housing could be dropped from this site in order to ensure adequate funding is invested in the listed building. This must be confirmed by the detailed viability discussions.

Furthermore a planning mechanism (condition or s106) is required to ensure that the listed buildings are renovated in a timely manner and not left to the end of the development with the risk of further deterioration and insufficient funds. Therefore a phasing such as the following is suggested:

- Renovate entirety of curtilage listed garden walls at same time as Plot 1
- Renovate the Poplars veranda before any ground works in proximity (ie before starting plots 4-8 in the north). This timber structure is in poor condition and must be fully repaired early due to the risk of disturbance from construction work nearby
- Complete the renovation and conversion of the Poplars (plots 8/9) before commencing plots 6 & 7
- Complete renovation and conversion of the stables (plot 11) before commencing plot 8 and 12

Whilst the new build proposals alter the setting of the Listed Poplars and stables, the amended proposals address the main aspects of harm and the presence of new development is considered acceptable on the basis that this will fund the sensitive repair of the designated heritage assets. Furthermore the proposals are considered to accord with the adopted Residential Design Guidance SPG. Therefore the proposals are supported with the following conditions:

- Phasing condition or s106 agreement to require renovation of listed buildings in the development programme
- Composite materials sample panel on site
- Details of SUDs features abutting/ close to listed buildings to ensure no water ingress into the designated heritage asset.
- Method statement for construction of plot 1 in very close proximity to the curtilage listed garden wall

Local Highway Authority:

Previous comments have been submitted, and several concerns were raised, regarding visibility, swept paths and footway widths.

The applicant has submitted revised layout plan, revision E which does overcome most previous objections, the driveway to plot 1 has been relocated, the visibility envelope from the North turning left though the shared space area has been verified at 15mph and is acceptable.

Swept Path analysis has also been undertaken, which shows that the turning head at plots 6 and 7 does work, but with little margin for error, there is scope to push the Eastern footway into the area marked as informal shared activity space', to slightly increase the area for vehicles to turn.

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Footways remain at a mixture of 1m and 2m, again the areas with 1m proposed footpaths, appear to have sufficient space to widen these to form. Whilst 1m widths are acceptable, this is to be considered an absolute minimum width around an obstacle, and the maximum length of the restricted width should be no more than 6m. (Inclusive Mobility DfT).

It is unclear at this point whether the applicant wishes to offer these streets for adoption, it should be noted that whilst formal adoption is a consideration for the Highway Authority it is not mandatory, it is unlikely the Highway Authority would wish to adopt streets with sub-standard footway provision. As such the applicant is advised that future maintenance would require the formal constitution of a Maintenance and Management company.

As detailed in the Pre Application Consultation, the Highway Authority is seeking a contribution of £10k to enhance crossing provision on Swansea Road. The site is beyond normally accepted accessibility limits for modes other than private car. The active travel link using the existing driveway to Swansea Road is welcomed, Swansea Road is busy, and additional assistance in the form of a pedestrian refuge, would enhance provision in the area, and assist in improving the accessibility of the site.

The Highway Authority has no objections to the application subject to the above s106 request and:

1. Prior to commencement of development full details of the proposed access works to the highway shall be submitted and approved in writing by the Local Planning Authority.

All access works, relating to the highway, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.

2. Prior to commencement of development 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].

3. All front boundary treatments shall be kept below 1m in height, in the interest of visibility and highway safety.

4. Prior to commencement of development or any works of site clearance or demolition, a Construction Method Statement shall be 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.

Note 1: All highway works and other development related works to existing or proposed public highway are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group, Swansea Council, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work.

Note 2: The applicant is advised that to discharge condition 2 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Drainage Officer:

We suggest a SAB pre-app is submitted for this application, neither a pre-app or app has been submitted to date. Any SAB comments/requirements have the potential to alter the layout and SuDS design after a planning permission has been granted.

Ecology:

Site of Importance for Nature Conservation (SINC)

The submission of the letter regarding the adjacent Loughor to Penllergaer Railway Line SINC and any impacts on it is acknowledged. It is noted that the letter states that there will be no direct loss of SINC habitats resulting from the development.

Condition:

To protect the SINC from the development, 1.8m close-boarded fencing shall be erected around the SINC/property boundaries (as per recommendations in the SINC letter dated 8/12/2020). This fencing shall not be flush to the ground or shall incorporate 13 x 13 cm gaps at strategic points to allow movement of hedgehogs and other animals.

Tree Bat Roost Survey

It is acknowledged that bat roost potential tree surveys has been undertaken. With regards to removal of trees and bat presence, the methodology contained within sections the Bat Survey Report shall be strictly adhered to.

Condition:

Any trees to be removed shall be done outside of the bat maternity period and hibernation period, following all methodology contained within sections 5.14, 5.15, 5.16 of the Bat Survey Report.

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Further, all trees with features suitable for use by bats, whether confirmed as roosts or not at the current time, shall be checked by a qualified bat ecologist prior to any tree works or removals.

Otter and Badger

The December 2020 Otter and badger report states that otter were confirmed to be using the watercourse and possibly the woodland to lay up. The report also states that the woodland and the stream will remain useable for this species. This must be ensured. The provision of the proposed artificial otter holt as per recommendations in section 5.7 of the European otter and Badger Report (Wildwood Ecology, Dec 2020) as an ecological enhancement is acknowledged, (see enhancements condition below).

No signs of badger were found, although section 3.2 states that some mammal pathways were located, and other evidence in the adjacent plot.

Condition:

Pre-commencement checks for otter and badger shall be undertaken by a suitably qualified ecologist, PRIOR to any vegetation clearance. If any evidence of badger or otter use is encountered work shall stop immediately and the advice of Natural Resources Wales sought before continuing with any work.

Lighting Strategy

Several of the bat species identified at the site, and otters and other species are sensitive to light. Therefore, a detailed, sensitive lighting strategy is required to be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species.

The strategy must also be designed to ensure that the habitats across and adjacent to the site are maintained as dark corridors, ensuring connectivity to the wider environment. The Lighting Strategy should link to the Landscape Strategy (see below re: Soft Landscape Design).

Condition:

A sensitive lighting strategy, designed to ensure that the habitats on site and adjacent to the site, particularly the watercourse and woodland are not lit during the construction, or operation phases of the development (being maintained as dark corridors), shall be submitted to the LPA for approval prior to determination. The strategy shall outline avoidance of impacts of lighting on bats and other nocturnal species and shall incorporate recommendations contained within sections 5.21, 5.22 and 5.23 of the submitted Bat survey report (Wildwood, Ecology, Dec 2020), together with mitigation to reduce light spill from the gatehouse windows. The strategy plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance (with light levels only between 2700-3000 kelvin).

Ancient Semi-Natural Woodland

Ancient Semi-Natural Woodland habitat is located adjoining the site and on site. Therefore any proposals shall avoid any impacts on native and ancient woodland.

Condition:

Direct loss of Ancient Woodland shall be avoided. A minimum buffer of 15 metres shall be provided between the woodland and the proposed development. This is necessary to provide essential root and understorey protection.

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Ideally, the buffer should be planted with woodland edge species or left as natural grass to increase or maintain ecological connectivity and create a transitional habitat i.e. ecotone providing resilience for this sensitive and highly valued habitat.

Condition:

As per details contained within sections 2.19 to 2.22 inclusive of the Dormouse Method Statement document, the specific on-site habitats shall be retained and protected.

Other Trees/ Hedges

All trees on site are protected by a TPO. The Arboricultural Report states that 47 trees are to be removed but it is not acceptable that only 4 trees are proposed to be planted. Section 5.6.3 of the report states that 'Mitigative tree, hedgerow and shrub planting will be required for the loss of the trees on this site through a combination of different diverse tree/shrub species and varied nursery aged stock'. It further states that aftercare is also needed and proposes management of the surrounding woodland. No woodland management plan has been submitted. The details of the submitted Soft Landscape Design is acknowledged. However, the proposed planting should be of local or at Least Welsh provenance.

Condition:

As per recommendations contained within the Arboricultural Report, a Woodland Management Plan shall be submitted to the LPA for approval prior to determination.

Ponds

Section 4.7 of the report states that 'The two ponds onsite will be lost as a result of the proposals, with neither being of optimal biodiversity value. Their loss will however require compensation to ensure that there will be continued standing water habitat onsite to support invertebrates and other species.'

Condition:

As per recommendations within the survey report, full details of the proposed compensation for loss of two on-site ponds shall be submitted to the LPA for approval prior to determination.

Construction Environmental Management Plan (CEMP)

Condition:

A detailed CEMP shall be submitted to the LPA for approval and shall outline all necessary pollution prevention measures relating to nearby water bodies including the wet woodland and watercourses, for the construction and operational phase of the development.

Ecology (Further Comments):

Relevant documents reviewed:

Reptile Mitigation Strategy Report, Wildwood Ecology, March 2021;
Dormouse Method Statement, Wildwood Ecology, December 2021; and
Detailed Soft Landscape Design – Overview, EDP, December 2021.

N.B. these comments refer to the above documents only. Previous comments and conditions from March 2021 regarding the SINC, bats, badger, otter, lighting strategy, nesting birds, ancient woodlands/trees/hedges, CEMP, ecological enhancements, GI & SuDS still apply.

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The three conditions suggested by NRW in February 2022 regarding a LEMP, long-term site security & maintenance and pollution prevention should also be included.

Reptiles & Amphibians:

Please include the following informative:

Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species.

Condition:

The reptile mitigation strategy shall be implemented as submitted. Should significantly different numbers of reptiles or different species be found during the translocation exercise than the expected medium populations of grass snakes and slow worms, an amended mitigation strategy shall be agreed with the LPA.

Condition:

Prior to works commencing on site (including site clearance), a plan showing the locations and specifications of the proposed receptor site enhancements: three hibernacula and three log piles, shall be submitted to the LPA.

Condition:

A post-translocation report shall be submitted to the LPA detailing the numbers and species of reptiles moved, in addition to monitoring reports to be submitted to the LPA following presence/absence surveys in years 1 and 3 post-completion. The monitoring reports shall also report on the condition of the habitat at the receptor areas.

Hazel Dormouse:

Please include the following informative:

Hazel dormice are protected under Schedule 5 of The Wildlife & Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to:

Deliberately take, injure or kill a dormouse;

Intentionally or recklessly disturb a dormouse; or

Damage or destroy the breeding site or resting place of a dormouse.

Condition:

The dormouse method statement shall be implemented as submitted. N.B. the date on the cover page and headers of this document is still Rev E November 2021, however it has been amended since then and should read Rev F December 2021.

Condition:

No works shall commence on site (including site clearance) until a European Protected Species Licence for dormice has been obtained from Natural Resources Wales (NRW) and a copy submitted to the LPA.

Condition:

Results of the post-construction monitoring surveys shall be submitted to the LPA.

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Invasive Non-native species (INNS):

It is an offence to plant or otherwise cause to grow in the wild any plant species listed on Schedule 9 of The Wildlife and Countryside Act 1981 (as amended) or Schedule 2 of The Invasive Alien Species (Enforcement and Permitting) Order 2019.

Condition:

As Japanese knotweed and Rhododendron was recorded on site, an INNS Management Plan shall be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. It should detail methods of avoidance, containment or removal in order to avoid the spread of INNS. If any other INNS are identified during development, works must cease until the management of these species is agreed with the LPA.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

Japanese Knotweed Officer:

No objection subject to the following condition:

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

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement, acceptable to myself, for the control of the plant.

Parks Department:

Parks would like the following to be considered when deciding on planning permission for the attached development.

I believe the proposed development is a mixture of three and four bed homes, which I would assume indicates they are to accommodate families which have children. There is no mention of the provision any play facilities within the development; therefore if we are to follow FIT guidelines there should be the provision of at least a LAP (up to 10 dwellings). Furthermore if we followed FIT guidelines to the detail then there should be a LEAP (between 10 & 200 dwellings).

The village of Pontlliw is devoid of such facilities and the nearest such provision for children is nearly 1km from the proposed development.

Housing Officer:

The Swansea LDP Policy H2: Affordable Housing Strategy states that the LDP seeks to deliver a minimum 3,310 affordable homes over the Plan period. The LDP Policy H3 Affordable Housing sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability.

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In response to the planning consult for 2020/0434/FUL The Poplars, Pontlliw, this site is within the Greater North West Strategic Housing Policy Zone where the LDP target is for a minimum 15% of the total number of dwellings provided on site to be affordable homes. I can confirm that the Housing Service require the provision of 15% affordable housing on site. This site proposes 12 units, which equates to a minimum of 2 units onsite. The LDP policy makes clear that only in exceptional circumstances should the requirement for on-site provision be waived, and off-site provision or contributions be sought as an alternative. Any such proposals would need to be considered against Policy H 4.

The affordable housing must be built to DQR standards, the highest need being for social rented tenure, 2 & 3 bedrooms units. The affordable housing should be integrated into the overall development and should not be obviously segregated through location, layout or design. The affordable units will be transferred to either Council/RSL to be determined/negotiated. This site falls within the Llangyfelach Ward, Band 2 Acceptable Cost Guidance.

Policy H3 recognises that the financial viability of providing affordable housing at the stated targets is a consideration, however a proportion lower than the target percentage can only be justified where there is clear evidence to demonstrate that there are exceptional circumstances that apply, including information relating to development costs and/or planning obligations.

Education:

Position of capacity:

7.1 Primary:

7.1.1. English-medium: the English Medium primary (Pontlliw) is currently overcapacity by 2.75% and by September 2026 it is expected to be at 100% capacity with no unfilled places.

7.1.2. Welsh-medium: the Welsh medium primary (YGG Bryniago) currently has 14.41% surplus capacity and by September 2026 this is expected to increase to 24.77% surplus capacity.

7.2. Secondary:

7.2.1. English–medium: the English medium secondary school (Pontarddulais Comprehensive) currently has 2.97% surplus capacity and by September 2026 this surplus capacity is expected to decrease to 1.43%.

7.2.2. Welsh-medium: the Welsh medium secondary school (YG Gwyr) currently has surplus capacity of 2.63%, however by September 2026 it is expected to be overcapacity by -15.62%.

8. Requested Contribution:

8.1. Providing the information above, Education request a developers contribution for the English medium primary school (Pontlliw Primary) and for the English medium secondary school (Pontarddulais Comprehensive), as the primary school currently has a deficit in capacity with the predictions for no surplus spaces to be available in September 2026, and the comprehensive school only having a very small surplus of places of under the desirable 10% surplus capacity leaving the school with very limited flexibility and taking into account the existing commitments.

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There is no request for a developer's contribution towards Education in respect of the Welsh medium primary school (YGG Bryniago) due to the surplus capacity in the school and the low impact of this development on pupil numbers. There is also no request for a developer's contribution for the Welsh medium secondary school, as whilst the school is expected to be over capacity by September 2026, based on the SPG calculations any contributions for the secondary school are deemed too low to make any positive impact on the buildings.

8.1.1. Primary: A developer's contribution of £45,300 is requested for the EM primary school Pontlliw Primary. No contribution is being requested from the developer for the WM primary school YGG Bryniago.

8.1.2. Secondary: A developer's contribution of £46,144 is requested for the EM secondary school Pontarddulais Comprehensive. No contribution is being requested for the WM secondary school YG Gwyr.

Council's Tree Officer:

All trees on site are protected by TPO 523 that was served in 2006. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The proposed layout is less dense than the previous submission and this reduces pressure on the tree stock especially along the northern boundary of the site. The statement in 5.5 of the arboricultural impact assessment is not agreed with. The development design has considered the size, value and constraints of the trees on this site to ensure they are suitably included in to the design to minimise any future pressures from residents to heavily fell or remove retained trees. Plot 1 will be heavily shaded by the good quality trees on both its eastern and southern sides. This is probably why there is a discrepancy between the arboricultural report and the tree removal plan where tree T800 is shown to be removed in the latter.

The drainage through the root protection areas are acceptable subject to a suitable Arboricultural Method Statement being conditioned or supplied. Plot 1 has been 'flipped' to give more separation from the trees and is now more acceptable.

The garage of plot 8 within the RPA of the adjacent tree has not been sufficiently addressed; the arb' report does not consider foundations for the garage. This needs addressing to make it acceptable.

The landscape plan does not include enough tree planting. 48 trees will be removed and only mitigated with 9 mostly small specimens. There are suitable areas to plant moderately sized trees within the layout.

Please append the following condition as they have not indicated how this will be done in the application.

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No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan and Arboricultural Method Statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The documents shall include: the specification and positioning of temporary tree protective fencing; areas of ground protection, no-dig construction, excavation within RPAs where required and any special engineering requirements. The approved tree protection fencing shall be erected prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the submitted documents, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

Natural Resources Wales:

We note the submission of the Pre-Application Consultation Report, dated March 2020, by Geraint John Planning Ltd. The details of NRW's response to the consultation are given in Table 3 (pages 25 – 37), of the above document.

Although, the report acknowledges some of the comments made as part of our response, the information submitted as part of the current application does not address the requirements laid down in our letter. Therefore, we repeat these comments in our reply to your Authority.

European Protected Species

We note the submission of the following documents;

- 'Preliminary Ecological Appraisal and Preliminary Roost Assessment Report: The Poplars, Pontlliw (Ref: WWE19208)', dated 19th March 2020, by Wildwood Ecology Limited,
- 'Arboricultural Report (Including Tree Survey Data & Tree Constraints Plan, Arboricultural Impact Assessment (Ref: ArbTS_319.16_ThePoplars)', dated 27th February 2020,
- 'Reptile Survey and Bat Activity Report: The Poplars, Pontlliw (Ref: WWE17067.TP)', dated July 2017, by Wildwood Ecology Limited, and;
- Preliminary Ecological Appraisal and Preliminary Roost Assessment Report: The Poplars, Pontlliw (Ref: WWE17044.TP.PRAPEA)', dated April 2017, by Wildwood Ecology Limited.

Bats

The Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (2020), confirms that an updated field survey was carried out on 27th September 2019. Section 2.10 of the report states that the buildings at the site were externally inspected for bats and their signs with the aid of high-powered lamps and close focussing binoculars.

However, the wording of Section 2.11 is unclear as to whether any internal surveys of the buildings were carried out, although Section 2.15 states that the stable block roof void was not fully explored due water damage rendering it potentially unsafe. In addition, apart from a brief mention of cellar (located within the Main House), in Table 5 – there is no indication as to the potential of the cellar to support roosting bats, or whether it has potential to serve as a hibernacula.

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Therefore, we advise that further details and a description of the cellar (along with any access points) should be provided. If access to the cellar is possible (which appears to be suggested by the mentioning of a chute to the south-western aspect), then a Winter Inspection Survey to determine if bats are utilising this feature, should also be carried out and submitted. This additional information should be provided with any future planning application.

The updated information provided in Table 6 and Sections 4.11 to 4.23, confirm that three of the buildings at the site are confirmed bat roosts. Namely, the:

- Main House (Lesser Horseshoe, Common pipistrelles and Soprano pipistrelles),
- Stable-block (Lesser Horseshoe, Brown long-eared and Soprano pipistrelle) and;
- Gate House (Brown long-eared).

In addition, Sections 4.17 and 4.18 indicate that there are a number of trees at the site which are considered to have suitable features to support roosting bats. Indeed, the 2017 static monitoring data implies that tree roost for: Common pipistrelles, Soprano pipistrelle, and Daubenton's (or *Myotis* spp.) are likely to be present on-site.

Despite this conclusion, no tree surveys appear to have been undertaken, even though a significant number of individual trees at the site will be felled, as a result of the development and are also likely be impacted by increases in lighting.

The Arboricultural Report (dated 27th February 2020), by ArbTS (Arboricultural Technician Services Ltd), states that 47 individual trees and 3 small low / poor quality groups of trees, are to be removed as part of the proposal. However, no assessment or surveys of these trees appears to have been carried out in relation to any potential roosting features (PRF's), which these may support.

Therefore, we advise that all the trees, which will be removed, or which will be impacted by the proposed development (i.e. lighting) should be assessed for potential bat roosting features (PRF's).

Trees identified as having moderate or higher bat potential features will require further inspection, such as tree climbing and/or endoscope inspections. These assessments / surveys will be required, prior to determination of any future planning application.

Any surveys to be undertaken should be carried out in accordance with best practice guidance and by suitably licenced and experienced ecologists. In addition, we advise that a detailed Landscape and Lighting Strategy also needs to be provided, which provides 'dark vegetated corridors' across the site and maintains connectivity to the wider environment, and to the proposed bat mitigation, as a number of bats identified as being present at the site are light sensitive species.

We note the proposed recommendation and mitigation measures laid down in Table 7 of the Draft Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (2019). However, as the most recent bat activity surveys were carried out over 2 years ago (June / July 2017), the results of these surveys are now considered to be out-of-date.

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Therefore, we support the recommendation in Table 7, that updated (activity) surveys will be required to inform the EPS license as well as the proposed mitigation and compensation measures. Once the results of the updated activity surveys are available, these should be used to develop a detailed Bat Mitigation Strategy, along with the submission of Annotated Architectural Drawings for the proposed Bat House, and all the other proposed mitigation elements, within the existing buildings.

This strategy should include, but not be limited to, the following:

- Location and dimensions of the Bat House, along with confirmation of the; structure, materials to be used, access points, timetable and phasing of its construction, and the long-term maintenance and security of the building.

This information needs to be provided as part of the full planning application and prior to determination, as it is a material consideration for the Local Planning Authority.

Otter

Section 4.29 of the Draft Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (2019), states that otter are likely to the use woodland and stream onsite. Although, no evidence of otter was found, the report states that; 'the woods were not extensively searched in either 2017 or 2019.'

Furthermore, Section 4.33 states that; 'there may be a negative impact on European otter as a result of the development.'

Consequently, in order to effectively understand the potential impact on otters, we advise that an Otter Survey, in line with best practice guidance is carried out across the site and submitted as part of the planning application.

Depending on the findings of the survey, it may also be prudent to submit an appropriate Otter Mitigation Strategy / Management Plan, which addresses any potential impacts identified by the survey.

Dormouse

Section 4.24 states the previous Ecological Appraisal (2017) found that the site offered suitable habitat for dormouse use and recommended a survey if significant amounts of vegetation were to be removed. The updated Ecological Appraisal (2020), notes that on-site habitats are similar to those previously noted, with an increase in scrub providing additional resources for the species.

It also acknowledges that there are records of the species within 1.2 km of the site, which are linked to the site via areas of scrub and woodland and that it is feasible that dormice are onsite and adjacent to the site (see Section 4.26).

Section 4.28 goes on to state that; 'there may be a negative impact on common dormouse in the short-term (if they are present).' However, despite this information, no dormouse survey has been carried out and/or submitted.

Therefore, we require additional information to be provided in order to allow NRW to advise your Authority, as to whether any impacts are likely to be significant, or short-term.

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Given that the presence of dormice appears to be assumed, we advise that additional information (including, but not limited to the following), needs to be provided as part of the planning application:

- Identification of all dormouse habitat at the site, which is to be removed, retained and created, along with quantifiable figures for each, which can then be used to inform a detailed Dormouse Mitigation Strategy. This should be submitted as part of any future planning application and drawn-up in conjunction with the Landscape and Lighting Strategy and the measures for the other European protected species, present at the site.

Legislation and Policy

Bats, otters and dormice along with their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where European protected species (EPS) are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under a licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any EPS on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Other Protected Species

Badger

Section 4.49 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (2020) states that there were no definitive signs of badger and no setts were found. However, it also states that the woodland was not fully searched.

Given that the earlier 2017 report noted the presence of mammal pathways, which may have been attributable to badger, we advise that you discuss the need for a more detailed survey of the woodland either prior to determination of the application, or prior to commencement of any works – with your Authority's Planning Ecologist.

Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.

If development is to take place within 30m of a badger sett then a licence may be required under Section 10 (d) of the Protection of Badgers Act 1992 before any development can proceed.

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We do not intend to provide further detailed comments on this matter. However, should any future survey identify the presence of badgers at the site, we would strongly advise that the applicant contacts the NRW Licencing Team, at the earliest opportunity, to discuss the proposal.

Reptiles

Sections 4.38 – 4.42 of the Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (2020) states that grass snake and slow worms are known to use the site, based on the 2017 surveys. It is also stated that various works on the proposed site, and adjacent site had added to habitat mosaic on-site, providing further habitats.

Section 4.41 confirms that the development will result in; 'the loss of reptile habitat, with no areas onsite to support any healthy, genetically diverse reptile populations.'

Therefore, as recommended in Table 7 of the above report; we advise that an appropriate Reptile Mitigation Strategy, is discussed and agreed with your Authority's Planning Ecologist.

Your Authority's Planning Ecologist may also wish to comment on other species and habitats, which lie within their remit.

Ancient Semi-Natural Woodland (ASNW)

The Draft Preliminary Ecological Appraisal and Preliminary Roost Assessment Report (2019) and our own records indicate that the proposed development site includes an area classified as Ancient Semi-Natural Woodland (ASNW). The importance of Ancient Woodland is recognised in Welsh Government policy.

Woodlands for Wales (Welsh Government's Strategy for Woodlands and Trees) and planning policy (Section 5.2.9) states that: 'Ancient and semi-natural woodlands are irreplaceable habitats of high biodiversity value which should be protected from development that would result in significant damage.'

Guided by these policies, there is a presumption against the loss of native woodland and particularly ancient woodland as it is a finite resource of high biodiversity value. Therefore, any proposals should consider the sensitivity of the site and avoid any impacts.

Site of Importance for Nature Conservation (SINC)

The report also identifies the presence of the Loughor to Penllergaer Railway Line SINC, with the woodland at the site. For comments in relation to the SINC woodland, along with any mitigation and / or management requirements, we recommend that you consult your Authority's Planning Ecologist.

Pollution Prevention

Given the presence of wet woodland and a watercourse at the at site, we advise that any future planning application should be accompanied by a detailed Construction Environmental Management Plan (CEMP). This should include site-specific measures which will be put in place to prevent pollution to the surrounding land & water environments.

The following condition should be included on any planning permission that the Local Planning Authority (LPA) may be minded to granted.

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Condition: No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: Prevention of pollution to controlled waters and the wider environment.
As a minimum we recommend the plan should include:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off.
- How the water quality of the watercourses will be monitored and recorded.
- What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks, offices, etc.
- measures for dealing with dust
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- identification of any buried services, such as foul sewers, so that they are protected
- details of emergency contacts, for example Natural Resources Wales' Pollution Hotline.

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

Foul Water Disposal

As you may be aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Loughor WFD water body.

Protection of the water environment is a material planning consideration and the Local Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.

We note that it is intended to dispose of foul water to the main sewerage system, which is our preferred and most sustainable method of foul water disposal. We strongly recommend that you consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution.

With regard to surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in to avoid hydraulic overloading of the sewerage system. We also recommend that you consult the Local Authority's Drainage Engineers in relation to the surface water proposals.

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NRW further comments following the submission of further reports :

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition: Landscape Ecological Management Plan Condition: Long term site security and Maintenance Condition: Pollution Prevention

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice.

- The Poplars, Pontlliw, Swansea, Detailed Soft Landscape Design sheet 1 to 4, 22/12/21
- Dormice Method Statement, The Poplars, Pontlliw, Document Ref: WWE190208 DM REV E, 18/11/2021, updated 23/12/2021 • Bat lodge – plan & Elevations 18144(05) 131
- Proposed Site Plan 18144(05) 102 Rev E
- Bat Activity Survey Report, The Poplars, Pontlliw Garrison Barclays Estates Ltd, document ref: WWE19208 BAS REV A | 04/12/2020, by Wildwood ecology.
- Garrison Barclay Estates Ltd The Poplars - Phase 2 Site Location Plan, 18144(05) 100a Rev B
- 42674/PJ/A The Poplars phase 2, by Kingfisher Lighting
- Ecological Letter entitled 'Re: The Poplars, Pontlliw – Response to NRW comments', dated 30/03/2021 by Wildwood Ecology.

Without the inclusion of these conditions and documents we would object to this planning application.

Dormice

Welcome the updated method statement which confirms that wildlife hedge will be outside the curtilage of properties and the updated methodology for clearance of dormice habitat. We note that while the report states it was finalised on the 23/12/2021, the date of the report and revision letter has not been altered from the previous submission. For clarity your authority may wish to address this prior to adding the document to the list of documents to be implemented.

Other matters relating to the detail of the shorter-term management enhancements alongside the long-term management will also need to be addressed. Based on the principle of the mitigation proposals outlined in the Dormice Method Statement, outstanding details relating to management could be addressed via condition securing a Landscape Ecological Management Plan (LEMP).

Condition: No development or phase of development, shall commence until a Landscape Ecological Management Plan for the provision, management and maintenance of the landscape and ecological features at the site, has been submitted to and approved by the Local Planning Authority. The LEMP should include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site
- Details of the desired conditions of features (present and to be created) at the site
- Details of scheduling and timings of activities

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- Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired condition
- Details of monitoring of landscape and ecological feature
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within 25 years of completion of development
- Details of management and maintenance responsibilities
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed. The LEMP shall be carried out in accordance with the approved details.

Reason: A LEMP should be submitted to ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site's landscape and environmental features are adequately managed long term.

Bat house location

We reiterate our comments on our letter of 18 April 2021 that we would wish to agree the precise location and orientation of the proposed bat house at the time of the EPS licensing application. Therefore, we strongly advise that no works to construct or associated with the construction of the bat house are undertaken, until the structure has been entirely agreed with NRW under the licence application.

Long term site security and maintenance

In our letters dated the 3 April 2020 and 25 March 2021, we also highlighted; 'no details have been provided on the site security and long-term maintenance of the bat house and how these will be secured, including but not exclusively who will retain ownership of the bat house and will be responsible for its maintenance long term.' 'While we note the ecological letter states that 'The bat house will be maintained as part of the current ownership (Garrison Barclay Estates) who will be responsible for it in the long term.' However, we do not believe that sufficient detail has been provided to provide confidence that the bat house will be adequately secured and maintained in the long term.' In addition, the Dormice Method Statement states that 'Management of the site (and its compensation and mitigation features) post-construction will be the responsibility of the developer/site owner, Garrison Barclay Estates, who will ensure that all management is carried out in line with this document in the long term.' We do not believe that sufficient detail has been submitted to provide confidence that dormice mitigation habitat will be adequately secured and managed in the long term.

Condition: Prior to the occupation of the development, a long term monitoring plan for protected species shall be submitted and approved in writing by the Local Planning Authority. The long term monitoring plan should include:

- Details of the financial measures to secure ongoing maintenance of the bat house and dormice mitigation areas, associated habitat management and species monitoring provisions;
- Details of the long-term management and maintenance of the bat house and dormice mitigation areas, associated habitat and species monitoring provisions.
- Details of the methods and triggers for action to be undertaken
- Timescales for the long term monitoring and curtailment mechanisms.

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- Timescales for submission of monitoring reports to the LPA e.g. annually
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A protected species, long term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development on protected species. Details and assurances should be provided by the applicant that an appropriately skilled body will be employed to implement the management provisions.

Pollution Prevention

Given the presence of wet woodland and a watercourse at the at site, we advise that any future planning application should be accompanied by a detailed Construction Environmental Management Plan (CEMP). This should include site-specific measures which will be put in place to prevent pollution to the surrounding land & water environments. The following condition should be included on any planning permission that the Local Planning Authority (LPA) may be minded to granted.

Condition: No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: Prevention of pollution to controlled waters and the wider environment.

As a minimum we recommend the plan should include:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off.
- How the water quality of the watercourses will be monitored and recorded.
- What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks, offices, etc.
- measures for dealing with dust
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- identification of any buried services, such as foul sewers, so that they are protected
- details of emergency contacts, for example Natural Resources Wales' Pollution Hotline.

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

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Dwr Cymru Welsh Water:

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response has been included in the accompanying Pre-Application Consultation (PAC) Report, prepared by Geraint John Planning which highlights that foul flows from the proposed development can be accommodated within the public sewerage system albeit that the site is located in an area which has the potential to discharge into national and international designated waters.

Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, must be submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling hereby approved shall be occupied until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.

Coal Authority:

Based on a review of relevant sources of coal mining and geological information, the submitted report concludes that there exists the possibility that potentially workable coal seam may underlie the site. Accordingly, it goes on to make appropriate recommendations for the carrying out of intrusive ground investigations, in the form of boreholes, in order to establish the solid geology beneath the site and to ascertain whether unrecorded shallow workings are present.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development.

The findings of the intrusive site investigations should be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The applicant is requested to note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb Coal Authority property, i.e. coal seams and associated workings.

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The submitted report does not provide any assessment of the risk posed by mine gas migration. Given the potential presence of shallow unrecorded mine workings beneath the site, the Coal Authority recommends that the LPA seek comments from the Council's Environmental Health / Public Protection Team on the matter and any resultant need for gas monitoring and/or the incorporation of gas protection measures within the proposed development.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

1. No development shall commence at Plot 12 (excluding the demolition of existing structures) until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and
 - b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

2. Prior to the occupation of the dwelling at Plot 12, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of the above conditions. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

Pontlliw and Tircoed Community Council:

In November 2018 The Poplars and Former Stables were designated as a Grade II listed buildings by CADW. This was because of their historical value. The house is associated with Friedrich Dahne and his family and, by association, with the history of the metallurgical industries of Swansea, in particular that of the late 19th and early 20th centuries. The house is also associated with its probable architect Glendinning Moxham, representing one of his notable domestic works. In this respect, the house represents a feature of the architectural history of the Swansea region.

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It is appreciated that the Poplars and Former Stable are in poor state and if left to further deteriorate that their historical significance could be completely lost in the passage of time. Any redevelopment at this time however should require the developers to preserve as much of the historical aspects of both buildings in any reconstruction activities and guidance sought from CADW as to how changes to these properties should be actioned sympathetically in line with their historical background.

Ecological Considerations

The Ecological Report linked to the development of the Poplars and surrounding grounds indicates a significant ecological impact.

Statement 4.23 states there will be a negative impact on bat species as a result of the proposed development

Statement 4.42 states there will be a negative impact on reptile species as a result of the proposed development.

Statement 4.47 states there will be a negative impact on nesting bird species as a result of the proposed development.

Section 5.7 of the report gives an extensive list of actions that would be needed to prevent damage to woodlands, bats, nesting birds and other species.

There comes a point where planning permission must be questioned as to the changes proposed. The proposed mitigation actions are all doable but are they acceptable? As an example to mitigate the damage to bat species it is proposed that all new structures have bat access points. This raises the question of new owner acceptance of such home guests and whether lighting from the development would impact bat activity. Lighting plans at point of construction can create dark pathways for bat usage but as the site matures and owners start introducing additional lighting for security for example then any planned bat pathways could be significantly interrupted.

Oaklands Road

Linked to the current planning application is a previously successful planning application 2017/1342/FUL for the construction of 11 dwellings.

The Final Decision Notice for application 2017/1342/FUL stated in section 10 the following:

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.

The same restriction would be applicable for planning application 2020/0434/FUL.

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In the Traffic Statement for planning application 2020/0434/FUL when referencing to Oaklands Road the following point is stated:

6.2.8 As part of the consent granted for Phase 1 (reference 2017/1342/FUL) a Traffic Regulation Order (TRO) was conditioned to remove parking from the 90-degree bend in the highway alignment on Oaklands Road. This measure will offset any adverse effect of Phase 1 and 2.

Located on Oaklands Road, on the left hand side, is a row of terraced houses numbered 1 to 8. The individual householders have no other choice than to park their cars outside their homes. There are no drives or garage facilities to do otherwise. The terraced houses travel right up to the right hand bend between Oaklands Road and Woodfield Avenue. No 8 is physically at the entry to the 90-degree right hand bend. Any Traffic Regulation Order to remove parking from residents of Oaklands Road to facilitate the construction phase of planning applications 2017/1342/FUL and 2020/0434/FUL is strongly objected to by the Community Council.

Trees

It is appreciated that the issue of trees, their retention, felling, pruning, and replacement are part of the planning application and approval process. Any tree work must agree with plans attached to any planning permission granted and a full planning permission will override the legal protection of trees. It is essential that Swansea City Council, who have responsibility to ensure trees in the proposed designated development area strictly control the loss of any tree should planning permission be granted.

It is noted that the planned development requires the cutting down of an extensive number of trees (47 identified trees plus groups of others). Some trees identified for destruction may be part of the Ancient Woodlands that run through part of the development site.

Tonia Antoniazzi MP

My constituent is primarily concerned with issues arising from the increased traffic to the Poplars along Woodfield Avenue and Oaklands Road and on to Christopher Rise which she states is already dangerous. She states that due to parking restrictions, Oaklands Road and Woodfield Ave to the junction of Christopher Rise is quite hazardous to get through and parking on pavements on Swansea Road also makes it dangerous to exit Oaklands Road with motorists having to pull out partway onto Swansea Road to view whether it's clear from oncoming traffic.

The entrance to the Poplars will be largely via Christopher Rise with entry to the lodge and possibly one other property being via Swansea Road. My Constituent is perplexed as to why the current Swansea Road entrance to the Poplars will be used for one (maybe two) properties rather than all of the proposed buildings, particularly as this would minimise the disruption to the nearby houses, both during the building process and once it is established.

I am also aware that on 23 November 2018, the Poplars was listed as a Grade II listed building by Cadw and is therefore of historic value to the City.

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Councillor Gareth Sullivan

Site Access:

There have been a number of site visits in respect of the approach to the Site. The access route that has previously been proposed is a controversial one. Members and Officers have seen the narrowness and restriction of the access along Oakland's Road and Woodfield Avenue. I would respectfully suggest using the existing direct access off A48 to The Poplars, which could serve both proposed developments without the need to use the access roads above.

Proposed layout:

Of particular concern to Residents of both No's 46 and 48 Christopher Rise, is the close proximity of one of the proposed dwellings to their properties. Surely existing long term Residents of these properties should have utmost consideration when the Application is determined.

Neighbour comments:

The application was advertised on site and in the Local Press.

FORTY letters of objection have been received, which are summarised as follows:

1. Concerns over access and additional traffic build up on Swansea Road.
2. The driving of a roadway through the walled garden would be a substantial breach of the Grade 2 Listing.
3. A commitment should be extracted to obeying the Tree Preservation Orders especially on the boundary with the properties on Christopher Rise and Wood field Avenue.
4. The access for the site should be from the A48, Swansea Road.
5. What are the reasons to prevent the provision of affordable housing?
6. No play facilities for children.
7. The reports state that there will be negative impact on bats, birds, reptiles – at what point does the further destruction of such habitats become unacceptable.
8. One of the habitable room windows is ridiculously close to our property.
9. Japanese Knotweed on site.
10. Increase in traffic.
11. There is more room to provide a mini roundabout off the A48 that there was at Y Llanerch.
12. A mini roundabout at the existing Poplars entrance would have Two very important Safety Points, 1 No delivery of building materials and no cars from the new development. 2 IT would reduce the speed of traffic from the direction of Penllergaer which very often exceeds 40 MPH and does not reduce to 30mph sign until approaching the now not operating speed camera. The view from exiting the existing Poplars entrance to the right for oncoming traffic 70 metres and from the left is 100 metres, this would increase 160 metres if the trees were cut back to the field fence.
13. The percentage increase in traffic is vastly underestimated both during and after construction.
14. Ecological impact.
15. Boundary lines are not clear.
16. Flooding issues.
17. Privacy concerns with the balconies proposed on the two storey properties.
18. Areas of ancient woodland have already been destroyed.

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19. The renovation of the Listed Building and someone else's gain will cause upset to us residents.
20. The proposal to put down yellow lines to restrict parking for those who have no driveways or garages will surely transfer parking problems further into the site.
21. Oaklands Road is not wide enough to allow large construction vehicles on a regular basis as even the weekly refuse trucks have difficulty.
22. The value of our bungalow will depreciate.
23. The only realistic option is a one way system.
24. It would be better if the Planning Committee made a site visit in the evening so they can see the issues caused by parked vehicles.
25. Increase in noise and air pollution.
26. Concerns over access for emergency vehicles.
27. No objection to houses per se but just the proposal in its current form.
28. I would prefer The Poplars to be sympathetically restored but have concerns over access and ecology.
29. Concerns over safety and health of the estate residents.

AGENT STATEMENT ON VIABILITY

The viability model confirms that works to the walled garden and veranda can take place in earlier phases of the construction stage.

Our DVM shows a slim profit of 7.10%. The considerable abnormal costs associated with a site such as this impact the profitability.

Our DVM includes a contribution for off-site affordable housing however given the complex nature of the site, we feel that it is impossible to integrate this provision and retain a viable scheme.

Similarly, any other additional costs or restrictions imposed on the scheme would, in our opinion, render the project unviable in its current guise. This in turn could lead to the condition of the Listed assets declining further, potentially to a point where it becomes completely uneconomical to salvage them.

APPRAISAL

Main Issues

The primary issues to consider in the determination of this application relate to the impact of the proposal on the 2no. Listed Buildings on the application site i.e. The Poplars and The Stables and their settings and the fact that the proposal is development that will enable the repair and retention of these buildings on site. In addition, consideration is also given to the overall proposal on the visual and residential amenity of the area and highway safety having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance.

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

Principle of Development

The site is allocated for up to 15 residential units in Swansea's Local Development Plan (LDP) as indicated above in the Policy section. Therefore in principle, the site is considered acceptable for residential development. However, since the site was originally put forward for consideration, the dwelling and stables on site have been Listed by CADW.

The constraints of the site therefore have changed as any proposal has to also now include the retention of The Poplars and the stables on site. Therefore, the numbers of new build dwellings has been reduced to 9 units only instead of the 15 identified in the LDP, and the conversion of the existing buildings takes the number of units up to 12.

Visual Amenity/ Heritage Impacts

In visual terms, it is considered that a key element of the planning application is the effect of the new build on the setting of the two Listed Buildings on site. The Heritage Impact Statement (HIS) recognises the significance of the south west (front) elevation of Poplars as has been highlighted above by the Heritage Officer.

The timber veranda structure is one of the most prominent aesthetic features of the listed building, serving to highlight the main entrance and has an impressive presence in views to the house from the approach on the drive, from the west. The veranda on the south-west elevation is the most prominent aspect of the exterior carpentry and is considered to possess the greatest aesthetic value. The site plan ensures a positive setting and outlook from this key elevation.

The site plan shows plots 2 and 3 located to the south closer to the drive from the stables and plot 4 is sited to the north of these plots to retain a lawn area to the west adjacent to the veranda of the Poplars. This ensures the new houses do not crowd the setting of the principle elevation of the listed building and also ensures that there is an open outlook from the veranda.

Plot 4 also includes an active frontage details at first floor onto the lawn area in the form of habitable room windows and Juliette balcony. The ground floor also includes a study window with the brickwork softened by a proposed hedge running alongside.

Plot 1 is located within the walled garden and this is considered acceptable in order to provide an active frontage onto the main access and this siting has been amended from the original layout from the north east to south east area of the walled garden to avoid conflict with protected trees. There are not considered to be any undue heritage issues with the siting of the dwellings on plots 5-8. The siting of plots 9 and 10 within main Poplars House itself is supported in principle as the external alterations are minimal.

The dwelling to be created on Plot 11 (former stables) and the aspects of the LBC detail is considered acceptable in principle again as the external alterations are minimal.

The new dwelling on plot 12 reuses the footprint of the former lodge off Swansea Road (Cadw confirm that this is not curtilage listed). The existing lodge is in a ruinous state and it is proposed to reconstruct a house of similar appearance albeit with more contemporary character.

This supported in principle but it is considered important to reuse the existing brickwork or, if not practicable, then new bricks should be selected that makes link between function of lodge and main house. This aspect can be controlled by the submission of samples and details via condition.

The architecture of the new build is broadly acceptable but it is considered that externally, these new dwellings should match the red brickwork and mortar colour of the listed building to give a synergy underlying the contemporary homes. The final materials selection/colours can be controlled by a condition requiring a composite sample on site.

It is noted that main drive is retained as a landscape feature and active travel route providing vehicular access to the lodge only. The main proposed vehicular access arrangements off Christopher Rise mean that the Poplars will be primarily approached from the north which is the rear and that elevation was never designed to be seen in a formal setting. This change of approach has been addressed by reinstating planting outside the northern garden wall to screen the rear elevation. The final details of this planting can also be controlled via condition.

The Heritage Impact Statement identifies that the Austrian Pines along the main drive relate to the original planting scheme. The tree report identifies that these trees as a group offer a higher value to the site but removal is proposed on safety grounds. The proposed layout shows these trees removed and replaced with new Austrian Pines which will grow to stature over time to eventually recreate the formal planting along the drive. This aspect again can be agreed via condition.

Notwithstanding the above, it is considered that a Section 106 agreement be entered into with the developers to ensure that the listed buildings are renovated in a timely manner and not left to the end of the development with the risk of further deterioration and insufficient funds. A phasing approach therefore is required.

Whilst it is recognised that the new build proposals will fundamentally alter the setting of the Listed Poplars and stables, the proposals address the main aspects of harm and the presence of new development is considered acceptable on the basis that this will fund the sensitive repair of the designated heritage assets. Furthermore the proposals are considered to accord with the adopted Residential Design Guidance SPG.

The means of enclosure for each plot is not confirmed and as such, a condition is recommended to ensure that these details are agreed prior to occupation. It is also recommended that a condition be imposed to remove the permitted development rights for any future development on the site without the need for planning permission due to the sensitive nature of the site, the setting of the listed buildings and protected trees.

Residential Amenity

The layout of the site and the relationship of the new dwellings to the surrounding established dwellings dictates that there would be no undue impact in terms of loss of light or privacy or overbearing physical impact. The dwellings that would be the closest to neighbouring properties in Christopher Rise and Woodfield Drive are those on Plots 12 (The Lodge), 7 and 8. In all cases, habitable room windows and balconies are in excess of 10m from the boundary of the site with retained trees in between and as such, it is not considered that any of these dwellings would result in unacceptable direct overlooking.

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Each new dwelling in its plot would be provided with sufficient outdoor amenity space to ensure that the living conditions of future occupiers is protected. In addition, each dwelling is designed and orientated in its plot to ensure that each dwelling would not give rise to loss of light or privacy to their nearest neighbours.

Access and Highway Issues

In terms of impact upon highway safety and access routes, it should be noted that this is an allocated housing site in the Local Development Plan as mentioned above, and the current proposal is for 12 units which is less units than was envisaged in the LDP.

The main access to the site will be via Christopher Rise and through the adjacent residential development previously approved. The access will go through the walled garden of The Poplars but this is considered to be the only feasible access due to topography and visibility. The Placemaking and Heritage Officer considers this an acceptable compromise as it would provide a wider heritage benefit.

The only dwelling to have a vehicular access via Swansea Road is the one on Plot 12 and the carriageway will only be used for active travel. A condition to install bollards at either end of the access road to prevent it being used as a “rat run” would be attached to any grant of consent.

The Local Highway Authority raises no issues with regards to the provision of two accesses nor the increase in development traffic or impact on surrounding road network. The access to the site via Christopher Rise has previously been approved under the aforementioned planning permission and would remain the same.

The Local Highways Authority considers that the revised layout plan, which does overcome previous objections and the Swept Path analysis undertaken shows that the turning head at plots 6 and 7 does work. It is also considered acceptable as refuse vehicles could gain access to the site. However, it is considered that full engineering details of both of the accesses are required to be submitted for further consideration and as such, a condition to this effect is recommended.

The applicant has not clarified if the streets are to be offered for adoption and whilst it should be noted that formal adoption is a consideration for the Highway Authority it is not mandatory and it is unlikely the Highway Authority would wish to adopt streets that are not to adoptable standards. As such the applicant is advised that future maintenance would require the formal constitution of a Maintenance and Management company. A condition to this effect is recommended. It should also be noted that although the Highway Authority has requested that a condition be imposed with regards to a Construction Management Plan, these details would be controlled via a Section 278 agreement and as such, it not considered necessary to replicate it as part of any planning permission granted.

As detailed in the Pre Application Consultation, the Highway Authority is seeking a contribution of £10k to enhance crossing provision on Swansea Road as the site is beyond normally accepted accessibility limits for modes other than private car. The active travel link using the existing driveway to Swansea Road however, is welcomed and additional assistance in the form of a pedestrian refuge, would enhance provision in the area.

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The Highway Authority therefore has no objections to the application subject to the securing of the £10k contribution via a Section 106 agreement and the above conditions. It is recommended that these conditions are imposed.

Trees and Landscaping

The Tree report submitted has indicated the trees that are to be removed as part of this development and are listed below:

Grouped Tree Loss:

G15 – Poor Quality (U) alder group

G827 – Low quality (C) laurel group

G2 – 130m² of low quality (C) tree group

Overall Tree Loss:

G15 – poor quality (U) alder group

G827 – low quality (C) laurel group

G2 – 130m² of low quality laurel group

Overall Tree Loss

A number of trees are identified to be removed to facilitate the proposed development design or are in poor health (48 individual trees and 3 small low/poor quality group of trees). Many of these trees are low quality trees (C+U category - 45 trees - 94% of total tree loss) and these trees should not present a constraint on developing the site. The removal of the moderate quality trees (B category - 3 trees - 6% of total tree loss) can be mitigated for through suitable compensatory tree planting in accordance with the Council's replacement tree standard and surrounding practical woodland management (i.e. invasive rhododendron, laurel, Norway maple regeneration etc. removal)

Of note is the removal of the large pine trees behind plots 2 and 3. These trees are tall in size, over mature in age and have varying degrees of sparse needle cover. This is likely due to red bank needle blight. These trees offer a very limited safe future to the site and under sound arboricultural management are recommended for removal with suitable replacement tree planting to be provided.

The Council's Tree Officer had concerns with the original layout and Arboricultural Impact Assessment (AIA) due to the lack of sufficient information to justify the removal of the trees and the site layout plans. An amended layout was provided together with an updated AIA which was discussed with the Agent and their Tree and Landscaping professional. On balance, the Tree Officer offers no objection to the proposal but requests that a condition be imposed regarding the submission of a Tree Protection Plan and Arboricultural Method Statement prior to commencement of works on site. The addition of this condition is therefore recommended.

The landscaping plan submitted shows which trees are to be retained around the north and west of the site. The landscaping plan also includes the planting of new hedgerows throughout the site, an area of wetland meadow and wetland meadow grass to the area between plots 4-8, with turfed areas, lawned areas and wildflower seeds to be scattered throughout the site.

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This landscaping plan contributes towards additional GI for the site and as such no condition is necessary to request a further GI assessment.

No details of who will be responsible for these areas are indicated within the proposal as such, but it is anticipated that they will be looked after by the appointed management and maintenance company, details of which will be required by condition.

The Council's Ecologist and Natural Resources Wales have indicated that the site is close to ancient woodland. The proposed site does not encroach into this area and as such the condition requested by the Ecologist is not considered necessary.

Ecology

The Biodiversity and Development Supplementary Planning Guidance was adopted in February 2021 and sets out how the Council will seek to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience.

The Council's Ecologist requested that further survey works were undertaken prior to the determination of the application but also requested that conditions were imposed after consideration of the information that has been submitted. Further surveys were submitted as requested and the comments are indicated above.

The Bat report concludes:

- The 2020 update surveys support our previous findings of multiple bat roosts for multiple species onsite.
- 5.28 Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon the key protected species present at the site.

The report also identifies areas where bat roosts can be accommodated in the development as below:

- Soprano pipistrelle maternity roost – retained via gaps (modified) in main house
- Common pipistrelle and soprano pipistrelle small numbers/individuals – retained via gaps (modified) in main house; bat box on tree to compensate loss of tree roost (Schwegler 2FN)
- Brown long-eared individuals – crevices created in new structures (wall-top/bat box access on 1, 2, 6, 7 and 12), as well as a void, suitable crevices and access available within the new bat house
- Lesser horseshoe bat – suitable access and hanging space within bat house; dark corridors
- Myotis sp/ whiskered bat - crevices created in new structures (wall-top/bat box access on 1, 2, 6, 7 and 12), as well as a void, suitable crevices and access available within the new bat house .

It is recommended therefore that a condition be imposed to ensure the recommendation of this report are carried out during the development, notwithstanding that NRW have recommended that the bat house details should be reserved via condition which is considered reasonable.

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The Dear Chief Planning Officer letter (1st March 2018) has confirmed that it is not necessary to condition the requirement for an EPS licence to be obtained. This matter is dealt with through separate legislation. Informative 12 advises the applicant that an EPS licence is required.

With regards to dormice, an additional report was submitted which states:

- Relatively recent records of dormice are known within 1.2km of the site, with this area of confirmed use, linked to the site via scrub and woodland.
- As such, it is therefore assumed that dormice are present and that a method statement is required for any clearance works to prevent impacts upon this species.
- In the event that any dormouse or signs of dormouse are found, vegetation removal works will cease and a licence from NRW will be applied for. Works may only resume once the licence is received.

Notwithstanding the submission of this report, Natural Resources Wales (NRW) required further information in relation to the dormice status on the site. This was subsequently provided along with further details relating to the location of a bat house. NRW was content with the content of the amended submissions but required that three conditions be imposed relation to pollution prevention, construction environmental management plan and a landscape ecological management plan. It is considered therefore that these conditions be imposed but matters relating to future ongoing mitigation and monitoring of protected species are covered under the EPS licence regime and are not therefore necessary.

A survey in relation to otters and badgers was also submitted and concluded that:

- European otter are confirmed to be using the watercourse, though this use is likely to be infrequent. As such they may use the woodland to lay up.
- There may be impacts relating to lighting disturbance for otter, though the woodland and the stream will remain useable for this species.
- No signs of badger use were confirmed.
- Given the suitability of onsite and adjacent habitats to support otter and badger, a pre-commencement check is advised to be carried out prior to any vegetation clearance.
- A lighting scheme will be implemented with no lighting of the watercourse or woodland, and mitigation in place to reduce light spill from the gatehouse windows.
- An enhancement otter holt (using onsite materials) will be constructed.
- All excavations or trenching will be provided with a means of escape for animals, and fuel, chemicals and materials will be safely stored away from animal access.
- Providing that the recommendations outlined within this report are successfully implemented, it should be possible for the proposed development to proceed and for there to be no long-term impacts upon otter or badger at the site.

It is recommended that a condition be imposed to require the development to be undertaken with regards to the recommendations in this report. The submitted Reptile Mitigation Strategy has been reviewed by the Council's Ecologist and the Strategy is considered to be acceptable subject to a condition (see condition 23) for an updated timetable and details of the receptor site enhancements.

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With regards to the impact upon the SINC, the agent submitted the following statement to indicate the impact that the development will have on the Loughor to Penllergaer Railway Line SINC.

“The SINC follows the course of the stream along the southern aspect of the gate house, before turning northwards to encompass the woodland within the area between the access lane’s looping route. It then follows the boundary of the site around the south of the coach house, running north-east, then eastwards (along the south of Land off Christopher Rise) before heading sharply around the housing estate to the east, and further away along the railway line.

The SINC habitats within or bounding the site (as per the 2013 designation) are woodland, scrub and species-rich purple moor grass and rush pasture. The area to the south of the stream (and gate house) are mapped as species-rich purple moor grass and rush pasture. This is indeed apparent from onsite with rushes observed from the streamside within this mapped (offsite) habitat. There will be no impacts on this habitat type as a result of the proposals.

The proposals for the gate house are on the north side of the stream, and so will not directly result in the loss of any SINC habitat. Similarly there will be no loss of SINC woodland along any of the boundaries.

There may be some works to ensure trees are safe (e.g. pruning back dangerous limbs) over boundary features, and for the installation of bird, dormouse and bat features within the woodland. We propose for the following measures also to be created within the woodland – brash piles (enhancement for dormice) and an artificial otter holt (using timbers and brash from the site only). As part of enhancing the site for dormice, we also proposed a 5 year rotational coppicing scheme for hazel and sycamore with no more than 25% coppiced at any one time to ensure availability of food resources, whilst encouraging good growth.

Dormouse boxes will be checked twice-yearly as part of the PTES NDMP and with any records submitted to SEWBReC and the scheme. The habitat within the SINC has changed since it was mapped, with more scrub encroachment, particularly to the east.”

Several of the conditions requested by the Ecologist have been included where they meet the relevant tests for a condition and a condition has been attached to ensure the proposals are undertaken in accordance with the recommendations in the various submitted surveys. However, it is not considered reasonable or necessary to include all conditions requested, such as requiring trenches to be covered or fenced overnight, but an advice note to this effect would be attached. The Ecologist has also requested that conditions be imposed that are related to requirements that are included within the European Protected Species License. As these are covered by separate legislation, it is not considered necessary to replicate them as part of any planning permission given.

To this end therefore, and with the recommended conditions and surveys that have been undertaken, it is not considered that the ecological impact of the proposal would be such that could not be mitigated against and as such, the proposal would comply with the overall provisions of Policies ER6 and ER8 of Swansea’s Local Development Plan 2010-2025.

DEROGATIONS

The Poplars has a variety of European Protected Species within the site i.e. Otters, bats and dormice. Protected species surveys have been undertaken and for each species mitigation measures have been provided to ensure their protection and continued progression.

i. Regulation 52(3) the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

This site constitutes a semi-derelict Listed Building 'The Poplars' with the surrounding land forming its garden and curtilage. The proposed development would comprise residential development that would provide longevity for the heritage assets on site as well as provide much needed housing. The site is an allocated site and counts towards the Council's housing projection included within the LDP. The development would increase the County's housing stock with good quality housing. It is therefore considered that there are overriding social and economic considerations of overriding public interest.

ii. There is no satisfactory alternative;

Doing nothing would result in the existing buildings of significant heritage importance falling further into disrepair. The site would subsequently have a negative impact on the local environment and its surroundings and could be subject to anti-social behaviour. The proposed development would provide for a new residential development as well as preserving the heritage assets on site. The applicant has confirmed that an alternate scale of development would not be viable and a viability assessment has been provided indicating the current proposals are only marginally viable.

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

This planning application includes a Bat Mitigation Report, Otter and Badger report and a Dormice report. These reports confirm that the development is unlikely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range, providing that mitigation is provided. It is considered that this proposal together with the specified mitigation measures would not be detrimental to the favourable conservation status of the European Protected Species on this site. As noted above, NRW and the Council's Ecologist are not objecting to the application subject to conditions.

Open Space

In terms of open space on site, Fields in Trust guidance suggests that a Local Area of Play (LAP) should be provided on site and potentially a LEAP but it is acknowledged that the site is at the very lower end of this threshold and it would not be reasonable to request a LEAP. Notwithstanding this, the viability is such that there would be no margin for a contribution. There is a formal lawned area that is sited to the west of The Poplars itself and lies between plots 2, 3 and 4 and would significantly exceed the requisite space to be considered as a Local Area of Play. There is also a more informal shared activity space for the development that lies to the north of The Poplars and surrounded by plots 4 -8.^{Page 48}

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There is also another green space to the south to the site between The Stables and plot 1. The Parks Officer has not objected to the proposals and these shared spaces are considered to provide ample useable outdoor space for the residents of the development. A condition regarding ongoing management of these areas would be attached to any permission.

Education

The Education Section has requested that the development would generate 3 English Medium primary school pupils and 2 English Medium secondary school pupils and has requested contributions on the basis that the catchment schools wouldn't have capacity. Therefore, Section 106 contributions for Pontlliw Primary and Pontarddulais Comprehensive schools have been requested at £45,300 and £46,144 respectively (total of £91,414).

The response indicates that Pontlliw Primary School shows no capacity at present and whilst this is acknowledged, the scheme would only provide for an additional 3 pupils. In addition, whilst it is stated that Pontarddulais Comprehensive School has no capacity, the school currently has 25 spaces and only 2 spaces would be generated by this development. The Education Officer has stated that these spaces would be taken up by other schemes and has provided a list of the developments. However, it is apparent that the Bellway scheme off Pontarddulais Road has already been completed and therefore the pupils would already be in the school. It is considered that the 2 secondary school spaces generated by the development, can be accommodated in Pontarddulais Comprehensive School given that 9 spaces have been allocated for Coed Bach Road (2018/2629 refers) development, which has not been granted planning permission as yet. It is not considered reasonable to request a contribution for secondary provision.

Whilst the English medium primary school is already at capacity, the viability appraisal undertaken and discussed above shows that due to the many abnormal costs associated with the development to ensure the restoration of the Listed Building on site, no capacity is available to provide an Education contribution for either school. On this basis, it is not considered that this shortfall would be sufficient to warrant a refusal of permission in terms of the impact this would have.

On this balance, it is considered that the proposals are acceptable in terms of the impact on education.

Drainage

The Council's Drainage Officer has commented that there are some concerns with the drainage strategy as indicated. However, as the provision of surface drainage on site is covered by a separate permission and as such, this is not considered a reason to warrant a recommendation of refusal on this issue alone. Several of the objectors have commented that the site is liable to flooding. However, it is considered that any drainage included as part of this proposal will improve the situation for both the site itself and surrounding properties. The majority of the site is located outside of the flood zone, with only Plot 12 within an area that is known to have flooded in the past (Zone B). However, NRW has raised no issues in this respect.

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Dwr Cymru Welsh Water has requested a condition regarding details of compensatory surface water removal to ensure that the surface water removal strategy delivers sufficient compensation for the foul flows from the proposed development site given that the site is located in an area that has the potential to discharge into national and international designated waters. A condition to this effect would be attached to any grant of consent.

Affordable Housing/ Viability

Policy H3 sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability. This current application site is within the Greater North West Strategic Housing Policy Zone where the LDP target is for a minimum 15% of the total number of dwellings provided on site to be affordable homes. The proposal is for a total of 12 units, which equates to a minimum of 2 units being provided on site. Policy H3 makes clear that only in exceptional circumstances should the requirement for on-site provision be waived, and off-site provision or contributions be sought as an alternative as per the criteria of against Policy H 4.

Policy H3 also recognises that the financial viability of providing affordable housing at the stated targets is a material planning consideration but any proportion lower than the target percentage can only be justified where there is clear evidence to demonstrate that there are exceptional circumstances that apply, including information relating to development costs and/or planning obligations.

To this end, the applicants undertook a viability appraisal in conjunction with the Local Planning Authority, where all costs associated with the development were assessed and scrutinised. The site is subject to many abnormal costs due to the condition of the Listed Building and the other more complicated costs involved in developing the site. The conclusion of this appraisal was that after completion, the development would only be subject to a 7.1% profit if an off-site affordable housing contribution of £150k were made. Even if this contribution was not made, the profit margin would be significantly less than the normal 15 - 20% that is recognised as an acceptable profit margin to allow a development to be viable.

In this instance, and having regard to the fact that the proposal is considered as enabling development to ensure the Listed Buildings on site are repaired and retained, then the lack of an affordable housing contribution is considered to outweigh the requirements of the Local Development Plan Policies H3 and H4 in terms of the provision of Affordable Housing.

Other Issues

The Council's environment officer and ecologist have noted invasive non-native species at the site including Japanese knotweed. A condition is recommended to treat any invasive non-native species that are found on site which is considered reasonable and necessary. The comments of the objectors are noted and have, in the main, been addressed above in the main body of the report. The impact in terms of devaluation of property value is not a material planning consideration. It is recognised that there will be some impact in terms of noise and disturbance but this is a consequence of any development during the construction phase and is not considered a reason that would warrant a recommendation of refusal of this application.

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No play area is provided for within the proposal but it is considered that the viability appraisal precludes an additional sum for this as is the case with the affordable housing provision as indicated above.

Planning Obligations

The Planning Obligations associated with this development include:

- £10k highways contribution
- A phased repair plan for the works to fund the improvements of the Listed Building known as The Poplars during the development of the residential element of the proposal

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.)

and

- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this strategic site.

Conclusion

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

In conclusion and having regard to all material planning considerations, the proposal is an acceptable form of development at this location, that will not unduly impact upon the visual or residential amenities of the area, the Heritage assets on site or highways safety. Whilst it is acknowledged there is a minor shortfall in education provision (3 EM primary places), it is not considered that this minor shortfall would warrant a recommendation of refusal and the positive benefits of the scheme outweigh this including ensuring that a sensitive development is provided that respects the character and setting of the Listed Building and would ensure that this important heritage asset is restored.

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The proposal also is considered to therefore comply with the requirements of Policies PS2 T6, ER8, ER11, CV4, T1, RP4, RP5, ER6, H2 and H1 and approval is recommended.

RECOMMENDATION

APPROVE, subject to a Section 106 agreement for a £10k highways contribution and a phased repair plan for the works to fund the improvements of the Listed Building known as The Poplars during the development of the residential element of the proposal and 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: 18144(05)118 lodge floor plans, 18144(05)119 lodge elevations, 18144(05)120 house type A floor plans, 18144(05)121 house type a elevations, 18144(05)124 house type C floor plans, 18144(05)125 house type C elevations, , 18144(05)130 garages, received 9th March 2020, 18144 (05) 122 house type B plot 8 plans, 18144 (05) 123 house type B plot 8 elevations, 18144 (05) 135 house type B plot 5 plans, 18144 (05) 136 house type B plot 5 elevations received 20th March 2020, 18144(05) 114 REV B poplars manor house proposed floor plans, 18144(05) 117 REV B stables proposed elevations, 18144(05) 116 REV A proposed floor plans, 18144(05)126 rev A stable proposed sections, 18144 (05) 103 REV E landscape and boundary plan, 18144(05)121 REV A plot 1 elevations, 18144(05) 120 REV A plot 1 floor plans, 18144 (05) 138 plot 2 elevations, 18144(05) 137 plot 2 floor plans, 18144(05) 102 proposed site plan received 21st January 2021, 100G engineering layout received 26th January 2021, 18144(05) 125 REV C plot 4 elevations, 18144(05) 124 REV A plot 4 floor plans received 10th February 2021, bat house details received 24th February 2021, bird compensation and enhancement plan received 25th March 2021, 18144(05) 115 REV C poplars manor house proposed elevations received 13th May 2021, and EDP5895-D003G x 5 detailed soft landscaping plan, and Final Dormouse Method Statement received 23rd December 2021.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development shall commence until full details and or samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be incorporated onto a composite panel and erected on site prior to and for the duration of the works. 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.

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- 4 No development shall commence on Plot 12 (excluding the demolition of existing structures) until;
- a. a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity and whether remediation works and/ or mitigation measures are required, in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority; and if necessary,
 - b. any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason: Coal mining legacy potentially poses a risk to the proposed development and intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

- 5 Prior to the first beneficial occupation of the dwelling on Plot 12, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.
- Reason: To ensure any coal mining legacy issues are addressed suitably to ensure the safety of future occupiers.

- 6 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan and Arboricultural Method Statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, have been submitted to and approved in writing by the Local Planning Authority.

The documents shall include: the specification and positioning of temporary tree protective fencing; areas of ground protection, no-dig construction, excavation within RPAs where required and any special engineering requirements. The approved tree protection fencing shall be erected prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the approved details.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

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7 Prior to the commencement of development, a sensitive external lighting strategy, designed to ensure that the habitats on site and adjacent to the site are not lit during the construction, or operation phases of the development (being maintained as dark corridors), shall be submitted to and approved in writing by the Local Planning Authority. The strategy plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance (with light levels only between 2700-3000 kelvin). The development shall thereafter be undertaken in accordance with the approved details.
Reason: To ensure dark corridors are maintained for bats during construction and operation of the development.

8 No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. As a minimum the CEMP should include:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off.
- How the water quality of the watercourses will be monitored and recorded.
- What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks, offices, etc.
- measures for dealing with dust
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- identification of any buried services, such as foul sewers, so that they are protected
- details of emergency contacts, for example Natural Resources Wales' Pollution Hotline
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details.

Any drains laid must be protected in a way that prevents dirty water from the construction site entering them. The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to pollution, contamination, water resources and ecology.

9 Before development works commence on site, a detailed scheme of Ecological Enhancement measures to be provided within the site and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority.

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The approved Ecological Enhancement Measures shall be undertaken in accordance with the approved Implementation Timetable and shall be retained as such thereafter for the lifetime of the development.

The scheme shall include details as per recommendations in submitted reports (Dormouse Method Statement Rev F, Bat Activity Survey Report Rev A and section 5.7 of the European Otter and Badger Survey Report Rev A), the enhancements shall include, but not be limited to:

- 50 x dormouse boxes (erected in adjacent woodland)
- brash piles for dormice
- 10 x bird boxes erected in trees (for a range of species)
- Bat roosting boxes (over and above that required for mitigation on this site) shall be incorporated within any newly constructed buildings and boundary features.
- 1 x Schwegler 2FN bat box installed on suitable boundary tree
- 3 x Greenwood's Eco-habitats Double Crevice curved bat tree mounted boxes
- artificial otter holt placed within the woodland to the west of the Coach house
- planting of native wildflower species of local provenance, to attract pollinators
- planting of hedgerows (native species only to include hazel, blackthorn, hawthorn, pedunculate oak, guelder rose) along fence lines and property boundaries

- 10 No development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, has been submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling hereby approved shall be occupied until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.
- 11 Prior to any above ground superstructure works, and notwithstanding the details submitted to date, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. This plan shall include 1.8m close-boarded fencing around the SINC/property boundaries (as per recommendations in the SINC letter dated 8/12/2020). This fencing shall not be flush to the ground or shall incorporate 13 x 13 cm gaps at strategic points to allow movement of hedgehogs and other animals. The boundary treatment shall be completed as approved before the 11th dwelling on site is occupied and shall thereafter be retained as such.
Reason: In the interest of maintaining a satisfactory scheme of landscaping, visual amenity and to protect the Site of Importance for Nature Conservation.
- 12 No development shall commence until full details of the foul drainage scheme has been submitted to and approved in writing by the Local Planning Authority. 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 thereafter.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the development or the existing public sewerage system.

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- 13 Notwithstanding the detail submitted to date, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land and shall identify those to be retained.

All approved landscaping including planting and grass seeding or turfing shall be carried out in the first planting and seeding seasons following the occupation of the buildings 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 phase die, are removed or become seriously damaged or diseased, shall be replaced in the current planting season or the first two months of the next planting season, whichever is the sooner, with others of similar size and species.

Reason: To safeguard landscape and amenity interests and ensure the landscaping is completed in a timely manner.

- 14 Notwithstanding the provisions of schedule 2, Part 1, Classes A, B or E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), no enlargement, improvement or other alteration to a dwellinghouse or the erection of an outbuilding shall be undertaken other than with the express permission of the Local Planning Authority.

Reason: In the interests of visual amenity and to protect the setting of the listed buildings.

- 15 Prior to the commencement of development or any site clearance works, a detailed scheme for the eradication of Invasive Non-Native Species (INNS) including a timetable for the implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The INNS scheme shall thereafter be implemented in accordance with the approved details and timescales.

Reason: In the interests of the ecology and amenity of the area.

- 16 Prior to commencement of development full details of the proposed access works to the highway for both accesses shall be submitted and approved in writing by the Local Planning Authority. All access works, relating to the highway, shall be substantially completed prior to any of the works commencing on site and the works shall be completed in their entirety prior to the first beneficial occupation of the 11th dwelling on site.

Reason: In the interests of highway safety.

- 17 Prior to the first beneficial occupation of any dwelling hereby approved, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be 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.

Reason: In the interest of highway safety and to ensure that the roads/ pavements are maintained in an appropriate manner.

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- 18 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, D or E or Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), the car parking spaces as indicated on the Proposed Site Plan (Drawing No. 18144(05) rev. E) received on 21st January 2021 shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be permanently retained as such and used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors for the parking of vehicles and for no other purpose.
Reason: To ensure adequate parking is provided for each dwelling in a timely manner and retained thereafter in the interests of highway safety.
- 19 Notwithstanding the drainage details submitted, full details of all SUDs features abutting or within 5m of listed buildings and boundary walls shall be submitted to and approved in writing by the Local Planning Authority prior to development on site. The development shall thereafter be undertaken in accordance with the approved details.
Reason: To ensure there is no water ingress into the designated heritage asset.
- 20 Notwithstanding the plans hereby approved, and prior to the commencement of development, a method statement for the construction of plot 1 shall be submitted to and approved in writing by the Local Planning Authority. The dwelling shall thereafter be constructed in accordance with the approved method statement.
Reason: To protect the designated heritage asset as the dwelling would be in very close proximity to the curtilage listed garden wall.
- 21 Notwithstanding the plans hereby approved, full construction details of the garage foundations for plot 8 shall be submitted to and approved in writing by the Local Planning Authority prior to any works being undertaken on this plot. The garage shall thereafter be built in accordance with the approved details.
Reason: To ensure no undue impact upon protected trees.
- 22 The development shall be undertaken in accordance with the reports and recommendations included within the BAT ACTIVITY SURVEY REPORT Rev A dated 4/12/2020, EUROPEAN OTTER AND BADGER SURVEY REPORT Rev A dated 11/12/2020 and DORMOUSE METHOD STATEMENT Rev F dated 18/11/2021.
Reason: In the interests of ecology and biodiversity and to protect vulnerable species as per the Wildlife and Countryside Act 1981.
- 23 Notwithstanding the contents of the Reptile Mitigation Strategy Report, the following information shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any development or clearance works:
- An updated 'Timetable of Works'
 - Details of the locations and specifications of the proposed receptor site enhancements: three hibernacula and three log piles
- Thereafter the mitigation strategy shall be implemented in accordance with approved details and Reptile Mitigation Strategy, including post construction monitoring, as set out within Section 2 of the approved Reptile Mitigation Strategy Report.
- Reason: To ensure the impact of the development on reptiles on site are adequately mitigated for.

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- 24 Notwithstanding the details on the plans hereby approved, a plan indicating the location of bollards at either end of the original carriageway access route through The Poplars between Plot 3 and Plot 12 shall be submitted to and approved in writing by the Local Planning authority prior to the occupation of any of the residential units. The bollards shall thereafter be installed prior to the first beneficial occupation of any dwelling on site.
Reason: To prevent vehicular access through the development in the interests of highway safety.
- 25 No development or phase of development, shall commence until a Landscape Ecological Management Plan for the provision, management and maintenance of the landscape and ecological features at the site, has been submitted to and approved by the Local Planning Authority. The LEMP should include:
- Details of habitats, landscape, environmental and ecological features present or to be created at the site
 - Details of the desired conditions of features (present and to be created) at the site
 - Details of scheduling and timings of activities
 - Details of short and long-term management, monitoring and maintenance of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired condition
 - Details of monitoring of landscape and ecological feature
 - Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within 25 years of completion of development
 - Details of management and maintenance responsibilities
 - Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed.
 - Details of the definition and management of the proposed areas of open space.

The LEMP shall be carried out in accordance with the approved details.

Reason: A LEMP should be submitted to ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site's landscape and environmental features are adequately managed long term.

26. Prior to the commencement of development, and notwithstanding the details submitted to date, full details of the precise location, design and orientation of the bat house shall be submitted to and approved in writing by the Local Planning Authority. The bat house shall thereafter be completed in accordance with the approved details prior to any works commencing on the Coach House and retained as such thereafter.
Reason: To ensure the proposed bat mitigation is fit for purpose and provided in a timely manner to ensure continuity of opportunities for bats.

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: 1, 2, 7, 8, 9, 12, 13, 17, 18, 28.

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The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, ER8, H3, H4, ER11, CV4, T6, T1 RP4, RP5, H1

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 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

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

- 4 Pre-construction checks for reptiles shall be undertaken. Any vegetation clearance shall avoid the main hibernation period October to March inclusive.
- 5 A variety of nesting bird species have been identified as present on the site and nest sites and habitat will be impacted by the proposal. Mitigation is required in the form of nest boxes and appropriate planting. As per recommendations in Table 7 compensation measures for house sparrow, swallow, wren and raven will be required. An owl box is also required to be installed to compensate for the loss of then box on one of the existing trees. Ten open fronted 32mm hole boxes shall also be installed within the woodland.
- 6 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger, to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts these can be a single hole work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work 01792 634960.
- 7 Dormice are protected under the Wildlife and Countryside Act 1981 as amended and the Conservation of Habitats and Species Regulations 2017. Consequently, it is an offence to intentionally or recklessly kill a dormouse, disturb a dormouse whilst it is occupying a resting place or breeding site.
- 8 All trenches and excavations must be fenced off or covered-over at night to prevent any animals, hedgehogs and other species including badger, from falling in and becoming trapped.

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If this is not possible an adequate means of escape must be provided i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent. Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points.

- 9 Direct loss of Ancient Woodland shall be avoided. A minimum buffer of 15 metres shall be provided between the woodland and the proposed development. This is necessary to provide essential root and understorey protection. Ideally, the buffer should be planted with woodland edge species or left as natural grass to increase or maintain ecological connectivity and create a transitional habitat i.e. ecotone providing resilience for this sensitive and highly valued habitat.
- 10 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.

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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 11 All highway works and other development related works to existing or proposed public highway are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980. All design and implementation will be at the expense of the developer. The Developer must contact the Highway Management Group , Swansea Council, Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please e-mail networkmanagement@swansea.gov.uk

The applicant is advised that to discharge condition 2 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

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- 12 The applicant is advised that a European Protected Species licence is required from NRW before any works are commenced. NRW strongly advise that no works to construct or associated with the construction of the bat house are undertaken, until the structure has been entirely agreed with NRW under the licence application.
 - 13 In light of the comments received from the Coal Authority in relation to the potential presence of mine gas at the site the applicant is advised to discuss this matter with their consultant geo-technical adviser in order to ensure the development includes any necessary gas protection measures in the interests of the health and safety of future occupiers.
 - 14 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species.
 - 15 The reptile mitigation strategy shall be implemented as submitted. Should significantly different numbers of reptiles or different species be found during the translocation exercise than the expected medium populations of grass snakes and slow worms, an amended mitigation strategy shall be agreed with the LPA.
-

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Item 2

Application Number:

2021/3008/FUL

Ward:

Pontarddulais - Area 1

Location:

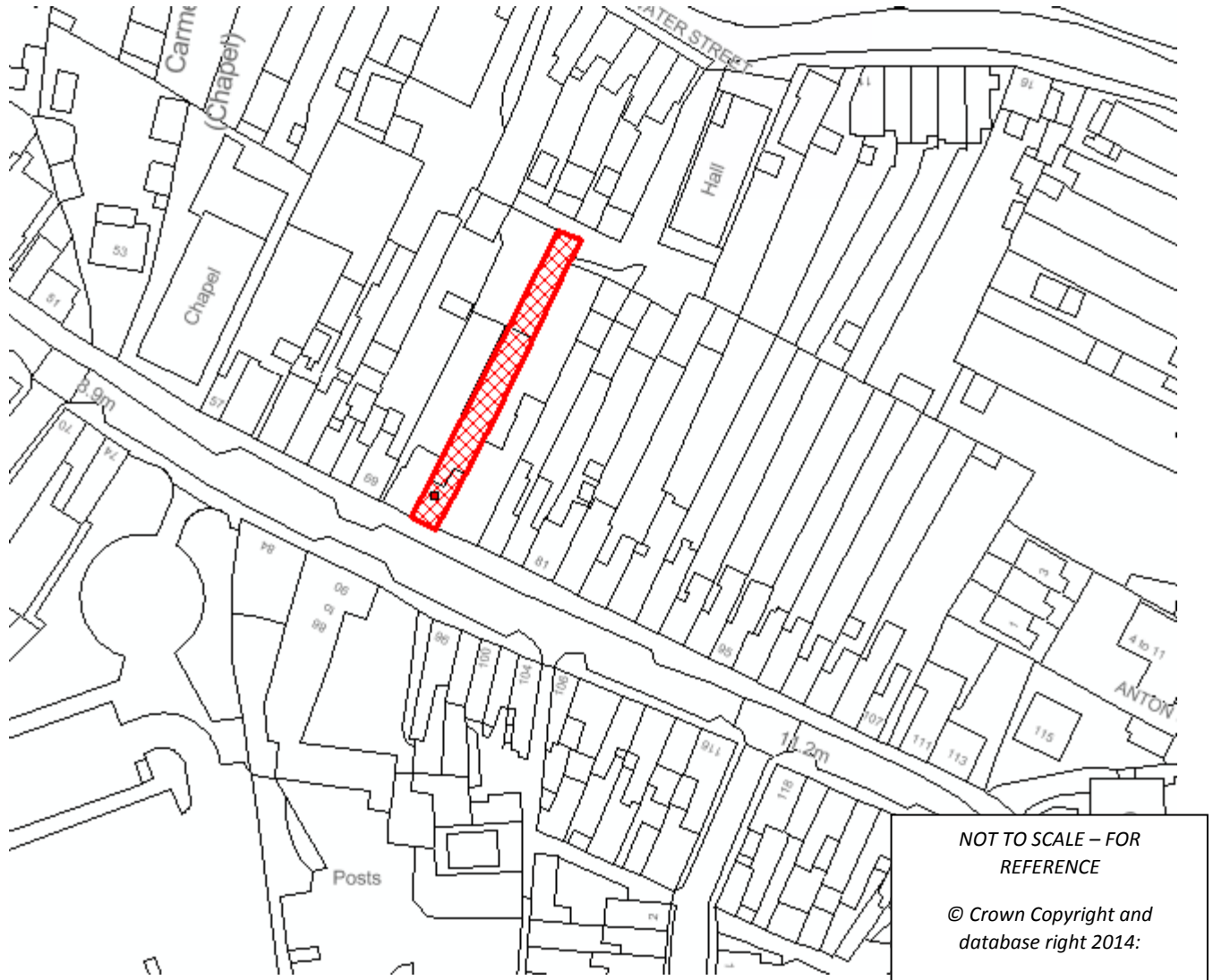
73 St Teilo Street, Pontarddulais, Swansea, SA4 8SS

Proposal:

Change of use from retail (Class A1) to an osteopathy clinic (Class D1)

Applicant:

Miss Grace Edwards



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2021/3008/FUL

Site History

App Number	Proposal	Status	Decision Date
LV/85/0138/06	ILLUMIANTED FASCIA SIGN AND ILLUMINATED PROJECTING SIGN	APP	14.05.1985
LV/79/0477/06	ILLUMINATED PROJECTING BOX SIGN	REF	18.09.1979
2004/1391	Retention of roller shutter on front elevation	REF	28.09.2004

Background

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

Site Location

The application site is located within Pontarddulais District Centre in a secondary retail area rather than the primary retail frontages (which is considered to be along the southern side of St Teilo Street). The unit is a terraced property that used to be a locksmith (Access to Areas) at ground floor and has been vacant for at least six months before the proposed use (Class D1) commenced at the start of December 2021. A separate door leads to a flat at first floor.

NRW's Flood Risk Map confirms the application site lies entirely within Zone C1 of the Development Advice Maps (DAM) as contained in TAN15.

Description of Development

Retrospective planning permission is sought for the use of the property as an osteopathy clinic 'In Sync Osteopathy' (Class D1). No changes have been made to the exterior or the interior of the building. The front room is used as a reception area, where clients wait for their appointment. The main room is a treatment room where the clients have their osteopathy appointment.

The premises will have the following opening times:

Monday to Friday 9am to 6:00pm;
Saturday 10am to 4:00pm; and
Sunday and Bank Holidays 10am to 1.00pm.

Planning Policy

The National Development Framework: Future Wales - the National Plan 2040

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Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 6 - Town Centres First

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Planning Policy Wales (11th Edition) 2021

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Retail and Commercial Development

4.3.1 Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development.

4.3.30 Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy.

4.3.35 Achieving diversity of uses and activities may require a flexible approach to planning. Where the right balance of use and activity is not being achieved, planning authorities should consider making changes to the acceptable uses in primary or secondary areas, or the retail and commercial centre boundaries themselves.

Adopted Swansea Local Development Plan (2010-2025)

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

ER 1 Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

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

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

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

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ER 9 Ecological Networks and Features of Importance for Biodiversity - Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

Supplementary Planning Guidance:

The supplementary planning guidance documents: 'City and County of Swansea Parking Standards', and "District Centres, Local Centres and Community facilities" are also relevant to the determination of this application.

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. Some of the SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

Consultations:

Placemaking and Strategic Planning:

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

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

The policy amplification states that District Centres can provide opportunities for an appropriate blend of non-retail uses that can play an important role in sustaining vitality and viability. Therefore it is considered that the change of use to an osteopathy clinic (Class D1) is acceptable in this location.

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

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

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

The existing unit provides an active frontage at street level that any future occupant must maintain.

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

The broad approach of Policy RC5 is to support a range of uses in Centres, in addition to Class A1 retail, in the interests of sustaining a mix and balance of uses that can generate footfall and help maintain vibrancy and attractiveness. Notwithstanding this broad approach, this criteria does highlight the need to respect the primary shopping function of the Centre. The preference for retaining and encouraging retail where possible at ground floor level, as set out in the policy, must be balanced against the realities of the fundamental shift in the retail industry and shopping habits. It is considered that the proposed osteopathy clinic would be an appropriate complementary commercial facility within the District Centre. An on balance decision should be reached as to whether approval of this application would overall deliver benefit to the Centre and would not have an overall unacceptable adverse impact on Centre's ability to provide a shopping function.

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

Pontarddulais District Centre is served by regular bus services. There are good off street parking facilities, with the main provider being the Tesco superstore which offers 320 spaces that are available to all shoppers and visitors to Pontarddulais and not just patrons of the store.

In addition to assessing compliance with Policy RC5, decisions on the suitability of Class D1 proposals should also be made having regard to the criteria set out in Policy RC 9 Ground Floor Non Retail Uses within Centres. The policy states that, within the Pontarddulais District Centre, proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage or have a significant adverse impact upon the vitality, viability or attractiveness of the Centre. Regard must be given to the seven criteria listed in the Policy which have been addressed below:

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

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The site lies in the centre of Pontarddulais District Centre. Pontarddulais District Centre is located the furthest distance from Swansea City Centre, and lies adjacent to the boundary with Carmarthenshire in the north west of the County. Policy RC 9 seeks to protect Retail (Class A1) uses at ground floor level within Centres, any proposal that would lead to a continuous run of 3 or more ground floor non-retail uses within a centre would not be considered acceptable. If the application was approved this would not create a continuous run of 3 or more non retail uses.

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

Policy RC9 does recognise that, in addition to Class A1 retail, a range of uses within Centres can generate footfall and help maintain the Centres vibrancy and attractiveness.

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

No proposed elevation plans have been submitted as part of this application. The existing unit provides an active frontage at street level that any future occupant must maintain. Active shopfronts plays a key role in raising standards of design in Swansea City Centre as outlined in the Shop Front and Commercial Frontage Design Guide SPG.

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

The site lies in the centre of Pontarddulais District Centre with the surrounding uses predominantly Use Class A1. The site is in close proximity to one of the largest A1 units on the street.

v. The impact of the proposed use upon the amenity of adjacent or nearby residents and businesses;

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

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

The applicant states that the unit is currently vacant, however they have failed to demonstrate that the unit has been actively marketed for retail (Class A1) for a minimum period of 12 months. It does need to be highlighted therefore that the proposal does not accord with this aspect of the policy. Despite this, I consider a balanced judgement should be reached and that a view can be taken as to whether there is a good likelihood that the unit will remain vacant as an A1 use. As highlighted below the latest National Guidance makes clear that this should be a significant factor in determination.

It is considered that the proposed change of use, if approved, would create a diversity of uses in the Centre, increasing footfall and aiding the centres recovery and therefore an exceptional case could be made in this instance.

Regard must be given to the latest National guidance and the severe economic impact of the Covid 19 pandemic. Edition 11 of Planning Policy Wales (PPW) recognises the importance of sustaining and enhancing Centres and encourages a diversity of activity and uses within Centres.

Significantly, it states that, where economic decline is impacting on a retail and commercial centre, a sole emphasis on retaining A1 uses in premises, either in primary or secondary areas, that have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances PPW encourages planning authorities to consider how non A1 uses may play a greater role to increasing diversity and reducing vacancy levels. Welsh Government have published guidance that reaffirms its commitment to placemaking with a people focused and placemaking led recovery from the pandemic. The Building Better Places: The planning system delivering resilient and brighter futures guidance includes specific reference to commercial centres. Welsh Government recognises that retailers are facing financial difficulty and as a consequence, vacancy rates are expected to rise dramatically in commercial centres. To prevent this it emphasises how commercial centres must adopt a more flexible approach to create a hub of activity thus making commercial centres viable as go to destination once again.

Placemaking Principles

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

Future Wales Policy 2 sets out that:

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

Swansea LDP Policies PS 2 and ER 2 highlight that:

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

The following SPG provide important guidance on how key placemaking objectives and policy requirements that are set out in the development plan and national policy should be integrated into proposals:

Biodiversity Enhancement

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

Future Wales Policy 9 and PPW require that:

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

Other Key Issues

The application site is located wholly within the C1 flood zone. Potential risks to human health associated with development in flood risk areas should be fully identified and assessed, via Policies RP 1 and RP 5 and national planning policy and guidance (particularly TAN 15). Policy RP5, paragraph 2.14.35, states that development will only be considered in areas at high risk of flooding where it can be demonstrated that the site can comply with the justification and assessment requirements set out in TAN 15. Furthermore, consideration must be given to the forthcoming updated TAN 15. The application site is wholly within Zone 3 of the forthcoming Flood Maps for Planning. NRW has set out how it intends to advise decision makers in relation to the development management process going forward, where flood risk is a material consideration. On 23 November 2021, the Minister for Climate Change issued a letter to confirm that the impending new TAN 15 (Technical Advice Note 15: Development, flooding and coastal erosion) will not come into force until 1 June 2023. The Development Advice Map supporting the extant TAN15 is considered out of date by NRW, with no updates have been made for over 2 years and no future updates are expected. The new Flood Map for Planning (FMfP) is therefore considered by NRW to be the best available spatial information held on flood risk and is being updated every 6 months. On 15 December 2021, Welsh Government's Chief Planner issued a letter to clarify that the FMfP may be regarded as a material consideration. Therefore, NRW have confirmed that they will be considering both the DAM and the FMfP as part of the consultation process and provide comments accordingly. The applicant should be advised of the position set out above in terms of the new TAN and the NRW approach to advice.

With respect to the above, I note that NRW have commented on this application and raise no objection. NRW state that the scale and nature of the proposed development are acceptable subject to the developer being made aware of the potential flood risks and advised to install flood proofing measures as part of the development.

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Final Comments

In summary, despite the concerns regarding a loss of A1 use in the Ponatrddulais District Centre, the proposal would not result in a row of 3 non-retail units. The benefits of a range of commercial facilities within a District Centre are acknowledged and regard also given to the latest National Guidance. As a consequence, subject to the Case Officer being in agreement that there are no other issues to consider regarding the principle of the use change, after careful consideration, on balance in this instance the proposed change of use from A1 to D1 is considered acceptable at this current time. Should it be concluded that the principle of the use is acceptable, it is important that an active frontage at street level is maintained.

Local Highways Authority:

The site is located within the commercial centre of Pontarddulais. On street parking is available fronting the site that is restricted in the main to a maximum of one hour with no return within two hours.

The site is located in a sustainable location with excellent access to public transport and local amenities.

There is an existing retail use established at the site. Staff and visitor parking, and deliveries/refuse collection will continue as currently, all on street. On that basis there is not considered to be any highway safety issues arising from the proposed change of use.

I recommend that no highway objections are raised to the proposal.

Natural Resources Wales:

No objection to the proposed development as submitted subject to the developer being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development.

Neighbour comments:

The application was advertised as a departure application via a Press Notice on 2nd February 2022 and via a Site Notice on 23rd December.

In addition, neighbour notification letters sent to Nos. 71, 71a and 73a St Teilo Street and through the display of a site notice on the 23rd December 2021.

No responses have been received to date.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the principle of this type of use within Pontarddulais District Centre, the impact of the proposal upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

Policy RC9 of the LDP deals specifically with ground floor non-retail uses within Centres. This policy states that proposals for non-retail uses at ground floor level must not give rise to an unacceptable loss and dilution of retail frontage, or have a significant adverse impact upon the vitality, viability or attractiveness of the centre. Regard should be had to the relationship of the proposal to other existing or approved non-retail uses, the effect upon the shopping function of the centre, the nature and design of the shop front and window, the location and character of the unit and/or site, the impact of the proposed use upon the amenity of adjacent or nearby residents and businesses, whether the development allows for, or retains the effective use of, upper floors and the likelihood of the unit remaining vacant for a significant period of time.

Notwithstanding the above, within Section 2.8.46 of the LDP, it is stated that a range of uses within Centres, in addition to Class A1 retail, can generate footfall and help maintain vibrancy and attractiveness. It is imperative that proposals maintain an appropriate mix and balance of uses, and fundamentally respect the primary shopping function. Further guidance on the appropriate proportions of Class A1 retail uses to be retained within primary and secondary frontages is provided in the adopted District Centres, Local Centres and Community Centres SPG, in the interest of avoiding any unacceptable deadening of the commercial frontage.

The proposal is assessed below having regard to the aforementioned criteria contained within Policies RC5 and RC9 of the Swansea LDP.

Policy RC5 requires all planning applications to retain the predominant shopping role and function of Centres, but does also recognise that a range of commercial and community facilities can generate footfall and help maintain a Centre's vibrancy and attractiveness. Regard must be given to the five criteria listed in the Policy:

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

The policy amplification states that District Centres can provide opportunities for an appropriate blend of non-retail uses that can play an important role in sustaining vitality and viability.

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Therefore it is considered that the change of use to an osteopathy clinic (Class D1) is acceptable in this location.

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

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

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

With regard to visual amenity, there are no external alterations proposed to the front exterior of the building. The existing unit provides an active frontage at street level that any future occupant must maintain.

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

The broad approach of Policy RC5 is to support a range of uses in Centres, in addition to Class A1 retail, in the interests of sustaining a mix and balance of uses that can generate footfall and help maintain vibrancy and attractiveness. Notwithstanding this broad approach, this criterion does highlight the need to respect the primary shopping function of the Centre. The preference for retaining and encouraging retail where possible at ground floor level, as set out in the policy, must be balanced against the realities of the fundamental shift in the retail industry and shopping habits. It is considered that the proposed osteopathy clinic would be an appropriate complementary commercial facility within the District Centre and the predominant shopping role of the centre would be retained.

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

Pontarddulais District Centre is served by regular bus services. There are good off street parking facilities, with the main provider being the Tesco superstore which offers 320 spaces that are available to all shoppers and visitors to Pontarddulais and not just patrons of the store.

In terms of Policy RC 9:

i. The relationship of the proposed unit to other existing or approved non-retail uses within the centre;

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The application premises lies within a secondary frontage area within Pontarddulais District Centre. The SPG states that within District Centres, the minimum percentage of A1 shops to be retained within secondary frontage areas is 35%. Appendix E of the SPG outlines how to calculate non-retail uses. It advises that a frontage should generally comprise a continuous, linear run of adjacent properties on the same street that together form a meaningful grouping. On this basis, the relevant frontage is considered a block between Nos 71 - 107 on St Teilo Street. Within this frontage, there are 19 units however the properties are predominately residential dwellings with only 7 units in commercial use. Therefore this secondary frontage already falls below the minimum percentage required by the SPG. Nevertheless, the application property is located between two retail units; a pharmacy (Medihub) and a children's clothes shop (Bambinos Boutique) at Nos. 71 and 75 respectively. It is not therefore considered that the loss of the unit to a non-retail use would itself undermine the retail vitality and viability of the Centre.

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

As noted above, the application site is located between a pharmacy (Class A1) and a baby boutique (Class A1). The SPG acknowledges that whilst retailing should continue to underpin District and Local Centres, a broad range of appropriately located supporting non-retail facilities and services will be encouraged to help safeguard their wellbeing. In this case, it is considered that the proposed use which is intended to open Monday to Friday 9am to 6:00pm; Saturday 10am to 4:00pm; and Sunday and Bank Holidays 10am to 1.00pm would contribute to the centre's vibrancy.

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

With regard to visual amenity, there are no external alterations proposed to the front exterior of the building. The existing shop front display will therefore be retained. Details of a window display have not been provided. However, given the nature of the proposed use, details of a window display are not considered necessary.

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

Whilst it is acknowledged that there are residential properties within the vicinity of the application premises, the unit is located within a hub of commercial uses. Therefore, it is considered that the level of activity associated with the proposed use is considered appropriate for the area and would not significantly harm the residential amenity of surrounding properties.

v. Whether the development allows for, or retains the effective use of, upper floors;

The proposal relates to the ground floor of the property only. No changes have been made to the exterior or the interior of the building thereby retaining the use of the upper floor.

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

Criterion vi requires that marketing particulars including adverts details, offers, interested parties etc. should be submitted with the planning application. A search on-line reveals that the premises was marketed by Silver Oak Property, an estate agency covering Llanelli and surrounding area. Whilst no marketing information has been submitted, taking a flexible and pragmatic approach, non-retail uses are normally acceptable within secondary areas. While an osteopathy clinic (Class D1) would attract some footfall, it is acknowledged that this would not be at the level typically generated by a retail outlet. However, the proposal would not lead to a cluster of non-retail units, and the use would have similar opening hours akin to the lawful Class A1 use as well as retain an active premises frontage.

The Strategic Planning and Placemaking department were consulted on the application and raised no objections considering the factors outlined above. Therefore, on balance it is considered that the proposal would not have an adverse impact upon the retail function of the district centre.

Placemaking/ Visual Impact

As noted above, no external alterations are being proposed to the application building. As such, it is not considered that the proposed development would have any serious adverse impact on the character and appearance of the host building or the street scene.

Residential Impact

As noted above, whilst there are some residential properties within the vicinity at the premises, the unit is located within a hub of commercial uses. Therefore, it is considered that the level of activity associated with the proposed use is considered appropriate for the area and would not significantly harm the residential amenity of surrounding properties, in terms of increased levels of noise and disturbance.

Highway Safety/ Active Travel

The application site is located within an established District Shopping Centre, which has a wide range of commercial premises and amenities and is served by excellent transport links and car parking in the form of on street parking bays. As such, given the sustainable location, it is not considered that the proposal would have an unacceptable impact on the safe and efficient operation of the transport network.

Biodiversity

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated

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Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. However, this application solely involves the change of use of the property and no external alterations. On this basis, it is not considered reasonable or necessary to require ecological enhancements in this instance with few meaningful opportunities to provide them within the application site.

Flooding

The site lies entirely within a C1 flood zone. Given the scale and nature of the proposed development, NRW do not object to the proposal subject to the applicant being made aware of the potential flood risks and advised to install flood-proofing measures as part of the development. An informative to this effect is therefore recommended.

Notwithstanding this, the proposal still needs to be assessed against Paragraph 6.2 of TAN 15. Whilst the development does not form part of a Local Authority initiative, the change of use is relatively minor to an existing operation that is providing employment in the area. Similarly, no Flood Consequences Assessment has been submitted. However, the proposal generally concurs with the aims of PPW and meets the definition of previously developed land. In addition, the proposal is of a very similar nature to the current use of the site, there is no operational development associated with the scheme and as indicated above, NRW have no objection to the scheme. On this basis, therefore, the proposal is considered to comply with the requirements of Policies PS2, ER1 and RP5 and the overall intentions of the aforementioned TAN 15.

Conclusion

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

The proposal is considered to represent an acceptable form of development that would complement the existing offer in Pontarddulais to sustain the viability and attractiveness of the District Centre in compliance with Policies PS2, RC5 and RC9 of the Swansea LDP and the Supplementary Planning Guidance Document entitled 'District Centres, Local Centres and Community Facilities'.

RECOMMENDATION

APPROVE, subject to the following conditions;

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- 1 The development shall be carried out in accordance with the following approved plans and documents: location plan, received on 2nd December 2021 and floor plan, received on 8th December 2021.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 2 The use hereby approved shall not operate and no customers shall be allowed on the premises outside of the following hours:

09.00 to 18.00hrs Monday to Friday;
10.00 to 16.00hrs on Saturdays; and
10.00 to 13.00hrs on Sunday and Bank Holidays.

Reason: To ensure the proposal contributes to the local centres vibrancy during the day and to safeguard the amenities of neighbouring residents.

- 3 The premises shall be used for an osteopathy clinic (Class D1) only and for no other purpose of 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).
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in the interests of the vitality and viability of the District Shopping Centre given the justification for the development.

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policy 1, 2, 6 and 9.

The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS2, ER1, RP4, RP5, RC5, RC9, ER8, ER9, T1 and T6.

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

- 3 Natural Resources Wales (NRW) recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor and locating electrical sockets/components at a higher level above possible flood levels.

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NRW refers the applicant to their website for further advice and guidance available. Additional guidance including the leaflet "Prepare your Property for flooding" can be found there. The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties' which can be found there.
