



## 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, 6 December 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:** <http://bit.ly/3Ei668c>

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<b>2</b>	<b>Disclosures of Personal and Prejudicial Interests.</b> <a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a>	
<b>3</b>	<b>Minutes.</b> To approve & sign the Minutes of the previous meeting(s) as a correct record.	<b>1 - 4</b>
<b>4</b>	<b>Items for deferral/withdrawal.</b>	
<b>5</b>	<b>Determination of Planning Applications under the Town and Country Planning Act 1990.</b>	<b>5 - 151</b>

**Next Meeting:** Tuesday, 10 January 2023 at 2.00 pm

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

**Huw Evans**  
**Head of Democratic Services**  
**Tuesday, 29 November 2022**

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**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, 1 November 2022 at 2.00 pm

**Present:** Councillor P Lloyd (Chair) Presided

**Councillor(s)**

P M Black  
M H Jones  
N L Matthews

**Councillor(s)**

P Downing  
M B Lewis  
T M White

**Councillor(s)**

A J Jeffery  
R D Lewis

**Officer(s)**

Gareth Borsden  
Matthew Bowyer  
Ian Davies  
Simon Hughes  
Steve Smith  
Jonathan Wills

Democratic Services Officer  
Principal Telematics Engineer  
Development Manager  
Principal Planning Officer  
Placemaking and Heritage Lead  
Lead Lawyer

**Also present**

Councillor M S Tribe

**Apologies for Absence**

Councillor(s): M Bailey, S E Keeton and R A Williams

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**30 Disclosures of Personal and Prejudicial Interests.**

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

**31 Minutes.**

**Resolved** that the minutes of the meeting held on 4 October 2022 be approved and signed as a correct record.

**32 Items for deferral/withdrawal.**

None.

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

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

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

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

**Resolved** that the undermentioned planning applications **Be Approved** subject to the conditions in the report and outlined below:

**#(Item 1) – Planning Application 2019/2881/RES - Details of Reserved Matters pursuant to condition 2 of outline planning permission 2017/1822/OUT granted 9th October 2019 for 471 residential units Phases 1A & 3A together with Phase 0 -Spine Street at Land West Of Llangyfelach Road, Tirdeunaw, Swansea**

A visual presentation was given.

Councillor Mark Tribe (Local Member) addressed the Committee and asked a series of questions relating to the application.

Report updated as follows:

The following text shall be included within the "Conditions of the Outline Permission" section within the report. This was omitted due to a formatting error:

Condition 28 – Potable water scheme

The following details have been submitted:

- Proposed Water Main Layout Phase 1A & 3A - Overview of Site Draft Design (Drawing No. 001 Issue 02), received 28th July 2022.

- Potable water timeframe submitted by email 19th August 2022.

In consultation with Dwr Cymru Welsh Water, the above information is considered to be acceptable to satisfy the requirements of condition 28 insofar as it relate to phases 0, 1A and 3A.

Condition 30 – Phase specific arboricultural impact assessment and tree protection plan

The following details have been submitted:

Edp2708\_r014e (Arboricultural Method statement) prepared by EDP, dated September 2022, received 21st September 2022

In consultation with the Council's Landscaping section, the above information is considered to be acceptable to satisfy the requirements of condition 30 insofar as it relates to phases 0, 1A and 3A.

Condition 31 – Tree protection measures

The following details have been submitted:

Edp2708\_r014e (Arboricultural Method statement) prepared by EDP, dated September 2022, received 21st September 2022

In consultation with the Council's Landscaping section, the above information is considered to be acceptable to satisfy the requirements of condition 31 insofar as it relates to phases 0, 1A and 3A.

Condition 46 – Phase specific public art strategy

The following details have been submitted:

Pentref Rhostir Public Art Strategy, prepared by Studio Response, dated June 2022

In consultation with the Council's Cultural Services section, the above information is considered to be acceptable to satisfy the requirements of condition 46 insofar as it relates to phases 0, 1A and 3A.

Condition 47 – Phase Specific Landscape Implementation and Management Plan

The following details have been submitted:

edp2708\_r012c (Landscape and Ecological Management Plan) prepared by EDP dated August 2022, received 22nd August 2022.

In consultation with the Council's ecologist, the above information is considered to be acceptable to satisfy the requirements of condition 30 insofar as it relate to phases 0, 1A and 3A.

The following condition shall be added to the list of recommended conditions and was omitted from the report in error:

Condition 12:

Notwithstanding the provisions of Classes A, B, C, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, roof extensions, porches, buildings, hardstandings or other alterations shall be carried out unless expressly authorised by this permission.

Reason: To prevent inappropriate development on site that may affect the receiving watercourse and create or exacerbate any existing flood risk and in the interests of

visual amenity and the amenities of neighbouring occupier in accordance with LDP Policies PS2, RP4 and RP5.

**#(Item 2) – Planning Application 2022/0904/FUL - Pre-fabricated refrigerator to the rear of the existing warehouse at Morfa Industrial Estate, Unilift South Wales Ltd, Alamein Road, Landore, Swansea**

A visual presentation was given.

Report updated as follows:

The following condition shall be added to the list of recommended conditions and was omitted from the report in error:

Condition 5

Prior to the commencement of development, a Flood Risk Management Plan (as set out in paragraphs 9.8, 9.9 and 9.10 of the Flood Consequences Assessment submitted in support of the application) shall be submitted to and approved in writing by the Local Planning Authority. The approved Flood Risk Management Plan shall then be carried out in accordance with the approved details prior to the first beneficial use of the development hereby approved.

Reason: To mitigate the impact of any flooding events in accordance with the submitted Flood Consequences Assessment.

The meeting ended at 3.23 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: 6<sup>th</sup> December 2022

<b>Bay Area</b> Team Leader: Hayley Kemp <b>Tel: 07970 680580</b>	<b>Area 1</b> Team Leader Eilian Jones <b>Tel: 07929 822781</b>	<b>Area 2</b> Team Leader: Chris Healey <b>Tel: 07970 680562</b>
Castle Cockett Mayals Sketty St Thomas Uplands Waterfront Waunarlyydd 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	2022/2017/FUL	Rock And Fountain, Rhyddwen Road, Craig Cefn Parc, Swansea, SA6 5RA <b>Internal alterations to facilitate change of use from Public House (Class A3) to detached dwelling (Class C3)</b>	Approve
2	2018/2629/FUL	Land Off Coed Bach Road, Pontarddulais, Swansea, SA4 8RB <b>Construction of 55 dwellings with associated infrastructure</b>	Approve
3	2021/1966/FUL	Grand Hotel, Ivey Place, City Centre, Swansea, SA1 1NX <b>Refurbishment and construction of four storey rear extensions and roof top bar extension and roof terrace extension to the hotel to facilitate the provision of 42 additional bedrooms and ancillary accommodation</b>	Approve
4	2021/0944/FUL	Land At Upper Bank, Nantong Way, Pentrechwyth, Swansea, Swansea <b>Construction of 30 residential apartments and associated works</b>	Approve



Item 1

Application Number:

2022/2017/FUL

Ward:

Clydach - Area 1

Location:

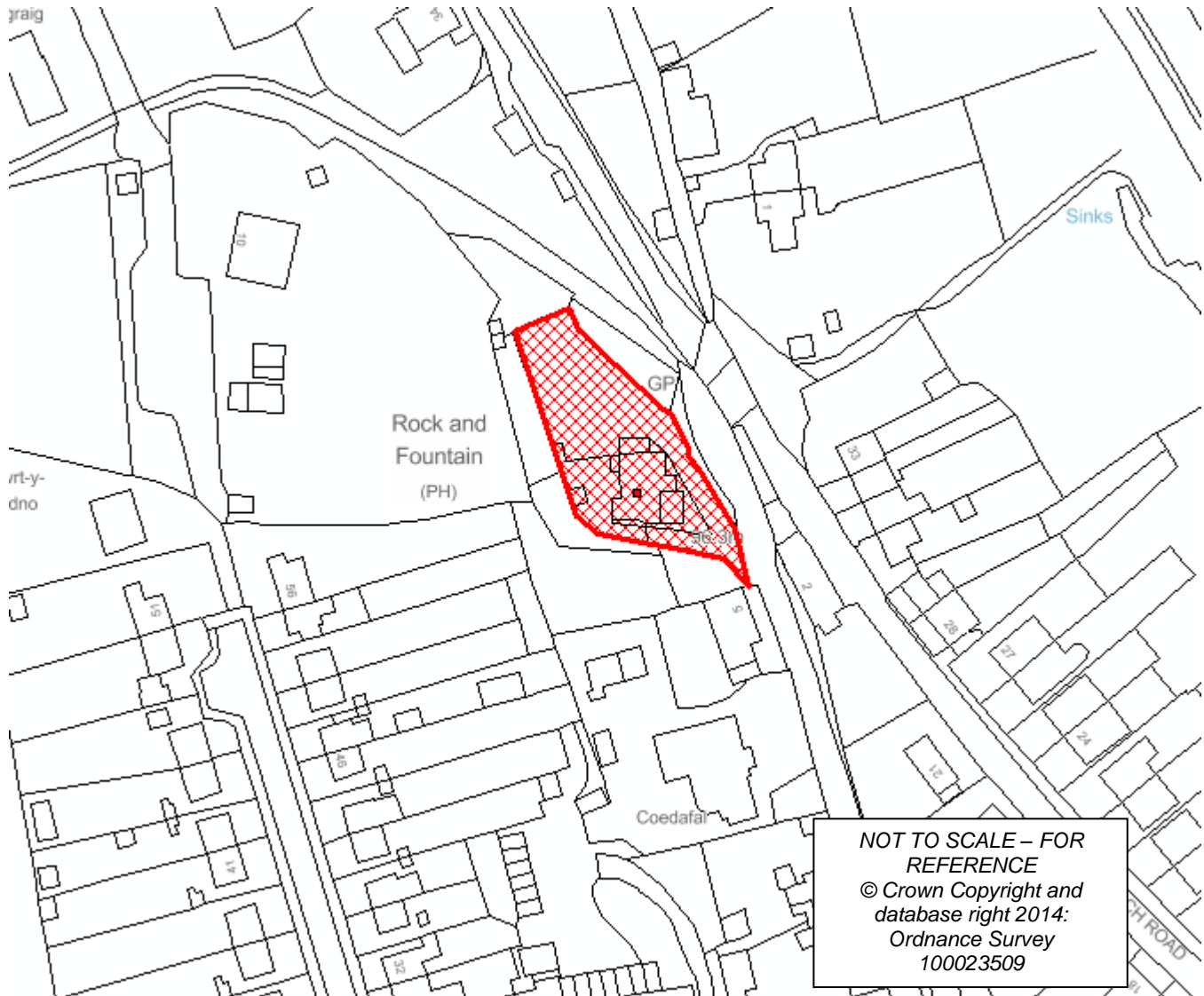
Rock And Fountain, Rhyddwen Road, Craig Cefn Parc, Swansea, SA6 5RA

Proposal:

Internal alterations to facilitate change of use from Public House (Class A3) to detached dwelling (Class C3)

Applicant:

Mr D Waso



## Background

This application is being reported to Planning Committee for decision because it was 'called in' by Councillor Brigitte Rowlands and the required threshold of objections received was also met.

**Item 1 (Cont'd)**

**Application Number:**

2022/2017/FUL

A previous planning application for the same proposal was refused in April 2021, planning application 2020/2560/FUL, for the following reason:

1. The proposed change of use would result in the loss of a community facility of value to the residents of Craig Cefn Parc. Due to the travel and business restrictions resulting from the COVID pandemic, the applicant has not been able to demonstrate, through appropriate marketing under normal market conditions, that there is not demand for a public house in this location. There are no other similar relatively accessible and convenient facilities to serve the community nearby as such the loss of the public house would have a detrimental impact upon the local community and this would be contrary to Policies PS2 and SI2 of the adopted Swansea Local Plan (2010-2025) and would be contrary to the District Centres, Local Centres & Community Facilities supplementary planning guidance document (2010).

The applicant appealed the decision. The appeal was dismissed. The following conclusions made by the Planning Inspector are relevant to this case:

- o I consider that there is sufficient evidence to consider the pub to be a community facility of local value;
- o The parties agree that SI2 criterion i, relating to the provision of an alternative facility, is not met here, as no alternative is being provided;
- o I do not consider that the New Inn or the Masons Arms are relatively accessible and convenient for local residents. Therefore, criterion ii of LDP policy SI 2 is not met;
- o It seems to me that providing food remains a possible option for broadening the pub's appeal, although it is accepted that further investment would be required. While the financial accounts show losses in the 2 years prior to the COVID pandemic, the business appears to have been profitable in earlier years. The appellant has not provided a professional viability report which fully considers the future long-term viability of the licensed premises. I am not persuaded that the evidence provided is sufficient to show that the existing use is no longer viable; and
- o Given the particular circumstances of the pandemic, the marketing period for this community facility has not been sufficient to constitute an 'appropriate period' to secure an occupier for its established use. Consequently, criterion iv has not been satisfied.

**Site Location**

The site is located in an elevated and prominent position in the village of Craig Cefn Parc, above and close proximity to the junction of Clydach Road and Rhyddwen Road.

**Description of Development**

Change of use of property from public house to residential dwelling. No external alterations are proposed.

Item 1 (Cont'd)

Application Number:

2022/2017/FUL

## 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

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

### Planning Policy Wales (11th Edition) 2021

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

#### Local and Village Shops

4.3.40 Local and village shops, and public houses provide an important role in the local community and their loss can have a detrimental impact, particularly in rural locations.

4.3.41 The economic and social function of local shops, village shops and public houses should be taken into account when considering applications for a change of use into residential or other uses. In rural areas, planning authorities should adopt a positive approach to applications for conversion of suitable village properties to shops and for extensions to village shops designed to improve their viability. A positive approach should also be taken, subject to amenity considerations, to re-establishing public houses, especially in villages which have lost such provision. The lack of public transport in rural areas should not preclude small-scale retail or service development where this will serve local needs.

#### Community Facilities

4.4.1 Community facilities perform various functions which cover a broad range of activities and services that can be delivered by the public, private and third sectors. Community facilities contribute to a sense of place which is important to the health, well-being and amenity of local communities and their existence is often a key element in creating viable and sustainable places. They can include schools, cultural facilities, health services, libraries, allotments and places of worship.

4.4.2 Planning authorities should develop a strategic and long-term approach to the provision of community facilities when preparing development plans based on evidence. When considering development proposals planning authorities should consider the needs of the communities and ensure that community facilities continue to address the requirements of residents in the area.

Item 1 (Cont'd)

Application Number:

2022/2017/FUL

**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.

SI 2 Providing and Safeguarding Community Facilities and Locally Important Uses – New community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

CV 1 Key Villages - 18 Key Villages are considered suitable for accommodating small-scale development, including new homes, community facilities and sustainable enterprises. Development at Key Villages must comply with Policy principles.

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.

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 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.

**Supplementary Planning Guidance:**

The following supplementary planning guidance document is relevant to the consideration of this application:

- o District Centres, Local Centres & Community Facilities' (2010)
- o Biodiversity and Development (2021)

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.

Item 1 (Cont'd)

Application Number:

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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 application site benefits from established access onto the adopted highway and there is more than sufficient space to provide the required parking to serve a residential dwelling. The property already consists of a residential element. There are no highway objections.

#### Placemaking and Strategic Planning:

##### Principle of Development

Key to determining this proposal is LDP policy SI 2, which states that development that would adversely affect the operation, or lead to the loss, of a community facility of local value will not be permitted unless:

- i. An alternative facility of at least equal quality and scale to meet community needs will be provided; or
- ii. It can be demonstrated that the existing provision is surplus to the needs of the community and there is sufficient provision of a similar relatively accessible and convenient facility to serve the community nearby; or
- iii. Evidence is provided that the existing use is no longer viable; and
- iv. Evidence is provided of appropriate marketing undertaken to secure an occupier for the established use.

As highlighted in the planning history, where the same proposal has previously been considered against the LDP, **it has been determined by the LPA that this is a community facility of local value.** In this respect, it is also noted that a petition has been submitted against this planning application objecting to the loss of the facility from the village and other objections have been submitted by the public. **As such the proposals must comply with the criteria set out in the policy in order to be considered acceptable.**

In terms of criteria i), the case history highlights that this criteria is not met in this case - i.e. it has not been shown that the provision of an alternative facility is provided.

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In terms of criteria ii) previous decisions have determined that this criteria is not met in this case - as neither the New Inn or the Masons Arms are considered relatively accessible and convenient for local residents, in comparison with the Rock & Fountain which lies within the main built-up area of the village.

This leaves the proposal needing to satisfy criteria iii and iv if it is to be considered compliant with development plan policy, and therefore needing to address the reasons for the LPA refusing the previous proposal and the subsequent Inspector dismissing the appeal.

### **Assessment of Criteria iii**

The Council's previous decision concluded that sufficient evidence had been made available to demonstrate that the existing pub was no longer viable. The Inspector however took a different view and concluded that the evidence provided was insufficient to show that the existing use was no longer viable. Included in the previous Inspector's reasoning was that providing food remained, in the Inspector's opinion, a possible option for broadening the pub's appeal, although they accepted that further investment would be required from the present or a future owner to provide the necessary facilities. The inspector also concluded that while the financial accounts showed losses in the 2 years prior to the COVID pandemic, the business appeared to have been profitable in earlier years and the appellant had not provided a professional viability report which fully considered the future long term viability of the licensed premises. The applicant's new evidence has sought to address the Inspector's observations.

The applicant has submitted a report by Azets Accountants to assess the accounts for 2016-20 and assess whether expanding to food sales would be viable. The Azets report concludes that the accounts for the 5 years prior to the company ceasing to trade show a declining performance with the 3 most recent years showing losses such that the accounts show what they term net liabilities. Consequently, Azets have concluded that on the basis of their analysis and review of accounts, the pub was not a viable business even before the impact of the pandemic. Furthermore, given the financial performance and position, Azets have concluded that it is their professional opinion that the Company would not be able to raise the £60K+ that the applicant has identified would be required to invest in improvements in order to add a food offering.

My judgement is that whilst there is some submitted evidence that the existing owner would not be able to raise the funds required for investment, this would not preclude another buyer of the premises from being able to fund such works. The Case Officer will therefore need to consider on balance whether there is a likelihood of this happening in the current economic climate and in the context of the marketing evidence submitted by the applicant; and also in the context that the LPA's decision on the previous planning application indicated that this policy criteria was addressed sufficiently at that time.

### **Assessment of Criteria iv**

The Council and Inspector in relation to the previous application both concluded that the applicant had not addressed criteria iv sufficiently and that sufficient evidence was not provided of appropriate marketing having been undertaken to secure an occupier.

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The Council concluded that due to the travel and business restrictions resulting from the COVID pandemic, the applicant had not been able to demonstrate, through appropriate marketing under normal market conditions, that there was not demand for a public house in this location. Furthermore, the Inspector concluded that the applicant had not been able to show that 'appropriate marketing' had been undertaken to secure an occupier for the established use.

The applicant has now submitted a marketing history of the premises in Table 2 of their statement (extract shown below).

### **Applicant's submitted evidence on marketing periods compared to COVID periods**

The table sets out that the marketing commenced in December 2019. The applicant has set out the periods of marketing cross-referenced against COVID restrictions. On the basis of the information they have submitted, it appears to have been marketed at £260K since 12th April 2021, and the applicant argues that full access to the site (without COVID restrictions) has been available for 25 months (table above). With regard to this, a useful timeline of COVID events/restrictions is available at [Coronavirus timeline: the response in Wales \(senedd.wales\)](https://www.senedd.wales/coronavirus-timeline).

The applicant states that the marketing has involved erection of a "for sale" board; social media adverts; marketing on several established estate agent and property websites (which have been listed) and in a printed publication "Publicans Morning Advertiser"; and targeted correspondence to people registered on the agent's books who are seeking this type of property. I have checked Sidney Phillips agent webpages and the property still appears to be advertised currently. The applicant's information states that sales particulars have been requested on 143 occasions. The information states that 8 viewing appointments have been made and 1 offer appears to have been received which was well below the asking price and was rejected.

The applicant states that at the current asking price (£260K) the applicant will lose money on the sale before estate agent and legal fees stating that it was purchased in December 2015 for £235K and £30K has been spent on renovations. In this context, it is though noted that Land Registry records appear to show that the most recent price paid was £155K on 5th January 2016, though property price inflation will have occurred since that time. Clarification regarding this apparent discrepancy is needed.

As noted by the Planning Inspector, the policy requires evidence of appropriate marketing having been undertaken. The policy amplification text (2.7.14) states that the marketing period should be for a minimum 12 months. The policy amplification states that the likelihood of a property containing a community facility remaining vacant for an extended period will also be a material consideration as this can have an adverse visual and social effect on the community in which it is located. The Inspector commented that he would regard the 12 month minimum period stated in the policy amplification as just a guide (since it does not form part of the policy itself) and that the applicant's marketing agent's information stated that, even under normal circumstances, licensed properties take much longer to sell than residential housing with the average period being 18 months, and being an average, some properties take longer and some less. The Case Officer will need to take an on balance view with respect to the above, and consider if the marketing undertaken now constitutes an appropriate period of time at a suitable asking price to secure an occupier for its established use and whether this criteria is now sufficiently addressed.

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## Agent Statement

### Background

In December 2015 the applicant purchased the pub for £235,000. It was his dream to own and operate his own pub and he gave up a job paying £55,000 per annum.

The pub opened in January 2016 and a further £30,000 was spent on renovations over a period of three years. Those renovations include the following:

- o New fencing and stairs were installed on the back and side of the property;
- o Cellar cooling system was installed in order to maintain constant temperature;
- o Glass washer, new fridges, ice maker purchased;
- o Back of bar improved;
- o Lighting improved and updated through-out the pub;
- o New boiler and radiators installed;
- o Gents toilet roof replaced, wall tanked, re-plastered, painted. Ceiling reinstalled and reinforced due to wood rot;
- o New sound system installed in the pub;
- o TV and Sky installed in lounge;
- o Flat roof repaired and repainted;
- o New outdoor furniture for trade garden area;
- o Sound equipment purchased for Karaoke events;
- o New carpet installed in lounge;
- o Structural repair in the pub to reinforce floor of upstairs owners' accommodation. Steel beam installed and oak panelled for aesthetics and character in the pub;
- o Chimney reinstated and Log burner installed;
- o Large Wood store purchased and installed to supply log burner;
- o Large shed bought and installed for additional storage space;
- o "Blown" double glassing windows replaced;



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- o Internal wall to create cavity in front of pub area installed to improve heat retention and reduce damp;
- o Soil stack for owners accommodating changed and improved to stop blocking of gents' cubicle toilet from backing up;
- o Bottom of drive re-tarred and potholes repaired;
- o New till and epos system bought and installed with back office capability to allow sales and stock tracking;
- o Repainting of internal pub and gents and ladies' toilets; and
- o Dangerous large Ash tree removed from property.

In addition to this, the owner have also funded out of their own pockets the following improvements to the owners' accommodation:

- o New carpets installed;
- o Walls in all bedrooms and lounge/dining room re-plastered and repainted, and roof windows installed in 3 bedrooms;
- o Bathroom redone from bare walls; and
- o New kitchen installed.

In the first year of operation the pub made a profit of £16,251. At that time both the applicant and his wife were employed full time by the business, together with a part time cleaner and 1 bar staff.

In the second year of trading income fell by almost £12,000 and the business only made a profit of £1302. By 2018/19 there had been a further reduction in income and the business made a loss of £2553. Further reductions in income and further losses were also incurred in the 4th and 5th year of trading as set out in the below.

Year	Turnover	Profit/Loss
2016	£129,520	£16,251
2017	£117,827	£1302
2018	£114,418	-£2553
2019	£96,464	-£9945
2020	£18,931*	-£1341

\* This figure is for 3 months' trade due to COVID 19. It also includes a £10,000 grant.

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**Application Number:**

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In order to reduce costs and generate more household income the applicants' wife took on an additional job in August 2018 whilst continuing to work in the pub in the evening and on the weekends for no salary. By October 2019 the applicant also took on an additional job whilst continuing to work in the pub in the evening and on the weekends for no salary.

In addition to reducing costs the applicant looked at other possible streams of income. As the pub does not have a kitchen the applicant assessed building an extension to provide a kitchen. It is estimated that an extension to provide a kitchen would cost £60,000-80,000. Given that two adjacent pubs, The Mason Arms (1.28km from Rock and Fountain) and The New Inn (733m from the Rock and Fountain) both provided food it was considered that the costs were excessive given the existing competition.

The accounts for the business have previously been submitted. They indicate that despite a promising first year of operation turnover and profit has fallen since 2016 as set out in the table above.

The overall picture for pubs within the UK for the last few years has been bleak. The recent COVID 19 pandemic has resulted in further significant decline in the pub and entertainment sector. Public Houses such as The Rock and Fountain have suffered more than others due to them not having the economies of scale to compete with the larger managed house operations. Moreover, as the property has no commercial kitchen, limited car parking and a limited trade area, it would not attract 'destination' customers and it is clear from the financial results that the local population has not supported the business.

In determining the last application the officers report accepted that the pub was no longer viable.

However, the Council considered that the duration of the marketing exercise was inadequate and there was a lack of accessible facilities within immediate area. These issues were repeated by the inspector in his decision.

In determining the appeal the Inspector concluded that the pub was:

- o An important community facility (paragraph 9);
- o There were insufficient accessible facilities locally available (paragraph 15);
- o The viability of the pub had not been adequately proven given that a full assessment of a food facility was not considered (paragraph 20); and
- o The marketing of the pub, given the COVID restrictions, had not been adequate (paragraph 26).

It is therefore considered that the matters for consideration in this application are:

- o Is the pub an important community facility?
- o Are there sufficient accessible facilities locally available?
- o Is the pub viable with a food facility?
- o Is the marketing of the pub adequate?

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Is the pub an important community facility?

In paragraph 9 of his decision the Inspector concluded that the pub was a "community facility of local value". This conclusion was reached on the basis of the significant number of comments received at the application and appeal.

It is respectfully submitted that this view is a very subjective assessment of the actual importance of the pub. Whilst the community has objected to the loss of the pub its failure to spend money behind the bar has led to its closure. The pub it is not a charitable organisation or publicly supported venture and as such relies on the community to spend money behind the bar.

It is therefore submitted that the only objective assessment of the importance of the pub to the community is to examine its accounts.

It is clear from the accounts that the pub has not been well supported by the local community with takings in 19/20 of approximately £1855 a week. At £3.60 a pint this equates to 515 pints a week.

In summary whilst the community consider the pub to be of local value spending within the pub by the community paints an opposing view. As such it is considered that the pub is not an important community facility.

Are there sufficient accessible facilities locally available?

Whilst it is accepted that there is a general need to have accessible facilities this it is not always possible in remote historic settlements such as Craig Cefn Parc.

Whilst open 50% of patrons arrived by car. The percentage of patrons who walked to the pub would have done so along narrow, poorly lit sections of highway which generally do not have footways.

As such, it is submitted that travelling to the alternative premises within the area (The New Inn and The Masons Arms) was actively taking place while the Rock and Fountain was trading and have continued since the closure of the Rock and fountain, and will therefore not change the travel patterns of patrons. Since the pub has been closed since 2020 patrons have clearly established alternative travel arrangements to these other premises within the area. It is worth considering that the additional support for the New Inn and The Masons Arms by former patrons of the Rock and Fountain in this very difficult time for the Pub industry has and is still helping to ensure the success of these businesses.

In conclusion, whilst the policy is not constructed so as to prevent the grant of planning permission purely on the basis of failure to comply with criteria ii, it is nonetheless worth emphasising that withholding planning permission on the basis of poor connectivity along existing highways infrastructure, which is outside the control of the applicant, is unreasonable.

Is the pub viable with a food facility?

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Notwithstanding to the Councils view that the pub was no longer viable, in April 2022 the applicant appointed Azets Accountants to assess the accounts for the period 2016-2020 and assess whether extending the pub to provide the kitchen is viable.

The summary of the assessment concludes:

- o The accounts for the 5 years prior to the company ceasing to trade show a declining performance, with the most recent 3 years showing losses being incurred such that the Company's accounts showed net liabilities;
- o We are of the view that the pub was not a viable business even before the impact of the pandemic; and
- o Given the financial performance and position referred to above and presented below, the Company would be unable to raise funds to invest in improvements such as a kitchen.

Azets Accountants undertook a detailed assessment of raising £60,000 worth of finance to fund a proposed kitchen extension. They concluded that the applicant would not be able to raise funds because of the losses incurred in the most recent 2 years trading, lack of data proving demand during the periods of recent closure and existing debt.

- o Funders would place emphasis on the pre-pandemic performance of the Company as the most recent evidence of the potential for the business, which showed a loss for the 2 most recent full years, without paying a full management salary to the owners.
- o Even if projections were prepared to demonstrate affordability, there is significant risk with the period of closure with demand being unknown, which increases the importance of the most recent historic trading;
- o There is already debt within the business and this facility would be an extension of that, or a 2nd funder would need to be found, with deeds of subordination agreed;
- o Based on our experience of covenants applied by funders, the highest leverage funders would consider is 3 times Earnings before interest, tax, depreciation and amortisation (EBITDA). This would take into account the current debt. Therefore, the current level of debt associated with the business is in excess of that which would be supported by historic levels of EBITDA.

It is therefore submitted that the accounts and assessment undertaken demonstrate that the business is not viable. Moreover, the business could not expand to provide food due to the lack of funding resulting from the poor business performance.

Is the marketing of the pub adequate?

In accordance with the above policy, the site was advertised for sale by Sidney Phillips Ltd in November 2019 for an initial asking price of £275,000. At the date of the initial listing the pub was advertised on websites. The premises were also advertised in a printed trade publication "Publicans Morning Advertiser".

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The pub is currently advertised on site, on Sidney Phillips website together with ZooplaPro, Daltons Business, Morning Advertiser, Businesses for Sale, Rightmove and Rightbiz.

In order to create more interest, the asking price of the premises was reduced to £265,000 at the end of July 2020 and a further reduction to £260,000 on the 8th October 2020. At this price, the applicant will lose money on the sale before estate agent and legal fees.

At the date of writing this appraisal the marketing exercise resulted in 29,594 web searches, 2009 views on Sidney Philips Ltd website, 288 requests for details, 8 viewing appointments with no offers at this time. Throughout the advertising period live video tours of the premises have been available.

Policy SI2 (2.7.14) sets criteria for the type or duration of marketing. The minimum period specified is 12 months. In this case the property has been comprehensively marketed for a period of more than 12 months. It has been advertised for sale on site, on websites and in trade publications. Moreover, the value has been significantly reduced to reflect the market conditions.

Whilst the site has been advertised as a Public House (Class A3) the provisions of the GPDO permit the change of use of the premises to a shop Class A1 and Financial and Professional Services (Class A2). In addition to uses within Classes A1 and A2 the premises can also be used as a restaurant or takeaway without the need for consent. Despite the breadth of permitted uses no reasonable offer has been made for the use of the premises as a going concern or any other permitted use.

The applicant is of the view that the marketing now undertaken and set out below satisfies the policy.

The application site was initially advertised for sale in December 2019. The table below sets out the COVID restrictions and the periods when prospective purchasers could have viewed the site in person.

	COVID Restrictions on Travel	Period of unrestricted viewing
1.	December 2019- 23rd March 2020	4 Months
2.	23rd March 2020 – 1st June 2020	0 Months
3.	1st June 2020 - 25th September 2020*	4 Months
4.	25th September -9 <sup>th</sup> November 2020**	0 Months
5.	9th November 2020-15th December 2020	1 Month
6.	15th December 2020 -12th April 2021	0 Months
7.	12th April 2021– current (August 2022)	16 Months
	<b>Total to date</b>	<b>25 Months</b>

\* Local lock-down in Swansea begins

\*\* Period includes National lock-down 23rd October - 9th November

The information provided within the table above indicates that full access to the site has been available for 25 months. This satisfying the policy requirement.

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In summary, the marketing exercise has been undertaken for a period in excess of that prescribed by Policy SI2. There is no evidence to suggest that the temporary travelling imposed by COVID restriction have affected the marketing of the building. As such it is submitted that the marketing exercise is robust and comprehensive and therefore satisfies Policy SI2

### Summary

Whilst the level of correspondence surrounding the first application and subsequent appeal would suggest that the pub is an important community facility, the income within the audited accounts demonstrates a low level of footfall by the community. It is therefore submitted but the pub is not an important community facility.

The Council, at the date of the previous application, was satisfied that the pub was unviable and met criteria iii of Policy SI2. The assessment undertaken by Azets corroborate that view and importantly goes on to conclude that raising finance to provide a kitchen would not be possible. Therefore, Policy SI2 only requires the applicant to demonstrating that appropriate market has been undertaken in accordance with criteria iv.

The marketing exercise has been undertaken for a period in excess of that prescribed by Policy SI2. There is no evidence to suggest that the temporary travelling imposed by COVID restriction have affected the marketing of the building. Moreover, there is clear evidence that initial interest is higher than usual.

Having regard to the existing pattern of vehicle movements and prevailing historic highway conditions within the area both The New Inn and The Masons Arms are "relatively accessible" and as such the development accordance with Policy SI2(ii).

It is therefore submitted that the proposal accords with PPW and Policies PS2, SI2 and T6 of the City and County of Swansea Local Development Plan.

You are therefore respectively requested to grant planning permission.

### Neighbour comments:

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by a neighbour notification letter to Old Post Office on Rhyddwen Road and through the display of a site notice dated 12th September 2022. TWENTY FIVE LETTERS OF OBJECTION were received which are summarised as follows:

1. The village needs a pub where local people can socialise;
2. The local community consider the pub could have been better managed;
3. The pub hosted a range of sport teams including domino's, card games, pool and darts as well as charity events;
4. We have already lost our primary school, post office and have limited bus service and this would be another blow to the village;
5. The pub has never been put on sale at a reasonable price;
6. Offers have been made for the pub but these have been rejected;

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7. The property has not been maintained to attract any buyers;
8. The business was intentionally run down;
9. If government grants were received during COVID with the proviso the pub would re-open; this should be investigated;
10. The pub would be well used if opened under the right management; and
11. The pub has been at the heart of the village for many generations;

A petition of objection has also been received with 40 signatures to retain the pub.

**APPRAISAL**

**Main Issues**

The main issues to consider in the determination of this application relate to the acceptability of the loss of the pub as an important community facility having regard to the prevailing provisions of the relevant development plan policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

**Principle of Development**

Policy SI 2 (Providing and Safeguarding Community Facilities and Locally Important Uses) of the LDP aims to safeguard a community facility or locally important use, in those instances where it is shown to be of particular local value or merit to the community that it serves, and where its loss would be of demonstrable dis-benefit to that community.

A facility can be 'lost' by virtue of either a change of use to an existing building, or by means of a redevelopment scheme on the site of the facility. Facilities of local value are defined as those which:

- i. play an important role in meeting an identified need;
- ii. benefit community vitality and cohesiveness or the local economy;
- iii. bring other added value in terms of wider benefits for the community;
- iv. can demonstrate evidence on the extent to which the facility is valued by the community;
- v. contribute to the character of the area and provide a distinctive and unique facility as a destination in the locality;
- vi. provide a wider social function, such as venue for social interaction and/or an informal meeting place.

Facilities of local value may include a wide range of locally orientated services and amenities in both urban and rural locations. Relevant to the development proposal, a pub is listed within the amplification section of the policy (para. 2.7.7) as a use that can provide a community facility. It is therefore clear that the use of the building as a pub (Class A3) provides for both a community facility and locally important use as defined by the Development Plan.

In such instances, Policy SI 2 notes that development that would adversely affect the operation, or lead to the loss, of a community facility of local value will not be permitted unless:

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- I. An alternative facility of at least equal quality and scale to meet community needs will be provided; **or**
- II. It can be demonstrated that the existing provision is surplus to the needs of the community and there is sufficient provision of a similar relatively accessible and convenient facility to serve the community nearby; **or**
- III. Evidence is provided that the existing use is no longer viable; **and**
- IV. Evidence is provided of appropriate marketing undertaken to secure an occupier for the established use.

The policy requires that for proposals to be acceptable, the applicant needs to demonstrate compliance with at least one of criterion i, ii **or** iii **and** meet the requirements of criterion iv.

The proposal will therefore be assessed on the basis of all four criteria below:

An alternative facility of at least equal quality and scale to meet community needs will be provided

It is not been submitted that an alternative facility can be provided. The Applicant and Local Planning Authority both agree on this matter, as previous determined. As such the proposal does not meet criterion i of Policy SI 2.

It can be demonstrated that the existing provision is surplus to the needs of the community and there is sufficient provision of a similar relatively accessible and convenient facility to serve the community nearby

It was previous determined that there are not 'similar relatively accessible and convenient facilities' to serve the community. The two other rural pubs in the area, The Mason Arms (850km) on Rhydypany Road and The New Inn (2km) on Clydach Road are not considered nearby given the distances involved and the unsafe routes to these facilities. The Inspector expressed a similar view noting *I do not consider that the New Inn or the Masons Arms are relatively accessible and convenient for local residents, especially in comparison with the Rock & Fountain which lies within the main built-up area of the village.*

In view of the above, the application again fails criterion ii of Policy SI 2.

Evidence is provided that the existing use is no longer viable

Criterion iii of policy SI 2 provides a further possible exception to the presumption that community facilities of local value should be retained. It requires that evidence is provided that the existing use is no longer viable.

The Local Planning Authority were previously satisfied that sufficient evidence had been made available to demonstrate that the existing use was no longer viable. The Inspector however took a different view and concluded that the evidence provided was insufficient to show that the existing use was no longer viable.



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Included in the previous Inspector's reasoning was that providing food remained, in the Inspector's opinion, a possible option for broadening the pub's appeal, although they accepted that further investment would be required from the present or a future owner to provide the necessary facilities. The inspector also concluded that while the financial accounts showed losses in the 2 years prior to the COVID pandemic, the business appeared to have been profitable in earlier years and the appellant had not provided a professional viability report which fully considered the future long term viability of the licensed premises. The applicant's new evidence has sought to address the Inspector's observations.

The applicant has submitted a report by Azets Accountants to assess the accounts for 2016-20 and assess whether expanding to food sales would be viable. The Azets report concludes that the accounts for the 5 years prior to the company ceasing to trade show a declining performance with the 3 most recent years showing losses such that the accounts show what they term net liabilities. Consequently Azets have concluded that on the basis of their analysis and review of accounts, the pub was not a viable business even before the impact of the pandemic. Furthermore, given the financial performance and position, Azets have concluded that it is their professional opinion that the Applicant would not be able to raise the £60K+ required to invest in improvements in order to add a food offering.

It is recognised that there has been a steep decline in the number of pubs in recent years. According to the British Beer and Pub Association (BBPA), there were 47,200 pubs in the UK in 2019. Nearly half of these (23,400) were independent, c30% (13,900) were owned by Pub Companies, and c20% (9,900) were owned by breweries. The number of pubs has been declining over recent years, with a 22% reduction between 2000 and 2019 of 22% (13,600). As reported in a House of Commons briefing paper on the industry published in April 2021, BBPA have estimated that 37.5 pubs closed per week in 2016 and 2017. The paper includes ONS data showing between 2001 and 2020, Wales had a 25% reduction in pub numbers.

A major issue facing the hospitality industry at the current time is a shortage of staff. This is for a number of reasons, including:

- o Restrictions during the COVID-19 pandemic impacting on the sector resulted in redundancies and those people have found employment in other sectors and are not returning;
- o Travel restrictions as a result of the pandemic and the end of free movement of people as a result of Brexit reducing the labour supply; and
- o The reputation as a long and anti-social hours sector as a result of the peak demand times not fitting with people's family lives and/or wish for work life balance.

In addition, pressures on profits as a result of rising supply chain costs and wage inflation means that businesses have less flexibility in being able to respond to trading challenges and/or seasonality.

Notwithstanding the strong support from local residents regarding retaining the public house, taking into account all of the above factors, it is considered that the existing business is no longer commercially viable.

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It is unlikely to be sustained by visits just from the local community and with two pubs within a few miles of the premises, which serve food, these are likely to be a more attractive options to residents of surrounding communities and/or passing trade. The submitted viability report is clear that the applicant would be very unlikely to be successful in securing external finance for a commercial kitchen because, based on the financial performance, the business would not be considered viable as a result of the losses incurred and the net liabilities position.

Notwithstanding the above, it is acknowledged at this juncture that a future owner may however be in a position financially to provide the necessary facilities without the need to secure finance. To this end, Criterion iv of LDP policy SI 2 requires that, in addition, evidence must be provided to show that 'appropriate marketing' has been undertaken to secure an occupier for the established use. This criterion is considered below.

Evidence is provided of appropriate marketing undertaken to secure an occupier for the established use

The Inspector previously considered that *the marketing period for this community facility has not been sufficient to constitute an 'appropriate period' to secure an occupier for its established use.*

LDP paragraph 2.7.14 states that the likelihood of a property containing a community facility remaining vacant for an extended period will be a material consideration as this can have an adverse visual and social effect on the community in which it is located. In such instances evidence that appropriate marketing and advertising has been carried out to secure the sale of the premises for the established use will be required. The marketing period should be for a minimum 12 months, and would be expected to include advertising on line and the use of appropriate property agents in the locality.

As required under criterion iv. of Policy SI2, the application is accompanied by evidence that the pub has been marketed for sale. The pub has been marketed for sale by Sidney Phillips Ltd since 2019 (35 months). Due to restrictions on viewing properties during the COVID-19 pandemic the property was only available to view intermittently between March 2020 and April 2021. However since this time, the property has been continually marketed right up to the present day (16 months).

Sidney Phillips Ltd has advised in writing, dated 29th June 2022, that the pub is marketed on various websites including Sidney Phillips website together with ZooplaPro, Daltons Business, Morning Advertiser, Businesses for Sale, Rightmove and Rightbiz.

On 6th December 2019 a "For Sale" board was erected at the application property which remains in place. Sidney Phillips continue to post brief advertisements on their Facebook page and regularly "match" the business with applicants already on our register whose requirements are similar to the Rock & Fountain. Brief details are sent to each. Also, a regular flyer is posted and/or emailed to all applicants seeking a business in West Wales and West Glamorgan in a similar price range.

As of June 2022, the following interest has been shown:

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**Application Number:**

2022/2017/FUL

Shown in search results from website	29,594
Total views of advertisement on Sidney Phillips website	2,009
Sales Particulars requested	143

In total eight viewing appointments have been made. The Planning Agent has advised that the original asking price was £275,000 (December 2019). In order to create more interest the asking price of the application property was reduced to £265,000 at the end of July 2020 and a further reduction to £260,000 on 08 October 2020.

The property agent has advised that an offer was received for £210,000 in August 2022, however this offer was not accepted by the Applicant. In any event, it is advised that the potential buyer was not in a position to proceed at that time.

Comments have been received during the publicity exercise that the application property is not being marketed at a reasonable price to attract new buyers. Sidney Phillips who are marketing the application property are a reputable estate agency who specialise in providing sales, acquisition and valuation services to the licensed trade including public houses. Indeed, Sidney Phillips Ltd are currently marketing six other public houses within West Glamorgan, some which are closed like the Rock and Fountain and some which are a going concern. Advice has been sought from the Council's Estates Department in respect of the sale price who have advised that the applicants asking price of £260,000 is not unrealistic, being an asking price only (allowing 10% as a general rule of thumb for negotiation, dependent upon demand and individual circumstances).

Correspondence has been received in respect of an offer made on the property, which was been rejected by the Applicant. Whilst Sidney Phillips has advised that the potential purchaser was not at a position to proceed at the time of making the offer, the offer of £210,000 is well below the asking value. The LPA cannot compel the applicant to accept an offer and much would depend on the financial circumstances of the applicant, which have already been set out above. The applicant has also responded to Land Registry records which show that the property was bought for £155,000 on 5th January 2016 not £235,000 as stated by the Planning Agent. This appears to be a mistake in recording by Land Registry and the Memorandum of Sale has been provided by the applicant to evidence that the purchase price of the property was £235,000.

In view of the above, it is considered that sufficient evidence has been provided to demonstrate that the property has been appropriately marketed for a suitably period of time (continually for the last 16 months) to try and secure an new publican of the Rock and Fountain in accordance with criterion iv of LDP policy SI2.

In summary, within the context of LDP policy SI2, the applicant has demonstrated that the existing use is no longer viable alongside providing evidence that appropriate marketing has been undertaken to try and secure an occupier. As such, the proposal satisfies criteria iii and iv, and is considered to address the reasons for the LPA refusing the previous planning application. The applicant's submission is also considered to address the Inspector's reasons for dismissing the appeal.

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Application Number:

2022/2017/FUL

### **Placemaking/ Visual Impact**

The submitted plans do not show any external alterations.

### **Residential Impact**

The proposed residential use of the property is considered to be a less intensive use than the existing use and as such is not considered to result in adverse residential amenity impacts in accordance with criterion xiii of PS 2 of the Swansea LDP. There is adequate external space around the application property to provide for an acceptable level of amenity space for the future occupiers of the proposed development.

### **Highway Safety/ Active Travel**

The application site benefits from established access onto the adopted highway and there is more than sufficient space to provide the required parking to serve a residential dwelling in accordance with LDP policies T1 (Transport Measures and Infrastructure) and T6 (Parking) Accordingly, the Head of Transportation and Engineering has raised no highway objections.

### **Green Infrastructure/ Ecology**

Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Whilst the applicant has not indicated any measures as part of the application, it is considered reasonable and necessary in this instance to secure a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application in accordance with LDP Policy ER9 and the adopted SPG document entitled 'Biodiversity and Development'.

### **Response to Consultation**

Comments received overwhelmingly relate to the loss of the pub and the marketing exercise undertaken. These issues have been carefully considered in the report and whilst it is acknowledged that the loss of the pub will be disappointing to those customers who regularly used it prior to closure, the evidence provided demonstrates that the pub was not viable. Furthermore, following marketing of the property, only one offer has been made which was well below the asking price. The potential purchaser was also not in a position to proceed at that time. On balance therefore, given the current uncertainties facing the sector including increasing energy prices, high food and drink prices and consumer cost of living, there does seem to be a realistic prospect that the application property will remain vacant for an extended period.

### **Conclusion**

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

Item 1 (Cont'd)

Application Number:

2022/2017/FUL

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 WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

In conclusion and having regard to all material planning considerations, the proposal is an acceptable form of development at this location and approval is recommended.

## RECOMMENDATION

### APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:  
  
Floor plans and site location plan and site plans layout, received on 23rd August 2022.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the first beneficial occupation of development hereby approved, 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).

## Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policies 1, 2, 9 and 28.  
  
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, SI2, CV1, ER9, T1 and T6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

Item 2

Application Number:

2018/2629/FUL

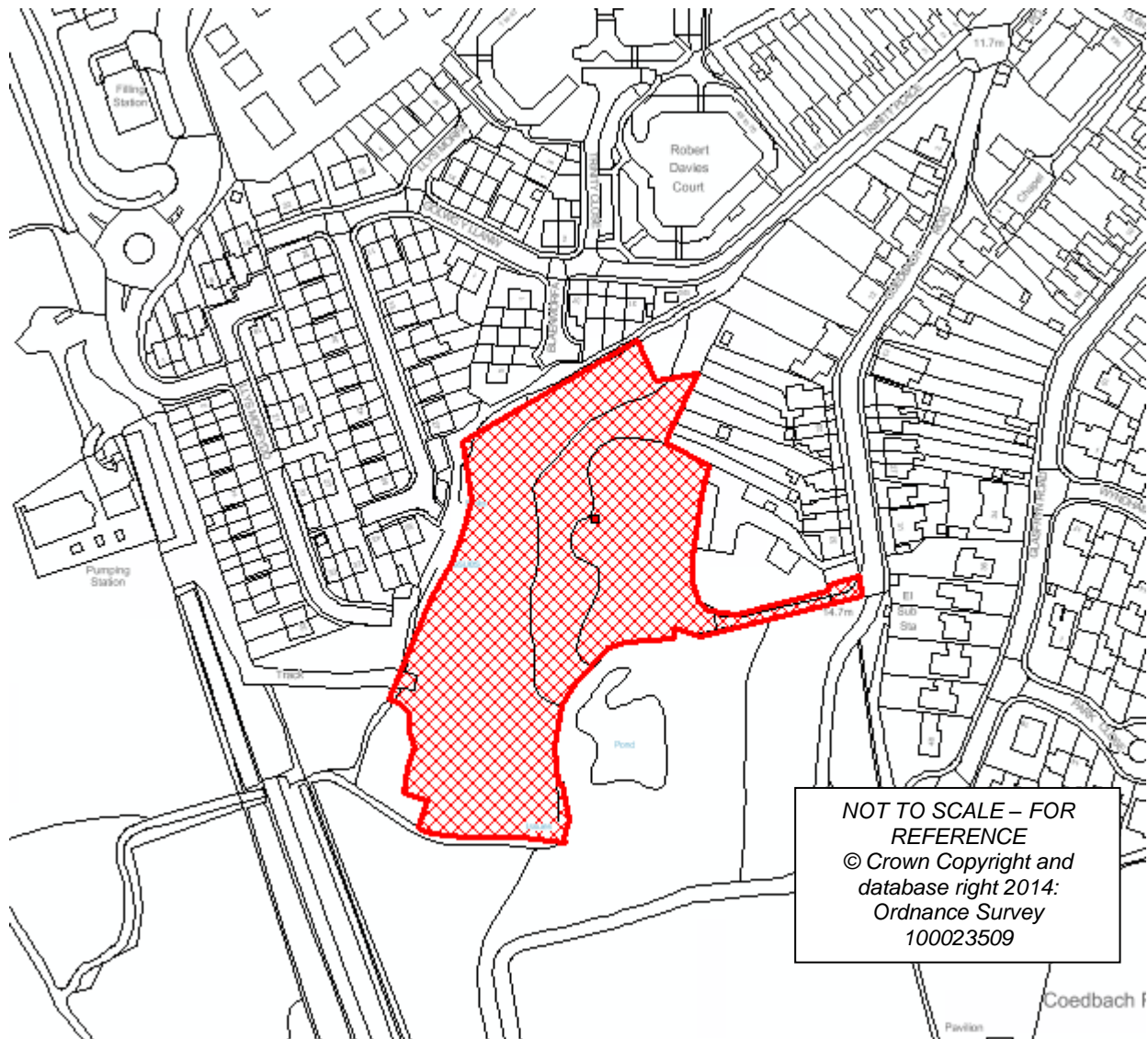
Ward:

Pontarddulais - Area 1

Location: Land Off Coed Bach Road, Pontarddulais, Swansea, SA4 8RB

Proposal: Construction of 55 dwellings with associated infrastructure

Applicant: Hygrove Holdings Ltd



## Background

This application is being reported to Planning Committee as the development is major development of 20 dwellings or more.

**Item 2 (Cont'd)**

**Application Number:**

2018/2629/FUL

This application was reported to the April 2022 Planning Committee with a recommendation for refusal for 7 reasons relating to residential amenity (3 reasons relating to: lack of outlook and loss of privacy for the occupiers of the flats; no outdoor amenity space for the first floor flats and; insufficient outlook or usable amenity space for several of the plots), highway safety impacts, lack of affordable housing provision and lack of education contribution to facilitate school places arising from the development.

However, at Committee in April 2022, the Local Member moved for the application to be deferred until the next available Committee (which would be the post-election Committee in June 2022) which was agreed by Members. In view of on-going negotiations, it was subsequently agreed that the application would be reported back to Committee once negotiations had been completed.

Amended plans were subsequently received on the 12th May and 3rd August 2022 with accompanying information setting out how the applicant had sought to overcome the reasons for refusal that were fully detailed in the report.

Colleagues in Highways, Ecology, Housing, Education, Arboriculture and Strategic Planning and Placemaking have been consulted on the amended plans.

In order to address the previous reasons for refusal the plans have been revised to provide balconies at first floor level for the flats and the boundary treatments for the flats has been amended to improve outlook. The concerns regarding the privacy of the occupiers of the flats has been addressed by proposing obscure glazing. There have been no substantial changes to the scheme to address previous concerns in relation to the lack of outlook and small gardens of several of the plots, however, a further officer site visit has been undertaken to re-assess the affected plots, the findings of which are discussed below. Importantly, in relation to Section 106 contributions, the applicant has submitted viability information on an open book basis and there has been extensive dialogue with the LPAs Strategic Planning and Placemaking Section in this respect. The viability discussions have now concluded with the applicant offering 10% intermediate affordable housing provision and a full education contribution of £184,756. These matters are also discussed further below.

In terms of background information, the applicant originally stated that this application forms the fourth phase of a mixed-use regeneration scheme on land to the west of Pontarddulais including the construction of 49 affordable homes (phase 1), a retail store (phase 2) and 35 open market homes (phase 3). However, these have all been submitted as individual applications and developed as such. A bridged access over a culverted watercourse to the site was granted permission in April 2017 (Ref: 2016/3542/FUL) but this has not been constructed to date and the permission has subsequently lapsed. A new application has been submitted for the access with the same design as previously approved and this is currently under consideration (Ref: 2022/1926/FUL).

Planning permission was approved subject to conditions in March 2009 for 49 dwellings with no S106 agreement on phase 1. Condition 2 of this permission required a minimum of 30% affordable housing on site. Condition 11 related to the ongoing management and maintenance of the SW receptor.

**Item 2 (Cont'd)**

**Application Number:**

2018/2629/FUL

The site was subsequently sold to Coastal Homes who developed 21 dwellings as affordable housing and the remainder as market housing under their "Pennant Homes" arm.

Planning permission was approved for 35 dwellings subject to a S106 agreement in February 2016. Due to viability concerns, no affordable housing provision was provided (on the basis that when added with phase 1 - 25% of the overall units would be affordable housing) and a contribution of £50,000 was given to education. This permission has subsequently been amended via a S73 application (2017/0768/S73).

The application was subject to pre-application advice prior to submission when the Authority raised concerns about the number of units proposed (whilst 50 dwellings were shown on the submitted layout plan, the applicant requested advice for up to 60 dwellings) and issues with the design/ layout of the scheme. These issues were not addressed prior to submission and the application has subsequently been revised several times up until this point.

The application was originally submitted for 60 dwellings in December 2018 but is now for 55 dwellings. 3 dwellings have been removed as they were located in a C1 flood zone at the northern end of the site and the site plan amended to reflect this.

**Site Description**

The proposed application site (approximately 1.2 hectares) was previously occupied by a Concrete Pipe Works. This building was situated towards the southern part of the site but its main structure has since been demolished (by 2012), leaving just its hard standing.

The site's immediate surrounding area is predominantly residential to the north and east. Coed Bach Park, a large woodland park, is situated to the south; a short path leads from the site directly to the park's entrance. Within a short walking distance from the site is Pontarddulais town centre and its range of facilities and services. The site will be accessed off Llys Morfydd (i.e. Hygrove's Phase 3 open market residential site) via Tidal Reach Road.

A minor watercourse lies to the site's northern boundary and follows the site's boundary around to the west. The minor watercourse meets an old Victorian culvert to the south western boundary. The western boundary is also demarked by the phase 3 approved attenuation area, which forms part of this application site's surface water strategy. The eastern and north-eastern boundaries are defined by the retaining/ garden walls of neighbouring residential dwellings on Coed Bach Road. The Coed Bach Park SINC adjoins the site to the south and the Waungron SINC is located to the west of the site but doesn't directly adjoin the current planning application site boundary.

A line of trees follow the northern, western, southern and south-eastern boundaries. The application site is elevated above the northern and western boundaries but is lower than the existing Coed Bach Road residential properties situated along the eastern boundary. Care over the design and especially the proposed roof-line was required to ensure that the application site has no adverse impact on the surrounding residential dwellings. The application site has an almost level plateau although the site does slope at the far north eastern boundary. Re- profiling and engineering works will be required at this part of the site.



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### Description of Development

Full planning permission is sought for the construction of 55 dwellings at land off Coedbach Road in Pontarddulais. In terms of the proposal, 2 x 4 bed dwellings are proposed along with 12 x 3 bed dwellings, 35 x 2 bedroom dwellings and 6 x 2 bedroom flats. The dwellings would be two-storey finished either with Forticrete stone frontages, Ibstock Weston Red Multi brick or Hansons Village Harvest brick. The apartments would be finished in brick and through-colour render and would be 2 storey with balconies on the rear. The site layout would comprise a mixture of 2 x detached dwellings and predominantly semi-detached and small terraces of 3-4 dwellings with parking to the front of the majority of dwellings. A parking court for 10 dwellings is also proposed to the rear of plots 51 - 55 at the entrance to the site to provide for a continuous active travel route and 2m wide planted verge along the frontage.

The development would utilise the access road from a previous Hygrove development on the eastern boundary of the site but would require the construction of a culvert over the water course. The access road would turn and run north with a spur to the south serving 10 dwellings and the parking court (15 dwellings total). Further cul-de-sacs would be located to the east and west of this main access road which would terminate at a small cul-de-sac at the northern end of the site. The area to the north of this turning head is C1 flood plain and the dwellings have been removed following concerns from Natural Resources Wales and Officers about the justification for dwellings in this area. The area has been omitted from the application site. The 3m wide active travel route would continue west-to-east through the site and provide access to Coed Bach Road.

The applicant has submitted a sustainability appraisal in order to reduce parking by 1 space per unit (with a minimum of 1 space provided). The 2 bed dwellings would have 1 space each and the 3-4 bed dwellings would each have 2 spaces. Visitor parking is proposed on-street though no spaces have been marked out/ indicated.

The application has been submitted along with an Arboricultural Report, Flood Consequences Assessment, Transport Statement, Travel Plan, Ecological Impact Assessment and Site Investigation Report. A Green Infrastructure Assessment was subsequently submitted after the application was registered and there have been various updates to the documents submitted to reflect site layout changes.

Some of the documentation submitted above has been updated and a viability assessment has been submitted as part of the current proposals.

### 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.

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Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

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

Policy 7 - Delivering Affordable Homes

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

## **Planning Policy Wales (11th Edition - February 2021)**

### **Chapter 1: Introduction:**

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

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

Paragraph 1.11 states that the Well-being of Future Generations Act places a duty on public bodies to carry out sustainable development. The concept has been expanded under the Well-being Act and it requires an improvement in the delivery of all four aspects of well-being: social, economic, environmental and cultural. The Well-being Act has established seven well-being goals which are intended to shape the work of all public bodies in Wales (1.13).

A plan-led approach is the most effective way to secure sustainable development through the planning system and it is essential that plans are adopted and kept under review (1.18).

### **Chapter 2: People and Places: Achieving Well-being Through Placemaking**

Paragraph 2.3 states that the planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

Placemaking in development decisions happens at all levels and involves considerations at a global scale, including climate change, down to the very local level, such as considering the amenity impact on neighbouring properties and people (2.7). Planning policies, proposals and decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. This can be done through maximising their contribution to the achievement of the seven well-being goals and by using the five Ways of Working, as required by the Well-being of Future Generations Act. This will include seeking to maximise the social, economic, environmental and cultural benefits, while considering potential impacts when assessing proposals and policies in line with the Act's Sustainable Development Principle (2.8).

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Paragraph 2.9 states that the most appropriate way to implement these requirements through the planning system is to adopt a placemaking approach to plan making, planning policy and decision making. Good placemaking is therefore essential to the delivery of sustainable development and achieving improvements in the well-being of communities (2.10).

### **Chapter 3: Strategic and Spatial Choices**

Paragraphs 3.1 and 3.2 state that effective strategic placemaking requires early collective consideration of placemaking issues at the outset, in the formulation of a development plan, or when developing specific proposals. The policy issues should not be considered in isolation from one another. This includes considering the design of a development and its impacts upon everyday lives as well as thinking holistically about where people might live and work and which areas should be protected. These crucial, early decisions will have the greatest impact on the type of development which is ultimately delivered and its contribution to sustainable development and the environmental, social, cultural and economic well-being of Wales. The choices made at this stage should be shaped by appropriate engagement with the public and other stakeholders using the 5 Ways of Working to enhance proposals and ideas and to maximise their contribution to the well-being goals. Getting these aspects right, or in place, at an early stage, will enable more effective and justifiable decisions to be made further on in the development of plans and projects.

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 (3.3).

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 (3.6).

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 (3.8).

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Paragraph 3.9 states that 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.

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 (3.12).

Paragraph 3.20 states that disadvantaged and deprived communities tend to be disproportionately affected by health problems. There are links between the built and natural environment and health throughout a person's lifetime and an understanding of the wider determinants of health should be a key component of development plan preparation. The planning system should identify proactive and preventative measures to reduce health inequalities. This will include enabling opportunities for outdoor activity and recreation, reducing exposure of populations to air and noise pollution, promoting active travel options and seeking environmental and physical improvements, particularly in the built environment. Planning authorities should develop and maintain places that support healthy, active lifestyles across all age and socio-economic groups, recognising that investment in walking and cycling infrastructure can be an effective preventative measure which reduces financial pressures on public services in the longer term. The way a development is laid out and arranged can influence people's behaviours and decisions and can provide effective mitigation against air and noise pollution. Effective planning can provide calming, tranquil surroundings as well as stimulating and sensory environments, both of these make an important contribution to successful places (3.22).

Paragraph 3.23 states that green infrastructure can be an effective means of enhancing health and well-being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can help to reduce general levels of pollution and promote both mental and physical well-being.

The Welsh language is part of the social and cultural fabric and its future well-being will depend upon a wide range of factors, particularly education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities and places. The land use planning system should take account of the conditions which are essential to the Welsh language and in so doing contribute to its use and the Thriving Welsh Language well-being goal (3.25).

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#### Chapter 4: Active and Social Places

This theme supports and enables the provision of a range of well-designed and located homes which are well connected to existing retail and commercial centres situated at the heart of our communities and job opportunities. It acknowledges the significance of community facilities and recreational spaces for our health, well-being and quality of life and specifically protects and promotes these uses in line with the overarching national sustainable placemaking outcomes (4.0.2).

To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds (4.1.19). Well integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well-designed street layout (4.1.20).

Paragraph 4.1.21 states that the Welsh Government policy, Manual for Streets and its companion guide Manual for Streets 2, requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in Manual for Streets and the Active Travel Design Guidance, and not adhere to ridged standards. Design Bulletin 32: Residential Roads and Footpaths has been superseded by Manual for Streets.

The Active Travel (Wales) Act 2013 makes walking and cycling the preferred option for shorter journeys, particularly everyday journeys, such as to and from a workplace or education establishment, or in order to access health, leisure or other services or facilities. (4.1.27). New development should be integrated with active travel networks and contribute to their expansion and improvement, through the inclusion of well-designed routes and facilities as part of the schemes and financial contributions to pay for off-site connections. Planning authorities should also seek to assist in the completion of the national cycle network and key links to and from the network. These measures should, where appropriate, be aligned with approaches to secure green infrastructure. Planning authorities should seek opportunities to increase habitat connectivity, mitigate habitat fragmentation, and secure wider green infrastructure benefits along transport networks (4.1.33).

Transport Assessments are an important mechanism for setting out the scale of anticipated impacts a proposed development, or redevelopment, is likely to have. They assist in helping to anticipate the impacts of development so that they can be understood and catered for appropriately (4.1.56).

Paragraph 4.2.1 states that new housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities. Planning authorities must clearly set out the housing requirement in their development plan. These requirements must be based on evidence and clearly express the number of market and affordable homes the planning authority considers will be required in their area over the plan period.

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Planning authorities should plan for a mix of market and affordable housing types to meet the requirement and specifically consider the differing needs of their communities; this should include the housing requirements of older people and people with disabilities (4.2.5).

Paragraph 4.2.21 states that where up-to-date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision-maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning it are up-to-date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred since the plan was adopted. Where negotiation is necessary, the planning authority and developer should operate in an open and transparent manner with all information provided on an 'open book' basis.

A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers (4.2.25). Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents. All other types of housing are referred to as 'market housing', that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority. It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing (4.2.26).

Recreational spaces are vital for our health, well-being, amenity and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales (4.5.1).

## **Chapter 5: Productive and Enterprising Places**

The provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and to improve the social, economic, environmental and cultural well-being of Wales. The planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport (5.3.1).

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## Chapter 6: Distinctive and Natural Places

Paragraph 6.0.2 states that the special and unique characteristics and intrinsic qualities of the natural and built environment must be protected in their own right, for historic, scenic, aesthetic and nature conservation reasons. These features give places their unique identity and distinctiveness and provide for cultural experiences and healthy lifestyles. As well as those characteristics regarded as special or unique there are other, environmental qualities of places which are ubiquitous. Environmental components of places, such as clean air, access to open spaces and water quality, are linked to the quality of the built and natural environment. The environmental components of places influence and shape health and wellbeing as well as playing a role in sustaining and creating places which are adaptable and resilient to change. Distinctive and Natural places must maintain or incorporate green infrastructure, recognising the wide ranging role it can play, as key components of their natural and built fabric. Doing so will maximise health and well-being of communities and the environment (6.0.3).

Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways and mountain ranges. At a local scale, it might comprise parks, fields, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks (6.2.1).

Biodiversity underpins the structure and functioning of ecosystems. It is the diversity of living organisms whether at the genetic, species or ecosystem level. An ecosystem is made up of living organisms, plants, animals and micro-organisms, in conjunction with their non-living environment, air, water, minerals and soil, and all the diverse and complex interactions that take place between them (6.4.1). Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity (6.4.5).

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 climate change 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 (6.4.24).

Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development (6.6.25). Planning authorities should be aware of the risk of surface water flooding, usually caused by heavy rainfall, and ensure developments are designed and planned to minimise potential impacts.

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Development should not cause additional run-off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS (6.6.27).

Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction (6.6.19). Ensuring that remediation measures are implemented to required standards is essential and planning authorities will require proof, in the form of a validation/ verification report, or equivalent, that this has occurred. For example, if a property is at risk from the migration of underground gases then a validation/ verification report should contain a test certificate demonstrating that it has been constructed with gas membranes which have been correctly installed, and the risks adequately mitigated (6.9.20).

### **Adopted Swansea Local Development Plan**

PS1: Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy.

PS2: Placemaking and Place Management - development must enhance the quality of places and spaces and shall accord with relevant placemaking principles.

PS4: Sustainable Employment Strategy - opportunities for business growth and the potential for the creation of up to 14,700 additional jobs over the Plan period, including within Strategic Development Areas.

IO1: Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

IO2: Employment and Training Opportunities - developers are required to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

H2: Affordable Housing Strategy - provision will be made to deliver a minimum 3,420 affordable housing units over the Plan period.

H3: Affordable Housing - sets the percentage of affordable housing provision required in the 3 different Strategic Housing Policy Zones (20% for this zone).

HC1: Historic and Cultural Environment - the County's distinctive historic and cultural environment will be preserved or enhanced by complying with set criteria.

HC3: Development in Welsh Language Sensitive Areas - the Welsh language will be safeguarded and promoted throughout the County with the provision of a Welsh Language Action Plan.



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SI1: Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI2: Providing and Safeguarding Community Facilities - new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

SI3: 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 additional school facilities.

SI5: Protection of Open Space - development will not be permitted on areas of open space unless it complies with specific criteria.

SI6: Provision of New Open Space - open space provision will be sought for all residential development proposals with capacity for 10 or more units. This will include the creation of new on site facilities, or the improvement of existing local provision off site, along with appropriate maintenance contributions.

SI8: Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime.

ER1: Climate Change - Development proposals will be expected to take account of the effects of climate change, adapt to its impacts, and to ensure resilience.

ER2: Strategic Green Infrastructure Network - development will be required to maintain or enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network.

ER6: Designated Sites of Importance for Nature Conservation - development will not be permitted that would result in a likely significant adverse effect to sites of international or national nature conservation importance. Development that would affect locally designated sites of nature conservation importance should maintain or enhance the nature conservation interest of the site.

ER8: Habitats and Species - development proposals should not have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan unless it meets specific criteria.

ER9: 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 which enables the dispersal and functioning of protected and priority species.

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ER11: Trees 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.

T1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

T5: Design Principles for Transport Measures and Infrastructure - provides design criteria that all transport measures/ infrastructure must adhere to.

T6: 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 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.

T7: Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

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

RP1: Safeguarding and Public Health and Natural Resources - development that would result in significant risk to: life; human health and wellbeing; property; controlled waters; or the natural and historic environment, will not be permitted.

RP2: 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 future occupants.

RP3: 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 future occupants.

RP4: 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.

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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.

RP5: Avoidance of Flood Risk - new development will be expected to be located away from unnecessary risk.

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.

RP7: 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.

RP8: Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

**Supplementary Planning Guidance (SPG):**

The following supplementary planning guidance (SPG) documents are considered to be relevant to the determination of this application:

- Placemaking Guidance for Residential Development (adopted 2021)
- City and County of Swansea Parking Standards (adopted 2012)
- Trees, Hedgerows and Woodlands (adopted 2021)
- Biodiversity and Development (adopted 2021)
- Planning Obligations (adopted 2010)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. The Parking Standards SPG document was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG document 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.

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**Consultations:**

Given the amount of consultation undertaken on this application, only the most recent and up-to-date comments have been included where relevant, unless otherwise stated. Previous comments on earlier iterations are all on the planning file.

**Strategic Planning and Placemaking:**

The full comments of the Strategic Planning and Placemaking section are on the planning file, the following are the summary / final comments in response to the revisions submitted in May 2022:

Placemaking comments:

The latest iteration of amendments made to this proposal include some positive amendments made in relation to placemaking matters, which have been made in response to previous responses from the LPA. There are also areas of the site where it is considered the proposal has taken a backward step in placemaking terms, and certain matters require clarification.

At this stage it has not been clearly demonstrated that appropriate multifunctional GI is proposed to be integrated into the development and it is questioned therefore whether the relevant policy requirements in this regard have been met (namely LDP policies ER 2 and PS 2).

In relation to placemaking issues the following presents a summary of matters to address/clarify: Amendments to the proposals should address:

- Footways throughout the development - these appear substandard in a number of areas in order to be to adopted standard, having regard to the adopted Placemaking for Residential Developments SPG
- Bin stores for flats - the current location of these are likely be incongruous in the streetscene and therefore a suitable relocation area should be found.
- Parking arrangements - the key test for parking provision on residential developments is to assess whether the approach complies with Placemaking SPG requirements and PPW, which are clear that a design-led approach to the provision of car parking must be taken and must not appear to dominate a development and streetscene, or cause inconvenience. There are specific concerns highlighted that certain proposed parking arrangements are poor solutions, particularly in regard the likelihood of vehicle parking occurring on turning heads due to the proposed layouts. It is considered these aspects should be revisited subject to highways authority comments
- Green Infrastructure - - The density of development on the site restricts opportunities to provide sufficient uniformity or continuity of GI in the public realm. The majority of provision is therefore in the form of ecological connectivity in the private realm (rear and front gardens and drives) where there is no guarantee that private occupants will maintain this GI provision in the longer term. (This is an assumption based only on previously submitted proposals for adoption/private land, which may require updating in light of recently updated soft landscaping plans.).

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Key areas to be addressed are the reduction of GI at the entrance of the site in the most recent iteration of the design, and the lack of verges and open space in the public realm at the area around the junction of the two hammerheads to the north of the site.

- Site layout, density and amenity - to ensure compliance with Placemaking SPG requirements - particularly re garden sizes and impacts of high density - these aspects still require attention. . In particular, plots with irregular shaped gardens, particularly in north facing properties continue to be of concern.

Clarity is sought regarding:

- Western boundary of the site - how are these considered to be consistent with policies PS2, ER11 and ER 9.
- Cul-de-sac areas north and south: the nature and design detail of the indicated shared spaces - including materials and whether any segregation is proposed to be indicated between vehicle and pedestrian using materials or surface treatments - is not clear.
- Flats - it is not clear whether the proposed balconies for first floor flats meet the SPG requirements re provision of useable outdoor space, and/or whether the floor areas of the proposed flats are to WDQR standard

In relation to financial viability issues, the Council's review of these matters has concluded that, based on the assumptions used including the provision of £184,576 education contributions and 6 affordable homes being provided on site, the scheme could yield a profit of 19% of GDV. On the basis of a 17.5% profit margin being an acceptable margin for the developer, the review has shown that it would be viable to provide 4 of the units as social rent (and the remainder as intermediate tenure) plus the above education contributions.

Ultimately the acceptability of the amended proposals for this site will need to be considered on balance, having regard to the planning merits of the overall scheme, including with reference to the outcome of the viability appraisal and consideration of the applicants proposed reduced S106 obligations and affordable housing provision."

Placemaking comments in relation to the final set of revised plans submitted on 3rd August:

The additional information circulated for comment on 4th August includes vehicle tracking information, boundaries and biodiversity enhancements, amended soft landscape proposals, Arboricultural report and minor amendments to house types.

There are no further Strategic Planning or Placemaking comments on the additional/ amended information.

Viability comments:

The applicant has provided a letter from an estate agent in order to support the house price sale values they have adopted. The SP&P Section has reviewed the expert opinion provided by the estate agent as far as possible. It is important to highlight that this has been done in the context of there being limited new build sales information available in Pontarddulais and having regard to the current increasing uncertainty on the direction the housing market will go based on recent financial pressures.

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To ensure a robustly informed analysis of the sales values the Council could commission a second professional opinion in relation to property values, however the issue of current uncertainty in the market may well have a bearing on the outputs of any such opinion. On balance, at this time it is considered reasonable to accept the applicant's revised figures relating to sales values and GDV.

In their latest submission, the applicant has increased their costs by nearly £300K from the viability analysis they submitted two months previously. A limited further breakdown of detailed costs has been provided in order to support the cost already included for knotweed treatment.

However, while some individual cost items are set out in the applicant's model, along with some rates £ per dwelling, very limited supporting information has been provided that can be used to substantiate the various significant costs such as external costs and abnormals; or the cost increases proposed. The Council's previous response highlighted that there may be further head room for improving the overall profitability of the site in the viability analysis if further interrogation of the costs found that some of the values could be reduced. For the Council to fully understand these elements it will be necessary for full disclosure to be made of the evidence by providing a full breakdown of these costs so they can be verified. Verification of these costs in the current climate of rising costs would likely need professional input from a QS.

On the basis of the GDV values supported by the estate agent's letter, the Council's analysis of the viability of the scheme using the DVM suggests a profit margin of 12.3% on GDV. This is based on the applicant's proposal of 10% intermediate 2 bed flats and payment of the contribution towards increasing education capacity via S106. This conclusion is based on the use of the applicant's revised figures in relation to GDV on open market sales. However it does not include the cost increases proposed in the applicant's latest submission. The Council's previous response set out that costs needed to be evidenced and the Council is not in a position to accept them at this stage in the absence of supporting evidence breakdowns.

It is noted that while planning guidance suggests a viable profit margin should be no less than 15% of GDV, the applicant has indicated that they would be willing to proceed on the development with the profit level of 9.7% on GDV resulting from their own assessment. A substantial reduction in costs (of at least £550K) would be needed in order to raise the profit level to a blended profit of 17.5% on GDV.

#### **Local Highways Authority (LHA):**

The design has been through many revisions and highway comments submitted following each amendment. The previous iteration resulted in a recommendation of refusal on highway safety grounds. This due in the main to restricted visibility and available widths due to the introduction of green infrastructure at street level. Whilst it is understood that the inclusion of green infrastructure accords with Council policy, in this instance the retrofitting of trees and build outs resulted in highway safety concerns.

#### **Internal Layout**

A revised masterplan, revision RR has been submitted this has removed and relocated much of the GI which interfered with safe highway operation.

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In line with previous comments the Highway Authority remains of the view that the layout remains tight in places, however the reduction in planting results in unobstructed visibility splays at the internal junctions. Further reduction in tree planting may be required in order to accommodate street lighting columns, this would be considered during detailed design.

The proposed chicane in the road to the North has been largely removed and the carriageway eased, this provides a layout where 2 vehicles would be able to pass. The applicant has provided swept path analysis for a 10.2m refuse lorry, and the site is able to be serviced by large vehicles, although some turning heads are tight. Indiscriminately parked cars could cause issue, but on balance, the layout is acceptable.

**Access**

The site access from Llys Morfydd was consented under application 2016/3542/FUL, this involved culverting a watercourse in order to be able to construct the road into this site, it is noted however that this application has expired without being implemented.

Previous comments, including those offering no objection highlighted the need for the access from Llys Morfydd to be fully completed prior to commencement of phase 4, to which this application relates.

Furthermore no access for general or construction traffic would be permitted via the proposed shared use path / emergency vehicle access from Coed Bach Road to the East of the site. The lane has insufficient width or visibility to support any vehicle movements.

**Recommendation**

Whilst the amendments to the masterplan result in an internal layout to which the Highway Authority would have to offer no objections, the lack of a deliverable access to the site now results in a landlocked site which cannot connect to the highway network.

As is stands the Highway Authority must recommend the application be refused due to lack of safe and satisfactory access."

**Updated LHA Comments:**

Confirm that previous comments still apply, and agree a Grampian condition on the access would be required prior to commencement of development.

**Pollution Control:**

Can the following conditions and informatives be added to this application:

**Condition 1**

Phase 1 report: Desk Top Study

This shall:

- Provide information as to site history, 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.

Advisory:

[http://www.swansea.gov.uk/media/pdfwithtranslation/q/3/WLGAEAW\\_Guide\\_for\\_Developers\\_re\\_v\\_2012.pdf](http://www.swansea.gov.uk/media/pdfwithtranslation/q/3/WLGAEAW_Guide_for_Developers_re_v_2012.pdf)

Development of Land Affected by Contamination: A Guide for Developers

**Condition 2**

**Imported Soils**

Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported.



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All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed with in writing by the LPA.

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

Advisory: [http://www.swansea.gov.uk/media/pdf/a/2/Imported\\_Materials\\_Guidance\\_WLGA.pdf](http://www.swansea.gov.uk/media/pdf/a/2/Imported_Materials_Guidance_WLGA.pdf)  
Requirements for the Chemical Testing of Imported Materials for Various End Uses

**Condition 3**

If during development, contamination 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 details of a mitigation scheme relating to this unsuspected contamination has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full.

[Informatives recommended in relation to construction noise, smoke burning of materials, dust control, lighting]

**Parks:**

Since previous comments provided requesting a contribution for play equipment at Coed Bach Park, we now have a Zip Wire installed, a climbing frame installed, the Local Member has been awarded £40,000 from the ERF fund for fitness equipment and we have also secured £100,000 to upgrade the playground which is due to start shortly. No contribution is therefore required for off-site equipment.

Contribution requested for maintenance of open space within the site required to be adopted but further detail needed to calculate amount.

**Ecology:**

"Relevant documents received:

Environmental Impact Assessment Report (Wildwood Ecology, Dec 2018)

**Breeding/nesting birds**

As suitable habitat exists on site for nesting birds, please include the following informative:

It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds)

- 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
- Disturb dependent young (schedule 1 birds)

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No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to August

**Reptiles**

The surveys established that medium breeding population of both slow worm and common lizard are present on the development site. Please note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

With regards to reptiles:

The mitigation measures outlined in Table 11 of Appendix V of the EIA must be adhered to.

- Pre-construction checks for any species are required.
- Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).
- The off-site receptor site for translocated animals must be agreed with the LPA Ecologist.
- A reptile management plan for at least 5 years is required, with an annual monitoring report submitted to the LPA.

**Hedgehog**

Records show that there is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. On this basis, the following Informative must be added to any permission granted:

'To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs (and other wildlife), by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.'

**Other European Protected Species:**

Pre-construction checks must be undertaken for badger and otter. All trenches and excavations must be fenced off or covered-over at night to prevent any otters (or other animals) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped otters (and other wildlife) each morning before starting construction activities. This should be included as a statement in the CEMP.

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In addition, please include the following informative:

Protected species may be present. Many species are protected under the Wildlife & Countryside Act 1981 (as amended) or are listed in the Conservation of Habitats and Species Regulations 2010 (this legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal).

Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly.

If evidence of any protected species is encountered e.g. live or dead animals, droppings or their resting or breeding places, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

### SUDS

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more require sustainable drainage to manage on-site surface water. Although this application was received before this date, and the submitted Drainage Strategy (Ateb Consult, Dec 2018) is noted, it is advised that reference is made to the draft Swansea Council LDP. In particular:

### RP 3: 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.
- Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for flood plain capacity.
- 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.

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.

See also RP 1: SAFEGUARDING PUBLIC HEALTH AND NATURAL RESOURCES. Further details with Matters Arising Changes (MACS) schedule can be found at:

<https://www.swansea.gov.uk/ldp>

### CEMP

The Construction and Environmental Management Plan (CEMP) documents the systems and controls to be adopted to minimise any adverse environmental effects during construction.

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The CEMP must be adopted by all Contractors and Sub-contractors working on the development to ensure a consistent and coordinated approach to construction management and to manage environmental impacts.

A detailed CEMP is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures (especially regarding the adjacent SINCS and water bodies eg ponds), for the construction and operational phase of the development.

Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the PPMS shall be implemented as approved.

Reason

Prevent pollution of controlled waters and the wider environment.

**Further Comments:**

OUTCOME OF ECOLOGICAL INVESTIGATION

Please see all previous comments submitted on 31/1/19 and additional comments on 12/2/2019 and 14/9/2021 and 21/2/2022.

With reference to the updated documents (specifically the EIA Report, Wildwood Ecology and the Reptile Mitigation Strategy) submitted in May 2022, the following comments apply:

Ecological Enhancements

Condition:

As per recommendations and details for ecological enhancements and protection of the SINCS, contained within sections, 5.13 and 5.14 and the locations shown in Appendix 3 of the Wildwood Ecology EIA report reference WWE18150 ECIA Rev-H dated 11th May 2022, together with the details and locations contained within the DPS Architecture Ltd drawing number 471-1305 Revision L dated 10/5/2022, the biodiversity enhancement scheme shall be undertaken and/or fully installed prior to the first beneficial use of the development hereby approved, in accordance with the approved details, and maintained thereafter. Following the installation of the approved scheme, a report confirming adequate installation shall be submitted to the Local Planning Authority.

Protected species

Condition:

To ensure that any protected species encountered on site are safeguarded, the details contained within Table 11 section 5.8 of the Wildwood Ecology EIA report reference WWE18150 ECIA Rev-H dated 11th May 2022 shall be implemented.

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Landscaping/GI  
Condition:

As per recommendations and details contained within sections 5.11 and 5.12 and Table 13 of the Wildwood Ecology EIA report WWE18150 ECIA Rev-H dated 11th May 2022, four wildflower areas shall be provided and managed for biodiversity. All soft landscaping shall be provided as per details contained within drawing reference TDA.2655.01 (c) dated November 2021.

Reptiles

Condition:

The reptile mitigation and translocation shall be undertaken and fully implemented as per details contained within the Wildwood Ecology Reptile Mitigation Strategy report document reference WWE 21094 RMS Rev E Final dated 27/4/2022, and in Appendix V1 and sections 6.2, 6.3, 6.4, 6.5 and 6.6 of the EIA document -reference WWE18150 ECIA Rev-H dated 11th May 2022. Should significantly different numbers of reptiles or different species be found during the translocation exercise than the expected medium population, an amended mitigation strategy shall be agreed with the LPA.

Condition:

As per detailed in sections 3.35-3.40 inclusive of the Reptile Mitigation Strategy (Wildwood, document reference WWE 21094 RMS Rev E Final dated 27/4/2022), a post-translocation report shall be submitted to the LPA detailing the numbers and species of reptiles moved. In addition, monitoring reports shall be submitted to the LPA following presence/absence surveys in years 1 and 3 post-completion. The monitoring reports shall also report on the condition of the habitat at the receptor areas, including required maintenance at the translocation site."

**Trees:**

"The plans do not identify all impacts on trees. Two retaining walls will lead to the loss of trees.

Whilst the loss of the category C trees is not significant arboriculturally it is likely to have an impact on screening from the existing development to the west.

The landscape plan shows additional trees to be planted along this boundary, however, they appear to be positioned in the bed of the water course which would not be possible."

**Further Comments:**

"The alterations to the site layout and changes to the landscape plan address previous comments. If approved please can a tree protection plan and arboricultural method statement be conditioned".

**Drainage:**

"Based on the details submitted we would recommend that the following be appended to any permissions given.

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Condition 1

No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason.

To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

Informatives.

Significant change to drainage requirements will impact new developments from January 2019.

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins in accordance with Schedule 3 of the Flood and Water Management Act (FWMA) 2010. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Watercourses

Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues."

**Housing:**

"In response to the planning consultation for 2018/2629/FUL Land Off Coed Bach Road Pontarddulais please refer to my previous comment below dated the 19th August 2021; further discussions/viability evidence is required if this cannot be achieved:

The site is within the Pontarddulais Ward, which falls within the Greater North West Strategic Housing Policy Zone. I can confirm that the Housing Service require the provision of 15% affordable housing onsite in line with LDP proposals.

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This scheme is for 56 units [now 55], therefore the onsite affordable housing provision should be a minimum of 8 affordable homes. The submitted site layout has a provision of 6 x 2 bedroom apartments, therefore there is a shortfall in onsite provision. The affordable housing units need to be DQR compliant, the submitted flat layout does not meet DQR standard. Social rented tenure is the highest need across Swansea, if affordable apartments are to be included we ask for them to be 1 bedroom walk-up type, as this would meet social rented tenure affordable need. I have discussed this with the Registered Social Landlord to whom these units will be transferred to and they confirmed that 1 bedroom social rented flats would meet affordable need.

An onsite provision of 8 affordable units is the LDP policy compliant figure, a breakdown of 4 x 1 bedroom walk up flats and 2 x 2 bedroom houses and 2 x 3 bedroom houses would be the most sustainable mix for this site. Further discussions will be required regarding affordable provision if this unit mix is not viable.

Affordable housing should be integrated into the overall development and should not be obviously segregated through location, layout or design. The affordable units are to be transferred to a Registered Social Landlord/Council."

**Further Comments:**

"This site is within the Pontardulais Ward, which falls within the Greater North West Strategic Housing Policy Zone, where the LDP H3 policy has a target of 15% onsite affordable housing. I can confirm that the proposed reduction to 10% onsite intermediate affordable tenure housing is acceptable provided the Viability Assessment evidence is submitted and the Council is satisfied that financial viability at the target percentage cannot be achieved. The intermediate affordable housing must be built to DQR standard and transferred to the RSL/Council at 70% of ACG."

**Education:**

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

1. Planning Application: 2018/2629/FUL – Land off Coed Bach Road, Pontarddulais, Swansea SA4 8RB. Construction of 60 dwellings, comprising of 4 detached, 32 pairs of semi-detached dwellings and 24 linked dwellings with associated infrastructure. (36 x 2 bed houses, 20 x 3 bed houses and 4 x 4 bed houses).

2. Catchment Schools, capacity and projected capacity

2.1. The development is in the Pontarddulais Ward, and the catchment schools are:

	Catchment schools	Number of unfilled places September 2021	%
English Medium Primary	Pontarddulais Primary	22	5.67%

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English Medium Secondary	Pontarddulais Comprehensive	3	0.36%
Welsh Medium Primary	YGG Bryniago	55	24.77%
Welsh Medium Secondary	YG Gwyr	158	12.41%

**3. Demountables**

3.1 There is 1 single and 3 double demountables in YG Gwyr.

**4. SPG Pupil Generation:**

Pontarddulais Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
WM 25.51%			25.51 %		74.49%	
Primary	15.5	240,392.00	4	60,400.00	12	181,200.00
Secondary	11	260,713.60	3	69,216.00	8	184,576.00
Post 16 provision	2	51,022.68	1	24,768.00	2	49,536.00
<b>Total</b>	<b>27.5</b>	<b>552,127.68</b>	<b>8</b>	<b>154,384.00</b>	<b>22</b>	<b>415,312.00</b>

**5. Existing Commitments**

School	Pupil numbers	PA number	PA – Description
Pontarddulais Primary			
	5	2018/1932	Land at The Yard, Cambrian Place, Pontarddulais
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	4	2018/1014/FUL	Land to rear of 188 St Teilo St., Pontarddulais
	7	2011/0758	Land to the West of Parc Y Bont, Pontarddulais SA4 8QX (Blaenmorfa)
	17		
YGG Bryniago			
	0	2020/0814/FUL	Land North of Carmel Road, Pontlliw SA4 9EX



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	7	2009/1435 & 2017/1342 & 2020/0434	Land to side of 28 Christopher Rise, Pontlliw (The Poplars)
	2	2018/1932	Land at The Yard, Cambrian Place, Pontarddulais
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	2	2018/1014/FUL	Land to rear of 188 St Teilo St., Pontarddulais
	12		
Pontarddulais Comprehensive			
	35	2011/0345 & 2021/1495	Land North of Llewellyn Road, Penllergaer
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	3	2018/1014/FUL	Land to rear of 188 St Teilo St., Pontarddulais
	4	2018/1932	Land at The Yard, Cambrian Place, Pontarddulais
	9	2018/2720/FUL	Land at Tyrisha Farm, Grovesend, Swansea SA4 4WJ
	18	2020/0814/FUL	Land North of Carmel Road, Pontlliw SA4 9EX
	70		
YG Gwyr			
	2	2009/1900	Former Walkers Crisp Factory
	4	2011/0345 & 2021/1495	Land North of Llewellyn Road, Penllergaer
	1	2014/0546 and 2021/1255	Land between Nos. 58 / 76 Goppa Road, Pontarddulais
	2	2014/1192	Hendrefoilan Student Village
	1	2014/1201 and 2020/0661	Land either side of Goole Road, Ravenhill.
	1	2016/3619	Land at Ffordd yr Afon
	2	2017/0986	Former Council offices, Penllergaer. (Civic)
	1	2017/1948	Land Off Summerland Lane, Newton
	1	2017/2709	Land off George Manning Way, Gowerton
	1	2018/1014/FUL	Land to rear of 188 St Teilo St., Pontarddulais
	1	2018/1932	Land at The Yard, Cambrian Place, Pontarddulais
	1	2018/2580/FUL	Land off Pennard Road, Pennard, Swansea
	3	2018/2629/FUL	Land off Coed Bach Road
	1	2018/2634/FUL	Land off Higher Lane, Thistleboon, Swansea
	1	2018/2698/FUL	Townhill Campus, Townhill Road, Cockett SA2 0UT

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	1	2018/2720/FUL	Land at Tyrisha Farm, Grovesend, Swansea SA4 4WJ
	4	2019/0911/S73	Land West of Gower View Road & North of Brynafon Road, Penyrheol
	2	2020/0343/FUL	Land North of Chestnut Avenue, West Cross, Swansea
	5	2020/0814/FUL	Land North of Carmel Road, Pontlliw SA4 9EX
	1	2020/2357/FUL	Pencefnarda Farm, Pencefnarda Road, Gorseinon, Swansea SA4 4FY
	4	2021/1820/FUL	Land to the South West of Beili Glas Farm, Loughor, Swansea
	2	2022/0249/FUL	Land Formerly Part Of Olchfa School Aneurin Way Sketty Swansea SA2 7AA,
total	42		

**6. LDP Candidate sites impact**

School	Potential number of units	Est Pupil numbers based on SPG
Pontarddulais Primary	800	248
Pontarddulais Comprehensive	3290	723.8
YGG Bryniago	% of above and other developments	
YG Gwyr	% of above and other developments	

**7. Position of capacity:**

**7.1 Primary:**

7.1.1. English-medium: the EM primary school (Pontarddulais Primary) currently has 22 surplus spaces (5.67%). However, with the 17 pupils generated from the planning applications above the school will only have 5 surplus spaces which is well below 10% surplus capacity required to allow the school flexibility.

7.1.2. Welsh-medium: the WM primary school (YGG Bryniago) currently has 55 surplus pupil places (24.77%).

**7.2. Secondary:**

7.2.1. English–medium: the EM secondary school (Pontarddulais Comprehensive) currently has 3 surplus pupil places (0.36%), which is well below 10% surplus capacity required to allow the school flexibility.

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7.2.2. Welsh-medium: the WM secondary school (YG Gwyr) currently has 158 surplus spaces (12.41%).

8. Requested Contribution:

8.1.1. Primary: A full developers contribution of £181,200.00 plus indexation is requested for the EM primary school (Pontarddulais). No contribution is being requested for WM primary school (Bryniago) due to the current surplus capacity in that school.

8.1.2. Secondary: The full contribution of £184,576.00 plus indexation is requested for the EM secondary school (Pontarddulais Comprehensive). No contribution is requested for the WM secondary school (YG Gwyr).

8.1.3. 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.

**Further Comments:**

“Education stand by the response provided in February for this development. Updated pupil information has remained marginally unchanged since providing the revised response. Following on from the information that some of the existing commitments detailed in the response are ‘not to be counted’, we would still refute that there is sufficient space in the English Medium primary as no unfilled places creates extreme pressure on the schools and is below the 10% surplus recommended by WG.

To add to the existing commitments for Pontarddulais Comprehensive School, there is also the impact of Strategic Site C (Penllergaer), which will have an impact of up to 165 secondary pupils.”

**January 2022 – Updated Figures**

School	Unfilled places	% unfilled places
Pontarddulais Primary	21	5.41%
YGG Bryniago	55	24.77%
Pontarddulais Comprehensive	6	0.71%
Y Gywr	165	12.96%

**Waste:**

"In response to the planning consultation for 2018/2629/FUL, there appears to be insufficient access for 26T refuse and recycling collection vehicles without the need for vehicles to mount kerbs and pavements.

The developer has not stated if any parking control measures are proposed to ensure access is maintained."

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**Landscaping:**

No comments received to date to amended plans.

**Public Rights of Way:**

"Public footpath Lluchwr 10 (LC10) is very close to this site and may be directly affected. We would also like to see a link through to Glowg Y Llanw."

**Invasive Species:**

"Planning condition CL12 must be placed upon this application.

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

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

Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing how invasive plants including Himalayan balsam will be treated so as to control their spread during construction. The development shall be undertaken in accordance with the approved method statement.

It is an offence under section 14(2) of the Wildlife and Countryside Act 1981 to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 Part II (see page 2)."

**Natural Resources Wales (NRW):**

"We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition: Prior to the commencement of works at the site the applicant will submit a Construction Environmental Management Plan (CEMP) to the satisfaction of your Authority.

**Flood Risk**

We note the submission of the document titled; 'Proposed Housing Development at Pontardulais - Phase IV: Supplementary letter in association with the previously issued FCA (Rev. C)', dated June 2020, by DPS Architecture Ltd.

Having reviewed the above document, we note that additions have been made to the report, following our most recent response of: 21 May 2020. With regards to the area at the south of the site, we wish to take this opportunity to state that the NRW flood maps do not include an error, as suggested in the document.

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Rather, as explained in our previous response, the encroachment shown on the Development Advice Map (DAM) and NRW flood map is due to the resolution of the model at this location; the purpose of the DAM and NRW flood map is to provide an indication of flood risk.

We also note that the red-line boundary of the site has been amended to remove the area that was previously shown to be within Zone C1, at the north of the site. Therefore, we are satisfied that this measure addresses our concerns with regards to flood risk at this part of the site.

The supplementary letter (mentioned above) continues to refer to the Flood Consequence Assessment (FCA) produced by Ateb Consult in October 2018, and the Flood Study work submitted by WS Atkins Ltd in 2011, for an adjacent site.

Both these documents are now out of date. As you will be aware, NRW have previously provided comments on the FCA in our responses of: 24th January 2019, 7th February 2019 and 21st May 2020. If these documents are being referred to as part of a planning application, it would be for your Authority to determine whether they should be updated or superseded by a new document.

Matters in relation to access/egress are the responsibility of the Local Planning Authority (LPA). Therefore, it would be for you to determine, in liaison with other risk management partners, that any flooding to access routes is acceptable, and that the safety of residents/occupiers can be assured during a flood event.

**Pollution Prevention**

We advise that a detailed Construction Environmental Management Plan (CEMP), should be conditioned as part of any planning permission that your Authority may be minded to grant. This should include site-specific measures, which will be put in place to prevent pollution to the surrounding land & water environments.

Particular consideration and detail need to be provided in relation to how surface water will be managed, both during and post-construction to ensure that no pollution can enter the nearby watercourses.

Condition: No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods including details of materials, waste, contaminated land.
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffer zones, relevant protection measures (e.g. fencing, etc).
- Biodiversity Management: tree and hedgerow protection, invasive species management and any mitigation measures.
- Soil management, topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.

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- Control of Nuisances: restrictions on timing / duration / frequency of works, (e.g. noise / vibration from piling activities, acoustic barriers, dust control measures, control of light spill).
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Traffic Management: deliveries, plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan.
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

#### Ecology and Protected Species

We note the submission of the document entitled;

- 'Ecological Impact Assessment Report: Land off Coed Bach Road, Pontarddulais (Ref: WWE18150 PEA REV C)', dated 24/10/2019, by Wildwood Ecology Ltd.

#### Bats

In addition to the above Ecological Impact Assessment, we have also reviewed the 'Aerial Tree Survey' report, dated 24 January 2019, by Wildwood Ecology Limited. The report states that, only two trees, had features which were identified as being of 'low' suitability for roosting bats, and neither contained features which required aerial surveys. Therefore, we support the proposal that should either of these two trees need to be removed then 'soft felling' techniques, as outlined in best practice guidelines should be followed.

#### Dormouse

Additional clarification in relation to dormouse, was previously provided in the email from Alex Pollard (Wildwood Ecology), dated 4 December 2018. Scrub at the site was confirmed as being mostly treated Japanese Knotweed, with the surrounding connecting habitat being less than agreed in terms of being viable for population survival.

We also note proposal to implement a precautionary approach, in relation to the retained boundary features, and any remaining non-treated vegetation to be removed using best practice methods, under supervision.

Finally, we draw your Authority's attention to the recommendation laid down in Section 5.8 (Table 11) and Sections 5.9 to 5.12 of the document entitled; 'Ecological Impact Assessment Report: Land off Coed Bach Road, Pontarddulais (Ref: WWE18150 PEA REV C)', dated 24/10/2019, by Wildwood Ecology Ltd.

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We advise that you discuss these proposals with your Authority's Planning Ecologist, as they may wish to make additional comments on other habitats and species, which lie within their remit.

#### Tree Survey

We also note the submission of the document entitled; 'Arboricultural Report (including: Tree Survey Data & Tree Constraints Plan, Arboricultural Impact Assessment)', dated 14 November 2019, by Arboricultural Technical Services Ltd.

Section 5 of the report, states that: Tree ID#T526, along with a number of tree groups (Tree ID #A1 / Tree ID #G2 / Tree ID #G3 and Tree ID #G7) are to be lost as part of the development. As previously mentioned, we are supportive of the proposal to employ 'soft felling' techniques for any trees identified as having 'low' bat-use potential, in line with best practice guidelines.

#### Protected Sites

The development site includes is adjacent to watercourses, which are hydrologically connected to the Burry Inlet and Loughor Estuary (SSSI), which is part of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC).

Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires the Local Authority, as the competent authority, to undertake an appropriate assessment of any plan or project which is likely to have significant effects, either alone or in combination with other plans and projects, on the SAC.

Therefore, your Authority must satisfy itself that there are no likely significant effects, either alone or in combination with other plans and projects, and if necessary, undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

#### Land Contamination

We note the submission of the document entitled; 'Phase 4 Residential Development, Land off Coed Bach Road, Pontarddulais, Swansea (Job No. 15100)', dated December 2018, by Terra Firma Ltd.

We consider that the controlled waters at this site are not of the highest environmental sensitivity, and therefore we will not be providing detailed site-specific advice, or comments with regards to land contamination issues for this site.

Nevertheless, we recommended that the requirements of Planning Policy Wales and the Guiding Principles for Land Contamination (GPLC) should be followed.

Please note; these comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site then your Authority may wish to re-consult Natural Resources Wales.

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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, including environmental interests of local importance."

**Updated Comments:**

"The updated flood map does show changes to the flood risk at the site, which reflect climate change being included in the updated map, however, our opinion is that the submitted FCA adequately demonstrates the flood risk to the site so we would have nothing to add to our previous comments regarding flood risk."

**Dwr Cymru Welsh Water (DCWW):**

"Sewrage:

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water (DCWW) 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.

By response we offered no objection to the discharge of foul flows from the proposed development into the public sewerage system albeit advised that we would not consider a connection for surface water flows. As part of this planning application (Ref: 2018/2629/FUL), we acknowledge receipt of a Flood Consequence Assessment (FCA) Report (Ref: 17/058) which is the same as the pre-application submission and indicates proposals to dispose surface water flows from the development to the sewers with no attenuation measures. This is at odds with the application form which indicates disposal to an existing watercourse and, as previous, we remind that the developer is required to explore and fully exhaust all technical options in accordance with the hierarchical approach in liaison with the Land Drainage Authority and/or Natural Resources Wales.

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

Condition

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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.



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Advisory Notes

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

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

**Sewage Treatment:**

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

**Water Supply:**

Dwr Cymru Welsh Water has no objection to the proposed development."

**Coal Authority:**

"The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

**The Coal Authority Response:**

As you are aware, the application site falls within the defined Development High Risk Area; the Coal Authority's information suggests that coal seams outcrop across the site which may have been worked at shallow depth in the past.

We note that an email dated 7 February 2019 from Michael Watkins of the applicant's technical consultants Terra Firma has been received by the LPA. Mr Watkins is seeking to address the Coal Authority's continued objection to the application and provides further reasoning why Terra Firma conclude that the site is not affected by shallow mine workings.

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The latest information has now been reviewed by my colleague in our Mining Information Team. Despite this additional information, the Coal Authority remains of the view that there exists the possibility that unrecorded workings could be present beneath the application site which could potentially pose a risk to development proposals. We maintain the view that the information presented to date does not definitively demonstrate that the site is safe and stable for the proposed development.

Should the LPA be minded to grant planning permission, the only way to overcome the Coal Authority's objection and to address our concerns would be through the imposition of a pre-commencement condition requiring further works to establish the exact situation regarding shallow coal mining legacy at the application site and to inform any necessary remedial measures.

Should the LPA wish to move to determination of the application, the Coal Authority would recommend that the condition should require the following, prior to the commencement of development:

- The undertaking of a scheme of intrusive site investigations which is adequate to properly assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity;
- The submission of a report of findings arising from the intrusive site investigations and a scheme of proposed remedial works for approval; and
- The implementation of those remedial works.

The intrusive site investigations and any remedial measures should be designed by a competent person and must be agreed with the Coal Authority's Permitting Team as part of a permit application."

**Pontarddulais Town Council:**

"The Council wishes to object to the above planning application. Pontarddulais's infrastructure is already under pressure and any further large scale development will further exacerbate the situation. The existing surgery is at capacity as are the local schools. The existing one way system through the town is struggling to cope with the traffic flow through the town and the additional vehicle numbers created by further development will pose additional highway problems."

**Neighbour comments:**

The development was advertised on site with two notices and the application was also advertised in the Press on the 7th January 2019. 22 residents on Blaenmorfa, Golwg y Llanw, Glasfryn Road, Coed Bach and Trinity Place were also consulted on 21st December 2018.

13 letters of objection have been received from residents and a representative of Sustrans (walking/ cycling charity) which are summarised as follows:

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- Loss of nature/ trees on site/ biodiversity impacts
- Pontarddulais cannot take any more housing as it is already overdeveloped - infrastructure at bursting point (schools, doctors, dentists, sewerage)
- Heavy traffic coming in and out of the site is going to be chaos (construction and operation)
- No-one wants to take ownership of the stream - it needs to be cleaned and residents may dump rubbish in it
- Stress / noise during the construction period for neighbours - impact on quality of life
- Area has lost its village feel due to population increase
- Previous phases have taken several years and still have not been completed - slow pace of development
- Pavements and roads are in a dangerous condition - concerned for safety of residents
- Incidents with drains on previous phases - accidents occurred
- Detrimental impact on nature/ site biodiversity
- Site contains boggy ground
- Disturbance to residents in terms of dust noise/ lorries an issue
- Field is nice and peaceful
- Plans show Coed Bach Road is the access - surely this cannot be the case. Coed Bach Road is a small busy road
- Are CCS intent on covering all of the open spaces in Pontarddulais in concrete - other large developments nearby planned or under construction.
- M4 junction at Hendy requires urgent work
- Rats will be a problem when they clear the site
- Tidal Reach is unfinished - raised manholes are present, the surface is poor and pavements are unfinished making for an unsafe environment for pedestrians and motorists. This should be reviewed by the Highways Authority.

### Sustrans:

"Sustrans objects to the planning proposal 2018/2629/FUL as it currently is, because it appears to be no sufficient measures for Active Travel for the site. The Active Travel (Wales) Act 2013 poses a duty on local authorities to take reasonable steps to enhance the provision made for walkers and cyclists and to have regard to the needs of walkers and cyclists, in particular with reference to the Integrated Network Map ([https://www.swansea.gov.uk/media/25624/Integrated-Network-Map/pdf/Integrated\\_Network\\_Map\\_-\\_Approved\\_February\\_2018\\_3.pdf](https://www.swansea.gov.uk/media/25624/Integrated-Network-Map/pdf/Integrated_Network_Map_-_Approved_February_2018_3.pdf)).

Sustrans has been working with Swansea County Council and Pontarddulais local community to discuss the development of a new traffic-free path, linking the existing shared-use path on Tidal Reach with Pentre Road by running at the back of this proposed development. Suitable space for this proposed link will need to be ensured, and appropriate active travel links for residents need to be provided.

This plan is part of a wider programme that looks at linking Pontarddulais with the existing National Cycle Route 4 in Gowerton through a traffic-free path, to increase opportunities for residents and visitors to travel actively and safely between Pontarddulais and the existing walking and cycling network. Swansea CC has already committed funding to look at the feasibility for this new path, also building onto the support of the local community.

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We, therefore, ask the developer to keep these plans into account and we make ourselves available to provide additional information."

## **APPRAISAL**

Full planning permission is sought for the construction of 55 new dwellings (including 6 flats) and associated access/ landscaping and engineering works at land off Coed Bach Road in Pontarddulais. The site is identified as white land within the urban boundary within the LDP.

## **Main Issues**

The main issues to consider in the determination of this application relate to the principle of the use, placemaking, impact on neighbouring amenity, highways, ecology, trees, affordable housing and infrastructure having regard to the prevailing provisions of the relevant Future Wales and LDP policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

## **Principle of Development**

The site is located on white land within the urban boundary of the LDP in a predominantly residential area between existing residential development to the north and Coed Bach Park to the south. The site therefore represents a windfall site in LDP terms and is considered acceptable subject to meeting the relevant provisions of the specific policies of the LDP which is considered further below.

Planning Policy Wales encourages the use of previously developed land in preference to greenfield sites (3.55) where its re-use will promote sustainability and any constraints can be overcome. Historically the site was undeveloped until c. 1960 when the land appeared to be raised and a Concrete Pipe Works constructed on the site. The Works were demolished by 2012 and whilst a concrete base remains, the site has become vegetated and blended into the landscape over time so that it is reasonably considered part of the natural surroundings. It is therefore not considered that the site falls within the definition of previously developed land as contained within Planning Policy Wales.

Notwithstanding this, the principle of residential development is considered acceptable on the site.

## **Placemaking / Design/ Layout**

Future Wales and Planning Policy Wales both place great emphasis on maximising well-being and creating sustainable places through the use of placemaking. "Placemaking" is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well-being in the widest sense.

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LDP Policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this. This approach is supplemented through the Residential Design Guide SPG which was updated in 2021.

Officers have previously raised concerns about the overall amount of development on this site from pre-application stage and the resultant impacts this has had in terms of layout issues such as the dominance of frontage parking, size and orientation of rear gardens and the proximity of dwellings to trees around the edge of the site (specifically the eastern boundary). The applicant has amended the proposals at various times and the number of units on site has dropped to 55 from the 60 originally proposed.

It is considered that the density of the site, at 46 dwellings per hectare (55 dwellings in 1.2HA site), is high, it could be argued that a lower density would be more appropriate as the development edge transitions into the rural locale, but this must be balanced with matters relating to: the sustainable location of the site in terms of its proximity to shops, services, public transport; the overall impact upon the character of the area; and development viability considerations.

Policy SI 6 states that open space provision will be sought for all residential development proposals with capacity for 10 or more units (such as this site). This will include the creation of new on-site facilities, or the improvement of existing local provision off-site, along with appropriate maintenance contributions and refers to the Fields in Trust guidance in the amplification. The Fields in Trust document "Guidance for Outdoor Sport and Play" relating to Wales provides for a quality benchmark for Local Areas for Play (LAPs), Local Equipped Areas for Play (LEAPs) and Multi-Use games Areas amongst other requirements.

A site of this scale should provide for a LAP and LEAP on site as well as a contribution towards a Multi Use Games Area. In this instance, there is no formal open space on site, albeit two small incidental areas of open space either side of the flats have been proposed as pocket parks along with one on the northern side of the entrance (albeit it is unclear if there access within this area). At pre-application stage, it was acknowledged that there may be scope to explore the provision of an adequate pedestrian/cycle link to the adjacent playing fields/equipped park as an alternative to formal onsite play space provision. It is positive that the Active Travel route has now been detailed across the main part of the site with the provision of a 3m wide separate route across the site that is well overlooked.

When the 3 units at the north of the site were removed (due to their location with the C1 floodplain), it was suggested that the space be provided as informal open space / a Local Area of Play (LAP) which would significantly benefit the development (providing opportunities for doorstep informal play) and could provide for meaningful GI/ replacement trees, however this was not progressed as the applicant may submit a separate application in the future for this parcel of land for the dwellings previously omitted. This would have benefitted the scheme greatly.

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The Council's Park Officer originally requested a contribution towards play provision in the adjacent park on the basis that no provision is made on site. A sum less than this was factored into the 2020 viability appraisal. However, the Parks department has subsequently confirmed that a new zip wire has been installed in the park along with a climbing frame. Allied to this, the Ward member has been awarded £40,000 from the ERF fund for fitness equipment and a further £100,000 has been secured to upgrade the playground which is due to begin shortly. On this basis, it is not considered reasonable to require a contribution for off-site play equipment in the absence of a LEAP on site. The Officer has also requested a contribution for open space maintenance but this could be covered by a condition requiring a private management company to maintain the open space within the site if not viable.

In terms of amenity and back-to-back distances within the site, the applicant has included dimensions on the plans indicating that 21m is achieved in general in a back-to back relationship which is welcomed and considered acceptable. However, the Council's current adopted SPG requires a minimum distance of 15m in a back-to-side relationship (Criterion K.30) and the current proposals have 4 properties (Plots 18 and 19 and Plots 28 and 29) that have a rear elevation facing on to a side elevation of a neighbouring property at 12m. It should be clarified that with the latter distances, it is not overlooking that is an issue but the overbearing impact of properties in close proximity, albeit that there are only 4 cases across the site. The minimum front to front distance of 10m is only breached once across the site (Plot 51 and 42), albeit Plot 51 is a corner turner plot and has windows and outlook on the rear and the impacted windows are not directly opposite each other.

The Residential Design Guide SPG (L.4) seeks to avoid forecourt parking as it requires buildings to be set back from the street which weakens the sense of enclosure and reduces natural surveillance of the public realm. Furthermore the streetscene becomes dominated by parked cars and hard surfacing and pedestrian access to front doors can be blocked. Therefore on plot parking should generally be located behind the building line. The SPG goes on to state that where forecourt parking is proposed, this should be one side of the street only in order to maintain an adequate sense of enclosure and the forecourt parking spaces should not take up more than half of the plot width and should be combined with planting and/or front boundaries to soften the visual impact of the parked cars. This approach is supported in PPW (Para 4.1.51) which states that 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.

The Placemaking Officer (when commenting in July 2020) considered that additional planting had successfully resulted in the level of frontage parking being considered acceptable. Notwithstanding these comments, the scheme has been amended significantly since this time and some further improvements have been made. Frontage parking on entry into the site on one side has been removed and relocated to a parking court at the rear and parking spaces are indicated as being grasscrete (or similar) to further soften the development along with additional landscaping in the frontage.

Parking courts need to be convenient and overlooked and kept to a manageable size (no more than 10). The rear parking court is considered to be convenient but is only overlooked by one property (Plot 43) that directly faces on to the development.

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Notwithstanding this, additional windows in the side elevation of Plot 50 would provide improved surveillance at close quarters and have been included as part of the amended proposals.

The applicant has put forward justification for a reduced amount of car parking which has been accepted by the LHA. Despite this, frontage parking still dominates the northern spurs of the development and at the southern end. Visitor parking would be unallocated, on-street, where it could be provided but it is clear there are few viable places for this without impacting on the safe movement of vehicles. The Strategic Planning and Placemaking comments are concerned about these arrangements and consider that vehicles will park in turning heads restricting the autotrak movements. Notwithstanding this, no issues have been raised by the LHA in terms of visitor parking and the plans indicate the provision of wooden bollards to prevent indiscriminate parking around turning heads.

Where parking is at the side of properties, as advocated in the SPG, increased widths have been provided to ensure doors can be opened when adjacent to walls. The amended plans helpfully annotate this and this is considered acceptable.

Policy K.10 of the Placemaking Guidance SPG states that "The quality and configuration of proposed internal living environments have a direct bearing on how homes support different lifestyles and the various needs of occupants, and can also have a significant effect on people's well-being. These are important elements of placemaking to be considered alongside matters such as the outside amenity space that is proposed, and the wider provision of public open space in an area." The SPG outlines Internal Spaces Standards to help assess whether living environments would be acceptable without feeling cramped and/ or restricted. In terms of the internal space standards, all of the dwelling types meet the minimum criteria for the space required:

In terms of external space, K.15 of the SPG states that "Many new residential developments often include poorly considered or inadequate outdoor amenity provision with many gardens not allowing for future domestic extensions/ alterations. Garden sizes should therefore be appropriate to the dwelling size and site specific considerations such as topography or shading. K.16 states that "It is expected that garden sizes will be at least the same size as the footprint of the house which they serve, provided that these also meet the below separation standards. Gardens should be usable shape (i.e. not awkward triangles etc. or arranged as fragmented parts)." K.19 states "In addition to providing adequate space, it is important to ensure that outdoor amenity provision is usable and able to accommodate a 3x3 metre patio for sitting and outdoor dining, as well as a small shed and rotary dryer, plus sufficient space for potential rear extensions or future conservatories. Gardens are also an important part of the GI strategy at the local level and should allow for carefully located new tree planting which can grow to maturity. Additionally the overshadowing impact of any existing mature trees located on garden boundaries should be considered also and may require the provision of a longer garden." K.20 goes on to state that adequately sized balconies are expected to be provided for new build and converted flats above ground floor level whilst ground floor flats should have direct access to private garden/ terrace. Sufficient evidence should be provided as to why balconies could not be provided and Juliet balconies incorporated instead.

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It is clear that the Covid-19 pandemic has resulted in people spending more time in their homes, this has emphasised the need to ensure developments provide satisfactory indoor and outdoor amenity space, in the interests of health and well-being. The importance of such matters is highlighted in Welsh Government's paper 'Building Better Places'.

In terms of garden sizes, the applicant has indicated the footprint of the garden compared to the house on the masterplan and states that all of the dwellings have garden sizes that accord with the footprint of the dwelling which they serve which is noted as a minimum requirement in the SPG. To this end, given concerns around the location of some trees around the site, Plot 13 has had its garden extended and Plot 1 has had its garden area widened. Whilst the gardens for Plot 6 and Plot 17 are restricted in depth, they have a regular shape which ensure they would be useable.

The rear garden of Plot 14 is north facing with semi-mature trees to the west currently and is triangular in shape. The rear fence measures 6.5m away from the main French windows on the rear elevation. Plot 25's is also somewhat constrained given its orientation and layout. Neither of these properties can be easily extended (even under PD rights) without compromising the remaining garden. The garden depths of some plots on the eastern boundary in the run of Plots 39-44 are somewhat short but these would not be overlooked at the rear and several of the plots have wider gardens to compensate for the lack of depth. Concerns were raised within the previous Committee Report relating to the outlook from these units given the shorter garden depths and the impact of trees beyond the boundary. In order to fully assess this relationship an officer site visit has been undertaken and this confirmed that the plot would benefit from a relatively open aspect at the rear given the light tree covering and the natural levels which slope down beyond the rear boundary. On balance, therefore, these plots would benefit from satisfactory outlook and this is not considered to be reason for refusal that could be successfully defended at an appeal.

In terms of the flats, concerns were previously raised with the proximity of residential accommodation to the site boundary with trees beyond. The layout of the flats has the bedrooms on the northern elevation and each ground floor flat benefits from a private outdoor amenity space accessed via the living area to the rear (south facing). The dual aspect nature of the flats is a positive design response as single aspect flats can be problematic in terms of solar orientation and lack of opportunities for cross ventilation. However, the flats are located in close proximity to the rear site boundary and each flat has 2 windows facing directly on to the rear. The wooden fence has been changed to a post and wire fence which would soften the outlook somewhat for residents. There is no doubt that this is a close relationship with the southern boundary, however, as with the dwelling plots referenced above, a site visit has revealed the levels in this area drop down beyond the boundary as such a relatively open and green aspect would be afforded to these units and this would be improved further with the clearance of some vegetation along the boundary. As such the proposed amendment to the boundary fence and the clarification provided by the site visit would, on balance, address the previous reason for refusal in this respect.

The applicant has included two windows on the side elevation of the two end flats at ground floor level and amended the boundary on one from a solid brick wall to a low level brickwork wall with railings above. At the front of the flats, the windows are secondary windows serving bedrooms.



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They are important from a design perspective on the flats and would offer increased light into the two windows. As these are secondary windows, it is recommended that they are obscurely glazed to ensure they provide additional light without impacting on privacy. This is considered acceptable on balance as they are secondary windows and the front windows allow outlook.

To the rear, the windows are secondary windows serving the main living/ dining area of the affordable flats. Whilst they would provide additional light and outlook which is a concern, the western window would also result in overlooking at close quarters from the pocket park adjacent to the window. On the opposite side, the eastern pocket park incorporating benches adjacent to the Active Travel route would offer overlooking into the flat raising privacy concerns as there would be views into all of the living space of the flats at close quarters and especially the main living area. The applicant is proposing to introduce obscure glazing into these windows, which would overcome these concerns and the previous reason for refusal.

The first floor flats previously had Juliet balconies but no private amenity space and there was no communal amenity space provided for the residents at first floor. However, the latest revisions seek to overcome this with the inclusion of balconies that comply with the minimum SPG requirements of useable space. In this regard, the first floor flats are considered to have acceptable private amenity space. The applicant has also stated that the ground floor flats have larger areas than required in the SPG for flats and on the basis that the environment would be softer than a fence, is considered acceptable on balance, for flats which aren't expected to have the same level of amenity space as a dwelling. This addresses the previous reason for refusal in relation to the lack of amenity space for the occupiers of the flats.

In terms of the design of the dwellings themselves, the proposed dwelling types are similar in nature to those used in what the applicant describes as Phase 3 of the development and are considered acceptable in terms of design. The dwellings would comprise a mixture of brick and rendered buildings with various features including porches, canopies, headers and cills. The flats have subsequently been amended following their initial inclusion in the scheme and better reflect the proportions and detailing utilised elsewhere on site. The properties are all 2 storey in nature and incorporate 2 detached 4 bed dwellings with the remaining dwellings predominantly 2 bed or 3 bed semi-detached dwellings or flats. The 3 bed dwellings are predominantly in the southern section of the site where two parking spaces are required whereas the northern end is predominantly 2 bed dwellings with frontage parking.

There are other placemaking concerns with the proposal that have been considered and found to be acceptable, on balance. There is parking provision directly off two sides of the turning head in the southern cul-de-sac, in response to this concern the LHA have not raised an objection to this matter. Runs of frontage parking on both sides of the road do occur within the site but would not excessively dominate the street scene. The bins stores in the current iteration would be in a prominent location within the streetscene, however, these are relatively small structures and are indicated to be brick built with a hipped roof to match the apartments and are acceptable on this basis. Regarding the provision of a retaining wall and loss of existing trees around the north western edge of the site, specifically in terms of the resultant visual impact of the proposals from the Blaenmorfa cul-de-sac given the scope of the works, the landscaping plans show the provision of new tree planting and hedging in this area that would soften and help to screen the development from existing properties.

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### **Neighbouring/ Residential Amenity**

Policies RP2 and RP3 seek to protect residents from noise pollution and air and light pollution respectively. Whilst nearby residents have objected to the proposals, the concerns raised do not directly impact on residential amenity per se. Comments that future residents may dump rubbish into the stream have been given limited weight as there is no evidence that this is likely to occur and would be controlled via separate legislation in any event. Ownership of the stream is a separate legal matter.

The site adjoins existing housing on three sides but is set off dwellings to the west in the main by mature trees and a stream which crosses the site in one location. The orientation of dwellings and set off distances is considered to ensure there is no unacceptable overlooking impacts of neighbouring properties and it is not considered that the development would be overbearing for neighbours given the set off distances between proposed and existing properties. Plot 14 is located 15m away from the side elevation of No. 5 Blaenmorfa but it is considered that intervening trees outside of the site would ensure there is no significant reduction in privacy to the garden area of this property. Similarly, there would be oblique views from Plot 22 into 35 Trinity Place (17.5m away at closest point) but given the relationship between the two properties it is not considered there would be overlooking into the property itself and there is already a degree of overlooking of the garden area from the adjacent properties, even though they are single storey. A satisfactory separation distance of approximately 21m would be maintained between 27 Golwg Y Llanw and the west facing elevation of Plot 14, which is at an angle to the existing property.

Internally within the site satisfactory separation distances would be maintained between properties, however, 4 of the properties have a back-to-side relationship of 12m (15 is espoused in the current SPG). Given this application was submitted before the current SPG plus it only affects a small number of properties this is considered be acceptable, on balance.

As a residential development in a residential area, it is not considered that there would be an increase of noise and disturbance over that which would normally be expected in an area such as this. It is appreciated that there could be short term noise/ disturbance during the construction stage but this would be for a limited period only and a condition regarding a Construction Environment Management Plan (CEMP) should mitigate significant disturbance through good construction practices during the development phase.

### **Highway Safety/ Parking/ Active Travel**

Policy T1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. Policy T2 promotes Active Travel, T5 provides further design principles and T6 relates to parking.

Residents have raised concerns about heavy traffic accessing the site which will cause disruption and Sustrans has commented that the proposal does not make provision for a future access link through the site to the south. The applicant has subsequently advised that they own the railway line to the south-west of the application site as far as the culvert only.

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The development would have no impact on the railway line of any future plans that Sustrans has. The site would have vehicle and pedestrian access from the west and would provide a new active travel link to the east to Coed Bach Park which is welcomed. The provision of this link would enable easy access for future residents to the park on foot/ cycle and would also provide access for existing residents living to the west.

The Local Highways Authority has advised that the Transport Statement accompanying the construction of 35 dwellings to the west assessed the impact of 60 dwellings and concluded that the proposals would not impact on the operation of the Tidal Reach junction. 9 additional vehicles are proposed over this previous assessment which would not impact on the operation of the junction. The main spine road could be adopted as it provides for a 5.5m carriageway with 1.2m pavement on one side and an Active Travel route on the other.

The main access to this phase of the development site was granted permission in April 2017 subject to conditions under application 2016/3542/FUL and involves culverting the watercourse to the west of the site to provide the access road. However, this permission has now expired. While the LHA had initially objected to the proposals for this reason, a new application is under consideration for the access as previously approved. It is considered that, should planning permission be granted, a Grampian condition can be attached to this application for the housing development with the effect that no development shall commence on the site until such time that the access over the watercourse has been constructed.

The layout provides for a reduction in car parking as a result of its close proximity to the facilities on offer in Pontarddulais and the level of car parking is considered acceptable on this basis for residents. Visitor parking would be on street albeit there is limited capacity to park on street given the prevalence of drives, GI and parking accessed off the turning head without impacting on highway safety. Whilst the Strategic Planning and Placemaking comments note this as an issue, the LHA have not raised it as a concern.

The Local Highways Authority previously requested a swept path analysis and this has subsequently been provided. They have previously advised that the layout remains tight in places and have offered no objections on the basis that two of the GI build outs in the street have now been removed and the line of trees along the Active Travel route have now been relocated (and reduced in number) to the opposite side of the road. One GI build out is retained at the end of the northern cul-de-sac. Whilst the layout remains tight in places, and footpath provision is 1.2m and 1.1m in places, the Local Highways Authority has raised no objections in terms of the layout provided within the site and the previous reason for refusal is considered to have been overcome. It is unclear what elements would/ could be adopted of this layout but details of management and maintenance could be secured via condition if the scheme was considered acceptable.

The provision of a separate Active Travel route is a positive of the scheme as it provides links across the site and the Council are seeking permission to provide an Active Travel route in close proximity to this proposal which would provide further links. The Active Travel route would provide a secondary emergency access which would be secured with a lockable bollard. This access is not suitable for general traffic or construction operations, a concern raised by residents.

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### Trees/ Ecology/ Green Infrastructure

Policy PS 2 references the strategic green infrastructure network which is supplemented by

Policy ER 2 which seeks to protect and enhance green infrastructure. Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site. Residents have raised concerns over the loss of trees/ nature on site.

Policy ER 11 takes a whole ecosystem approach and relates to development affecting all trees and hedgerows and woodlands of public amenity or natural/cultural heritage value, or that provide important ecosystem services. This is clarified in the Trees SPG which relates to all trees, not just those which are protected, or identified as category A and B in a tree survey.

Concerns have been raised with regards to the impact of the development on trees on adjacent land (forming part of a Council owned SINC) and an amended Arboricultural Impact Assessment has been submitted. The Report identifies the loss of 2 individual trees (T982 - Larch and T983 Scots Pine) which are both classified as Category C trees. Trees T991 and T993) a Goat Willow and a Sycamore respectively are now indicated to be retained.

The Council's Arboricultural Officer has welcomed the changes to the layout along the eastern boundary as it has given better separation to the retained trees. The amended plans now also avoid a category B Scots Pine as the retaining wall in this area has been relocated to avoid the Scots Pine and its root protection area. The proposed retaining wall along part of the western boundary would extend through G4 (category C) and into the northern end of A1 (an area of B category trees) however and within these areas it is proposed to lay and prune the scrub and smaller trees to form a compact hedgerow along the boundary.

The Council's Arboricultural Officer has reviewed the landscaping scheme and the submitted Arboricultural Report and has offered no objection to the application subject to the submission of a tree protection plan and arboricultural method statement. These elements can be secured by conditions.

In terms of ecology on site, the applicant has submitted an Ecological Impact Assessment Report and a Green Infrastructure Report in support of the application. The former concludes that retained vegetation and offsite trees and woodland would remain unlit, there would be no lighting of any bat features, a reptile mitigation strategy would be agreed with the LPA and followed and the adjacent Waungron Marsh SINC would need to be protected during the course of development.

The applicant has also indicated a scheme of Biodiversity Enhancement following on from the various Ecological Appraisals submitted in support of the application which indicate the provision of hedgehog gaps within boundary treatments across the site and bat and bird box locations.

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With reference to the Ecologist's previous comments, native trees, shrubs and wildflowers should be planted as part of the landscape scheme. The proposed species must be of local or at least Welsh provenance. The Ecologist has raised no concerns with the revised planting scheme.

The surveys established that medium breeding population of both slowworm and common lizard are present on the development site. The Wildwood Ecology Reptile Mitigation Strategy report - doc ref WW EZ 1094 RMS Rev B Final 7/1/22 now contains the previously requested report on habitat suitability of the receptor site at Waungron Marsh SINC. Due to the suspected population size of on-site reptiles, at least 2 other hibernacula are required to be built on the receptor site, to enhance the habitat for translocated reptiles and the reptile mitigation and translocation shall be undertaken and implemented as per details contained within the Reptile Mitigation Strategy along with a post-translocation report. In addition, monitoring reports shall be submitted to the LPA following presence/absence surveys in years 1 and 3 post-completion. The monitoring reports shall also report on the condition of the habitat at the receptor areas.

Whilst the Council's Ecologist has requested pre-construction checks for badger and otter, there are none present on site currently and it is considered unnecessary and unreasonable to do this when there they are covered by separate legislation. The same is considered true for bats and the removal of any trees and NRW has advised that soft-felling techniques would overcome any concerns. An informative could cover this issue and help ensure the trees are protected prior to any works. Both NRW and the Council's Ecologist have requested a CEMP which is considered reasonable and could be secured via condition along with a sensitive external lighting strategy. Himalayan balsam and Japanese knotweed were present in high densities across the reptile receptor site within the scrub and tall ruderal habitats. It is recommended that these species are managed to prevent further spread.

In order to comply with the relevant planning policy in relation to GI (including Future Wales, PPW11 and LDP Policy ER 2) the LPA must ultimately be satisfied that multifunctional GI is proposed to be integrated into the design and layout of the development at all relevant scales, in this case this relates to plot/street/landscape scales. Previous comments from the Strategic Planning and Placemaking team have set out in detail the relevant policy requirements, and provided recommendations on how the proposal can demonstrate alignment with the requirements.

An updated GI Assessment was submitted in 2019, with revisions made in July 2021, January 2022 and May 2022. However given the dense nature of the site, there is limited opportunity to integrate GI with functions beyond the ecological, and there is no commentary on the provision of other ecosystem services such as water, air, health and wellbeing, recreation, open space. The previous iteration indicated a section of continuous verge at the entrance site on the southern side of the street, however this has now been removed. The GI on this important section of street is now on the northern side, and essentially limited 3 trees within planted squares due to the need for vehicle cross overs. This is a backward step in terms of GI requirements and two build outs have also been removed due to highway concerns, although it is acknowledged there will be on plot planting that will complement street GI.

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The GI features include verges, 2 planted buildouts, grass reinforced parking space and street trees. This approach brings planting into the heart of the scheme which has the potential to benefit well-being and increase ecological enhancement and surface permeability, notwithstanding the concerns set out above in terms of reduction of GI in this iteration. The GI is focussed at a number of areas of the site at different scales as espoused in PPW. Trees and wildflower areas are proposed around the site and a pocket park is proposed next to the flats and the Active Travel route.

With regard to the watercourse, trees and vegetation along the western boundary, this area provides an important GI corridor for the site at the landscape scale and continuity would be maintained with the provision of a hedgerow along the watercourse formed by pruning and laying down the existing trees. New tree planting along the watercourse, as indicated on the landscape plan, would further enhance this corridor.

The parking court has some soft landscaping proposed and the change of the wall at the west end to the basin to a post and rail fence to open up the proposed native hedge is welcomed. Hedges with suitable timber bollards would provide some protection from additional cars being parked on the planting areas, which again, could be secured via condition.

Based on the above, while there are some residual concerns in relation to the level of GI within the scheme, on balance it is considered, the scheme has broadly been designed having regard to existing GI around the site, and will provide opportunities within the site to allow for GI to break up parking areas and the built form generally. Overall, it is considered the proposals would not significantly conflict with the provisions of PS 2, ER 11 and ER 9.

**Education**

One resident has stated that the schools in the area are already crowded. The Council's Education Officer has commented at various times during the course of the application and the situation has changed in the various catchment schools during this time in terms of capacity. There is considered to be sufficient capacity within the Welsh Medium schools serving this catchment to accommodate the development proposed at the present time.

Policy SI 3 requires that where residential development generates a requirement for school places that cannot reasonably be met by schools in the relevant catchment area(s) because:

- i. School capacity would be exceeded by demand;
- and/or
- ii. There is a surplus capacity to accommodate some or all of the projected number of pupils generated, but investment is required to make the existing facilities fit for the purpose of accommodating the additional pupils, developers will be required to either:
  - a. Provide land and/or premises for new build Primary or Secondary Schools, having regard to the scale and location of the development; and/or,
  - b. Make appropriate financial contributions towards the costs of providing new or improved Primary and/or Secondary School facilities.

Allied to this, Policy IO 1 states that development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal. Proposals will be required to satisfactorily demonstrate that:

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- i. existing provision is safeguarded and capacity is sufficient to support the proposed development; or
- ii. where there is a deficiency in provision or capacity directly related to the proposal, arrangements are in place to support the development with new or improved infrastructure, facilities or other measures.

Where necessary, planning obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable, which will include addressing any identified deficiencies in provision or capacity directly related to the proposal.

A range of infrastructure may be required, having regard to the nature, scale, location and financial viability of the proposed development.

The Education Officer has advised the development would create 12 English Medium (EM) primary places and 8 EM Secondary places and has therefore requested contributions (plus indexation) towards the English Medium Primary School and the English Medium Secondary School of £181,200.00 and £184,576.00 respectively.

However, following further interrogation of the information, it is apparent that there are currently 22 unfilled spaces in the EM Primary School. The Education Officer has advised that various schemes would utilise that spare capacity hence the request for contributions. However, of the 4 schemes referred to, the S73 application at Goppa Road is currently undetermined, a contribution was secured for 188 St Teilo Street (and therefore can't be double counted) and the land west of Parc Y Bont is what the applicant calls 'Phase 3' and has been built out (i.e. the children from the development are already in the school system). Whilst that would leave 17 unfilled spaces (as 5 are already accounted for) and this development would take up 12 of those spaces, it is not considered justifiable to request a contribution for the EM Primary School as the school is under 5% capacity. On this basis, it is not considered reasonable to request a contribution for the EM Primary School.

However, the situation at the EM Secondary School is more clear cut. The school currently has 6 unfilled spaces and two of the developments referred to did not provide contributions and would take up spare capacity (The Yard at Cambrian Street and Tyrisha Farm). Goppa Road and Carmel Road are all currently undetermined applications and St Teilo Street provided a contribution, as did Llewellyn Road. Therefore, there is no spare capacity in the school which would be overcapacity with the figures identified above making a contribution even more important. Within this context, there is considered to be sufficient justification for a contribution of £184,576.00 for EM Secondary Provision to increase capacity at Pontarddulais Comprehensive School that would need to be secured via S106. Through viability discussions the applicant has agreed to fund this contribution.

### **Affordable Housing**

The LDP seeks to provide an element of affordable housing in all developments of over 5 dwellings such as this one and the LDP indicates that a minimum of 15% affordable housing should be provided on site, subject to viability. Whilst the Housing Officer originally requested the provision of 20% on site, this was subsequently reduced from a policy perspective when the LDP was adopted early in 2019.

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Similarly, whilst 8 units are requested, it is considered that 9 would equate to policy compliance requiring a minimum of 15% provision on site (8 units would be under the minimum target of 15%).

Social rented tenure is the highest need across Swansea, if affordable apartments are to be included, the Housing Officer has requested that they are 1 bedroom walk-up type, as this would meet social rented tenure affordable need. The Housing Officer therefore requested a mix of 1 bed walk up flats, 2 bedroom houses and 3 bedroom houses but noted that further discussions will be required regarding affordable provision if this unit mix is not viable.

In this instance, the applicant has indicated that the block of flats (6 x 2 bed units with communal entrance) would be the affordable housing offer for the development, and this would be Intermediate tenure due to viability. This would not comply with the requirements in the LDP in terms of the number of units to be provided or the type of accommodation required. The provision of the affordable housing is also different to that of the other dwellings on site, however, this is counterbalanced by the prominent location of the flatted block sited centrally within the development adjacent to the active travel route.

Following further consideration of the proposals, the Housing officer has confirmed the proposed reduction to 10% onsite intermediate affordable tenure housing would be acceptable provided the Viability Assessment evidence is submitted and the Council is satisfied that financial viability at the target percentage cannot be achieved.

In this respect there has been extensive dialogue with the LPAs Strategic Planning and Placemaking section in relation to site viability. The LPA considers it reasonable to accept the applicant's submission in relation to sales values and Gross Development Value (GDV) and while there may be further headroom to reduce the development costs, given the current financial climate this may be questionable and would likely require verification from a quantity surveyor. The LPA's own assessment of the developments viability using the Development Viability Model (DVM) highlights a suggested profit margin of 12.3% on GDV based on the affordable housing as proposed and the justified Education contribution. This assessment does not, however, include the further cost increases proposed within the applicant's most recent viability submission.

Given that planning guidance suggests a viable profit margin for developers should be no less than 15% of GDV it is accepted that, in this instance, the development would not be able to provide a Policy compliant level of affordable housing provision whilst providing the developer with an acceptable return.

LDP Policy H3 provides target percentages that developments should hit, but the Policy is clear that this is subject to financial viability considerations. In this instance the LPA is satisfied that the viability would not allow for a higher percentage or mix of social rented while also meeting other infrastructure and placemaking requirements. On this basis the proposals would not significantly conflict with the provisions of LDP Policy H3.



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### **Coal Mining Legacy**

The Coal Authority has been consulted on this application and advised that the application site falls within the defined Development High Risk Area; the Coal Authority's information suggests that coal seams outcrop across the site which may have been worked at shallow depth in the past. Whilst the applicant has indicated that the site is not affected by shallow mine workings, the Coal Authority remains of the view that there exists the possibility that unrecorded workings could be present beneath the application site which could potentially pose a risk to development proposals. They maintain the view that the information presented to date does not definitively demonstrate that the site is safe and stable for the proposed development.

They have advised that the only way to overcome their objection and to address their concerns would be through the imposition of a pre-commencement condition requiring further works to establish the exact situation regarding shallow coal mining legacy at the application site and to inform any necessary remedial measures. The conditions requested are considered reasonable and necessary.

### **Contaminated Land**

Policy RP 6 requires mitigation for actual or potential contamination on site. The application was submitted with a Geotechnical and Geo-environmental Site Investigation Report which identifies that several substances tested for were found to be present at concentrations slightly above their respective human health threshold levels, including arsenic, lead and polycyclic aromatic hydrocarbons. Asbestos was also found in two samples. The site previously housed a concrete pipe works (demolished circa 2012) and a gas works was historically located to the north of the study site. The Report concludes that remedial measures would be required as the affected soil comprise made ground that covers much of the site. Capping would therefore be required on the site to comprise 600mm of suitable clean imported subsoil/topsoil material.

The SI Report submitted with the application states that remedial measures will be required with regards to site soils which have been found to contain elevated levels of arsenic, lead, polycyclic aromatic hydrocarbons and asbestos. The affected soils are the made ground that covers much of the site. In terms of the eventual site end users it is considered that there is a risk posed by the contaminated natural soil. Capping will therefore be required on the site. The capping is to consist of the proposed buildings, hard standing and in garden and landscaped areas 600mm of suitable clean imported subsoil/topsoil material. This material should ideally conform to the requirements of BS: 3882. The soil capping should be underlain by geogrid to stop penetration by a spade and a geomembrane to stop mixing between the contaminated soils and the clean capping soils.

The Council's Pollution Control Officer has reviewed the submitted Terrafirma Report and advised that conditions would be required to ensure a Conceptual Site Model is provided along with more details of the Detailed Investigation and a remediation Strategy. These could be secured via condition. It is not considered reasonable or necessary to attach a condition around imported soils as this is secured via other legislation. A condition would suffice to control further unforeseen contamination as well.

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On the basis of the above, it is considered that these issues could be controlled via suitable conditions if the development was considered acceptable.

### Drainage/ Flooding

Policies RP 4 and RP 5 relate to water pollution, the protection of water resources and the avoidance of flood risk. Policy EU 4 states that development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

With regards to drainage, part of the site (the northern tip) was located within a C1 flood zone (areas of the floodplain which are developed and served by significant infrastructure, including flood defences) as defined in TAN 15: Development and Flood Risk (2004). The proposed residential use is classified as a vulnerable use according to the TAN and policy concerns were raised about the development of this area of land. The applicant has subsequently omitted these 3 dwellings and removed the land from the application site.

A small part of the site appears to be in a C2 flood zone area were vulnerable development should not be permitted. The applicant has discussed this situation directly with Natural Resources Wales as they consider this to be an error in the flood maps. NRW has advised that with regards to the area at the south of the site, the NRW flood maps do not include an error, as suggested in the document. Rather, as explained in their previous response, the encroachment shown on the Development Advice Map (DAM) and NRW flood map is due to the resolution of the model at this location; the purpose of the DAM and NRW flood map is to provide an indication of flood risk.

Since the original comments were provided, the DAM maps have been supplemented with the Flood Map for Planning (FMfP). The Dear CPO letter dated 15th December states that the FMfP remains publicly accessible and provides better and more up to date information than the DAM even though it holds no formal weight. NRW were re-consulted on the basis that the updated flood map does show changes to the flood risk at the site, which reflect climate change being included in the updated map. However, NRW consider that the submitted FCA adequately demonstrates the flood risk to the site so they have nothing to add to our previous comments regarding flood risk.

NRW has not objected to the proposals on the basis of flood risk and it is not considered that the proposed dwellings themselves are at risk of flooding or that the development would increase flood risk elsewhere.

It should be noted that the site vehicle access is located within a C1 Flood Zone where it enters the site and NRW previously considered that the previously submitted Flood Consequences Assessments were out-of-date. Notwithstanding this, there is an alternate route that could be used in the event of emergency via the active travel link to Coed Bach Road and it has been demonstrated on the tracked vehicle diagram that an emergency vehicle could access the site if needs be. On the basis that the site itself wouldn't flood and an alternate access/ egress is available on foot (and for emergency vehicles), it is considered that the proposals are acceptable in terms of their impact on flooding.

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The Drainage Officer has raised no issues with the proposed drainage strategy which is considered acceptable in principle and subject to a condition requiring full drainage details. Surface water is proposed to flow to an attenuation basin in the southern half of the site.

Dwr Cymru Welsh Water raise no concerns with regards to foul drainage but have requested a condition requiring no surface water to enter into the public sewerage network.

**Welsh Language**

Policy HC 3 seeks to safeguard and promote the Welsh language throughout the County and states that the Council may subject development on windfall sites such as this to a Welsh Language Impact Assessment given that the site is located within the identified Welsh Language Sensitive Area.

The Council undertook an Impact Assessment in 2019 which concluded that there would be a negative impact on the Welsh language primarily as a result of no AH being offered on site. However, an element of AH has subsequently been provided as noted above and whilst not policy compliant, it would add to the range of accommodation on offer in terms of tenure. The Impact Assessment concludes that mitigation would still be required however to reduce the impact of the development on the Welsh Language Sensitive Area:

- The bilingual marketing of properties;
- The production of a welcome pack for each household which sets out Welsh language provision in the area (including proximity to Welsh language schools and Welsh language community groups);
- Ensuring street names are in Welsh in order to protect and promote the local linguistic character and cultural distinctiveness of Pontarddulais.

It is considered necessary and reasonable to require these recommendations in an appropriately worded condition should the proposal be considered acceptable.

**Employment and Training Opportunities**

Policy IO 2 encourages developers to work with the Council to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar (BBM) policy. However, whilst this policy seeks to encourage use of BBM, it does not require them to.

**Other Issues**

Residents have stated that the area has lost its village feel due to population increase and this development would add to it, Pontarddulais cannot take any more housing as it is already overdeveloped with infrastructure at bursting point (schools, doctors, dentists) and rats would be a problem when they clear the site. The population of Pontarddulais was 6,600 as of 2017 and this development would increase the population by approximately 2.5%. Given its proximity, the site is located close to facilities within the town centre in terms of primary healthcare provision, the site is located in close proximity to a nearby park to promote healthy lifestyles and the health board did not raise any objection to the Local Development Plan.

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In terms of the condition of roads within the adjacent site (Llys Morfydd), these have not been adopted but the Local Highways Authority has raised no issue in terms of their current state to provide access to this development. Finally, there is no evidence that the development of the site would result in vermin issues elsewhere.

### 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 ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.) and
- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this site).

The Planning Obligations associated with this development include:

- **Affordable Homes** 10% (6 units) Intermediate / Low Cost Home Ownership as indicated on the Phase 4 - Site Colour Masterplan (471-1110 Rev TT) Plots 33-38.
- **Education** - Total contribution of £184,576.00 (plus indexation) to Pontarddulais Comprehensive School.
- **Management and Monitoring fee** - £4000 (20% of planning fee).

### Conclusion

In conclusion it is considered, on balance, that the proposals represent an acceptable form of development. The proposals would be acceptable in terms of visual amenity and residential amenity and would not result in any detrimental impacts upon highway safety. Nor would the development result in any significant impacts upon ecology, land stability, trees or drainage. Following extensive viability discussions an acceptable level of affordable housing and infrastructure contributions would be provided. Approval is recommended.

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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. For the above reasons the development is accordingly recommended for refusal.

## RECOMMENDATION

**That the application be APPROVED, subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the contributions listed above.**

**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 PS1, PS2, PS3, PS4, IO1, IO2, H2, H3, HC1, HC3, SI1, SI2, SI3, SI5, SI6, SI8, ER1, ER2, ER6, ER8, ER9, ER11, T1, T2 T5, T6, T7, EU4, RP1, RP2, RP3, RP4, RP5, RP6, RP7, RP8 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:

- 444-9208-V2-Type A4 - George x2 - V2 - GA Plans - Planning-Rev-(F)
- 444-9209-V2-Type A4 - George x2 - V2 - GA Elev. - Planning-Rev-(E)
- 444-9228-Type A24-Scott x3 & Vale x1- GA Plans- Planning-Rev-(B)
- 444-9229-Type A24-Scott x3 & Vale x1- GA Elev. - Planning-Rev-(B)
- 444-9230-Type A15 - Morris x2 - GA Plans - Planning-Rev-(B)
- 444-9231-Type A15 - Morris x2 - Elevation - Planning-Rev-(B)
- 444-9232-Type A16 - Morris x2 -Vale x1 -Planning-Rev-(F)
- 444-9233-Type A16 - Morris x2 -Vale x1 -GA Elevs.-Rev-(D)
- 444-9242-Type A21 - 4 Bed - GA Plans - Planning-Rev-(C)
- 444-9243-Type A21 - 4 Bed - GA Elevs - Planning-Rev-(C)
- 444-9244-Type A22 - Morris x4 - GA Plans - Planning-Rev-(B)
- 444-9245-Type A22 - Morris x4 - GA Elevs. - Planning-Rev-(B)
- 444-9256-Type A28 - George x1 & Vale x1 - GA Plans-Rev-(B)
- 444-9257-Type A28 - George x1 & Vale x1 - GA Elevations-Rev-(B)
- 444-9262-Type A31 - Morris x4 -Vale x1 - GA Plans-Rev-(B)
- 444-9263-Type A31- Morris x4 -Vale x1 -GA Elevs.-Rev-(B)
- 444-9266-Type A33 - Morris x4 - GA Plans -Planning-Rev-(B)
- 444-9267-Type A33 - Morris x4 - GA Elevs. -Planning-Rev-(B)

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- 444-9272-Type A36 - Morris x2 & Vale x1 -Planning-Rev-(B)
- 444-9273-Type A36 - Morris x2 -Vale x1 -GA Elevs.-Rev-(B)
- 444-9502-Type A51 - Morris x2-Vale x1 - Planning-Rev-(B)
- 444-9503-Type A51 - Morr. x2-Vale. x1 -GA Elevs. - Planning-Rev-(B)
- 444-9515-Type A57 - George x2 & Vale x1 - GA Plans-Rev-(A)
- 444-9516-Type A57 - George x2 & Vale x1 - GA Elevations-Rev-(A)
- 444-9517-Type A58 - Apartment 6 x 2 - 3P2B - Planning GA Plans-Rev-(F)
- 444-9518-Type A58 - Apartment 6 x 2 - 3P2B - Planning GA Elev.-Rev-(F)
- 471-1115-Phase 4 - Vehicle Tracking- Rev - (P)
- TDA.2655.01- Detailed Soft Landscape Proposals (Rev D) received 3rd August 2022
- 471-1305-Phase 4 - Boundary & Bio-diversity Enhancement Drawing-Rev - (O)
- 471-1310-Phase 4 - Existing and Proposed Site Sections - Rev (O)
- 471-1110-Phase 4 - Site Colour Masterplan- Rev - (VV)
- 471-1102-Phase 4 - Location Plan- Rev - (I) received 28th November 2022.

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

- 3 Prior to the commencement of any development works the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority unless written confirmation is provided by the local planning authority that components 2 or 3 are not required:

1. A preliminary risk assessment which has identified:

- all previous uses;
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors;
- potentially unacceptable risks arising from contamination at the site.

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. Based on 1 and 2, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken together with a timescale for their implementation.

The scheme shall be implemented strictly in accordance with the approved details and timescales for their implementation.

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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- 4 Upon completion of any necessary remediation as required under condition 3, a verification report to demonstrate that the remediation works have been carried out to a satisfactory standard and remediation targets have been achieved, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of any dwelling where the remediation works are required to facilitate the occupation of the approved plot.

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

- 5 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 & biodiversity of the site and surrounding area in accordance with LDP Policy ER11.

- 6 Prior to the commencement of development a written scheme for the management and mitigation of artificial external light emissions for both the construction phase and occupation phase shall be submitted to and approved in writing by the local planning authority. The lighting plan shall have regard to the guidance provided by the Bat Conservation Trust.

The approved scheme for the management and mitigation of artificial external light emissions shall be implemented at all times in accordance with the approved details for the respective construction and occupation phases.

Reason: To ensure dark corridors and habitats are retained across the site to protect bats, badgers, and other nocturnal species and to protect nearby habitats in accordance with LDP Policies ER8 and ER9.

- 7 No development including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:

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

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- Soil Management: details of topsoil strip, storage and amelioration for re-use;
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- 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;
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phase of the development.

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to amenity impacts (highways and residential), pollution, contamination, water resources and ecology in accordance with LDP Policies PS2, RP1, RP2, RP3 and RP4.

- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water, land drainage and foul water will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off in accordance with LDP Policies EU4 , RP4 and RP5.

- 9 The development shall be carried out in accordance with the approved scheme and timescales for the control of INNS on the site in accordance with the details indicated within the 'Site Report and Management Plan for control & Eradication of Invasive Non Native Species' prepared by Elcot Environmental dated 12th September 2022.

Reason: In the interests of the ecology and amenity of the area in accordance with LDP Policy ER8.



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10 No development shall commence until:

- a) a scheme of intrusive site 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 needed to address land instability arising from past coal mining activity, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with current best practice.

Reason: To ensure the safety and stability of the proposed development in accordance with LDP Policy RP7.

11 Prior to the occupation of any of the dwellings hereby approved, 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 ensure the safety and stability of the proposed development in accordance with LDP Policy RP7.

12 Notwithstanding the details indicated on the approved plans, no development shall commence until full engineering, street lighting, surfacing and construction details of the access, internal roads, footways and active travel route (including bollards) 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.

13 The reptile mitigation and translocation scheme shall be undertaken and fully implemented in accordance with the details and timescales specified within the Wildwood Ecology Reptile Mitigation Strategy report document reference WWE 21094 RMS Rev E Final dated 27/4/2022, and in Appendix V1 and sections 6.2, 6.3, 6.4, 6.5 and 6.6 of the EIA document -reference WWE18150 ECIA Rev-H dated 11th May 2022. Should significantly different numbers of reptiles or different species be found during the translocation exercise than the expected medium population, an amended mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

As detailed in sections 3.35-3.40 inclusive of the Reptile Mitigation Strategy (Wildwood, document reference WWE 21094 RMS Rev E Final dated 27/4/2022), within 3 months of the reptile translocation, a post-translocation report detailing the numbers and species of reptiles moved shall be submitted to the Local Planning Authority for approval.

Reason: In the interests of protecting the local reptile population in accordance with LDP Policies ER2, E8 and ER9.

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- 14 Prior to the commencement of development details of the heights and levels of retaining walls around the perimeter of the site relative to adjoining land levels (existing and proposed) 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.  
Reason: In the interests of visual amenity and residential amenity
- 15 No development hereby approved shall commence until vehicular and pedestrian access to the site off Llys Morfydd as indicated on Drawing No. Phase 4 - Site Colour Masterplan 471 -11110 Rev VV, has been fully implemented in accordance with the details of a planning permission which shall first be granted for the development.  
Reason: To ensure a satisfactory access is provided to serve the development hereby approved in accordance with LDP Policies T1 and T5.
- 16 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 areas shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a plan to define those areas and 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.
- 17 Prior to the first beneficial occupation of any unit within plots 33 to 38 (inclusive), the following details shall be submitted to and approved in writing by the Local Planning Authority:
- Bins and benches within the pocket parks
  - Bin compounds
- These elements shall be constructed and available for use prior to the first beneficial occupation of any unit within plots 33 to 38 (inclusive).
- Reason: To provide satisfactory site infrastructure in accordance with LDP Policy PS2.
- 18 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.

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- 19 The landscaping for the development shall be implemented in accordance with the details indicated on Drawing No. 'Detailed Soft Landscaping Proposals' TDA. 2655.01(D). All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the 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 in accordance with PS2, ER2, ER8 and ER9.
- 20 The ecological enhancements for the site as indicated on Plan No: 'Phase 4 - Boundary & Biodiversity Enhancement Drawing' 471-1305 Rev O and as described within sections, 5.13 and 5.14 of the Wildwood Ecology EIA report reference WWE18150 ECIA Rev-H dated 11th May 2022 shall be implemented in accordance with the approved details prior to the first beneficial occupation of any unit where the enhancement measures are affixed to buildings or are otherwise located within their curtilage. The enhancements shall thereafter be retained as approved for the lifetime of the development.  
Reason: In the interests of providing a net benefit to biodiversity in accordance with LDP Policies ER2, ER6, ER8 and ER9.
- 21 The boundary enclosures for the site shall be implemented in accordance with the details indicated on Drawing No. Phase 4 - Boundary & Biodiversity Enhancement Drawing' 471-1305 Rev O. The boundary enclosures for the dwellings and block of flats shall be implemented in accordance with the approved details prior to the first beneficial occupation of the respective units. All boundary enclosures shall thereafter be retained as approved 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 Policy PS2.
- 22 Before the respective units are brought into first beneficial use within the block of flats, the ground floor side elevations windows shall be fitted with obscured glazing to a minimum level 3 as indicated on Drawing No. 'Type A58 - Apartment 6 x2 - 3P2B - Planning GA Plans' 444-9517 Rev F and 'Type A58 - Apartment 6 x2 - 3P2B - Planning GA Elev' 444-9518 Rev F. The windows shall be permanently retained in that condition thereafter for the duration of the development.  
Reason: In the interests of conserving the privacy and amenity of the future occupiers in accordance with LDP Policy PS2.
- 23 Notwithstanding the provisions of Classes A, B, C, D, E and F of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions, roof extensions, porches, buildings, hardstandings or other alterations shall be carried out unless expressly authorised by this permission.  
Reason: To prevent inappropriate development on site that may affect the receiving watercourse and create or exacerbate any existing flood risk and in the interests of visual amenity and the amenities of neighbouring occupier in accordance with LDP Policies PS2, RP4 and RP5.

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- 24 The active travel link through the site, as indicated on the approved drawings, shall be implemented in full and shall be available for use prior to the beneficial occupation of the 50th unit on site and shall be retained thereafter as an active travel route for the lifetime of the development.  
Reason: To ensure an active travel link is provided and retained to encourage alternative modes of transportation to, from and through the development in accordance with LDP Policy PS2. T1 and T2.
- 25 If, during the course of development, contamination not previously identified is found to be present at the site no further development, unless previously agreed in writing with the Local Planning Authority, shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination. The development shall thereafter be implemented in accordance with the approved strategy.  
Reason: In the interests of health and safety to address potential land contamination risks at the site in accordance with LDP Policy RP6.

**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 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership
- Policy 7 - Delivering affordable homes
- 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: PS1, PS2, PS3, PS4, IO1, IO2, H2, H3, HC1, HC3, SI1, SI2, SI3, SI5, SI6, SI8, ER1, ER2, ER6, ER8, ER9, ER11, T1, T2 T5, T6, T7, EU4, RP1, RP2, RP3, RP4, RP5, RP6, RP7, RP8

- 2 1. 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.

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2. Smoke/ Burning of materials

No burning of any material to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3. Dust Control

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4. Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

In the Terrafirma report January 2019, some of Condition 1 has been covered, and therefore this condition can be partially discharged on receipt of the follow additional information:

Phase 1 - There is no conceptual site model (drawing) as mentioned in 3.2

Phase 2 - Request confirmation on the reasoning behind sample protocol i.e. the number of soil samples and gas samples taken and Standards worked to for the gas sampling.

Phase 3 - The remediation strategy should be detailed and submitted as a new document, not recommendations within the Phase 1&2 report.

Phase 3 - Validation/verification Report can only be submitted and discharged at the end of the project.

3 To ensure that any protected species encountered on site are safeguarded, the details contained within Table 11 section 5.8 of the Wildwood Ecology EIA report reference WWE18150 ECIA Rev-H dated 11th May 2022 shall be implemented.

4 There is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline.

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

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

- 6 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.

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

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

- 8 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

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For further information please visit <https://www.swansea.gov.uk/streetnamingnumbering> or contact the Council's Street Naming and Numbering Officer Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)

- 9 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk)).
  - 10 The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:  
<https://www.water.org.uk/guidance/nationalguidance-documenton-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>
  - 11 The applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).
  - 12 Pre-construction checks must be undertaken for badger and otter. All trenches and excavations must be fenced off or covered-over at night to prevent any otters (or other animals) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped otters (and other wildlife) each morning before starting construction activities. This should be included as a statement in the CEMP.
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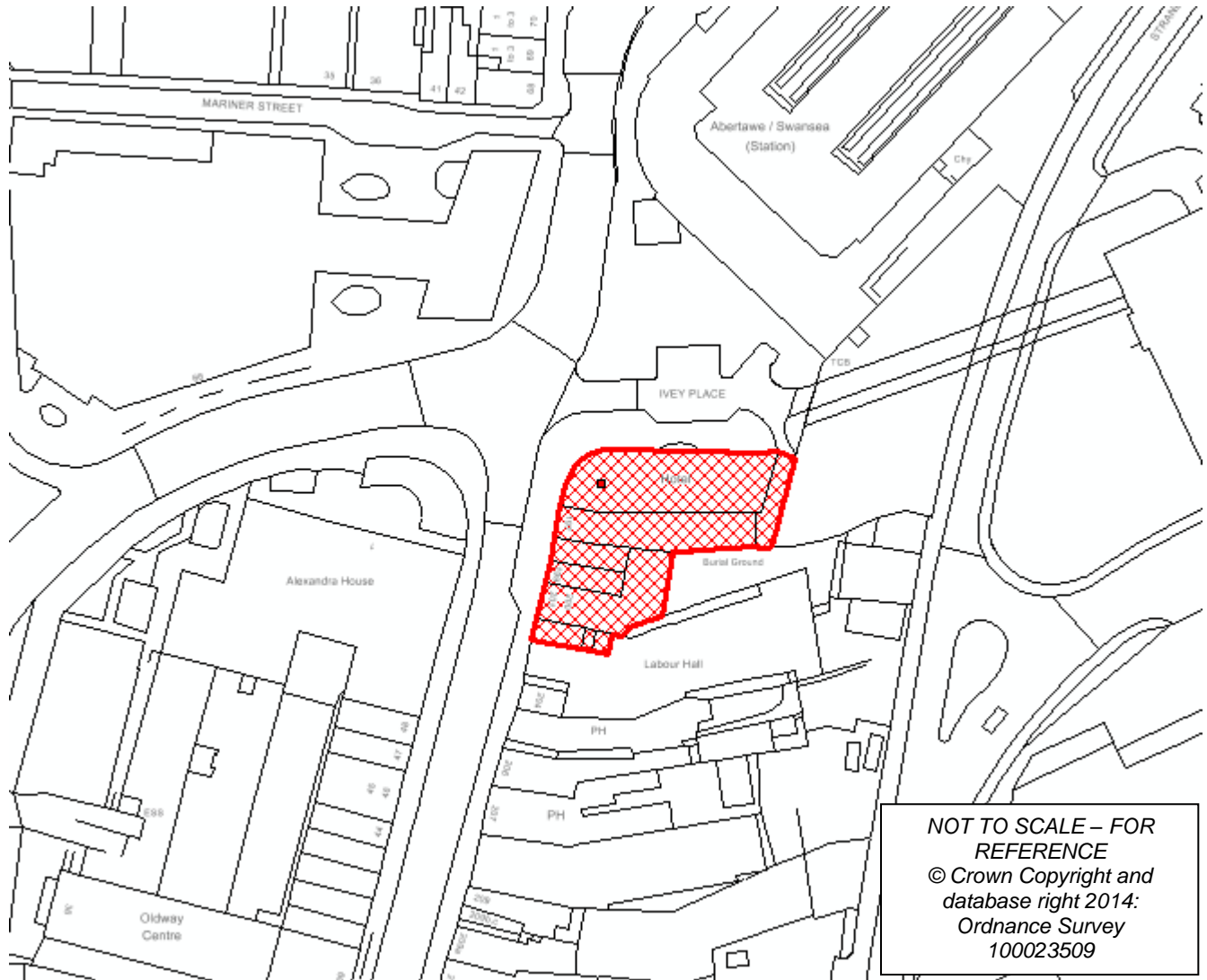
Ward:

Castle - Bay Area

Location: Grand Hotel, Ivey Place, City Centre, Swansea, SA1 1NX

Proposal: Refurbishment and construction of four storey rear extensions and roof top bar extension and roof terrace extension to the hotel to facilitate the provision of 42 additional bedrooms and ancillary accommodation

Applicant: Mrs. Michelle O'Rourke





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### Site Location

The application site comprises of a 4 storey building that currently operates as a hotel and which includes residential, leisure and conference facilities. The hotel is located within the city centre and is situated on a prominent junction with Ivey Place and High Street, directly opposite Swansea Central Train Station and is surrounded by a number of mixed uses including shops, offices and student accommodation. The application site adjoins the side elevation of the premise known as the Elysium building and immediately adjoins the Quaker Meeting House site to the rear which has an associated burial ground. Pedestrian and vehicular access to the site is via both Ivey Place and High Street and due to its central location is well served by public transport.

### Description of the Development

Full planning permission is sought for the refurbishment and construction of four storey rear extension, roof top bar extension and roof terrace extension to the hotel to facilitate the provision of 42 additional bedrooms and ancillary accommodation at The Grand Hotel, High Street, Swansea.

The proposal seeks consent to add an additional floorspace of 2728.7sq.m to provide the 42 additional rooms and ancillary accommodation to the hotel and upgrade the overall quality of the existing tourism accommodation.

The proposed alterations will result in the following changes:

- Ground floor - Introduction of resident's lounge and configuration of banquet room by demolition of internal wall and extension;
- First Floor - Seven bedrooms with en-suite bathrooms and ancillary accommodation including an office, laundry room and goods lift;
- Second Floor - Seven bedrooms with en-suite bathrooms and gym;
- Third Floor - Fourteen Bedrooms with en-suite bathrooms;
- Fourth Floor - Fourteen Bedrooms with en-suite bathrooms;
- Fifth Floor - Recessed roof top bar/ facilities including conference rooms.

The external alterations will comprise of a four-storey rear extension located on top of an existing building which currently comprises of the banquet hall and the introduction of a fifth floor that will be set back from the main façade of the building and which will be finished in vertical seam cladding and smooth render.

The application also proposes an extensive green sedum roof and a living green wall with external trim on the west elevation facing High Street and associated signage.

A Tourism Needs and Development Impact Assessment (TNDIA) is not required for the proposed development as it is an existing hotel providing tourism accommodation and facilities.

Amended plans were submitted on the 7 October 2022 which provides a visual balance to the north façade at roof level, and which demonstrates a more accurate reflection of the proposed development against the previous roof extension. Further indicative information has also been provided on the green wall design indicating window trims and a gutter at the base.

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The following documents have been submitted in support of the application:

- Planning Statement
- Design and Access Statement
- Ecological Assessment/Bat Survey
- Waste Management Details
- Green Roof and Living Walls Details
- Pre Application Consultation Report

**Relevant Planning History**

2018/1879/FUL - Ancillary hotel car park with ramped access, spiral staircase link and associated works - Refused - 09/11/2018.

2016/1387 - One externally illuminated individual letter sign - Approved - 29/01/2019.

2014/1244—Swansea Grand Hotel Change of use of ground floor units from retail (Class A1) and tattoo parlour to (Class D2) to facilitate increase in size of hotel's existing conference and banqueting room and new shop front - Approved - 30/12/2014.

2009/0319—Swansea Grand Hotel—Change of use of first & second floors from part retail/ part residential, two first and second floor rear extensions to facilitate enlargement of existing hotel and five new shop fronts - Approved - 24/03/2010.

2004/1524 - Retention of two externally illuminated entrance canopy signs, one externally illuminated double sided projecting sign and one externally illuminate individually lettered sign with the installation of spot/floodlighting units - Approved - 24/11/2004.

2004/0212 - Retention of alterations to ground floor facade, including new shop fronts and doors on front elevation - Approved - 29/03/2004.

2001/0980—Swansea Grand Hotel—Erection of glazed canopy across the frontage of the building between ground and first floor levels, demolition and reconstruction of fourth floor and refurbishment of existing windows—Approved - 07/08/2001.

**Relevant Planning Policy and Legislation:**

**The Development Plan**

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

- Future Wales (FW) was published by the Welsh Government (WG) on 24th February 2021 and contributes the national tier of the Development Plan. FW has policies relating to those matters the Government considers a national priority, and that are distinctly spatial and require national leadership.
- A Strategic Development Plan (SDP) for the region will be prepared in due course, which will form the regional tier of the Development Plan.

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

National policy and guidance is also set out in Planning Policy Wales (PPW) Edition 11 and in Technical Advice Notes (TANs).

In addition to the provisions of the primary legislation relating to land use planning, including the Planning and Compulsory Purchase Act 2004 and Planning (Wales) Act 201, the following legislation contains important duties to consider as part of the decision making process:

- Equality Act 2010 - including Socio-economic Duty
- Active Travel (Wales) Act 2013
- Well-being of Future Generations (Wales) Act 2015
- Environment (Wales) Act 2016 - including s6 Duty
- Historic Environment (Wales) Act 2016

The following guidance in Planning Policy Wales (PPW) is of relevance:

**Retail and Commercial Development** - Retail and commercial centres are hubs of social and economic activity and the focal point for a diverse range of services which support the needs of local communities. They are highly accessible to different modes of transport and are the most sustainable locations for new development. Retail and commercial centres should be identified in development plans and include established city, town, district, local, village and neighbourhood centres, which provide a range of shopping, commercial and leisure opportunities as well as places of employment, education, civic identity and social interaction. Opportunities to live in these centres, combined with their good public transport links, make them the most sustainable places. The planning system must:

- promote viable urban and rural retail and commercial centres as the most sustainable locations to live, work, shop, socialise and conduct business;
- sustain and enhance retail and commercial centres' vibrancy, viability and attractiveness; and
- Improve access to, and within, retail and commercial centres by all modes of transport, prioritising walking, cycling and public transport.

**Mixed Uses and Primary and Secondary Shopping Areas** - Although retailing (A1) uses should underpin retail and commercial centres, it is only one of the factors which contribute towards their vibrancy. Primary areas are typically characterised by a high proportion of A1 retail uses, and their designation requires an understanding of the existing distribution of uses in a centre together with careful consideration of a centre's role and how it relates to the retail strategy for the area. Secondary areas typically contain mixed uses, for example shops, cafes and restaurants, financial establishments and other services and community facilities. Policies should encourage a diversity of uses in centres. Planning authorities should identify which retail and commercial centres in their development plans have primary and secondary shopping areas, and show these on the proposals map. Vibrant and viable centres are distinguished by a diversity of activity and uses which should contribute towards a centre's well-being and success, whilst also reducing the need to travel.

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Development plans should include policies describing the types of use that are likely to be acceptable in primary and secondary areas. Leisure and entertainment, and food and drink uses can benefit retail and commercial centres, and with adequate attention to safeguarding amenities can contribute to a successful evening economy. In addition to general diversity of uses, mixed use developments, which combine retailing with entertainment, restaurants and, where appropriate, residential in a comprehensive and planned way should also be encouraged where appropriate to promote lively centres during both the day and the evening. Achieving diversity of uses and activities may require a flexible approach to planning. Where the right balance of use and activity is not being achieved, planning authorities should consider making changes to the acceptable uses in primary or secondary areas, or the retail and commercial centre boundaries themselves. Planning authorities should assess retail and commercial centre performance and the effectiveness of development plan policies by monitoring their health. They should use the strategy in their development plan to manage change and take action where necessary to address this. Where economic decline is impacting on a retail and commercial centre, emphasis on retaining A1 uses in premises either in primary or secondary areas, which have been vacant for a period of time, may undermine a centre's viability and vitality. In such circumstances planning authorities should consider how non-A1 uses may play a greater role to increasing diversity and reducing vacancy levels.

Placemaking - The concept of placemaking is central to PPW and delivering on the aspirations of the Well-being of Future Generations Act and achieving well-being through plan making and development management decisions. It defines placemaking as: a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well-being in the widest sense. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place. Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions. 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 surrounding area.

In July 2020 the Welsh Government published further guidance relating to planning policy priorities to aid recovery following the Covid-19 pandemic crisis. The following extracts from the guidance is of relevance to this application:

Building Better Places: The Planning System Delivering Resilient and Brighter Futures Placemaking and the Covid-19 recovery (July 2020) - The Covid-19 lockdown meant that our retail and commercial centres became deserted except for those people shopping for essential items. Supermarkets and convenience goods stores became the few shops still trading.

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This was all at a time when some retail sectors were already struggling. The economic consequences have meant that many retailers are struggling financially and this will lead to higher vacancy rates in all of our commercial centres. Our centres should become places where a variety of retail, employment, commercial, community, leisure, health and public sector uses come together in a hub of activity to make them viable as go-to destinations once more. Flexible, local co-working spaces could also be a crucial new element to increase space to work. Residential uses are also key to the vitality of centres, provided that they do not curtail the commercial activities which take place and soundscapes are considered. Evidence suggests that traditional retailing uses will not be as prevalent and the demand for new retail space will be very low for the foreseeable future, therefore primary retail areas will need to be urgently reviewed. This must be realistic and not done in the expectation that retail occupiers will return in the numbers we witnessed prior to the pandemic. Unreasonable and inflexible policies should be challenged through the development plan process, as much more creative thinking will be needed to reimagine and re-purpose these areas.

**Further material considerations**

In addition to the development plan, there are also considerations in terms of other local policy/guidance, national planning policies and a range of legislative requirements that should be considered.

The LDP is augmented by various Supplementary Planning Guidance (SPG). The following SPG are relevant to this application.

- Swansea Central Area Regeneration Framework (SCARF, Adopted 2016)
- Shop Front & Commercial Frontage Design Guide (January 2017)
- Parking Standards (Adopted March 2012)
- Planning for Community Safety (Adopted December 2012)
- Non Retail Uses in Swansea City Centre (Adopted October 2010)
- Swansea Central Area: Regenerating our City for Wildlife and Wellbeing Green Infrastructure Strategy (Draft)
- Development and Biodiversity (February 2021)
- Swansea Central Area: Regenerating our City for Wildlife and Wellbeing Green Infrastructure Strategy (Draft)
- Development and Biodiversity (February 2021)

**Adopted Swansea Local Development Plan (2010-2025)**

The Swansea Local Development Plan is the extant development plan for the area. The following LDP Policies are considered to be relevant to the determination of this application:

PS 1: Sustainable Places

PS 2: Placemaking and Place Management

HC 1: Historic and Cultural Environment

HC 2: Preservation or Enhancement of Buildings and Features

TR1 : Tourism, Recreation and Leisure Development

ER 2: Strategic Green Infrastructure Network

ER 8: Habitats and Species

ER 9: Ecological Networks and Features of Importance for Biodiversity

T 2: Active Travel

T5: Design Principles for Transport Measures and Infrastructure

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T 6: Parking

SDJ : Strategic Sites

RC 1: Swansea Central Area Regeneration

RC 2: Retail and Leisure Development

RC 3: Swansea Central Area Retail Centre

RC 8: Commercial Development within Strategic Development Areas

RC 9: Ground Floor Non-Retail Uses within Centres

RP 2: Noise Pollution

RP 3: Air and Light Pollution

RP8: Sustainable Waste Management Proposals

RP10: Sustainable Waste Management for New Development

### **Development Plan Policy and Supplementary Planning Guidance**

The above provides information and guidance to support and clarify the policies of the LDP. The SPG are referenced in the amplification text of the relevant policies. The documents have been formally adopted by the Council on the dates specified above, which followed appropriate public consultation exercises and stakeholder engagement carried out to inform their content.

Where the above were adopted by the Council prior to the LDP being formally adopted, in due course they will also be subject to updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of all the Guidance documents given that: they are fundamentally aligned to (and referenced as a supporting document within) LDP Policy; they are consistent with national guidance and overarching principles of Placemaking [PPW], they were relatively recently approved following stakeholder engagement and a comprehensive public consultation process; and ultimately they provide useful guidance to confirm how the Council considers the LDP Policy aims and objectives should be interpreted.

### **Placemaking and Green Infrastructure (GI)**

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

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

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

In terms of GI, this means highlighting whether appropriate opportunities to retain existing GI networks, or plugging identified gaps in the network have been explored at all relevant scales of the development.

Assessment - Having regard to the requirement for development to address placemaking and GI principles, it is considered that the proposed external alterations are in keeping with the character and appearance of the area. In relation to the requirements for due consideration of placemaking and GI measures, having considered the nature of this application, it is considered that the application proposes a green roof and living wall which fulfils the GI requirements for the application and accords with the relevant policies.

**Biodiversity Enhancement**

Complementary to the requirements for GI considerations, the Development Plan (comprising Future Wales and the Swansea LDP) places significant emphasis on the use of innovative, nature based solutions to site planning and design of the built environment, and specifically highlights these as key elements for successful placemaking. The Council also has a legal duty under Part 1, Section 6 of the Environment (Wales) Act 2016 ("the S6 duty") to seek to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. At the local level, this is embedded within the Local Well Being Plan and the Council's corporate priorities.

Future Wales Policy 9 requires all applications to demonstrate the actions that have been taken to maintain and enhance biodiversity, ecosystem resilience and green infrastructure assets. This policy requirement is supported by the guidance in PPW that sets out the requirement for a 'stepwise approach' to considering biodiversity in the planning process and securing overall enhancement. PPW emphasises development should consider the significant opportunities provided by nature based solutions to maintaining and enhancing green infrastructure. By taking this approach, development proposals can contribute to the "Resilient Wales" Goal of the Well Being of Future Generations (WBFG) Act 2015, and assist in meeting the relevant requirements of the SUDs guidance and legislation. It is critical that proposals are assessed against Future Wales Policy 9, and having regard to the key placemaking, design and GI principles set out in Swansea LDP Policies PS 2 and ER 2 in all cases and policies ER6, ER8, ER 9 and ER11 were identified as relevant.

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The Council has adopted SPG entitled "Biodiversity and Development which sets out how the LPA will apply the PPW required 'Stepwise approach' at the local level. It is necessary for the report relating to these proposals to set out whether the stepwise process has been followed, and confirm whether appropriate enhancement is proposed to deliver biodiversity net benefit, ecosystem resilience and an integrated network of GI. The actions taken in this regard should be clearly identified in order to demonstrate compliance with the relevant legislation and policy.

The Council's adopted SPG on Biodiversity and Development sets out specific measures that minor applications could provide for to enhance biodiversity and ecosystem resilience, depending on the nature of the proposals. If, having regard to the nature of the proposals and characteristics of the site, there are considered to be no apparent reasonable opportunities for biodiversity enhancements to be delivered, then this should be confirmed as part of the appraisal of the application, with reference to an awareness of the Council's s6 Duty to maintain and enhance biodiversity.

Assessment - It is considered that the applicant has adopted the stepwise approach by the introduction and inclusion of the use of a green sedum roof and living green wall to the western elevation which seeks to enhance the biodiversity and ecosystem resilience of the proposal.

**Responses to Consultations**

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by a notice published in the press for a major development and by a site notice posted within the vicinity of the application site on 16th July 2021. One public response has been received raising concerns that there is little reference to the historic importance of the site or measures proposed to respect and protect the integrity. Further comments recommended applying conditions to the application to protect the Quaker Burial Ground within the final scheme and during the construction phases.

**Highways** - It remains the view of the Highway Authority that given the sustainable location, the principle of development is acceptable, however some issues were raised at PAC which have been reproduced in the PAC report, it is disappointing that no amelioration or further information has been submitted.

In order to maximise the sustainable location, and in line with the parking SPG, cycle storage must be provided on site.

In addition, a request was made for a waste management strategy, the apparent current practice of storing bins on the adopted highway is not something the Highway Authority can support as it is contrary to the Highways Act. The additional bedrooms would generate additional refuse and the applicant must make provision to store bins within their curtilage and demonstrate the waste storage areas are sufficient for their needs. So as not to obstruct the Public Highway and the main pedestrian route from the nearest available car parking.

In the absence of the requested information, Highways would recommend the application is refused. Cycle storage has not been proposed at a level to accord with the SPG, and waste storage practices could lead to a situation detrimental to highway safety.



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**Drainage** - it appears from the plans that all work for new structure is actually on top of the existing hotel building i.e. banquet hall. If this is the case then we have no objection to the proposal.

**Placemaking and Heritage** - No objection as the most recent amendments to the plans now provide a visual balance to the north façade at roof level. The plans have also been checked for accuracy against the previous roof extension. Further indicative information has been provided on the green wall design indicating window trims and a gutter at the base.

The amended plans reinforce the symmetrical design of the original elevation which is a key gateway building opposite Swansea Rail Station. This enhances the proposals as a high quality carefully design addition to a prominent city centre building. The amended information also acknowledges that the proposed green walls requires architectural integration such as projecting trims around windows to conceal the projection of the green wall system plus the gutter that is required at the base which requires enclosure as this will be prominent above the ground floor windows. The detail aspects of the green wall can be controlled via condition".

Further information is required to be conditioned regarding the further details of the green wall system and green roof system along with a maintenance plan for both and further details of finished materials and detailing such as windows, Juliette balconies, balustrade and parapet/copings.

**Pollution Control** - No objection subject to conditions requesting the submission of a Noise Impact assessment prior to commencement of works on the site and restriction in the working hours during the construction phase and standard advisory notes

**Dwr Cymru/Welsh Water** - No objection subject to the following condition and standard advisory notes:

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system. 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.

**Natural Resources Wales (NRW)** - No objection to the proposed development and advise that Dwr Cymru/Welsh Water are consulted on the proposal as they can confirm that there is sufficient hydraulic and biological capacity available in the system to accommodate the additional flows. We would also advise that rainwater be diverted away from the sewer network and where possible, sustainability used, possibly as part of the greening of the building through a roof garden or living walls.

**Ecology** - No objection subject to conditions and advisory notes.

**Glamorgan Gwent Archaeological Trust (GGAT)** - No objection to the proposed development subject to a condition requesting the submission of an archaeological watching brief prior to commencement of development at the site.

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### Appraisal

The application is referred to Committee as it exceeds the threshold of the provision of a building or buildings where the floor space to be created by the development is 2,000 square metres or more.

### Key Issues

In view of the above-mentioned policy context the key issues to consider in this planning application relate to the principle of the use, the impact upon visual amenity and impact upon the residential amenities of any neighbouring occupiers and future occupiers of the hotel accommodation, ecology, archaeology, waste, parking and highway safety.

### Principle of Use

As the current use of the building subject to this application is as a hotel, the principle of its extension to create additional rooms and facilities within the City Centre is considered acceptable. The proposed development is considered to contribute towards the revitalisation and regeneration of the Retail Centre by supporting the retail and leisure offer, and help provide a wider range and choice of visitor attractions and facilities in the Central Area in-line with LDP policies and the aims of the SCARF to support the regeneration of the City Centre and Complementary Areas. Furthermore the application is within a Strategic Development Area (SDJ) which seeks to add to and diversify the leisure uses on High Street. The proposal is in a sustainable location within the settlement which is considered an acceptable location for additional tourist accommodation. The application would support the aims of WG to promote and recover the Tourism industry as part of Wales post Covid-19 recovery and would accord with Policy TR 1 which supports proposals that consolidate the urban tourism resource by improving the quality and range of attractions, accommodation and services on offer.

Accordingly, it is therefore considered that the principle of the extension of the existing hotel accommodation at this location is acceptable and in compliance with the aims and objectives of the Swansea LDP. However notwithstanding this, there are other material planning considerations that need to be considered in respect of visual and residential amenity impacts.

### Visual Amenity

The proposed development is considered to reflect the existing design of the host building and is in keeping with the design of the existing character and appearance of the immediate street scene, albeit the majority of the extension will be located to the rear of the building. The symmetrical design of the original elevation, which is a key gateway building opposite Swansea Railway Station, seeks to enhance the proposals as a high quality carefully designed addition to a prominent city centre building. The introduction of a green living wall on the western elevation not only creates visual interest but adds to the biodiversity and sustainability of the development. The proposals are considered to improve the quality of this part of the city centre by providing improved active frontages and enhancing the public realm via the relationship and interaction with Swansea Railway Station which is located opposite the application site.

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The proposed external alterations and materials to the building are considered acceptable and the addition of the roof top bar extension and roof terrace extension will be set back from the main façade of the building so will not be highly visible from the street.

Additional information is required to be submitted regarding the details and maintenance of the green roof and green living wall, as well as finished materials such as windows, Juliette balconies, balustrade and parapet/copings and this will be controlled via condition. Accordingly, the proposed development is considered acceptable and has no adverse impact on the visual amenity of the host building, the street scene or surrounding area and therefore accords with Policy PS2 of the Swansea LDP (2010-2025).

**Residential Amenity**

The application property is located on a busy highway within the City Centre where some disturbance is inevitable and to be expected throughout the day and into the night. With this in mind, residents who live in close proximity to mixed use or commercial premises cannot reasonably expect the same level of peace and quiet as people living in a wholly residential area. As such it is not considered that there would be any detrimental impact on the living conditions of any neighbouring residents in the apartments around the application site.

The Council's Pollution Control Officer has been fully consulted and no objection has been raised subject to conditions requiring the submission of a noise impact assessment prior to the commencement of development for the control of all internal and external noise in relation to the proposed hotel bedrooms and restrictions on hours of operation during the construction phases of the development.

The occupants of the serviced bedrooms will be guests looking to book very short stays in these rooms. Guests booking into these rooms would be doing so in the full knowledge of the City Centre location and surrounding land uses, which includes late night bars, nightclubs and restaurant uses. As such, subject to an appropriate condition and given the City Centre Location and the short term use of these rooms, it is not considered that the proposal would give rise to any significant, demonstrable harmful impact on the amenity that short term guests should reasonably expect. Accordingly, the proposal is considered to accord with Policies PS2, RP2 and RP3.

**Parking, Highway Safety and Waste Management**

The application site is located within the City Centre and there is no requirement to provide on-site parking. Guests and visitors would be within walking distance of the train station and public transport. Those arriving by car would need to use the public car parks that are readily available within close proximity of the application site.

Due to its prominent location located on a busy junction within the city centre and opposite Swansea Railway Station, it is considered necessary to attach a condition requesting the submission of a Construction Method Statement. This will seek to reduce the likelihood of obstruction of the highway and danger to road users, to conserve public health and local amenity and to ensure satisfactory standard of sustainable development in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

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With regard to the cycle storage at the site, the details submitted with the application have not been proposed at a level to accord with the SPG. In view of this, it is considered necessary to attach a condition to require further details, including location and the number of cycle storage, to be submitted and approved by the LPA prior to beneficial occupation of the development.

The concerns raised regarding waste collection at the site have been noted. However the submitted plans do demonstrate an existing and proposed bin storage area located within the curtilage of the site and the applicant's agent has confirmed that waste is currently collected by Browns Waste Recycling with general waste collected 4 times a week with recycling bottles, plastic and cardboard 2 times a week. In view of this, it is considered necessary to attach a condition requiring the submission of a waste management plan to describe how the applicant plans to manage, store and dispose of the additional waste generated from the site by the proposed development and to address the objection raised by the Highway officer, in accordance with Policies PS2, TR5, RP8 and RP10 of the Swansea LDP (2010-2025).

**Ecology**

TAN 5: Nature Conservation & Planning (2009) summarises issues relevant to nature conservation and planning. The purpose of TAN 5 is to provide advice regarding how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. 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 application proposes the implementation of a green roof and living green wall, which will increase the green infrastructure provisions, it is further indicated in the application that additional ecological enhancement measures will be included within the proposed development, however these have not been stated. In view of this, it is considered reasonable and necessary in this instance to secure a scheme of ecological enhancement measures by condition to ensure that a net benefit is provided to biodiversity as part of this application and to comply with the requirements of Policy ER9 of the Swansea LDP (2010-2025).

**Archaeology**

Glamorgan Gwent Archaeological Trust (GGAT) has confirmed that the proposal has an archaeological restraint. Information in the Historic Environment Record indicates that the application area is located in an area of high archaeological potential. It is within the part of Swansea that was a medieval suburb to the defended town, and in an area where medieval and early Post-medieval remains of settlement, industry and maritime activity have been encountered during development. The area is noted on the 1830s historic mapping as being the site of Beaufort Place, a short row of buildings which included a school. Of great significance is the adjoining Society of Friends (Quaker) Meeting House, built in 1807 and retaining some original features; this is immediately adjoining the site, and has an associated burial ground. The former course of the River Tawe, prior to its change in 1858, ran along The Strand and it is also recorded that peat levels may remain which contain important paleo-environmental archaeological remains.

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The change in height between the higher High Street/Ivey Place and the lower The Strand reflect the original slope to the river; and previous archaeological work along High Street and The Strand has encountered archaeological remains at the lower and higher levels relating to medieval and early Post-medieval land use and land and water management.

The proposal appears confined to the higher level and within the burgage plots area of the High Street (plots of land delineated during the medieval period which ran from the street frontage of a road), which is the medieval main road. Most of the proposals will be within the existing area of the current building, although the proposals entail the demolition of the current storage building at the south-eastern part of the site, followed by a rebuild. The plans (particularly Existing South Elevation, no: GH.1.11) also show parts of historic walling which are likely to relate to the burgage plots. The area of the demolition and rebuild has potential to encounter evidence of historic activity in the area. Previously, it has been recommended archaeological evaluation as a pre-determination recommendation following the Welsh Government guidance on historic environment matters. However, given that in this case the proposal is primarily within the existing building, but includes demolition in the area where there are likely to be archaeological deposits, this approach is not considered appropriate in this particular case.

Therefore, it is a recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted.

It is envisaged that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results, to accord with Policy HC1 and HC2 of the Swansea LDP (2010-2025).

### **Conclusion**

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

In conclusion, having regard to all material considerations including the Human Rights Act, for the reasons set out in the main body of this report, the proposal is considered acceptable subject to conditions and would seek to improve the quality of tourism accommodation provided within the city centre. Overall, therefore, it is considered the proposed development would not conflict with LDP Policies or national planning policies and is accordingly recommended for approval. For these reasons, and subject to the conditions recommended below, approval is recommended.

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## RECOMMENDATION

### APPROVE, subject to the following conditions ;

1 The development hereby permitted shall begin no later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

2 The development shall be carried out in accordance with the following approved plans and documents:

- SITE LOCATION PLAN RECIEVED 21.07.21
- BP01 - SITE LOCATION & BLOCK PLAN - (CYCLE & BIN STORE) RECEIVED 13.09.21
- 005 REV A- PROPOSED FLOOR PLANS RECEIVED 6/10/22
- 006 REV B - PROPOSED FRONT ELEVATION RECEIVED 7/10/22
- 007 - PROPOSED AND ADJACENT SIDE ELEVATION RECEIVED 28/09/22
- 008 REV A - PROPOSED ROOF PLAN RECEIVED 6/10/22
- 010 - PROPOSED SIDE ELEVATION (LIVING WALL) RECEIVED 7/10/22
- CGI IMAGE CGI AERIAL IMAGE INCLUDING LIVING WALL RECEIVED 24/10/22
- CGI IMAGE CGI FRONT ELEVATION RECEIVED 24/10/22
- ALUMASC ROOFING SPECIFICATION DETAILS RECEIVED 13/09/21
- GREEN WALL SPECIFICATION INCLUDING DATA SHEET, q38 SPECIFICATION, STANDARD MODULES(V3),FYTOTEXTILE TYPICAL DETAIL (TIMBER SUB FRAME) AND (STEEL BOX SECTION AND VENTILATED CAVITY RAINSCREEN AND 210L TYPICAL IRRIGATION SCHEMATIC ALL RECEIVED 23/09/2022.
- PLANNING STATEMENT AND DESIGN AND ACCESS STATEMENT RECEIVED 14/09/2021.
- BUILDING INSPECTION IN RESPECT OF BATS REPORT PREPARED BY CELTIC ECOLOGY AND CONSERVATION LTD (DATED JUNE 2020) RECEIVED 30/07/2021.

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

3 Notwithstanding the submitted details, prior to the commencement (excluding any demolition, excavation, site preparation and enabling works) of the relevant part of the development, a detailed specification for, or samples of, the materials to be used in the construction of the external surfaces of the building hereby permitted shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

Reason: To ensure that the proposed materials of construction are appropriate for use on the development and to enhance and protect the visual amenity of the area.

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4 Notwithstanding the submitted details, prior to the commencement (excluding any demolition, excavation, site preparation and enabling works) of the relevant part of the development, a landscaping strategy including planting schedule, management and future monitoring information shall be submitted to the Local Planning Authority for approval. The proposal shall include specification and full details of the implementation and maintenance of the green roof and green wall system including details of the support system, planting mix, window trims, edge trims, sensitive integration of base gutter depth of substrate, roof edges, any edge restraints/ systems for maintenance access and integration of signage. Landscaping shall thereafter be carried out prior to the first beneficial use of the development and maintained thereafter for the lifetime of the development in accordance with the approved strategy.

Reason: In order to conserve and enhance biodiversity and ecosystem resilience.

5 Prior to the commencement of any external works to the building hereby approved, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

- Window in opening
- Juliette balcony with glass panel
- Balustrade
- Parapet/ copings
- Fittings and Fixtures
- Proposed signage

Reason: In the interests of visual amenity.

6 No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

7 Prior to the first beneficial occupation of the development, details of a Waste / Refuse Management Plan (including refuse storage areas and recycling facilities associated with the building) for future operation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved details.

Reason: To ensure the management and movement of refuse within the site in the interests of site safety and to ensure that adequate provision is made within the development for the storage of refuse

8 Notwithstanding the submitted details, prior to the beneficial occupation of the development hereby approved, further details of an acceptable standard of secure and undercover cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking facilities shall be provided before the development hereby approved in brought into beneficial use and made available for their intended use at all times thereafter.

Reason: To ensure that adequate and safe access to the building is provided and retained and to ensure adequate cycling parking provision and promote sustainable modes of transport.

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9 Prior to the commencement of the development, including any demolition or enabling works, a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The approved Construction Method Statement shall be adhered throughout the construction period and will need to provide the following:

- The parking of vehicles of site operatives and visitors.
- Loading and unloading of plant and materials.
- Storage of plant and materials used in constructing the development.
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
- Wheel washing facilities.
- Measures to control the emission of dust and dirt during demolition and construction; and
- A scheme for recycling/disposing of waste resulting from demolition and construction works.

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

10 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).

11 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

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.

12 Prior to commencement of the development, a Noise Impact Assessment shall be carried out and used to draft a scheme that shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify the provisions to be made for the control of all internal and external noise and ensure all hotel bedrooms rooms achieve an internal noise level of 35 dBA Leq,16 hour during the day and 30 dBA Leq,8 hour at night in line with BS8233:2014. The scheme shall be implemented as approved prior to the first beneficial use of the development hereby approved and retained as such for the lifetime of the development

Reason: To protect the proposed residential use against noise arising from the existing traffic and rail use of the area.



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### Informatives

1 The development plan covering the City and County of Swansea is the National Development Plan - Future Wales and Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policy 1, Policy 2 and Policy 9; and the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Placemaking and Sustainable Development PS 1 & PS 2; Strategic Development and Master planning SD J (Swansea Central Area); HC1: Historic and Cultural Environment, HC 2: Preservation or Enhancement of Buildings and Features; RC1; RC2, RC3, RC8 and RC9; Ecosystem and Resilience ER 1 (Climate Change) & ER 2 (Strategic Green Infrastructure Network); ER9 (Ecological Networks / Biodiversity); TR1Toursim, Recreation and Leisure Development; T 2 Active Travel; T 6 Parking; RC 1: Swansea Central Area Regeneration, RP 2: Noise Pollution, RP 3: Air and Light Pollution, RP 8: Sustainable Waste Management and RP 10: Sustainable Waste Management for New Development.

2 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.

### 3 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 notice will lead to formal action against the person[s] named on said notice.

If applying for Prior consent under Control of Pollution Act 1974, section 61, please contact [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk) and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

### Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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Dust Control

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

- 4 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).

- 5 Breeding/nesting birds:

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.

- 6 The roof removal shall be undertaken in accordance with Appendix B - Precautionary Method Statement of the submitted Building Inspection in Respect of Bats Report. In summary, this includes but is not limited to: the appointment of a bat ecologist, toolbox talks delivered by the bat ecologist, a pre-works inspection by the bat ecologist and supervision of roof removal (where deemed necessary by the bat ecologist).

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- 7 As of 7th January 2019, this proposed development may be subject to Schedule 3 of the Flood and Water Management Act 2010. In the event this proposed development amounts to a total impermeable area of 100sqm or more, approval of Sustainable Drainage Systems (SuDS) features will be required in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It would therefore be 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 planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

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.

- 8 Site preparation, construction works or 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.
- 9 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.
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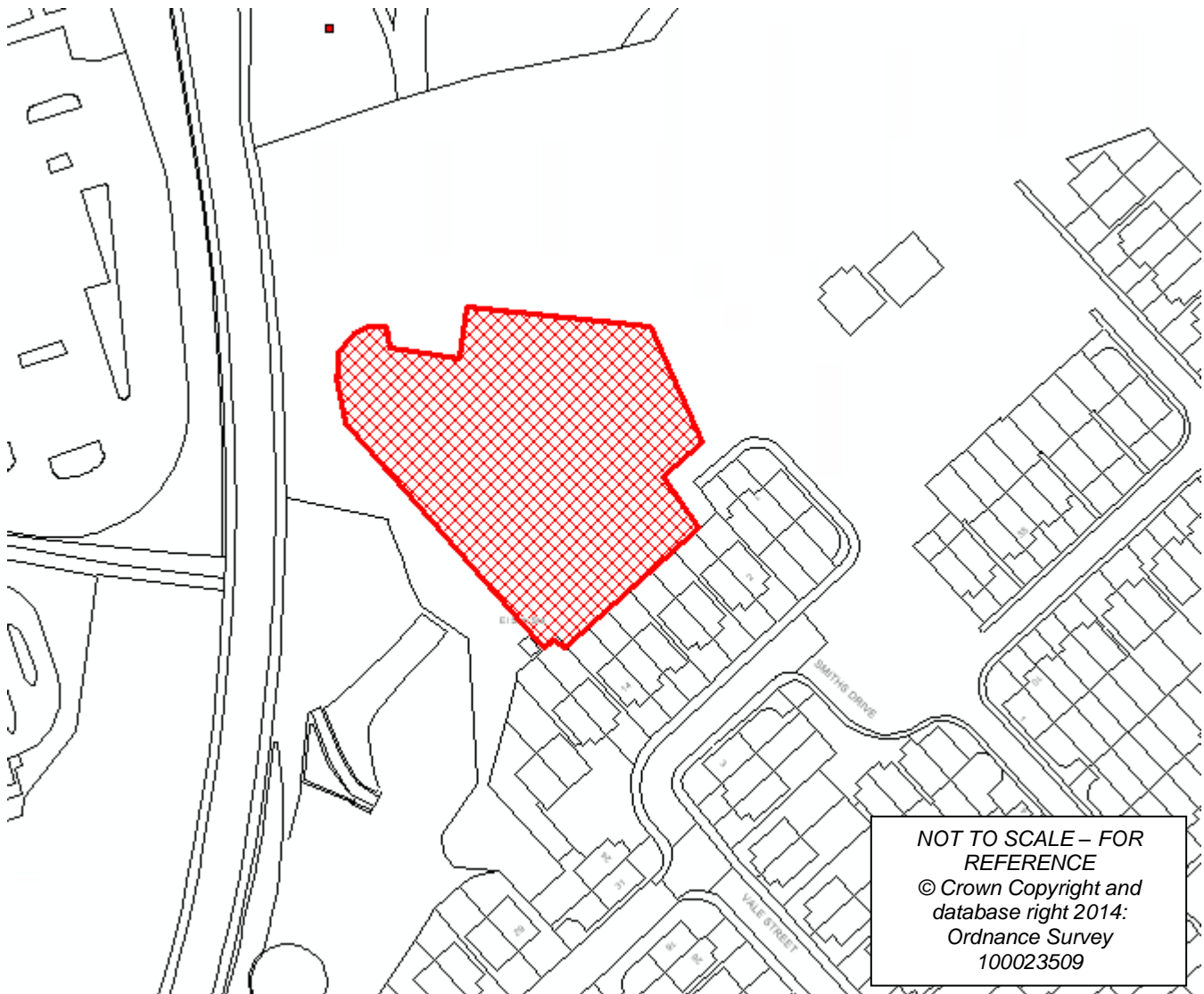
Ward:

Bonymaen - Area 1

**Location:** Land At Upper Bank, Nantong Way, Pentrechwyth, Swansea, Swansea

**Proposal:** Construction of 30 residential apartments and associated works

**Applicant:** Mrs Rebecca Sleaf Hygrove Home (Swansea) Ltd



## Background

This application is reported to Committee as it exceeds the thresholds as set out in the Council Constitution.

## Description of Development

The immediate surrounding area is comprised of primarily residential development with a mix of commercial and leisure uses also within the vicinity.

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The residential development site at Upper Bank was granted outline planning permission on 6 July 2012 following completion of a Section 106 Planning Obligation (Ref: 2006/1902). The construction of the wider approved site is ongoing and earlier phases of the development are now occupied.

This proposal forms the ninth phase of the ongoing Upper Bank development. This application seeks full planning permission for the construction of 30 residential apartments, all of which will comprise of two bedrooms. The flats will comprise of four separate blocks with three different house types. House type A42 comprises of three storeys with a hipped roof, projecting features and gablet features constructed from a mix of materials. House type A44 comprises of two storeys with a hipped roof with projecting gables constructed in a mix of materials. House type A49 is a three storey building also with projecting gables, gablet features and a hipped roof. Parking for the flats would be directly outside the blocks and along the adjacent street. Upper floor flats will benefit from balconies whilst ground floor flats will have access to private external amenity spaces.

**Planning Policy**

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

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 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.

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Adopted Swansea Local Development Plan (2010-2025)

PS 1 Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

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

PS 3 Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

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

ER 2 Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

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

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

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

ER 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.

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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.

T5 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.

T6 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.

EU2 Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

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

RP2 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.

RP 10 Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

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

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

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.



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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.

**Supplementary Planning Guidance (SPG)**

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.

**Responses to Consultations**

**Natural Resources Wales (NRW)**

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

Conditions 1 to 6: Land Contamination

Condition 7: Construction Environment Management Plan

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

**Land Contamination**

We have reviewed the following documents provided in support of the application:

1. "Phase 1 Geo-environmental Site Assessment Report Proposed Residential Development, Phase 7 and 8, Upper Bank, Pentrechwyth, Swansea Prepared for: Hygrove Homes (Swansea) Limited December 2018 Job No: 12038/5 by Terra Firma"

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2. "Geotechnical and Geoenvironmental Report: Proposed residential development at Upper Bank, Swansea" Prepared for Redrow Homes and Hygrove Holdings Ltd December 2012. Job :12038 by Terra Firma"

We note and welcome the submission of the Geotechnical and Geoenvironmental Report, which was requested by NRW within our statutory pre-application consultation. However, it is also noted that the Supplementary Geotechnical Ground Investigation: Land at North of Upper bank, Swansea (ref: MW/12038/let12) 13 July 2017, on which our pre-application response was based has not been submitted as part of this planning application. This report should be submitted to your Authority for consideration.

Justification should also be provided to your Authority as to why, in this phase of works, sampling has only been undertaken around the perimeter of the area to be developed.

The Phase 1 Geo-environmental Site Assessment Report dated December 2018 references intrusive works by Terra Firma in 2012 and provides the trial pits and borehole logs within its appendices. The 2018 report recommends further investigation works and explains the scope of the recommended works. If the recommended works have been undertaken, they do not appear to have been submitted in support of this application. We advise that any work on this phase of the development, following the report's recommendations, be provided to your Authority for review.

We are aware that a significant amount of site investigation work and geo-environmental assessment reports have been carried out at the site. However, in order to us to provide your Authority with our detailed technical comments on the submitted application, it is essential that all relevant supporting information is provided and that it is also phase specific.

We can confirm that we are satisfied with the Preliminary Risk Assessment which has been provided to support the application. However, it is the other elements of the tiered risk-based conditions that we require further information on. In line with the advice given in Planning Policy Wales we understand that your Authority must decide whether to obtain such information prior to determining the application or as a condition of the permission. Should you decide to obtain the necessary information under condition we would request that the following conditions be applied.

Condition 1: No development in a specific parcel of land known to be / suspected of contamination, 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 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.
2. 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.
3. 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.

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The remediation strategy and its relevant components shall be carried out in accordance with the approved details.

Justification: 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.

Condition 2: Prior to the occupation of the development 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.

Justification: 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.

Condition 3: Prior to the occupation of the development, a long-term monitoring plan for water quality and land contamination shall be submitted and approved in writing by the Local Planning Authority. The long-term monitoring plan should include:

- Details of the methods and triggers for action to be undertaken
- Timescales for the long-term monitoring and curtailment mechanisms (e.g. a scheme of monitoring for 3 years unless the monitoring reports indicate that subsequent monitoring is or is not required).
- Timescales for submission of monitoring reports to the LPA (e.g. annually)
- Details of any necessary contingency and remedial actions and timescales for actions
- Details confirming that the contingency and remedial actions have been carried out.

The monitoring plan shall be carried out in accordance with the approved details, within the agreed timescales.

Justification: A water quality and land contamination long-term monitoring plan should be submitted prior to occupation or operation, to ensure necessary monitoring measures are approved to manage any potential adverse impacts as a result of development water quality.

Condition 4: 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.

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Justification: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

Condition 5: No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Justification: To prevent both new and existing development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels of water pollution.

Condition 6: No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Justification: Piling/foundation details should be submitted to ensure there is no unacceptable risk to ground water during construction and methods/design are agreed prior to the commencement of development or phase of development.

**Pollution Prevention**

Construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are in place to manage dust, silt, surface water and the storage of waste during the construction phase.

Therefore, we recommend that a detailed Construction Environmental Management Plan (CEMP) is undertaken for the site. This should include site-specific measures which will be put in place to prevent pollution to the surrounding land and water environments.

Condition: No development shall commence until a phase Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods including details of materials, waste, contaminated land, etc.
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffer zones, relevant protection measures e.g. fencing, etc.
- Soil management, topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.
- Control of Nuisances: restrictions on timing / duration / frequency of works, e.g. noise / vibration from piling activities, dust control measures, control of light spill.
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Traffic Management: deliveries, plant on site, wheel wash facilities.

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- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details.
- The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction.

**Protected Sites**

As you will be aware the boundary of the Six Pit, Swansea Vale and White Rock Site of Special Scientific Interest (SSSI) is located close to the development site.

We note that the Phase 9 site boundary lies some distance from the boundary of the SSSI and providing that an appropriate Construction Environmental Management Plan (CEMP) is prepared and adhered to, we would be satisfied that the proposal would not impact upon the features of the SSSI.

**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, including environmental interests of local importance.

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.

**The Coal Authority**

The Coal Authority Response: Material Consideration

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

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal workings associated with a thick coal seam outcrop.

The supporting Phase 1 Geo-environmental Site Assessment Report (dated December 2018, prepared by Terra Firma (Wales) Ltd), which accompanies the planning application correctly identifies that the application site has been subject to past coal mining activity and has been informed by an appropriate range of sources of information.

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Based on this review of existing sources of geological and mining information, along with the results of an intrusive site investigation, the report confirms that the recorded workings are at such depth not to have any influence on ground stability. Accordingly, no specific remedial measures are considered necessary.

The Coal Authority Recommendation to the LPA

The Coal Authority considers that the content and conclusions of the supporting Phase 1 Geo-environmental Site Assessment Report (dated December 2018, prepared by Terra Firma (Wales) Ltd) are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable for the proposed development. The Coal Authority therefore has no objection to the proposed development.

**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.

As part of our response to pre-application consultation we advised that foul flows generated by this development can be accommodated within the public sewerage system. Notwithstanding this, our response advised that the proposed development site is crossed by a 600mm public rising main, along with private foul and surface water sewers and rising main, with their approximate positions being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. With respect to the submitted 'Planning Issue Masterplan - Phase 9' (Drawing No. 444-1107), it appears the proposed development would be situated outside the protection zone of the public rising main, measured 3 metres either side of the centreline, along with private sewers in which the foul sewer communicates to a foul sewerage pumping station (SPS). However, please note, we would advise that no habitable buildings should be constructed within 15 metres of this SPS and would recommend consultation with the Council's Environmental Health department, as to minimise any effects of noise and odour nuisance.

Our response also advised that the development would require SAB consent and as part of this planning application we acknowledge receipt of a 'Proposed Drainage Strategy' which appears to indicate proposals to a private surface water sewer. 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.

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

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**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.

We would like to make the developer aware that the proposed development is within close proximity to a foul sewerage pumping station and would recommend that no habitable buildings should be constructed within a 15m vicinity of the pumping station as to minimise any effects of noise and odour nuisance.

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

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

**Education**

**Requested Contribution:**

Primary: There is no request for a developer's contribution towards Education in respect of the English medium primary school (Cwmglas primary) or the Welsh medium primary school (Y.G.G. Y Cwm) due to the current number of unfilled places and the low impact of this development on pupil numbers.

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Secondary: There is no request for a developer's contribution for the English medium secondary school (Cefn Hengoed Comprehensive) due to the impact this sum could make on increasing pupil numbers.

There is no request for a contribution for the Welsh medium secondary school (Y.G. Bryntawe).

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**

In response to the planning consult for 2021/0944/FUL Land At Upper Bank Nantong Way; the LDP Policy H3 Affordable Housing sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability. In this case the application is in the East Strategic Housing Policy Zone where the H3 target is for 10% of the total number of dwellings provided on site to be affordable homes.

The highest need is for social rented affordable housing. The scheme proposal is for 30 residential apartments, which equates to 3 affordable onsite homes. The units are to be transferred to the RSL, Caredig Housing Association (formerly Family Housing Association). The onsite provision will need further discussion regarding the location, management/maintenance and service/leasehold charges which may be applicable. The affordable accommodation must be built to WDQR 2021 standards.

In circumstances where affordable housing cannot be delivered onsite the LDP H4 policy should be considered. The LDP makes it clear that only in exceptional circumstances should the requirement for on-site provision be waived. In these instances off-site provision or contributions will be sought as an alternative.

**Placemaking and Strategic Planning**

I note that the latest plans includes clarification of external areas for sole use of ground floor flats, communal space and landscape areas. This is welcomed but it is not clear how the ground floor defensible spaces are enclosed because nothing is shown on the boundaries plans and some areas are shown in the planning drawing as landscape planting.

This does not require a further amended plan but should be specifically addressed via a condition requiring details of how the defensible spaces to ground floor flats are defined/separated from communal areas.

**Placemaking and Strategic Planning - Viability Appraisal**

**Background**

The comments provided in the appraisal below are supplemental to representations previously made by the Placemaking and Strategic Planning (PSP) Section in relation to this application.



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For the avoidance of doubt, the full range of comments that have been made by the PSP Section in relation to this application are not repeated in this response but should be referenced, as appropriate, in the determination of the application.

Financial Viability matters - Updated Information

The most recent PSP Section comments (dated 7/10/22) noted that very limited supporting information had been provided that could be used to substantiate the various significant external costs, balconies costs, abnormal costs and professional fees that the applicant has highlighted as being applicable in this case. The comments confirmed that for the Council to fully understand these elements it would be necessary for full disclosure to be made of the evidence by providing a full breakdown of these cost elements so they could be verified. The applicant has provided further evidence and explanatory information, which is considered below.

External costs

Further information has been provided by the applicant regarding the lump sum "external cost" of £510K included in their viability assessment in order to disaggregate this cost to demonstrate what it includes and covers. The further information details itemised costs for the following external elements along with further explanations of each:

- Service trenches
- Drainage
- Highway and footpaths
- Drives and parking areas
- paths/patios/chipping borders/ garden preparation
- Groundworks preliminaries
- Brickwork garden walls

Professional fees

Further information has been provided by the applicant regarding the lump sum "professional fees" cost of £410K included in their viability assessment in order to disaggregate this cost to demonstrate what it includes along with further explanation of each under the following headings:

- Architect & Planning
- Quantity Surveyor
- LABC Warranty/ Building Control
- Consultant Engineer
- Project Management
- CDM manager
- Accountancy & Legal: Management Company set up, share allocation, Company registration and Lease drafting
- Bank and legal facility fee
- Sound & Air Testing
- SAP Calcs
- Welsh Water Inspection and legal fees
- Bonds

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- Street Lighting Design & Street Naming
- Insurances

**Abnormal costs**

Further explanation and disaggregation of costs has been provided with regard to the itemised abnormal costs included in the applicant's model, including for the following:

- Site clearance and removal of material,
- abnormal foundations,
- ground remediation and capping,
- piling / groundworks and detailed tasks involved in this aspect,
- retaining walls, and
- provision of bin and bike stores.

Further explanation and disaggregation of the costs of installing balconies, and confirmation that these are not included in the basic plot build cost rate, has also been provided.

**Conclusions**

The applicant has responded to the points raised in the previous PSP comments by submitting additional information to substantiate and clarify viability points made. The Council accepts on the basis of the information that has now been provided that there are significant external and abnormal costs which impact on the viability of this scheme. Whilst the Council has not undertaken a full audit of each of the itemised costs in order to interrogate their validity and accuracy, there is sufficient weight of evidence that additional costs in this instance undermine the viability of the scheme. It is considered reasonable for the Council in the current climate of economic uncertainty affecting the housebuilding sector to accept the costs provided in this particular case and at this time, without prejudice to any required negotiations on any future planning applications.

The flats proposed to be delivered will, subject to other planning matters being found by the case officer to be acceptable, make a welcome contribution to the range and choice of housing supply in this area at a relatively affordable price in the context of private market prices for apartments/flats available in nearby areas. In this particular case, involving the construction of a block of apartments, it would also be difficult to physically integrate and manage affordable housing provision within the scheme itself, although an offsite contribution would have been the alternative mechanism if viability had allowed.

The Council's review of the financial viability information indicates that the inclusion within a viability appraisal of the applicant's significant external costs, balconies costs, abnormal costs and professional fees, along with the inputs previously accepted (noted in previous PSP comments), yields a forecasted profit that is below the circa 10% profit on GDV level on which the applicant had previously indicated in their own assessment that they are willing to proceed on. On that basis, the evidence indicates that an off-site contribution for affordable housing (which would have normally applied in this case where the affordable homes cannot reasonably be integrated on site) would not be viable in this case.

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### Local Highway Authority

Following previous comments the site layout has been amended to revision L, this was accompanied by tracking drawings which demonstrate the site is able to be serviced by a refuse truck, and the proposed parking bays are accessible, parking is provided in lien with the levels used in other phases of the development.

Junction visibility splays have been assessed and are acceptable, the site is well connected for pedestrians and provides a direct route to the main access road.

Queries remain as to how this application related to the overall outline consent for the site which currently stands at 250 units, with the new permanent access to Nantong Way to be completed by 31st April 2022 (2021/0889/S73). It is not thought that an additional 30 units would lead to any capacity issues at the new junction.

The applicant has indicated the proposed streets are not to be offered for adoption, the Highway Authority will require details of the proposed arrangements for management and maintenance, including details of the proposed Management and Maintenance Company, inspection regime and intervention levels this should be secured by condition.

This is a full application, and is therefore considered in isolation however it is noted there are outstanding s106 contributions on the wider development site 2006/1902, this related to the provision of traffic calming measures near Pentrechwyth School.

Highways has no objections to the internal layout proposals subject to:

1. Prior to the commencement of development full details of the proposed arrangement for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall be thereafter maintained in accordance with the approved management and maintenance details.
2. All front boundary treatments shall be less than 1m in height, and all visibility splays and forward visibility envelopes shall be kept clear of any obstruction greater than 1m in height.

### Local Drainage Authority

Schedule 3, Flood and Water Management Act 2010.

Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.

From 7 January 2019, all new developments more than 100m<sup>2</sup> will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

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Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

- Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- The SAB also has powers of inspection and enforcement
- And uses discretionary powers to offer non-statutory pre-application advice

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m<sup>2</sup> or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainable drainage> and by contacting the SuDS Approval Body via email [Sab@swansea.gov.uk](mailto:Sab@swansea.gov.uk)

### **Pollution Control**

We have no objections to this application would like the following conditions and informatives attached:

Condition1:

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.

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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, setting, current and proposed use.
- 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 sourcepathway-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.

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

Condition 2:

If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

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

Informatives:

**1 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 Control of Pollution Act 1974, section 61, please contact [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk) and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

**2 Smoke/ Burning of materials**

No burning of any materials to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**3 Dust Control**

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

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Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

**4 Lighting**

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

**Tree Officer**

No objection.

Please condition a landscape scheme to include tree planting to create a sense of 'place'.

**Local Authority Ecologist**

**OUTCOME OF ECOLOGICAL INVESTIGATION**

Relevant documents reviewed:

- Preliminary Ecological Appraisal, Wildwood Ecology October 2021;
- PAC Report, Hygrove April 2021;
- Design and Access Statement, Hygrove April 2021;
- Masterplan - Phase 9, DPS Architecture November 2021; and
- Green Infrastructure Assessment, Wildwood Ecology March 2022.

The application site is located wholly within the Pluck Lake (Lower Swansea Valley) Site of Importance for Nature Conservation (SINC).

Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following:

Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site.

Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
  - ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts;
- and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

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In assessing the potential harm the Council will consider:

- The individual and cumulative effects which will include impacts during construction;
- The role of the site in the ecological connectivity network; and
- Whether effective mitigation and/or compensation measures have been provided.

Condition:

Prior to the commencement of development on site, a scheme to mitigate for the loss of SINC habitat shall be submitted to the LPA for approval. It is noted that the previous SINC habitats on the application site (mixed woodland & lowland meadow) have been severely degraded or completely removed by earlier phases of development in this area. Therefore, compensation measures may comprise financial contribution towards the management and enhancement of the remaining SINC habitats adjacent to the application site.

**Other Protected Sites**

The application site is adjacent to the Six Pit, Swansea Vale and White Rock Site of Special Scientific Interest (SSSI). Therefore, measures will need to be undertaken to avoid any negative impacts upon the protected site and the species and habitats it supports.

**Construction Environmental Management Plan (CEMP)**

Condition:

Prior to the commencement of development on site, a CEMP for the site shall be submitted to the LPA for approval. 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. It should include specific measures to ensure the protection of the SSSI, SINC and River Tawe.

**Landscaping**

Condition:

Prior to the commencement of development on site, a full landscaping strategy for the site shall be submitted to the LPA for approval. It shall include native tree, shrub and grassland species and the details of their long-term management, as recommended within the submitted Green Infrastructure Assessment.

**Invasive Non-native species (INNS)**

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

Condition:

As Japanese knotweed, Himalayan balsam and Montbretia were recorded, an INNS Management Plan shall be submitted to the LPA for approval, prior to the commencement of development 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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**Protected Species**

**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 (01792 634960 / 0300 065 3000).

**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 of trees, shrubs or scrub 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.

**Badger:**

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.

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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 (01792 634960 / 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 must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

**Hedgehog:**

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.

**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 shall 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.

**Lighting Strategy**

**Condition:**

Prior to the commencement of development on site, a sensitive lighting strategy for the site shall be submitted to the LPA for approval. It should aim to protect bats and other nocturnal species, and nearby habitats. A plan showing location, light spill and specification for any proposed lights on the site 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-planninganddevelopment/lighting>

**Sustainable Drainage (SuDS):**

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more require sustainable drainage to manage on-site surface water. It is advised that reference is made to the Swansea Council LDP.

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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

Ecological Enhancements:

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

A scheme to demonstrate that the development will conserve and enhance biodiversity and resilient ecosystems will need to be approved by the LPA. This is in line with the Section 6 Duty of the Environment (Wales) Act 2016, the Resilient Wales Goal of the Well-being of Future Generations Act 2015, Planning Policy Wales Edition 11 and Technical Advice Note 5.

The site is within a BugLife "B-Line" and therefore enhancements for pollinators, including wildflowers and insect hotels are encouraged, along with the recommendations for Biodiversity Enhancement in Section 5 of the PEA report (native species & fruit tree planting, bird boxes and bat boxes).

Condition:

The proposed specification and location of the enhancements shall be shown on an architectural drawing submitted to the LPA for approval, prior to the commencement of development on site. 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.

Reason: Conserving and enhancing biodiversity and ecosystem resilience.

**Public Consultation**

The application was advertised by a site notice and press notice. The press notice will expire on 19th December. To date, one letter of objection has been received which is summarised below:

- Lack of parking for the proposed apartments
- Windows will overlook existing properties
- The roadways installed throughout the site are not wide enough to enable kerbside parking
- The proposed crossing is positioned in front of the driveway for 2 Upper Bank Court

**Principle of Development**

The application site is located within the urban area of Bonynmaen where the local context is dominated by housing. There are no specific LDP Policies that would seek to resist the provision of housing in this location and on this basis it is considered, in principle, the proposal would not fundamentally conflict with LDP Policies.

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### Visual Amenity

The application site is prominent from Nantong Way and forms a gateway into the Brunel Woods development. There are four blocks of flats proposed, comprising of three different house types.

House Type 44 is a two storey building with a hipped roof. It will comprise of 6 x no. 2 bedroom flats. The front elevation will comprise of two front projecting gables finished in stone with canopies over the doors. This elevation will face the primary vehicular entrance to the site and is considered to represent a well-designed elevation. The rear elevation of this house type will comprise three gable features with patio doors to the ground floor and full balconies and a Juliet balcony to the first floor. The inclusion of the gable features, mix of materials and balconies will create suitably interesting elevations.

House Type 42 is a three storey building with projecting gables and a hipped roof. It will comprise a mix of materials to ensure there are no bland elevations. This is particularly important for this house type as it will face Vale Street/Nantong Way. This block comprises of 6 x no. 2 bedroom flats

House Type 49 is a three storey building with projecting gables and a hipped roof. It will also comprise of a mix of materials. House type A49 comprises of two blocks within the development and each block comprises of 9 x no. 2 bedroom flats.

Each house type provides continuity to the scheme through similar features such as the projecting gables and hipped roofs and balconies, however as they are not identical there will be sufficient visual interest within the site which is welcomed and adheres to placemaking principles.

The housing blocks and car parking spaces will be suitably broken up by landscaping which is welcomed to ensure that the site is not dominated by hardstanding areas and to provide appropriate open spaces around the blocks for residents. It is considered that the proposed layout of the car parking spaces and pedestrian routes are such that the site will be well accessed for vehicular and pedestrian traffic and will adhere to the placemaking principles espoused in National and local policy.

It is considered that detailed matters relating to materials, boundary treatments and landscaping can be dealt with via suitably worded conditions.

### Residential Amenity

In terms of residential amenity each upper floor flat will have access to a private balcony which are considered to represent an appropriate size and would provide enough space for a table and chairs. It is noted that the upper floor flat to house type 44 will have a Juliet balcony rather than a full balcony. This is due to the proximity of this flat in relation to house type 42, this is due to potential overlooking impacts. It is therefore considered reasonable for this flat to have a Juliet balcony only. It is noted from the submitted plans that there are areas within the development designated for communal use and siting out.

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It is therefore considered that the impact of the lack of balcony for this one particular flat would not be so detrimental to warrant a recommendation of refusal.

In addition to the above each ground floor apartment will benefit from direct access to individual private amenity areas.

Overall, it is considered that the proposed amenity areas would be sufficient to serve the needs of the future occupiers. The accommodation itself would provide for sufficient outlook, the flats are also of an acceptable size and would benefit from natural ventilation from windows.

Turning to impact upon neighbouring residential properties, it is acknowledged that there may be some noise and disturbance to neighbouring residents from construction activities, however, this would be for a temporary period only for the duration of the construction phase and could be adequately managed through good site management and considerate construction practices. A CEMP condition would also be attached to set out mitigation measures to limit the environmental impacts of the development. Should there be any significant noise or disturbance to neighbours from the construction, this could also be dealt with through environmental health legislation.

In addition to the above, the blocks of flats are located some distance from the nearest residential properties, the nearest rear elevation being approximately 20m from the side elevation of house type 49. This is considered a sufficient distance and the windows to this elevation are secondary windows only. It is therefore considered that the separation distances involved are sufficient to protect the future occupiers of the flats and the existing occupiers of the nearest dwellings.

The site is located within a residential area and it is not considered the comings and goings or general activities associated with future occupiers of the flats would result in any significant noise or disturbance to neighbouring occupiers.

Therefore having regard to the above it is considered that the proposal represents an acceptable form of development which complies with the guidance contained within the Placemaking Guidance for Residential Development SPG and LDP policies.

### **Ecology and Trees**

The applicant has submitted an ecological appraisal and green infrastructure strategy in support of the application. The site is located entirely within the Pluck Lake (Lower Swansea Valley) SINC. 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.

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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 is considered reasonable and necessary to impose conditions in relation to the provision of 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 via an informative note should permission be granted.

The Council's Ecologist has requested a condition relating to mitigation and compensation for the loss of SINC habitat. It is considered that a suitably worded condition with regards to landscaping, as described within the Green Infrastructure Strategy along with an INNS management plan would provide satisfactory mitigation and compensation for the site.

NRW have stated that subject to the inclusion of a condition with regards to the submission of and adherence to a CEMP, they have no objections to the development and its proximity to the adjacent SSSI.

The Council's Tree Officer offers no objection to the proposal subject to the inclusion of a landscaping condition.

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.

**Affordable Housing**

Policy H3 of the Swansea Local Development Plan requires that on sites of 5 or more dwellinghouses in residential areas that affordable housing shall be sought at different levels depending on location. Under the Policy there is a target percentage of 10% of the total number of homes on the site to be affordable, which equates to 3 homes.

Policy H3 also states that in determining the level of affordable housing appropriate for a site, all relevant development variables will need to be considered as part of any assessment and subject to consideration of the financial viability of the proposal. In this respect, the applicant has submitted a detailed viability assessment which provides a breakdown of external costs, abnormal costs and the costs associated with professional fees. Whilst the Council has not undertaken a full audit of each of the itemised costs, there is sufficient weight of evidence provided to indicate with a strong degree of certainty that the additional costs in this instance would undermine site viability. The forecasted profit for the developer would be below the 10% profit on GDV level the developer had previously indicated they would be willing to proceed on. The current climate of economic uncertainty has also been a factor that has been taken into consideration in this instance.

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In light of the above, it has been demonstrated that the scheme cannot bear any affordable housing provision while providing the developer with an acceptable return. The proposed development would still make a material contribution to the range and choice of housing supply in this area at a relatively affordable price. Given the proposals are for blocks of flats, it would be challenging to integrate affordable units within the scheme, although an alternative mechanism would have been the provision of an off site contribution, had viability allowed. The scheme would provide relatively affordable market housing within a sustainable location and would otherwise be consistent with LDP Policies. On this basis, and having regard to the viability exercise, it is considered that the proposed development would not conflict with the requirements of LDP Policy H3.

**Education**

The Council's Education department have been consulted on this application. They have responded to state that there is no request for a developer's contribution towards Education in respect of the English medium primary school (Cwmglas primary) or the Welsh medium primary school (Y.G.G. Y Cwm) due to the current number of unfilled places and the low impact of this development on pupil numbers.

In addition there is no request for a developer's contribution for the English medium secondary school (Cefn Hengoed Comprehensive) due to the impact this sum could make on increasing pupil numbers. There is no request for a contribution for the Welsh medium secondary school (Y.G. Bryntawe).

There are therefore no S106 requirements in terms of education.

**Drainage**

It should be noted that surface water drainage would be dealt with via separate legislation through the SuDS Approval Body consent process.

With regards to foul water Welsh Water have requested that a condition with regards to the submission of a foul water strategy be imposed and standard advisory notes.

**Land Stability/Contamination**

The application site is located within the defined Development High Risk Area for Coal Mining.

The submitted Phase 1 Geo-Environmental Assessment Report identifies that the application site has been subject to past coal mining activity. The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application, specifically probable shallow coal workings associated with a thick coal seam outcrop.

The submitted report confirms that the recorded workings are at such depth not to have any influence on ground stability and demonstrates that the application site is safe and stable for the proposed development. No specific remedial measures are considered necessary by The Coal Authority and therefore The Coal Authority offers no objection to the proposals.

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Turning to land contamination the application site is located within an area of historic contaminated land, namely Pluck Lake Area and Upper Bank Tips. The Council's Pollution Control Department and NRW have been consulted and have 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.

**Access and Highway Safety**

The Local Highway Authority raise no objections to the proposal subject to conditions in relation to the future maintenance of the internal roads and boundary treatments.

The development is below the threshold for the submission of a Transport Assessment. The car parking levels are considered appropriate for the scheme and the access points and internal road layout are considered appropriate for the scale of the development.

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)

**Other Matters**

The objections raised from the public consultation with regards to car parking, residential amenity and highway safety have been addressed in the main body of this report.

In respect of other S106 requirements, the scheme would provide 30 two bed units, as such the development would generate a small demand for play facilities either on or off site in accordance with LDP Policy SI 6. There is little scope for on site play facilities, however, a play area has been consented within the existing Upper Bank development that is approximately 200m from the site, which could meet the demand generated by the development. Given the challenging viability it would not be reasonable to request a contribution for upgrades to play facilities in the area which, in any event, would not be a reasonable walking distance from the site.

The site lies within 500m of Scheduled Ancient Monuments (SAM) - Morfa Bridge and Quays. Given the intervening land features between the SAM and the application site, it is not considered that the development is likely to be visible from, or have any impact upon, the SAM.

**Conclusion**

In conclusion it is considered that the proposals represent 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, highway safety, 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 WCFG Act").



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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 WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

**Recommendation:**

**APPROVE, subject to the following conditions and subject to no comments being received prior to the press notice expiring on 19th December 2022 that would raise material matters that have not previously been considered within the above report:**

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:

444-1107 O planning issue masterplan - phase 9, 444-1109 D location plan - phase 9, 444-1115 C planning issue site sections - phase 9, 444-1116 D external area designations - phase 9, 444-1117 C planning issue vehicle tracking - phase 9, 444-1120 A alternative road layout - phase 9, 444-9284 I type 42 - apartment 6 x 2 bed - planning GA plans, 444-9285 H type 42 - apartment 6 x2 bed - planning elevations, 444-9288 F type a44 - apartment 6 x2 bed - planning GA plans, 444-9289 E type a44 - apartment 6 x 2 bed - planning GA elevations, 444-9299 E type a49 - apartment 9 x 2 bed - planning GA elev. 444-9298A F type a49 - apartment 9 x 2 bed - planning GA plans, 444-9298B A type a49 - apartment 9 x 2 bed - planning GA plans, received 21st July 2022.

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

3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The scheme shall include the recommendations within Section 4 the Wildwood Ecology Green Infrastructure Assessment dated 4/03/22.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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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.

- 4 Prior to the commencement of development, a detailed scheme for the eradication of Invasive Non-Native Species (INNS) and a timetable for its implementation shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved scheme and timetable.

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

- 5 Prior to the commencement of any superstructure works associated with the construction of the units hereby approved, 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 shall reflect the Bat Conservation Trust's latest guidance.

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.

- 6 Notwithstanding the details indicated on the approved drawings, prior to the first beneficial occupation of any unit hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority, including details of the boundary treatments to the ground floor flats. Hedgehog gaps shall be provided at strategic points within boundary enclosures. The boundary treatments shall be completed as approved before any of the ground floor flats are occupied and shall thereafter be retained as such.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.

- 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 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.

- 8 No development including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include specific measures to ensure the protection of the SSSI, SINC and River Tawe and shall include the following details:

- 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;
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures;
- 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;
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phase of the development.

Reason To ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction phase.

- 9 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).

- 10 Prior to the occupation of any of the units 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. 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.

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- 11 Notwithstanding the submitted details, no development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

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

- 12 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
- 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.

- 13 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.

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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.

- 14 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: To ensure the risks associated with previously unsuspected contamination at the site are dealt with through a remediation strategy, to minimise the risk to both future users of the land and neighbouring land, and to ensure that the development can be carried out safely without unacceptable risks.

- 15 The bicycle parking area as detailed on the approved plans 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).

- 16 Notwithstanding the submitted details, prior to the first beneficial occupation of any unit hereby approved, details of the external materials of the bin store (which shall be brick or similar) shall be submitted to and approved in writing by the Local Planning Authority and retained for the lifetime of the development.

Reason: In the interests of visual amenity in accordance with Policy PS2 of the adopted Swansea Local Development Plan (2010-2025).

- 17 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).

- 18 No development shall commence until details of piling or any other foundation designs using penetrative methods sufficient to demonstrate that there is no unacceptable risk to groundwater have been submitted to and approved in writing by the Local Planning Authority. The piling/foundation designs shall be implemented in accordance with the approved details.

Reason: Piling/foundation details should be submitted to ensure there is no unacceptable risk to ground water during construction and methods/design are agreed prior to the commencement of development or phase of development.

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### 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: PS1, PS2, PS3, ER2, ER6, ER8, ER9, ER11, T1, T5, T6, EU4, RP2, RP3, RP4, RP5., RP6, RP7, H2, H3, SI1, SI3, SI8 and IO1

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

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

- 3 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.

- 4 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 (01792 634960 / 0300 065 3000).

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5 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.

6 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.

7 1 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 Control of Pollution Act 1974, section 61, please contact [pollution@swansea.gov.uk](mailto:pollution@swansea.gov.uk) and ensure any application is submitted a minimum of 28 days prior to commencement of any works.

2 Smoke/ Burning of materials

No burning of any materials to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

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The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting.

- 8 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainabledrainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.

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

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

- 10 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit <https://www.swansea.gov.uk/streetnamingnumbering> or contact the Council's Street Naming and Numbering Officer Tel: 01792 637127; email [snn@swansea.gov.uk](mailto:snn@swansea.gov.uk)