



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Planning Committee

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

On: Tuesday, 2 August 2022

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

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

Watch Online: <https://bit.ly/3PnW9u1>

Agenda

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Next Meeting: Tuesday, 6 September 2022 at 2.00 pm

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

Huw Evans
Head of Democratic Services
Tuesday, 26 July 2022

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Multi-Location Meeting - Gloucester Room, Guildhall / MS

Teams

Tuesday, 5 July 2022 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

M Bailey
A J Jeffery
R D Lewis
R A Williams

Councillor(s)

P M Black
M H Jones
N L Matthews

Councillor(s)

P Downing
M B Lewis
T M White

Also present

Councillors E W Fitzgerald, R Fogarty & W G Thomas

Officer(s)

Gareth Borsden	Democratic Services Officer
Matthew Bowyer	Principal Telematics Engineer
Ian Davies	Development Manager
Sally-Ann Evans	Lead Lawyer
Tom Evans	Strategic Planning Team Leader
Andrew Ferguson	Area Team Leader
Chris Healey	Area Team Leader
Phil Holmes	Head of Planning & City Regeneration
Hayley Kemp	Area Team Leader
Dave Owen	Principal Planning Officer
Jonathan Wills	Lead Lawyer

Apologies for Absence

Councillor(s): S E Keeton

10 Disclosures of Personal and Prejudicial Interests.

In accordance with the Code of Conduct adopted by the City and County of Swansea, the following interests were declared:

Councillor P M Black - Planning Application 2022/1031/S73 (Item 5) – personal & prejudicial and left prior to discussion and Planning Application 2022/1167/FUL (Item 7) – personal.

Councillor P Downing – Confirmation of TPO 685 – personal and Planning Application 2022/1031/S73 (Item 5) – personal.

Councillor P Lloyd – Planning Applications 2022/1031/S73 (Item 5) & 2022/1167/FUL (Item 7) – personal.

11 Minutes.

Resolved that the minutes of the meeting held on 14 June 2022 be approved and signed as a correct record.

12 Items for deferral/withdrawal.

None.

13 Confirmation of Tree Preservation Order 685.

The Head of Planning and City Regeneration presented a report which sought consideration of the confirmation, as a full Order, of the provisional Tree Preservation Order 685: Llwynderw School 2022

The background details and history to the matter were outlined and detailed in the report by Officers, a provisional TPO had been placed on the tree on 15 March 2022.

The objections and representations received regarding the matter and the damage to a property were outlined and detailed in the report.

The independent report compiled by Mr Mark Chester of Cedarwood Tree Care Ltd for the owner of the property affected was outlined in full at the appendix to the report.

A further late e mail from the objector was reported along with the officer response to the e mail and both were outlined to committee members in the update sheet.

Councillor Rebecca Fogarty (Local Member) addressed the committee and spoke in support of the proposal to confirm the TPO.

Resolved that Tree Preservation Order: Llwynderw School 2022, be confirmed.

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

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

Amendments/updates to this schedule were reported and are indicated below by (#)
(Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting)

Resolved that the undermentioned planning applications

- 1) Be **approved** subject to the conditions in the report and/or indicated below:

#(Item 1) – Planning Application 2021/1495/FUL - Erection of 166 dwellings with associated access, landscaping, open space, green infrastructure, drainage infrastructure and associated works at Land North Of Llewellyn Road, Penllergaer, Swansea

A visual presentation was given.

Francesca Evans (applicant) addressed the Committee.

Councillor Wendy Fitzgerald (Local Member) addressed the Committee and spoke against the application.

Report updated as follows:

DCWW has advised that condition 15 is no longer required.

One further letter of objection received. No new issues raised.

Note: Application approved in accordance with recommendation subject to a Section 106 Agreement being signed and condition 15 being deleted.

#(Item 3) – Planning Application 2022/0381/106 - Modification of Section 106 agreement attached to planning permission 2002/1000 granted 19th August 2003 to add a new condition/ mortgagee exclusion clause into Clause 1 of the Third Schedule at 1-54 (inclusive) Llys Hafn Lamberts Road, Swansea

A visual presentation was given.

Note: Application approved in accordance with recommendation subject to a new Section 106 Agreement being entered into.

#(Item 4) – Planning Application 2021/2611/FUL - Change of use and conversion from a former public house (Colliers Arms) into two, three storey dwellings, including the addition of two rear dormers, rear rooflights, fenestration alterations, demolition of a single storey structure to the rear, removal of pitched roof at the rear to be replaced with flat roof with lantern lights and bike shed at 31 Hebron Road, Clydach, Swansea

A visual presentation was given.

Note: Committee resolved to grant delegated powers to the Head of Planning & City Regeneration to approve the application if, at the end of the formal consultation period, no new material considerations are raised in consultation responses.

#(Item 5) – Planning Application 2022/1031/S73 - Residential development with construction of new vehicular access off Nantong Way (outline) (2006/1902) as varied by Section 73 planning permissions 2014/1189, 2018/1204/S73 and 2019/0536/S73. Variation of condition 8 (permanent access off Nantong Way) of Section 73 planning permission 2018/1204/S73 granted 3rd October 2018 (to extend the trigger to construct the permanent Nantong Way access) Variation of condition 8 of planning permission 2019/2523/S73 granted 4th June 2020 to extend the period of time for completion of construction to 30th April 2023 to allow for highway amendments at Land At Upper Bank, Nantong Way, Pentrechwyth, Swansea

A visual presentation was given.

Note: Application approved in accordance with recommendation subject to a modification of the highway requirements in the original Section 106 Agreement

#(Item 6) – Planning Application 2022/0954/RES - Approval of all reserved matters in respect to the development of the Innovation Matrix Building (mixed Business B1 / Education D1 with ancillary A3) including associated landscaping and supporting infrastructure - Phase 1 Swansea Waterfront Innovation Quarter (Details of access, appearance, landscaping, scale and layout pursuant to conditions 08, 09, 15 & 20 of outline planning permission 2015/1584 approved 13th May 2016) at Plots Pc And Pj , Land South Of Fabian Way And East Of River Tawe, Swansea

A visual presentation was given.

Note: Application approved in accordance with recommendation subject to a modification of the highway requirements in the original Section 106 Agreement.

#(Item 7) – Planning Application 2022/1167/FUL - Single storey side extension and two storey rear extension at 33 Heol Waun Wen, Llangyfelach, Swansea

A visual presentation was given.

Report updated as follows:

Following the re-consultation exercise, a further letter of objection has come in from a neighbour reaffirming their objection to the proposals.

2) Be **refused** for the reasons outlined in the report:

#(Item 2) – Planning Application 2020/2629/FUL - Demolition of existing dwelling and construction of a 4 storey block containing 3 flats at 2 Broadview Lane, Mumbles, Swansea

A visual presentation was given.

Pauline Cooper (objector) addressed the Committee.

Alex O'Brien (applicant) and Alan Seager (agent) addressed the committee.

Councillor Will Thomas (Local Member) addressed the Committee and spoke against the application.

Report updated as follows:

The second paragraph of the 'Residential Impact' section of the report erroneously refers to 'No 1' on four occasions. Each 'No 1' should be replaced by 'No 3' in this paragraph.

The third paragraph of the 'Residential Impact' section of the report erroneously refers to 'No 3' on two occasions. Each 'No 3' should be replaced by 'No 1' in this paragraph.

Reason for refusal 2 should be replaced by the following;

"The proposed building, by virtue of its inappropriate siting and excessive scale and height, would have an unacceptable overbearing and overshadowing impact on the occupiers of 3 Broadview Lane, and an unacceptable overbearing impact upon the

occupiers of 1 Broadview Lane, to the detriment of the living conditions that these neighbouring occupiers could reasonably expect to enjoy, contrary to Policy PS2 of the Swansea Local Development Plan (2019) and the Council's Placemaking Guidance for Infill and Backland Development (2021).

The meeting ended at 4.05 pm

Chair

Agenda Item 5

City and County of Swansea
Dinas a Sir Abertawe

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

DATE: 2nd August 2022

Bay Area Team Leader: Hayley Kemp Tel: 07970 680580	Area 1 Team Leader Andrew Ferguson Tel: 07970 680531	Area 2 Team Leader: Chris Healey Tel: 07970 680562
Castle Cockett Mayals Sketty St Thomas Uplands Waterfront Waunarlwydd West Cross	Bonymaen Clydach Cwmbwrla Gorseinon and Penyrheol Landore Llangyfelach Llansamlet Llwchwr Morrison Mynyddbach Penderry Penllergaer Pontarddulais Pontlliw and Tircoed Townhill	Bishopston Dunvant and Killay Fairwood Gower Gowerton Mumbles Penclawdd Pennard

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

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



TWO STAGE VOTING

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

The first vote is taken on the officer recommendation.

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

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

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

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

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

Contents

Item	App. No.	Site Location	Officer Rec.
1	2021/3182/FUL	Land At Samlet Road , Llansamlet, Swansea, SA7 9AF Residential development comprising 17 no. dwellings (8 x 2 bed, 9 x 3 bed) and 18 no. flats (14 x 1 bed, 4 x 2 bed) and associated infrastructure work	Approve

Planning Committee – 2 August 2022

Item 1 (Cont'd)

Application Number:

2021/3182/FUL

The surrounding area is characterised by a mix of commercial and residential uses. The site adjoins Aldi (to the west), and Swansea Enterprise Park is located to the south of the site. Immediately to the east of the site is an existing burial ground and wooded areas are to the rear of the site.

Description of Development

This application seeks full planning permission for a residential development comprising 17 no. dwellings (8 x 2 bed, 9 x 3 bed) and 18 no. flats (14 x 1 bed, 4 x 2 bed) and associated infrastructure work. The flats will comprise of four separate blocks, three of which will comprise of two storeys and one will comprise of three storeys and will front Samlet Road. Parking for the flats would be at the rear and the flats above ground floor would have balconies whilst the ground floor flats would have outdoor space.

There will be one detached dwelling and 16 semi-detached dwellings, all of which will comprise of two storeys. The flats and dwellings will be finished in a mixture of grey horizontal cladding and buff clay facing brickwork with concrete roof tiles with a range of feature windows with pop out aluminium framing. A Local Area of Play/ open space would be located in the centre of the site with Plot 29 directly fronting this feature. A green verge runs alongside one side of the street which terminates in a turning head with a private drive serving 5 properties. Existing trees on the southern and eastern boundaries are largely being retained.

This application is for 100% affordable housing.

Relevant Planning History

- 98/1394 demolition of existing disused mission hall and use of land as an open air car sales compound - approved December 1998.
- A00/0027 - retention of single storey mobile office building and retention of security fence in connection with approved car sales use - approved February 2000.
- 2002/1318 - change of use from restaurant (Class A3) to car showroom (Sui Generis) - approved November 2002
- 2006/1907 - residential development (outline) - approved June 2007.

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 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Item 1 (Cont'd)

Application Number:

2021/3182/FUL

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) 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.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution.

Item 1 (Cont'd)

Application Number:

2021/3182/FUL

An integrated and flexible approach to design, including early decisions regarding location, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

Car Parking

4.1.49 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

Item 1 (Cont'd)

Application Number:

2021/3182/FUL

4.1.50 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.51 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

Item 1 (Cont'd)

Application Number:

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6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting

6.4.27 The protection and planting of trees and hedgerows should be delivered, where appropriate, through locally-specific strategies and policies, through imposing conditions when granting planning permission, and/or by making Tree Preservation Orders (TPOs). They should also be incorporated into Green Infrastructure Assessments and plans

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development. In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

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.

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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 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.

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.

T1 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 5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

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.

EU4 Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

RP 2 Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.

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RP 3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

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.

RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

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

SI 1 Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI 3 Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

SI 8 Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime in accordance with specified policy principles.

IO 1 Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

Item 1 (Cont'd)

Application Number:

2021/3182/FUL

Supplementary Planning Guidance

The supplementary planning guidance documents: Placemaking Guidance for Residential Development (2021), Trees, Hedges and Woodlands SPG (2021), Car Parking Standards SPG (2012), Biodiversity and Development SPG (2021) 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:

Local Highways Authority:

The internal layout issues raised have all been resolved to a point where there is unlikely to be any grounds for objection.

The location of the existing bus stop has been discussed and it will remain in place. The relocation was concluded not to be needed and the relevant drawings have been updated to reflect this.

There has been progression on the request for enhancements and connections to an existing active travel route. It was confirmed that financial contribution is to be made of £15,000 and this has been confirmed to be acceptable.

Local Authority Tree Officer:

No objection.

The application is accompanied by a draft tree protection plan. Please condition a final plan which must include dimensioned positions of the fencing on the plan.

Local Drainage Authority:

We are currently in receipt of a SAB Application for this site under reference 2022/0038/SFA.

Initial review of the application only recently received has highlighted that that scheme is using tanked attenuation systems which the SuDS Standards have a strong presumption against and are not acceptable to the Authority for this reason.

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Item 1 (Cont'd)

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2021/3182/FUL

This means that the POS show on the submitted plans will need to be used for multifunctional SuDS and will be lost. We also note that there are clashes between dwgs 10321-100 and 1133.01 Rev B have clearly marked attenuation basin while the engineering plan 10321-101 Rev A does not.

We will have other comments in due course regarding biodiversity and amenity.

Due to the confusing dwgs being submitted and the actual SuDS design being vague we OBJECT to the application pending an acceptable design being submitted that can then be detailed up for the SAB application.

Placemaking and Strategic Planning:

I don't have any concerns with the amended proposals.

I note that the Juliette balconies to the upper floor flats have been changed to full balconies. This is welcomed but are the balconies large enough to be useable.

Local Authority Ecologist:

Relevant documents reviewed:

- Ecological Appraisal Report, I&G Ecological Consulting, September 2021;
- Tree Survey for Bat Potential, I&G Ecological Consulting, February 2022;
- Reptile Mitigation Method Statement, I&G Ecological Consulting, June 2022;
- Amenity Statement & Green Infrastructure Strategy, DP Landscape Architecture, November 2021; and
- Soft Landscape Proposals, DP Landscape Architecture, November 2021.

Trees:

The council has now adopted a new Trees, Hedgerows and Woodlands SPG, which contains the Swansea Tree Replacement Standard. This should be used to calculate how many trees will need to be planted to replace those proposed for removal: <https://www.swansea.gov.uk/treespg>

Bats:

Please include the following informative:

All UK bat species 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 bat;
- Intentionally or recklessly disturb a bat in its roost;
- Damage or destroy the breeding site or resting place of a bat (even if it is not occupied at the time);
- Intentionally or recklessly obstruct access to a bat roost.

If evidence of bats is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or Natural Resources Wales (NRW) sought before continuing with any work (0300 065 3000).

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Breeding/nesting birds:

Please include the following informative:

It is an offence under The Wildlife & Countryside Act 1981 (as amended) to intentionally:

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

Additionally, bird species listed on Schedule 1 of the Act are also protected from intentional or reckless:

- Disturbance while it is building a nest or is in, on or near a nest containing eggs or young; and
- Disturbance to dependent young of such a bird.

Condition:

No clearance/pruning of trees, shrubs, scrub or buildings shall be undertaken during the bird nesting season (late February-early September). Where this is not possible, a check for active nests by a suitably qualified ecologist will be required prior to clearance. Any active nests will be left in situ until chicks have fledged or the nest is no longer active. If any nests of Schedule 1 species are found, additional measures to avoid disturbance will be required.

Badgers:

Please include the following informative:

Badgers and their setts are protected under The Protection of Badgers Act 1992. It is an offence to:

- Kill, injure or take a badger;
- Damage, destroy or obstruct access to a badger sett; and
- Disturb a badger when it is occupying a sett.

If evidence of badgers is encountered during development, work must cease immediately and the advice of a suitably qualified ecologist or NRW sought before continuing with any work (0300 065 3000).

Condition:

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

Hedgehog:

Please include the following informative:

There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of The Wildlife and Countryside Act 1981 (as amended), which prohibits killing and trapping by certain methods. They are also listed on Section 7 of The Environment (Wales) Act 2016. This is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

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Condition:

In order to retain habitat connectivity for species of principal importance, such as hedgehogs, boundary treatments shall not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See: <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

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. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.

Condition:

The development (including site clearance/preparation) shall be undertaken in strict accordance with the submitted reptile mitigation method statement, including the provision of 2no. reptile hibernacula.

Lighting Strategy

Condition:

A sensitive lighting strategy for the site shall be submitted to the LPA for approval prior to the commencement of development on site. It should aim to protect bats and other nocturnal species. A plan showing location, light spill and specification for any proposed lights on the site (during construction & operation) must be submitted for approval. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>

Construction Environmental Management Plan (CEMP)

Condition:

A CEMP for the site shall be submitted to the LPA for approval prior to the commencement of development (including site clearance) on site. The document will need to include sufficient detail to demonstrate how construction will be managed to ensure pollution prevention and protection of habitats and species on and adjacent to the site.

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 Cotoneaster was recorded, 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.

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Ecological Enhancements:

The Biodiversity Supplementary Planning Guidance (SPG) should be referred to for further information: <https://www.swansea.gov.uk/biodiversityspg>

The proposals for 5no. bat boxes, 5no. bird boxes and 5no. invertebrate refugia are acceptable enhancements.

Condition:

The exact proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval. The approved enhancements shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Sustainable Drainage (SuDS):

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage.

Standard S5 addresses the design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

Education Department:

SPG Pupil Generation:

	Total Pupil Numbers	£	Pupil Numbers Rounded up/down WM	£	Pupil Numbers Rounded up/down EM	£
WM 24.8%			24.8%		75.2%	
Primary	5.27	£83,805.00	1	£15,100	4	£60,400
Secondary	3.74	£90,903.68	1	£23,072	3	£69,216
Post 16 Provision	0.68	£17,832.96	0	£0	0	£0
TOTAL	9.69	£192,541.64	2	£38,172	8	£129,616

Review of the effect on Catchment Schools of Proposed Development: -

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Application Number:

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Planning Application: Land at Samlet Road, Llansamlet Swansea SA7 9AF. Planning application number 2021/3182/FUL. Residential development comprising 17 no. dwellings 8 x 2 bed, 9 x 3 bed and 18 no. flats (14 x 1 bed, not counted) 4 x 2 bed.

Position of capacity:

Primary:

English-medium: there are currently 93 (32.40%) surplus places in the EM primary school (Trallwn).

Welsh-medium: there are currently 114 (21.51%) surplus places in the WM primary school (YGG Lonlas).

Secondary:

English-medium: there are currently 47 (5.19%) surplus places in the EM secondary school (Cefn Hengoed) which is predicted to be 1.44% by September 2027.

Welsh-medium: there are currently 354 (28.01%) surplus spaces in the WM secondary school (YG Bryntawe).

Requested Contribution:

Primary: there is no request for a contribution for the EM or the WM primary schools as there is currently sufficient surplus capacity within those schools to accommodate this development.

Secondary: there is no request for a contribution for the WM secondary school (YG Bryntawe) as currently there is sufficient surplus capacity within this school to accommodate this development. There is a request for the full developers contribution of £69,216 plus indexation to be made towards the EM secondary school (Cefn Hengoed), based on the limited spaces available at the school and the existing commitments.

It must be made clear that Education requests for contributions are assessed in accordance with the Supplementary Planning Guidance and are essential to enable the provision of additional places in schools to meet increased demand arising from developments. If requests are rejected, or s106 agreements varied, then this risks Education being in a position that it is unable to accommodate catchment area pupils in their local school.

Housing Department:

This site falls within the East Strategic Housing Policy Zone where there is a LDP target for a minimum of 10% of the total number of dwellings provided on site to be affordable homes, this site proposes 100% affordable housing.

This scheme is being supported by Housing for Welsh Government funding, as a 100% affordable scheme, the RSL is Caredig. For the purpose of the Section 106 it should be conditioned 10% in line with the LDP policy. I support the proposed mix of property sizes, the affordable housing must be built to WDQR standards.

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Parks Department:

At the present time I have no comment to make on the proposed development but if it does proceed and the Parks Service is expected to adopt the any POS/play facilities, we would wish to be involved from the outset to discuss proposals and any commuted sum contributions.

Pollution Control Department:

Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays unless otherwise agreed through the Local Planning Authority. The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice. If applying for Prior consent under the Control of Pollution Act 1974, section 61, please contact pollution@swansea.gov.uk and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

Contamination

Site Characterisation

The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- a list of potential receptors
- an assessment of the extent of the contamination
- an assessment of the potential risks
- an appraisal of remedial options, and proposal for the preferred remedial option(s).

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Phase 1 report: Desk Top Study
this shall:

- Provide information as to site history, ^{Page 23} setting, current and proposed use.

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- Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation

this shall:

- Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.

Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

Phase 3: Remediation Strategy Options Appraisal

this shall:

- Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and

Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report

- On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

Reason: To ensure that the safety of future occupiers is not prejudiced.

Natural Resources Wales (NRW):

We have no objection to the proposed development as submitted and provide the following advice.

European Protected Species

We have reviewed the 'Ecological Appraisal Report: Land at Peniel Green Road, Llansamlet, Swansea SA7 9AF' by I&G Ecological Consulting Ltd, dated September 2021. We welcome the recommendation set out in section 5 'conclusions and recommendations' for further surveys, mitigation and enhancement.

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Dormice

Whilst dormice are acknowledged in the report, it is unclear whether the development will significantly impact this species. We also note that habitat with potential to support dormice may be impacted:

'Section 5.2.1 The area of grassland is approximately 0.25ha, with a border of Bramble scrub c.6- 10m wide; both will support a range of species as described above. Mitigation for loss of such habitat should include retention and appropriate management of a proportion of the habitat, together with new planting'.

We recommend you consult with your Authority's Planning Ecologist to determine whether further surveys are required for dormice.

Bats

There are a number of trees within and around the development site. It is recommended within the ecology report that any trees to be removed are subject to further bat surveys:

'5.3.1 If any trees are to be removed or managed to accommodate the development, then the area/individual trees will be assessed for suitability for, and use by, Bats, Badgers, and nesting birds, by a suitably qualified and experienced ecologist. No vegetation clearance will be undertaken during the bird breeding season'.

If trees are to be removed as part of this proposal, we advise that they are surveyed for bats in accordance with published best practice guidelines.

Lighting plan

We welcome recommendation of a lighting plan for the east and south tree line:

'5.5.1 The tree-lines to the east and south will act as flight lines for bats; any dark corridors should be maintained as such. An appropriate lighting plan in relation to bats will take such habitat features into consideration'.

It is recommended the lighting plan is extended for the entire site.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

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The Coal Authority:

The application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop.

The Coal Authority notes the supporting Phase I Desk Study Report (November 2021, prepared by Terra Firma Ltd), which has been informed from appropriate geological and mining information. The Report confirms that intrusive investigations will be required to identify any necessary remedial measures. Consequently, the Coal Authority has no objection, subject to the LPA imposing a condition to ensure the undertaking of an appropriate scheme of intrusive site investigations and any necessary remedial measures, prior to the commencement of development.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should 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 property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on.

SUDS

It should be noted that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

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The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Phase I Desk Study Report (November 2021, prepared by Terra Firma Ltd) that coalmining legacy potentially poses a risk to the proposed development and that 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.

Accordingly, the Coal Authority recommends the imposition of the following conditions:

1. No development shall commence until;
 - a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past 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 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 development, or it being taken into beneficial use, 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 has no objection to the proposed development subject to the imposition of the conditions to secure the above. 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.

Glamorgan Gwent Archaeological Trust (GGAT):

We have consulted the regional Historic Environment Record (HER) and note the compilation of an archaeological desk-based assessment by Red River Archaeology (report no. RR0402, dated November 2021). Historic Ordnance Survey mapping suggests the area was utilised as a burial ground, first appearing in an established form on the Third Series OS Map of 1917 and continuing in that form through to at least the Fourth Series OS Map of 1938. The assessment details the efforts to determine if the existing burial ground to the northeast does indeed extend into the application area. However, the results were inconclusive. As a result an archaeological field evaluation was conducted by Red River Archaeology (dated December 2021). The evaluation consisted of three trenches, none of which encountered any archaeologically significant remains, although evidence of Post-medieval quarrying was recorded.

The pre-determination works indicate that the burial ground does not extend into the current development area. Therefore it is unlikely that significant archaeological remains will be encountered during the course of the works.

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As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

Dwr Cymru Welsh Water (DCWW):

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 (Ref: PPA0006267) has been acknowledged and included at Appendix F of the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning, which highlights that foul water flows can be accommodated within the public sewerage system whereas surface water flows are subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore require SAB consent.

Notwithstanding this, if minded to grant planning consent, we would request that the following Condition and Advisory Notes are included 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 foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Advisory Notes

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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).

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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.

Designing Out Crime Officer:

In respect of the above I would make the following observations :-

(i). Site layout.

I am pleased with the site layout.

Entry onto the estate must be restricted to the designated routes.

(ii). Lighting.

Lighting on the estate must meet the British Standard 5489:2013.

(iii). Boundary identification.

Defensible space using symbolic barriers e.g. pillars, rumble strip, or a change of road surface, i.e. colour or texture, must be built into the design to encourage a feeling of territoriality amongst users especially at the entrance to the development.

There must be a change of surface, i.e. colour or texture, to identify public areas from private or semi-private areas e.g., the footpaths from the driveways/front gardens.

Preferably front boundaries would be identified by low walls and gates.

(iv). Landscaping and planting.

Overgrown shrubs and other thick barriers that are in close proximity to public areas must be avoided and clear sightlines must be maintained over long distances.

Windows and doors must not be obscured by landscaping features and trees in public areas must not have any foliage below 2 metres from the ground.

Trees and other landscaping features must not be positioned where they could create hiding/entrapment spaces, obscure signage and lighting or provide a potential climbing aid into properties.

There must be clear lines of sight across the development and clear unobstructed views of the parking bays from the properties.

(v). Vehicle parking.

All vehicle parking bays must be lit and they must be overlooked by rooms in the homes preferably that are usually occupied.

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(vi). Side and rear boundaries.

The walls/fencing/railings and gates preventing access to the rear and sides of the properties should be robust, at least 1.8 metres high (2 metres high if the side or rear gardens are adjacent to open land or a footpath). To prevent it being climbed the perimeter security must be of a suitable design.

Gates must be lockable both sides with a key, the same height as the adjacent wall/fencing and sited at, or as near to, the front building line of the properties as possible.

Rear and side gardens must be secure areas.

(vii). Garden sheds.

Garden sheds should be sited away from the rear fencing or walls to prevent assisting people in climbing over them.

(viii). Bin stores.

Bins must be kept in secure areas.

(ix). Bicycle stores.

Bike stores must be secure, lit and overlooked by the properties (please visit www.securedbydesign.com for more information).

(x). Security lighting.

Security lighting must be installed controlled preferably by photo electric cells or time switches or alternatively PIR detectors. The lighting should protect the rears and sides of the homes, the parking bays and the driveways.

Callers at the external doors of the properties must be lit during the hours of darkness by appropriate lighting.

(xi). Drainpipes.

If the drainpipes of the properties are not within the fabric of the buildings they must be designed so that they do not offer an assist to climbing.

(xii). Blank walls.

Windowless elevations or blank walls adjacent to space to which the public have access, should be avoided and provide at least one window to a habitable room wherever possible. Where blank flanking walls are unavoidable, a 1 metre 'buffer zone' must be created.

(xiii). Public utilities.

If smart meters are not installed, meter boxes must be fixed to, or as near to, the front building lines of the properties as possible.

(xiv). Door security.

All external doors in the properties must meet the standard PAS 24 2016 or equivalent and should be third party tested and certificated.

Glass in door panels or adjacent to door panels must be laminated and doors in recesses of more than 600mm must be avoided.

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(xv). Window security.

All vulnerable windows fitted, e.g. ground floor windows, windows above flat roofs, must meet the PAS 24 2016 or equivalent and should be third party tested and certificated. They should also have key operated window locks fitted.

(xvi). Intruder alarm system.

A 13 amp fused spur should be installed in each individual property. Ideally all properties would have an intruder alarm fitted up to the relevant British Standard.

(xvii). Identification of properties.

Property numbers and street names must be clearly displayed.

More detailed information can be found by visiting the Secured by Design website www.securedbydesign.com.

Neighbour comments:

The development was advertised on site with notices (dated 18th May 2022).

One letter of objection has been received which is summarised below:

- There is a digital billboard on the gable wall of No. 120 Samlet Road, the proposed development will block this billboard

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the impact of the proposed development on visual and residential amenity, highway safety, ecology, drainage, archaeology and land stability, 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.

The plans for the development have been amended since the original submission in an attempt to address officer concerns regarding the design of the scheme, the lack of amenity space for the future occupiers and to address parking and highway safety concerns. The plans have been through revisions and these have been the subject of public re-consultation exercises. This report will consider the final set of revisions only.

Principle of Development

In terms of the principle of development at this site, given its location within the urban area and that previous planning applications have been approved for residential development in this location (notwithstanding that the proposals were considered against the former Unitary Development Plan), the principle of residential development in this location is acceptable subject to detailed consideration of the proposals as set out below.

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Placemaking/ Visual Impact

The surrounding area is characterised by a mix of commercial and residential uses, the residential dwellings being primarily two storeys in nature, finished in brick and render. Aldi is located directly adjacent to the site with Motorpoint car sales and a tool hire company located opposite the site. The site frontage is covered in hardstanding with the rear of site covered in scrubland and trees to the rear boundary.

Three blocks of flats will be located along the site frontage, fronting Samlet Road. Flats 1 to 8 will comprise of 2 no. two storey buildings, with projecting gable frontages to add visual interest and incorporate front doors for the flats. The first floor flats will have balconies and the ground floor will have direct access to an enclosed terrace. The building will be enclosed with a dwarf wall and black railings above.

There will be a courtyard style parking area to the rear of flats 1 to 8 comprising of 14 car parking spaces. The car parking spaces will be interspersed with landscaping, and bin and bike stores.

The other block of flats fronting Samlet Road will comprise of 2 no. 1 bedroom flats and 4 no. 2 bedroom flats and will be three storeys in height with two dormer windows to the front elevation. The upper floors will have balconies to the rear elevation whereas the ground floor flats will have direct access to an enclosed terraced area. The building will be enclosed with a dwarf wall and black railings above. Whilst it is recognised that front dormer windows are not a feature of the street scene, given the varied commercial and residential nature of the street scene, it is not considered that the proposed design approach would negatively impact the character of the wider surrounding area.

The dwellings and flats will be finished in a mixture of grey horizontal cladding and buff clay facing brickwork with concrete roof tiles. There will be feature windows with pop out aluminium framing in order to create visual interest to the elevations.

There will be three differing house types for the dwellings on site, house type 532, house type 531 and house type 421. House type 531 consists of a three bedroom dwelling, plots 13, 14, 15, 16, 21 and 22 represent two storey semi-detached dwellings whereas plot 23 represents a two storey detached dwelling. House type 421 consists of a two bedroom, two storey semi-detached dwelling. House type 532 (plot 29) consists of a three bedroom two storey dwelling. The house types are all of a similar scale and design in order to create

Plots 28 and 29 will comprise of two differing house types to create a dual aspect to the area of open space and the main access road. Plot 29 will have its main entrance facing the open space to create a level of natural surveillance and visual interest to this prominent elevation from the access road. It is considered that in this particular location within the site the differing house types will be visually acceptable.

There are no boundary treatments proposed to the front of the dwellings which is welcomed and will create an open feel to the site. In order to retain this openness a condition will be placed on the grant of planning consent removing permitted development rights for boundary treatments forward of the dwellings.

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The submitted landscaping scheme shows that the site will be suitably landscaped and a condition shall be imposed to ensure that this landscaping is achieved.

There is a small storage shed proposed for each dwelling, it will measure approximately 1.5m wide, 2.8m in length with a pitched roof measuring approximately 2m at its highest point. It is considered that this shed would be an appropriate addition to the rear gardens of the dwellings and would represent an acceptable form of development.

It is considered that the proposals will comprise of an acceptable form of development with legible entrances and natural surveillance of public areas. It is considered that the proposals follow the placemaking principals espoused within the Local Development Plan and National Planning Policy.

Residential Impact

In terms of residential amenity, the upper floor flats all have balconies measuring 3m² which is considered to represent adequate space for sitting out. The ground floor flats all have direct access to an enclosed terraced area which will provide for a level of private external amenity space. In addition to this there is the provision of communal open space to the rear of flats 30-35 and a smaller area to the rear of flats 9-12. It is considered that this provision, along with individual balconies and direct access for the ground floor flats to enclosed areas would provide for an acceptable amenity space provision.

The proposed dwellings would have private rear amenity spaces ranging from approximately 9m to 13.5m. Whilst 9m is less than 10.5m normally sought to the boundary, this is to prevent overlooking and no such concerns are raised in this instance given the site context resulting in the scheme being acceptable in regards to overlooking. It is considered that this will provide for sufficient private amenity space for sitting out and drying of clothes. It is noted that the levels rise to the rear of the site and as a result a retaining wall is proposed to the rear gardens of plots 17 and 18; this retaining wall would be between 0.5m and 1.3m in height. The submitted cross section drawing indicates the level differences to the rear of the site and for plots 17-25. It is however considered that whilst the levels rise to the rear of these gardens, there would still be adequate level space for sitting out and the proposed gardens would not be so steep as to be unmanageable. It is considered appropriate that a condition in relation to the removal of permitted development rights for extensions and outbuildings is proposed to protect the current provision of amenity space.

It is not considered that the comings and goings from the car parking to the rear of the blocks of flats would give rise to any significant residential amenity concerns. The car parking spaces are sited at least 4.5m from the elevations of the buildings which will reduce the light impact from headlights and noise from car doors opening and closing. The siting of the car parking spaces in relation to the blocks of flats is such that natural surveillance will be provided.

The two bedroom flats will measure approximately 58m² internally and the one bedroom flats will measure approximately 53m². It is considered that this represents acceptable internal living space, the internal layout of the flats is appropriate as is the level of light and outlook that will be achieved from windows and doors.

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It is considered that the proposed internal layout of the dwellings is appropriate as is the location of windows and doors to achieve sufficient light and outlook.

There is approximately 16m from the front elevation of plots 19 and 20 to the side/rear of plot 16. There is between approximately 13m from the front elevation of plots 24 and 25 to the side elevation of plot 26 which is less than the 15m espoused in the SPG. There is approximately 15m from the side elevations of flats 30-35 and 5-8. Whilst it is recognised that there are habitable room windows to the side elevations of the flats, it is considered that the separation distance involved is sufficient in overcoming any overlooking concerns. It is also considered that the separation distances highlighted above will alleviate any significant overlooking and overbearing impacts, in accordance with PS2 of the LDP and guidance contained within the Placemaking Guidance for Residential Development.

The applicant has also submitted a noise impact assessment which assessed the impact of road noise and industrial noise from the adjacent Aldi store. The noise assessment concludes that the site falls into two noise categories, the most northerly set of dwellings fall into Noise Exposure Category B which states that "noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure adequate level of protection". The rest of the development site falls within Noise Exposure Category A which states "noise need not be considered as a determining factor in granting planning permission, although noise level at the high end of the category should not be regarded as desirable". The noise assessment has concluded that the main noise source affecting the site is road traffic and noise from the Aldi store. The noise assessment also states that the proposed fabric construction of the dwellings will ensure that the noise indicated will be of low impact and can be suitably mitigated. The proposals will therefore accord with Policy RP2 of the LDP.

Highway Safety/ Active Travel

A Stage 1 Road Safety Audit has been carried out and the Local Highway Authority has been consulted on this application. Swept paths have also been submitted in support of this application which indicate that refuse vehicles and cars can adequately manoeuvre within the site.

The car parking levels proposed are considered appropriate for the scheme, with at least one car parking space for each two bedroom property and two car parking spaces for each three bedroom property – a reduction has been justified on the basis of the sustainability matrix. The size of the car parking spaces are also acceptable and where those are located adjacent to walls, they are sufficiently wide enough to allow for car doors to be opened.

There will be a contribution sought to provide a path that is finished in a similar way to the existing (asphalt) path located to the south of the site and up to around 2.5 metres wide (assumed width of some parts of that route). The additional section of route will be provided as unlit, as currently exists along the wider route. The connection is considered important to connect future residents to the enterprise areas of the south through the existing active travel connections. The contribution sought to provide the works to deliver this connection is £15,000.

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In summary the proposal is not considered to give rise to any highway safety issues and accords with Active Travel requirements subject to conditions (regarding details of the access, construction and future maintenance of roads) and a contribution would be provide for active travel improvements to connect the site to the existing active travel network.

Land Stability

The application site falls within the defined Development High Risk Area. The Coal Authority has been consulted and it is noted that their records indicate that the site is likely to have been subject to historic unrecorded underground coal mining at shallow depth associated with a thick coal seam outcrop.

A Phase I Desk Study Report has been submitted, which has been informed by appropriate geological and mining information. The submitted report confirms that intrusive investigations will be required to identify any necessary remedial measures. The Coal Authority has no objection to the application subject to the imposition of a condition to ensure the undertaking of an appropriate scheme of intrusive site investigations and any necessary remedial measures, prior to the commencement of development.

Land Contamination

The application site is located within an area of historic contaminated land, namely DJ Thomas Site landfill. The Council's Pollution Control Department has been consulted and has requested that conditions in relation to land contamination be imposed on this application to ensure any contamination issues are further assessed and remediated as required.

Education

The Education department has commented on the application and requested a developers contribution of £69,216 towards English Medium Secondary provision. The education department have identified that there are 47 unfilled spaces currently in the English medium secondary school (Cefn Hengoed Comprehensive), with a commitment of 24 spaces and that the current proposals will only generate the need for 3 spaces.

It is noted that of these 24 commitments, the education response has included a pre-application (4 spaces) and planning application 2018/1683/FUL (15 spaces) was refused planning permission reducing the commitments further to 6. There is therefore a significant surplus of spaces in the English medium secondary school, even when considering existing commitments and the proposed generation from this development and a request for education contribution is not therefore justified and will not be sought in this instance.

Ecology and Trees

The applicant has submitted an Arboricultural Impact Assessment and draft tree protection plan. The Impact Assessment states that trees T20, T21 and T25 are recommended for removal in the Tree Survey due to poor quality (U category). Trees G1, G3, T4, G5, T6 and G8 are proposed for removal to accommodate the development layout which are all C category trees (low quality) except T4 (B category, moderate quality).

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Tree loss in relation to the development focuses primarily in the clearance of low quality trees in the interior of the site, mainly to create the internal roads as well as to create space to install a plot in the south west corner of the site. The existing robust tree belts on the southern and eastern boundaries of the site are retained thus minimising any wider landscape impacts.

Extensive new tree planting within the site is proposed, as detailed on the DP Landscape Architecture Soft Landscape Proposals Plan drawing number 1133.01 Rev D, thus mitigating any tree loss and contributing to an enhancement of the local tree stock as a result of the proposed development.

The Council's Tree Officer offers no objection to the proposals and requests that a finalised Tree Protection Plan is conditioned. It is also recommended that an Arboricultural method Statement is conditioned to accompany the protection plan.

The applicant has submitted an ecological appraisal, green infrastructure strategy and a landscaping plan in support of the application. The ecological survey found that much of the site is of low ecological interest, no signs of European protected species were encountered but non-native species (INNS) were found within the site. A condition for the eradication of INNS will therefore be imposed.

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Whilst the applicant has not indicated any measures as part of the application, a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application will be imposed.

It isn't considered necessary or reasonable to require hedgehog gaps in the fencing or for trenches to be covered at night. It is however considered reasonable to condition an external lighting strategy and a Construction Environmental Management Plan (CEMP). The purpose of the CEMP is to detail how construction will be managed to ensure pollution prevention and protection of protected sites, watercourses, habitats and species on and adjacent to the site.

Whilst the Council's Ecologist has stated that clearance works should only be undertaken at a certain time of year to avoid bird nesting season, this is controlled via other legislation and the applicant would be advised of this should permission be granted. NRW has raised no objections to the proposal and it is considered that the PEA recommendations should be included in a suitably worded condition which would resolve the residual ecology issues.

The proposals are therefore considered to be acceptable in terms of their impact on ecology, trees and the landscape subject to the conditions referenced above.

Flood Risk and Drainage

The Local Authority's Drainage Engineer has confirmed that the development will require sustainable drainage to manage on-site surface water and subsequent SuDS Approval Body Consent will be required. This is controlled via separate legislation.

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DCWW has confirmed that that foul water flows can be accommodated in the public water sewers respectively and therefore offer no objection to the proposals subject to the imposition to a condition with regards to the submission of a foul water strategy.

Affordable Housing:

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. In this case the application is in the East Strategic Housing Policy Zone where the housing officer has advised there is a high need for affordable housing.

In the East Strategic Housing Policy Zone there is a target for a minimum of 10% of the total number of dwellings provided on site to be affordable homes. While the scheme proposes 100% affordable housing, in order to ensure the development is secured as compliant with LDP Policy H3, it will be necessary for the applicant to enter into a S106 agreement to provide 10% affordable housing on site to WDQR standards and to be social rented tenure.

Archaeology

Glamorgan Gwent Archaeological Trust (GGAT) have been consulted on the application due to the proximity of the site to the adjacent burial ground. GGAT have confirmed that the Historic Ordnance Survey mapping suggests the area was utilised as a burial ground, first appearing in an established form on the Third Series OS Map of 1917 and continuing in that form through to at least the Fourth Series OS Map of 1938. The applicant has submitted an archaeological desk-based assessment by Red River Archaeology which includes an archaeological field evaluation. The evaluation consisted of three trenches, none of which encountered any archaeologically significant remains, although evidence of Post-medieval quarrying was recorded.

The pre-determination works indicate that the burial ground does not extend into the current development area. Therefore it is unlikely that significant archaeological remains will be encountered during the course of the works.

As a result, there is unlikely to be an archaeological restraint to this proposed development and GGAT has no objections to the application.

Other Matters

The objection raised with regards to the blocking of a billboard is not a material planning consideration and has not been treated as such. It would not impact on the visual quality of the area and would be a separate private matter.

In respect of other potential Section 106 planning obligation requirements, in view of the number of units proposed and that the development is for affordable housing apartments, the Parks department have not requested any contribution to play space in the area and a condition would be attached to ensure that the play area is maintained by the developer.

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Planning Obligations

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 secure affordable housing on site and to improve active travel accessibility 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 site).

The Planning Obligations associated with this development include:

- **Affordable Homes** 10% (4 units) to WDQR – Social Rented tenure
- **Active Travel Contribution** - Total contribution of £15,000 (plus indexation) and agreement to connect into the site

Conclusion

In conclusion it is considered that the proposal represents an acceptable form of development. The proposals will not have a detrimental impact upon the visual and residential amenity of the surrounding area, nor will it have a detrimental impact upon ecology, land stability, trees and drainage. Approval is recommended.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this 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.

RECOMMENDATION

Approve, subject to the applicant entering into a S106 agreement in respect of the following requirements:

- **To provide 10% on site affordable housing (4 units)**
- **The affordable housing to be to WDQR standards and social rented tenure**
- **Active travel contribution of £15,000 and agreement to connect into the site**

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And subject to the following conditions:

If the Section 106 Planning Obligation is not completed within 6 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS2, ER8, ER9, ER11, T1, T5, T6, EU4, RP4 and RP5 of the Adopted Swansea Local Development Plan (2010- 2025).

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:

1614-PA-01 location plan, received 16th December 2021.

2608-01(03)101 boundary treatments elevations, 2608-00(03)300 bin store plans & elevations (Plots 1 - 12), 2430-02(03)302 cycle store plans & elevations, 2430-01(03)301 bin store plans & elevations (plots 30 - 35), 2271-SH storage shed, 1614-PA-13 opposite gable elevations, 1614-PA-11 materials elevation, 1614-PA-10 plans and elevations flats 30 to 36, 1614-PA-09 plans and elevations plots 28 + 29, 1614-PA-08 plot 23: floor plans and elevations, 1614-PA-07 13, 14, 15, 16, 21 + 22: plans and elevations, 1614-PA-06 blocks 2 + 3: plans and elevations, plots 17, 18, 19, 20, 24, 25, 26 + 27, 1614-PA-05 plans and elevations flats 9 to 12, 1614-PA-04 plans and elevations flats 1 to 8, - REV A cross sections, 10321-101 drainage layout, received 13th May 2022.

10321-100 REV E engineering, received 13th June 2022.

2608-00(03)100 REV F site layout, 1133.01 REV G soft landscape proposals, 10321-201 REV E car tracking, 10321-200 REV E refuse tracking, received 15th July 2022.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

3 A detailed scheme for the eradication of Invasive Non-Native Species (INNS) shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of development on site.

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

4 Prior to the commencement of development, including any clearance works, a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in strict accordance with the approved CEMP.

The CEMP shall, as a minimum, include:

- Construction methods: details of materials, how waste generated will be managed.

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- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of measures to minimise noise and vibration from piling activities, for example acoustic barriers; details of dust control measures; measures to control light spill and the conservation of dark skies.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Traffic Management: details of site deliveries, plant on site, wheel wash facilities
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to highway safety, public health, contamination and ecology.

- 5 Prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.

Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).

- 6 Prior to the commencement of development, a sensitive external lighting strategy for the site (including a plan showing location, light spill and specification for any proposed lights on the site) shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan should reflect the Bat Conservation Trust's Bats and Artificial Lighting in the U.K. (2018) guidance: <https://www.bats.org.uk/our-work/buildings-planning-and-development/lighting>.

The development shall be carried out in accordance with the approved lighting strategy and retained as such thereafter.

Reason: In the interest of ecology and biodiversity to protect bats and other nocturnal species.

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- 7 No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first beneficial occupation of any unit hereby approved and shall thereafter be retained as such for the lifetime of the development.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with Policy RP4 of the adopted Swansea Local Development Plan (2010-2025).
- 8 Notwithstanding the provisions of Schedule 2, Part 1, 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), no extensions or enlargements to the dwellings shall be erected without the express permission of the Local Planning Authority.
Reason: To ensure that any new development does not compromise the residential amenity of occupiers of the dwellings.
- 9 Prior to the first beneficial occupation of any unit hereby approved, the parking areas to serve the development shall be clearly demarcated on the ground as indicated on the approved drawings and shall thereafter be retained for parking purposes only and shall be used for no other purpose for the lifetime of the development.
Reason: To ensure satisfactory parking provision is available to serve the development in the interests of highway safety in accordance with Policies T5 and T6 of the adopted Swansea Local Development Plan (2010-2025).
- 10 The approved bicycle parking areas shall be completed prior to the first beneficial occupation of the flats hereby approved and retained as such thereafter for the lifetime of the development.
Reason: To ensure secure cycle parking is provided for future residents to promote active travel options in accordance with Policies T5 and T6 of the adopted Swansea Local Development Plan (2010-2025).
- 11 Prior to the commencement of any development or any vegetation clearance works a Tree Protection Plan and Arboricultural Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. The approved tree protection measures shall be erected before any equipment, machinery or materials (for the purposes of the development) are brought onto the site, and shall thereafter be maintained as such until all equipment, machinery and surplus materials have been removed. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area.

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- 12 All planting, seeding or turfing comprised in the approved details of landscaping as indicated on plan no. 1133.01 REV G soft landscape proposals, shall be carried out in the first planting and seeding seasons following the first beneficial 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 development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 13 The materials for the external surfaces of the development shall be in accordance with the details indicated on plan nos. 1614-PA-11 materials elevation.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area in accordance with LDP Policy PS2.

- 14 Prior to the beneficial occupation of any units hereby approved the means of enclosure both around and within the development shall be implemented in accordance with the following plans:

2608-00(03)100 REV F site layout
10321-100 REV E engineering
2603-01(03)101 boundary treatments elevations

The development shall thereafter be retained in accordance with the approved details for the lifetime of the development.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area in accordance with LDP Policies PS2 and ER11.

- 15 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house, forward of any wall of that dwelling house which fronts onto a road, unless already shown on the drawings hereby approved.

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development, and also in the interests of highway safety in accordance with LDP Policies T1, T5 and PS2.

- 16 No development shall commence until the following components of a scheme to deal with the risks associated with contamination at the site, has been submitted to and approved in writing by the Local Planning Authority.

1. A preliminary risk assessment which has identified:

- a list of potential receptors
- an assessment of the extent of the contamination

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- an assessment of the potential risks
- an appraisal of remedial options, and proposal for the preferred remedial option(s).

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The remediation strategy and its relevant components shall be carried out in accordance with the approved details prior to the commencement of development.

Reason: To ensure the risks associated with contamination at the site have been fully considered prior to commencement of development as controlled waters are of high environmental sensitivity; and where necessary remediation measures and long-term monitoring are implemented to prevent unacceptable risks from contamination.

- 17 Prior to the beneficial occupation of any unit a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a long-term monitoring and maintenance plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be carried out in accordance with the approved details.

Reason: To ensure the methods identified in the verification plan have been implemented and completed and the risk associated with the contamination at the site has been remediated prior to occupation or operation, to prevent both future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 18 If during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

Reason: In the interests of health and safety to address potential land contamination risks at the site in accordance with LDP Policy RP6.

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- 19 The development shall be undertaken in accordance with the recommendations set out in Section 5 of the Ecological Appraisal Report: Land at Peniel Green Road, Llansamlet, Swansea SA7 9AF by I&G Ecological Consulting Ltd, dated September 2021 and the Reptile Mitigation Method Statement Land at Peniel Green Road, Llansamlet, Swansea SA7 9AF by I&G Ecological Consulting Ltd, dated June 2022.
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and ER 9 of the Swansea Local Development Plan (2010-2025).
- 20 Notwithstanding the details indicated on the approved plans, no development shall commence until full engineering, street lighting, surfacing, visibility splay and construction details of the access, internal roads and footways have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details with the relevant infrastructure provided prior to the first beneficial occupation of any dwelling they serve.
Reason: In the interests of highway safety and placemaking in accordance with LDP Policies PS2, T1 and T5.
- 21 Prior to the occupation of any of the dwellings hereby approved, full details of the proposed arrangements for the future management and maintenance of the proposed internal roads within the development shall be submitted to and approved in writing by the Local Planning Authority, unless an agreement has been entered into under Section 38 of the Highways Act 1980. The internal roads 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: To ensure that the development is provided with satisfactorily maintained and managed streets in accordance with LDP Policies T1 and T5.
- 22 Prior to the occupation of any dwelling hereby approved a scheme for the management and maintenance of all areas of formal and informal open spaces and play provision shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of any management company proposed and its terms of reference and shall be carried out thereafter as approved for the lifetime of the development.
Reason: To ensure that the landscaped, woodland areas and play areas are adequately maintained in the interests of general amenity in accordance with LDP Policies PS2, SI6 and ER11.
- 23 Notwithstanding the provisions of Class F (a) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any order revoking or amending that order), no hardstanding's shall be constructed/ provided forward of the principal elevation of the building line without the express permission of the Local Planning Authority.
Reason: In the interests of visual amenity to ensure landscaping is retained and ensure front gardens are not dominated by vehicle parking.
- 24 No development shall commence until;
a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

Planning Committee – 2 August 2022

Item 1 (Cont'd)

Application Number:

2021/3182/FUL

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 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: The 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.

- 25 Prior to the first beneficial occupation of the development, 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 and approved in writing by the Local Planning Authority. 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 demonstrate that the site has been made safe in relation to the coal mining legacy.

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 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic Placemaking

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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, ER9, ER11, T1, T5, T6, EU4, RP4 and RP5.

- 2 The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice. If applying for Prior consent under the Control of Pollution Act 1974, section 61, please contact pollution@swansea.gov.uk and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

Planning Committee – 2 August 2022

Item 1 (Cont'd)

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If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

- 4 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild bird

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

Agenda Item 6



Report of the Head of Planning and City Regeneration

Planning Committee – 2 August 2022

Commons Registration – Application for the Removal of Land from the Register of Common Land and the Registration of Exchange Land

Register Unit CL49, Llangyfelach Common (Application No. 001/18)

Purpose:	An application has been received from the Welsh Government to amend the Register of Common Land by removing land from Llangyfelach Common which was compulsorily purchased in 1969 for highway construction and the registration of other land that was provided in exchange.
Policy Framework:	None.
Consultation:	Legal, Finance and Access to Services and all the statutory consultees, including local members, landowners, commoners, community councils and prescribed organisations.
Recommendation:	It is recommended that the application be accepted and the Register of Common Land be amended as follows: <ol style="list-style-type: none">1) the land identified in this report as the “Substituted Land” be added to Register Unit CL49: Llangyfelach Common; and2) the land identified in this report as the ‘Taken Land’ be removed from Register Unit CL49: Llangyfelach Common.
Report Author:	Kieran O’Carroll
Finance Officer:	Adele Harris
Legal Officer:	Jonathan Wills
Access to Services Officer:	Rhian Millar

1. Introduction

- 1.1 An application was made under Section 13 of the Commons Registration Act 1965 on the 8th December 2017 by the Welsh Government's Department for Economy and Infrastructure ("the Application") to amend the Register of Common Land ("the Register"). The Application can be viewed in full at Appendix 1.
- 1.2 The Application seeks to amend the Register of Common Land ("the Register") by giving effect to the changes to Llangyfelach Common brought about by virtue of the Welsh Office Highways Compulsory Purchase Order (No. 9) (London-Fishguard Trunk Roads, Morrision By-pass) 1969 which was confirmed on the 20th June 1969 ("the Order")
- 1.3 Given that any land ceasing to be common land or becoming new common land by virtue of the Order would have been effected in 1969, the procedure for this application is set out in the Commons Registration (General) Regulations 1966 ("the General Regulations") which came into operation on 2nd January 1967.
- 1.4 The Application was made in Form 29 as an application to register land "which became common land after the 2nd January 1970" and this form only became available when the Commons Registration (New Land) Regulations 1969 came into effect on 3rd January 1970. The Application relates to land becoming common land in 1969 and therefore on the face of it does not appear to be covered by Form 29.
- 1.5 However, the General Regulations 1966 whilst providing a Form 17 for land ceasing to be common land, did not provide a specific form providing all the required information to give effect to an application for de-registration of common land and registration of other land in exchange. It is considered that Form 29 provides all the information necessary to determine such an application and would have been the correct form if the Order had been made six months later; therefore it is considered the application should be processed in accordance with the General Regulations regardless of the form used in this instance.

2. The Land

- 2.1 The "Substituted Land" is the land provided in exchange for the common land taken by virtue of the Order and is shown edged green on the application plan shown at Appendix 2 ("the Plan"). It is described in the Application as:

"A parcel of land east of the brook called Nant y Gors, north of the M4 and west of Llangyfelach Tunnel in the locality of Llangyfelach, Swansea"

- 2.2 The "Taken Land" is the land that formed part of Llangyfelach Common that was acquired by the Order for the construction of the trunk road and is shown edged red on the Plan. It is described in the Application as:

"That part of Llangyfelach Common and half bed of Nant y Gors in the locality of Llangyfelach, Swansea"

However, Taken Land could be better described as the land forming part of Llangyfelach Common which now forms part of the M4 corridor and junction 47 roundabout”

3. Procedure

3.1 Where an application is made to a Commons Registration Authority (“CRA”) for the removal of land which has ceased to be common land and it appears to the CRA that by virtue of an enactment that:

- (1) the said land the land has ceased to be common; and
- (2) that certain other land not registered as common has become common land in substitution therefor,

the CRA shall not give effect to the application to remove the land until the substituted land has been registered under the Act.

3.2 An enactment for these purposes by virtue of which land has ceased to be common and other land has become registrable as common land include any enactment which:

- (1) Is made under sections 147 and 148 of the Inclosure Act 1845;
- (2) Is made under paragraph 11 of the First Schedule to the Acquisition of Land (Authorisation Procedure) Act 1946; or
- (3) Otherwise provides, on an exchange of land, for the transfer of rights trusts or incidents attaching to the land given in exchange from that land to the land taken in exchange and vice versa.

3.3 Where an application is made by the owner of the land in the above terms, the procedure for determining the application is set out in the 1966 General Regulations.

3.4 On receipt of an application under these provisions and where the CRA does not reject the application following its preliminary considerations, the CRA must publish in a newspaper circulating in the area concerned and shall send the notice to all owners of the land other than the applicant and any persons appearing from the Register of Common Land to currently possess rights of common which are exercisable over the area of common land concerned.

3.5 The CRA must allow a period of 40 days from the date of publication of the notice for any persons to make any written objections or representations on the application.

4. Preliminary Considerations

- 4.1 All the information required from the applicant was submitted with the Application which was supported by the Order of the Welsh Office dated 20th June 1969. There is a question over the prescribed form used given the date of the Order but the Council has received evidence suggesting the register should be amended and therefore it is considered that a complete rejection of the application would be counterproductive.
- 4.2 There is no reason to question the validity of the Order which was confirmed on 20th June 1969 following which the compulsory purchase was initiated. The Taken Land has been built upon and now forms part of the M4 motorway.
- 4.3 The Order expressly states the following indicating it is an enactment by virtue of which an exchange of common land can take place in accordance with the General Regulations:
- “The Secretary of State has certified in accordance with Paragraph 11 of Schedule 1 to the Acquisition of Land (Authorisation Procedure) Act 1946 that he is satisfied as to the giving of other land in exchange for the common land and as to the adequacy of such other land...”
- 4.4 The exchange of land has occurred by virtue of an enactment made under the First Schedule to the Acquisition of Land (Authorisation Procedure) Act 1946. Further, the Order sets out clearly that the Taken Land is to be exchanged for the Substituted Land.
- 4.5 Therefore, it does appear to the Council that land has ceased to be common land and other land has become common land in substitution therefor as required by the General Regulations. Therefore, the Application meets the initial legal tests and the Application has been progressed to the consultation phase.

5. Consultations

- 5.1 A notice was published in the local press on 10th October 2018 (“the Notice”) setting out the amendments to be made to the Register should the Application be successful. The notice described the Taken Land and the Substituted Land clearly and indicated that any objections or written representations would be required not later than 16th November 2018.
- 5.2 Letters with printed copies of the Notice were sent on the 8th October 2018 to the Local Members for the Llangyfelach Ward, the Community Council, the Open Spaces Society, Natural Resources Wales, the Commoners Association and all those appearing from the Register to have an interest in Llangyfelach Common.
- 5.3 No objections or representations were received.

6. Conclusion

- 6.1 The evidence supplied is sufficient to show that the Taken Land has ceased to be common land and the Substituted Land has become common land by virtue of the Order made in 1969.
- 6.2 The approval of the Application will allow the updating of the Register to reflect the position on the ground with the Taken Land having formed part of the M4 corridor since its construction in 1969.
- 6.3 A full consultation exercise has been conducted and no objections to the Application were received

7. Financial Implications

- 7.1 There are no financial implications to this report.

8. Legal Implications

- 8.1 The legal implications are set out in the body of the report.

9. Integrated Assessment Implications

- 9.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

- 9.1.1 The Well-being of Future Generations (Wales) Act 2005 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

- 9.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 9.2 The Integrated Impact Assessment (IIA) process has been applied to the subject of this report. No implications have been identified. An IIA Screening Form has been completed with the agreed outcome that a full IIA report was not required for the reasons given in paragraph 6.3 below.
- 9.3 This Application made under the Commons Registration Act 1965 has no impact on any persons or community groups save for the benefit in resulting in an up to date Register of Common Land for the City and County of Swansea. The land subject to the Application now forms the M4 Motorway and has not lawfully been common land since a compulsory purchase order was made in 1973 when the land and rights over it were acquired by the Welsh Office. The land has not been used and has not been available for use as common land since prior to 1973.
- 9.4 The IIA Screening Form is appended to this report for reference.

Background Papers: None

Appendices:

- Appendix 1 - Copy of Application made on 8th December 2017
Appendix 2 - Plan showing Taken Land and Substituted Land
Appendix 3 - IIA Screening Form

FORM 29

Official Stamp of
Registration
Authority indicating date
of receipt

Application No.
Register Unit No(s).

*This section for
official use only*

COMMONS ACT 2006 | *LCRA 1965*
COUNCIL OF THE CITY AND COUNTY OF SWANSEA
COMMONS REGISTRATION AUTHORITY
DATE *14th December 2017*

CL *49.*
CL

COMMONS REGISTRATION ACT 1965, SECTION 13

APPLICATION FOR THE REGISTRATION OF LAND
WHICH BECAME COMMON LAND AFTER 2nd JANUARY
1970

To the Council of the City and County of Swansea

Application is hereby made for the registration as common land
of the land described below, which became registrable after 2nd
January 1970

Part 1. **Name and address of the applicant or (if more than one) of every applicant**

Welsh Government, Department for Economy and Infrastructure of
Welsh Government, Cathays Park, Cardiff CF10 3NQ

Part 2. **Name and address of solicitor, if any.**

Laura-Jane Greenman of Eversheds Sutherland (International) LLP, One
Callaghan Square, Cardiff, CF10 5BT

Part 3. **Particulars of the land to be registered, i.e. the land claimed to have become common land.**

Name by which usually known

Land referred to in the Compulsory Purchase Order detailed in Part 5 as "Pasture land, half bed width of Nant-y-Gors, bed of Nant-y-Glo and brick air shaft to Llangyfelach railway tunnel"

Locality
Llangyfelach, Swansea

Colour on plan herewith
Edged green

Part 4. **On what date did the land become common land?**

20 June 1969

Part 5. **How did the land become common land?**

Pursuant to the Welsh Office Highways Compulsory Purchase Order (No 9) (London – Fishguard Trunk Roads, Morriston Bypass) 1969. The land in part 3 was provided for the purpose of being given in exchange for the land in Part 7 below which forms part of the common.

Part 6. **Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to have become common land. (If none are known, write "none".)**

1. The applicant
 2. Penllergaer Estates Limited of Druslyn House, De La Beche Street, Swansea, SA1 3HH
-

Part 7. **For applications to register substituted land (see Note 5); to be disregarded in other cases**

Particulars of the "taken land", i.e. the land which ceases to be common land when the land described in part 3 became common land.

Name by which usually known

The land referred to in the Compulsory Purchase Order detailed in Part 5 as "Part of Llangyfelach Common and half bed of Nant-y-Gors"

Locality
Llangyfelach, Swansea

Colour on plan herewith (if any)
Edged red

If registered under the 1965 Act, Register Unit No(s).
CL49

Part 8.

List of supporting documents sent herewith, if any. (If none are sent, write "none".)

Copy of Welsh Office Highways Compulsory Purchase Order (No 9) (London – Fishguard Trunk Roads, Morriston By-pass) 1969

Plan identifying the land referred to at Parts 3 and 7 above

Part 9.

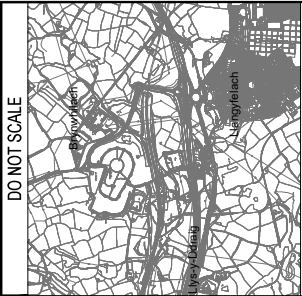
If there are any other facts relating to the application which ought to be brought to the attention of the registration authority (in particular if any person interested in the land is believed to dispute the claim that it has become common land) full particulars should be given here

The Welsh Office Highways Compulsory Purchase Order (No 9) (London – Fishguard Trunk Roads, Morriston By-pass) 1969 was confirmed and the M4 motorway has since been constructed on the land. Therefore, this application has been submitted to ensure that the commons register is up-to-date but not for any other reason.

Date 8th December 2017

Signatures

..... M. Brautsford
.....
.....
.....



DO NOT SCALE

NOTES

1. THIS IS A CALCULATED DRAWING AND SHOULD NOT BE AMENDED BY HAND.
2. ALL DIMENSIONS IN METRES UNLESS OTHERWISE STATED.
3. DRAWING TO BE REPRODUCED IN COLOUR.
4. COORDINATES FOR CENTRE OF PLAN: X=426200 Y=169300
5. ORIGINAL DRAWING SCALE: 1:1250 IF PRINTED AT A3 DRAWING SCALE WOULD BE 1:250

KEY

- LAND TO BE REMOVED FROM REGISTRATION (Red outline)
- EXCHANGED LAND TO BE REGISTERED AS COMMON (Green outline)

REV	DATE	BY	DESCRIPTION	CHK	APP
01	20/07/2017	TM	PREP ISSUE	DT	DT



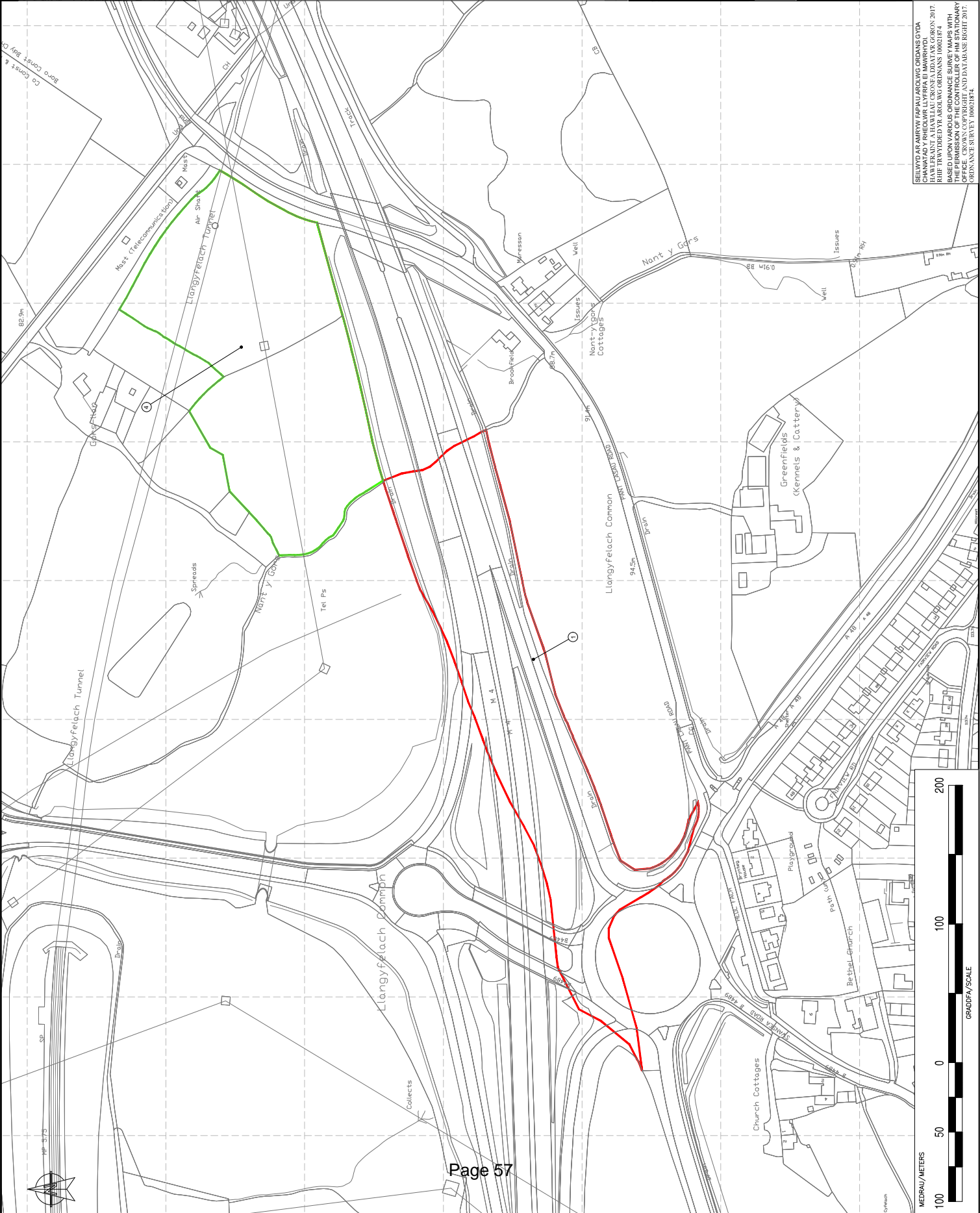
1 Capital Quarter, Tyndall St, Canvey, CP1 4BE, UK
T: 44 (0) 203 006 8200
www.wsp.co.uk



LONDON TO FISGHUARD
MORRISTON BYPASS

COMPULSORY PURCHASE ORDER

SCALE: 1:1250	DATE: 20/07/17	REV: 01	PROJECT: LONDON TO FISGHUARD MORRISTON BYPASS
DRAWN: TM	CHECKED: DT	DATE: 20/07/17	PROJECT: LONDON TO FISGHUARD MORRISTON BYPASS
DATE: 20/07/17	DATE: 20/07/17	DATE: 20/07/17	DATE: 20/07/17
CPO - 001			P01
© WSP UK Ltd			



SEILWYD AR AMRŴW PAPUR AR OLIWG ORDANS CYDA CHAWARDDY FIECOLWR LLYFRAK ET MAMURYD. RHIIT TRYDDDED YR AR OLIWG ORDANS 100021874. BASED UPON VARIOUS ORDNANCE SURVEY MAPS WITH THE PERMISSION OF THE CONTROLLER OF HM STATIONARY OFFICE AND HIS SUCCESSORS. DATA SOURCE: OS AND OSND DATABASE RIGHT 2017. ORDNANCE SURVEY 100021874.

Integrated Impact Assessment Screening Form – Appendix 3

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Legal Services

Directorate: Resources

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services

(b) Please name and fully describe initiative here:

Legal duty under Commons Registration Act 1965 and Commons Act 2006 to determine applications to change the City and County of Swansea Register of Common Land and Town or Village Greens. This application seeks to formally de-register land and remove common land from the said register where the land ceased to be common land in 1969. The land in question is now part of the M4 motorway corridor. An area of adjoining land is proposed to be registered as Common Land in exchange.

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

	High Impact		Medium Impact		Low Impact		Needs further investigation
	+	-	+	-	+	-	
Children/young people (0-18)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Older people (50+)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Any other age group	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Future Generations (yet to be born)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race (including refugees)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Asylum seekers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh Language	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community cohesion	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Integrated Impact Assessment Screening Form – Appendix 3

Marriage & civil partnership	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/>

Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches? Please provide details below – either of your activities or your reasons for not undertaking involvement

Full consultation procedure carried out. Consulted with all those from the register of common land with rights over the common. Consulted with local members, West Glamorgan Commoners Association, landowner (also applicant in this case), community council, Natural Resources Wales and Open Spaces Society.

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan’s Well-being Objectives when considered together?
 Yes No

- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
 Yes No

- c) Does the initiative apply each of the five ways of working?
 Yes No

- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
 Yes No

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/>	Medium risk <input type="checkbox"/>	Low risk <input checked="" type="checkbox"/>
--	--	--

Q6 Will this initiative have an impact (however minor) on any other Council service?
 Yes No **If yes, please provide details below**

Q7 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?
(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

Integrated Impact Assessment Screening Form – Appendix 3

There would be no negative impact on people or communities. The land subject to the application is now the M4 motorway and has not lawfully been Common Land since a compulsory purchase order was made in 1969 and the land and rights over it were acquired by the predecessor of the Welsh Ministers. Even though Common Land would be removed from the register, a new area of Common Land would be registered in exchange. Therefore, there would be no detrimental effect on any interest groups as the land being deregistered has not been used as Common Land since prior to 1969 and the new Common Land which would be registered as a result of this application would be available for the exercising of rights of common and public rights to air and exercise. Therefore, this application would be likely to benefit such groups.

Outcome of Screening

Q8 Please describe the outcome of your screening below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

No impacts on any persons or community groups as a result of the determination of this application under the Commons Registration Act 1965. Therefore, no mitigating factors required. The City and County of Swansea Commons Registration Authority has a duty under the said Act to process applications to change the Register of Common Land and Town or Village Greens. This application relates to the removal of common land which ceased to be lawful common land in 1969. The land has now been constructed upon and forms part of the M4 motorway corridor. A new area of land would be registered in exchange which would actually provide a benefit to the commoners and the general public. The application is merely a proposal to regularise our registers to ensure they correctly depict the situation on the ground. No risks have been identified as part of the Integrated Impact Assessment Screening and a full Integrated Impact Report is not required.

(NB: This summary paragraph should be used in the relevant section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

Screening completed by:
Name: Kieran O'Carroll
Job title: Lawyer
Date: 27 th June 2022
Approval by Head of Service:
Name: D.J.Smith
Position: Deputy Chief Legal Officer
Date: 4 th July 2022

Please return the completed form to accesstoservices@swansea.gov.uk