



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Planning Committee

**At:** Council Chamber, Guildhall, Swansea

**On:** Tuesday, 9 January 2018

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

#### Membership:

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

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The use of Welsh is welcomed. If you wish to use Welsh please inform us by noon on the working day before the meeting.

#### Agenda

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| <b>1</b> | <b>Apologies for Absence.</b>   |                  |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interests.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a> |                  |
| <b>3</b> | <b>Minutes.</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.  | <b>1 - 2</b>     |
| <b>4</b> | <b>Items for Deferral/Withdrawal.</b>   |                  |
| <b>5</b> | <b>Confirmation of TPO632, St Teilo's Church, Pontarddulais.</b>  | <b>3 - 5</b>     |
| <b>6</b> | <b>Determination of Planning Applications under the Town &amp; Country Planning Act 1990.</b>   | <b>6 - 170</b>   |
| <b>7</b> | <b>Countryside Access Plan.</b>   | <b>171 - 182</b> |

**Next Meeting:** Tuesday, 6 February 2018 at 2.00 pm

*Huw Evans*

**Huw Evans**  
**Head of Democratic Services**  
**Wednesday, 20 December 2017**  
**Contact: Democratic Services - 636923**

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City and County of Swansea

## Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 5 December 2017 at 2.00 pm

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

**Councillor(s)**

C Anderson  
M H Jones  
P B Smith

**Councillor(s)**

P M Black  
M B Lewis  
D W W Thomas

**Councillor(s)**

L S Gibbard  
R D Lewis  
L J Tyler-Lloyd

**Apologies for Absence**

Councillor(s): A H Stevens and T M White

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

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

**47 Minutes.**

**Resolved** that the Minutes of the Planning Committee held on 7 November 2017 be approved as a correct record.

**48 Items for Deferral/Withdrawal.**

(Item 1) Planning Application 2017/1684/OUT - Construction of 40 dwellings, new access road and replacement bridge (outline) at Land At Felin Fran, Llansamlet, Swansea

Application withdrawn by the applicants.

**49 Determination of Planning Applications under the Town & 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 (#)

**Resolved**

1) that the undermentioned planning applications **Be Approved** subject to the conditions in the report:

(Item 2) Planning Application 2017/2201/FUL - Replacement detached dwelling with detached garage at Underhill , Llanmadoc, Swansea

A visual presentation was provided.

(Item 3) Planning Application 2017/2220/FUL - Change of use from residential (Class C3) to 3 bedroom HMO (Class C4) at 8 Lewis Street, St Thomas, Swansea

A visual presentation was provided.

Mr Rowe (objector) addressed the Committee.

Councillors C E Lloyd & J Hale (Local Members) addressed the Committee and spoke against the application.

(Item 4) Planning Application 2017/1451/OUT - Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space. (outline application - all matters reserved) at Former Cefn Gorwydd Colliery, Gorwydd Road, Gowerton, Swansea

A visual presentation was provided.

Mike Rowlands & Val Higgon (objectors) and Phillipa Cole (agent) addressed the Committee.

Councillor C A Holley on behalf of Councillor S M Jones (Local Member) addressed the Committee and spoke against the application.

Application approved in accordance with the recommendation subject to a Section 106 Planning Obligation as detailed in the report.

(Item 5) Planning Application 2017/2195/ADV - 1 internally illuminated free standing sign and 2 non illuminated fence mounted signs at 30 Uplands Crescent, Uplands, Swansea

A visual presentation was provided.

Councillors N J Davies & I E Mann (Local Members) addressed the Committee and spoke against the application.

The meeting ended at 3.17 pm

**Chair**



## Report of the Head of Planning and City Regeneration

Planning Committee - 9 January 2018

### Provisional Tree Preservation Order TPO 632

### Land at St Teilo's Church, Church Lane, Pontarddulais, Swansea (2017)

To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 632: Land at St Teilo's Church, Church Lane, Pontarddulais, Swansea (2017)

**Recommendation:**

That the Tree Preservation Order TPO 632: Land at St Teilo's Church, Church Lane, Pontarddulais, Swansea (2017), be confirmed

**For Decision**

#### 1. Introduction

- 1.1 The provisional Order was served on 12<sup>th</sup> June 2017 following the Council receiving information that St Teilo's Church intended to fell four trees in the church yard.
- 1.2 The Vicar of St Teilo's Church did not indicate which trees were going to be removed when asking if any were protected. Subsequent site investigations found that good quality mature trees surround the church. To ensure local amenity was not adversely affected TPO632 was served.

#### 2. Objections and Representations

- 2.1 Two letters expressing objections have been received within the minimum required consultation period. No letters of support have been received.
- 2.2 The inhabitants of 6 Ffordd Yr Odyn object to the trees in the church yard being protected for the following reasons:
  - The trees shade their rear garden and house significantly;
  - The branches of the tree overhang their garden and pose a danger if they were to break;
  - The trees are 'unstable' due to previous work.

- 2.3 The inhabitants of 4 Ffordd Yr Odyn object to the trees in the church yard being protected for the following reasons:
- The trees shade their rear garden and house significantly;
  - Their rear lawn is being affected by leaf fall, uptake of water and root growth;
  - The trees adjacent to their garden are unbalanced and overhang;
  - The trees adjacent to their garden were not protected when their removal was agreed with the Vicar;
  - The four trees adjacent to their garden identified for removal could have been excluded from the order with prior discussion.
- 2.4 Following discussions with the Authority's Tree Officer a tree works application (2017/1584/TPO) was submitted to the Council to fell the four trees adjacent to 4 and 6 Ffordd Yr Odyn. The felling of two of the four trees was approved as their removal would not be detrimental to the local amenity.
- 2.5 The removal of the other two trees was not permitted as this would have changed the character of the churchyard, and would have had too great an impact on the amenity of the area.
- 2.6 An appeal has not been made against this decision to the Planning Inspectorate.

### 3 Appraisal

- 3.1 **Objection:** The trees shade their rear garden and house significantly.  
**Response:** The trees adjacent to 4 and 6 Ffordd Yr Odyn are to the North of these properties. It is acknowledged that there will be some shading late in the afternoon, but it is considered that this will be minimal and could be mitigated by pruning of the remaining overhanging canopies. Pruning of the overhanging branches would increase light into the garden whilst retaining the screening and setting of the church yard.



Photograph 1: Trees to the north of 4 and 6 (red cross) Ffordd Yr Odyn. Note shadows from houses

- 3.2 **Objection:** Overhanging branches pose a danger if they were to break / unbalanced trees.  
**Response:** Previous pruning of the trees has not been carried out in line with current best practice. The two remaining trees are oaks that are relatively slow growing and

are resistant to decay. Problems associated with the previous work typically apply to fast growing, easily decayed trees such as ash and sycamore.

There were no significant defects noted with the trees during the times of the site visits made by the Authority's Tree Officer. Any dead or damaged branches can be removed under exemption to prevent structural damage. For these reasons the trees are not considered to pose an unacceptable level of risk.

3.3 **Objection:** Negative effects to lawn.

**Response:** The lawn is uneven due to the growth of the tree roots and is suffering from the shading of the tree canopies. There is no right to light, however, these effects will have been significantly reduced by the removal of two of the trees and can be further reduced by the pruning suggested.

3.4 **Objection:** Trees not protected when their removal was agreed.

**Response:** The trees were not protected and this was confirmed to the Vicar when he telephoned the Council to see if they were protected or not. Not all trees worthy of protection within the County are protected as they may not have been under threat previously. The Vicar informed the Council he intended to remove four trees from the churchyard; under Section 198 of the Town and Country Planning Act 1990 the Council has power to make tree preservation orders. *"(1)If it appears to a local planning authority that it is expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area, they may for that purpose make an order with respect to such trees, groups of trees or woodlands as may be specified in the order."* The Council has made the TPO following assessment of the trees.

3.5 **Objection:** Exclusion of the four trees.

**Response:** This suggestion has stemmed from discussions with the Authority's Tree Officer that have been misinterpreted. The Tree Officer suggested that the 'requested' tree work could be applied for. As previously stated this work was applied for and approved for two of the trees. The area order status does not allow the exclusion of two / four of the trees and the conditioning of replacement trees.

3.6 In summary the trees that have objections made against their inclusion in the order have demonstrable amenity value and pruning work can be applied for that is likely to be approved if reasonable and not harmful to the health and longevity of the trees in question.

#### 4. **Recommendation**

It is recommended that the Tree Preservation Order, Land at: St Teilo's Church, Church Lane, Pontarddulais, Swansea (2017), TPO 632 be confirmed without amendment.

**Contact Officer:** Alan Webster **Extension No:** 5724

**Date of Production:** 18th December 2017

# Agenda Item 6

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: 9<sup>TH</sup> JANUARY 2018

<b>Bay Area</b> Team Leader Liam Jones - 635735	<b>Area 1</b> Team Leader: Ian Davies - 635714	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llangyfelach Llansamlet Mawr Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

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

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





## TWO STAGE VOTING

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

The first vote is taken on the officer recommendation.

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

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

Where the officer recommendation is for “refusal” and Members resolve not to accept this recommendation, appropriate conditions should then be debated and confirmed by means of a second vote. For reasons of probity, Member 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 pages 77 and 78 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	2017/1342/FUL	Land To The South Of 28, Christopher Rise, Pontlliw, Swansea, Swansea <b>Construction of 11 detached dwellings</b>	APPROVE
2	2017/1558/FUL	7 Kilvey Terrace, St Thomas, Swansea, SA1 8BA <b>Change of use from residential (Class C3) to 6 bedroom HMO for 6 people (Class C4)</b>	APPROVE
3	2017/1663/S73	Loughor Sports Pitch, Ffordd Cae Duke, Gorseinon, Swansea, Swansea, SA4 6PA <b>Variation of condition 20 of planning permission 2014/0306 granted 27/08/2014 to allow for the floodlighting to operate Monday to Friday 1630 - 2015 hrs</b>	APPROVE
4	2017/1676/FUL	Land To The Rear Of 101 Bishopston Road, Bishopston, Swansea, SA3 3EW <b>Detached dwelling and detached garage</b>	APPROVE
5	2017/2271/FUL	The Dingle, Caswell, Swansea, SA3 4RT <b>Proposed enabling development of a detached 2 storey dwelling house and detached garage within the Dingle Garden</b>	APPROVE
6	2016/1573	Land At The Former Unigate Dairy Site, Morfa Road, Swansea <b>Demolition of existing on site building /structures and construction of purpose built student accommodation (up to 706 bedrooms) (Sui Generis) within an indicative access / layout of 5 blocks &amp; scale parameters of 4 to 6 storeys with 4 No. ground floor commercial units of Block 1(A1/A2/A3 &amp;B1) and 1 No. ground floor convenience retail store (A1) / 1 No. commercial unit (A1/A2/A3 &amp; B1) of Block 2 together with ancillary communal uses including management / laundry / common room (D1 &amp; D2 uses), car &amp; bicycle parking/servicing area, associated engineering, drainage, related infrastructure and landscaping works (Outline Application - all matters reserved)</b>	APPROVE

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
7	2017/1948/FUL	Land Off Summerland Lane, Newton, Swansea, SA3 4RS <b>Development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering works</b>	APPROVE



## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

### ITEM 1 (CONT'D)

APPLICATION NO:

2017/1342/FUL

#### UDP - EV33 - Sewage Disposal

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

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

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

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

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

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

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

#### UDP - HC3 - Affordable Housing

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

#### UDP - AS2 - Design and Layout

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

#### UDP - AS6 - Parking/Accessibility

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

### SITE HISTORY

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

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

ITEM 1 (CONT'D)	APPLICATION NO:	2017/1342/FUL
2017/2482/S73	Variation of conditions 2 and 3 of 2009/1435 of planning permission granted 20th October 2009 to allow for a further period of five years to commence development.	PCO
2017/1342/FUL	Construction of 11 detached dwellings.	PDE
2009/1435	11 detached dwellings (outline)	S106 30.12.2014

### RESPONSE TO CONSULTATIONS

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

1. Unable to find the pumping station.
2. Houses have problems in their garden due to excess water.
3. Traffic noise for the houses as site is approached.
4. Can plans be displayed in the village hall?
5. Increase in vehicle use in particular on Oaklands Road with its difficult layout.
6. Other than single storey would have an unacceptable impact through overlooking and overbearing physical impact.
7. Other than a bungalow would be uncharacteristic of the neighbouring estate.
8. Access and egress of Swansea Road via Oaklands Road would exacerbate the traffic difficulties for residents.
9. Extra traffic would lead to congestion.
10. Oaklands Road is unsuitable for large lorries.
11. The village infrastructure is already under great pressure and has reached the point of being unsustainable.
12. If yellow lines are introduced along Oaklands Road and Woodfield Avenue then I will not be able to park outside my home and I require my car to be close at hand for work purposes.
13. Yellow lines would be unfair as there are no garages or driveways for residents to park on Oaklands Road.
14. A second access from Swansea Road would be a safer option.
15. Residents on the left hand side of Oaklands Road should be granted parking permits.
16. The application boundary encroaches onto the Christopher Rise footpath.
17. The numbered conditions the applicant refers to do not correspond with the minutes of the meeting.
18. The site is indicated as 1.4 acres but the Garrison Barclay website say the site is 6.56 acres which acknowledges the future development of the whole of the site.
19. I am concerned about the elevations.
20. The access should be re-considered.
21. The introduction of a mini-roundabout has not been considered.
22. It should be refused on the basis of access.
23. The site promoter says that there is a potential to re-plan the poplars and Christopher rise sites together and accesses via Swansea Road which is sound common sense.

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1342/FUL

24. Any suggestion of solving the pinch point area at Oaklands Road and Woodfield Avenue by putting down yellow lines will simply exacerbate and transfer the parking problems and cause hardship for elderly residents.
25. One of the reasons I bought my property was the quiet and peaceful location and I will be heavily affected by the development.
26. When the bungalows were built in Woodfield Avenue there was supposed to have been a one way system out in place but this never materialised.
27. The yellow lines will affect the value of our properties.
28. Cars parked on Swansea Road would create further hazards for children.
29. Introducing yellow lines will provide a solution as it will only move the problem from one place to another.
30. Yellow lines will led to neighbour discontent.
31. Poor visibility on bend at Oaklands Road/Woodfield Avenue.
32. The temporary Eisteddfod car park a few years ago has shown that it is possible to create a new access onto Swansea Road.
33. Concerns over safety as an ambulance or fire engine would have difficulty negotiating the roads in the evening.
34. The development will have a devastating effect on the quality of our lives not to mention the value of our homes.
35. I raise issues with the Highways response as the increase in traffic as whilst I appreciate that 11 new properties only adds an extra 10% to the traffic, it actually equates to an increase of nearly 30% over and above what the road was originally built to accommodate.

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

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

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

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

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

The Community Council has three points to make:

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

These views are elaborated upon below.

The access to the site is via Christopher Rise, which is a street of single storey dwellings. The outline planning permission provides that all properties in the proposed development would be accessed via a new estate road to be constructed along with this new development.

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1342/FUL

The detailed planning application envisages two of the new dwellings accessing directly off Christopher Rise with a new access road for the remaining nine dwellings.

The detailed planning permission application is for a variety of five different styles (although details of only two designs appear in the application) but including 4 bedroom and 3 bedroom dwellings with two parking spaces and an integral garage. Although the application suggests these are “single storey dwellings with accommodation in the roof space” the reality is that these are effectively 3 and 4 bedroom houses. In the view of the Community Council this is contrary to what was originally proposed and will result in an intensification of the use of the site beyond what was originally intended and envisaged when the outline planning permission was granted. The types of dwelling proposed are out of keeping with the existing development in the area.

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

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

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

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

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

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

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

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



**PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018**

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1342/FUL

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

1. The permitted development rights being removed with respect to the garages and the parking areas as indicated being maintained for parking purposes only in perpetuity.

2. The front boundaries to the dwellings being kept below 1m in the interests of visibility.

3. The works to facilitate vehicular access to the site being undertaken under a section 278 Agreement with the Highway Authority.

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

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

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

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

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

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

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

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1342/FUL

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

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

### **APPRAISAL**

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

The full planning application is for the construction of 11 dwellings.

A previous outline planning application, including details of access and layout, was approved in December 2014 – 2009/1435 refers. As the current application indicates changes to the previously approved layout under 2009/1435, the application cannot be considered as a reserved matters application and therefore is being considered as a full application. It should be noted that the access details remain as previously approved and that the outline permission is still extant. Member are advised that an application to extend the life of the outline planning application has been submitted and is currently being considered - 2017/2482/S73 refers.

As the scheme is for 11 dwellings, it represents a major development (10+dwellings) as defined by the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). In light of this the applicant has undertaken a Pre-Application Consultation (PAC) exercise as required by the recent introduction of the PAC process by the National Assembly of Wales on 1st August 2016, under Article 1 of the Town and Country Planning (Development Management) (Wales) (Amendment) Order 2016. The required PAC report has been submitted to the Local Planning Authority. Members will recall that the application was originally due to be considered by Committee on 7th November 2017 but was deferred to allow this process to be completed

#### **The Site and its Surroundings**

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

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

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1342/FUL

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

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

### Main Issues

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

Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 determinations of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10th November 2008.

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

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

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

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

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**Character and Appearance of the Area**

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

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

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

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

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

Having regard to the above it is considered the layout of the development and the footprint of the dwellings would be in accordance with the layout and built form of the dwellings in the surrounding area. In this respect the character of the development would complement the low rise, low density housing surrounding the site to the north and east.

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**ITEM 1 (CONT'D)**

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In terms of the visual appearance of the development, the footprints of the buildings together with the dormer style bungalows proposed will ensure that the development will not result in any significant adverse impacts in terms of visual appearance, and therefore would be satisfactory in terms of its impact on the character and appearance of the area having regard to UDP Policies EV1, EV2, EV17 and EV30.

### Residential Amenity

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

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

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

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

### Access and Highway Safety

The site is accessed from Christopher Rise via Oaklands Road and Woodfield Avenue. Oaklands Road is narrow due to on street parking and there is a sharp bend which leads onto Woodfield Avenue. Concerns have been raised in letters of objection regarding congestion and highway safety issues on these roads and the surrounding road network. In addition concerns were raised regarding the amount of traffic that may result from the construction of the development.

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

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

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

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

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

### Water Quality Issues

#### Burry Inlet Habitat Regulations Assessment

##### Introduction

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

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

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

##### Water Quality

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

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

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

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

### Other Possible Effects on CBEEMS features

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

### CONCLUSION

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

### Ecology

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

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

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### Trees

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

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

### Affordable Housing

The current scheme indicates the provision of 2 affordable housing units on Plots 7 and 8 as required by the Section 106 agreement signed as part of the outline planning approval. These will need to be secured by a deed of variation to the S196 agreement.

### Education

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

### Outdoor Play Space

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

### Other Material Considerations

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



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

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

### Conclusion

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

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

Having regard to all of the above the proposal is considered to be satisfactory and in accordance with UDP Policies and approval is therefore recommended.

### RECOMMENDATION

**APPROVE, subject to the applicant entering into a Deed of Variation of the Section 106 Planning Obligation to provide an education contribution of £38,352 and agreeing that the two affordable housing units on plots 7 and 8 are retained as such in perpetuity and to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: AS17.05.L.00.00 P1 site location plan, DT90 005 REV A detailed landscape proposals plan, AS17.05.L.02.10.P3 floor plans and elevations type A & B, AS17.05.L.01.00 P1 proposed rendered site plan, AS17.05.L.01.00 P4 proposed site plan, AS17.05.L.04.00 P1 proposed street elevations version B, AS17.05.L.93.00 P2 proposed external works plan received 16th June 2017, AS17.05 L.02.11.P2 house types C & D floor plans, AS17.05 L.02.12.P1

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### ITEM 1 (CONT'D)

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House types B & C (handed), AS17.05 L.02.13.P1 House types C2 & D (handed) received 22nd June 2017, highways cross section sheet 1, highways cross section sheet 2, highways longitudinal sections sheet 1 received 17th July 2017.

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

- 3 The garages and parking areas hereby approved shall be retained as such in perpetuity for the occupiers of the dwellings and their visitors.

Reason: To ensure sufficient off-street parking is provided, in the interest of highway safety.

- 4 The boundary treatment shall be completed in accordance with the details on plan AS17.05L 93.00 P2 (Proposed External Works Plan), hereby approved before the dwelling to which it relates is occupied and shall thereafter be retained as approved.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.

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

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

- 6 Before the any dwelling hereby approved is brought into beneficial use, the finishes for the external surfaces shall be completed in accordance with the details shown on Plan Nos. AS17.05.L.02.10 P3, AS17.05.L.02.11 P2, hereby approved.

Reason: In the interests of visual amenity.

- 7 The development shall not be brought into beneficial use until the drainage works have been completed in accordance with the drainage details shown on plans 03.01 P2; 08.01P1; 09.01 P1 and 02.01.P3 approved on 24th October 2017 under application 2017/1344/DOC.

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

- 8 Foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.

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

- 9 The Travel Plan shall be implemented and operated in accordance with the scheme and timetable as approved under application 2017/1344/DOC.

Reason: In order to promote more sustainable modes of transportation.

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

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, in the interests of highway safety

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### ITEM 1 (CONT'D)

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- 11 Before the development hereby approved is occupied, any external lighting proposed within the development shall be in accordance with details to be first submitted to and approved in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details.  
Reason: In the interests of nature conservation.
- 12 No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.  
Reason: In the interest of highway safety
- 13 No development including demolition work shall commence until all tree protection measures as detailed in the Tree Protection Scheme shown on plan no. AS17.05.L.01.00 P4, Arboricultural report and the amended tree protection plan approved on 23rd August 2017 under application 2017/1344/DOC have been implemented in accordance with the approved details, inspected and approved in writing by the Local Planning Authority. The Tree Protection Measures shall remain in place for the duration of the construction works hereby approved and shall only be removed or altered in that time with the prior written approval of the Local Planning Authority  
Reason: To ensure the protection of retained trees on site during construction works.
- 14 All planting, seeding or turfing comprised in the approved details of landscaping as shown on plan DT90 005 Rev A (Detailed Landscape Proposals Plan) shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.  
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV17, EV30, EV33, EV34, EV35, HC3, AS2 and AS6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

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**ITEM 1 (CONT'D)**

**APPLICATION NO:**

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- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

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

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

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

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

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

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

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

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

- 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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**ITEM 1 (CONT'D)**

**APPLICATION NO:**

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9 To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area, no development should commence, including any works of demolition, until a Construction Method Statement has been agreed with the Highway Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

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

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

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

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

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

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**ITEM 1 (CONT'D)**

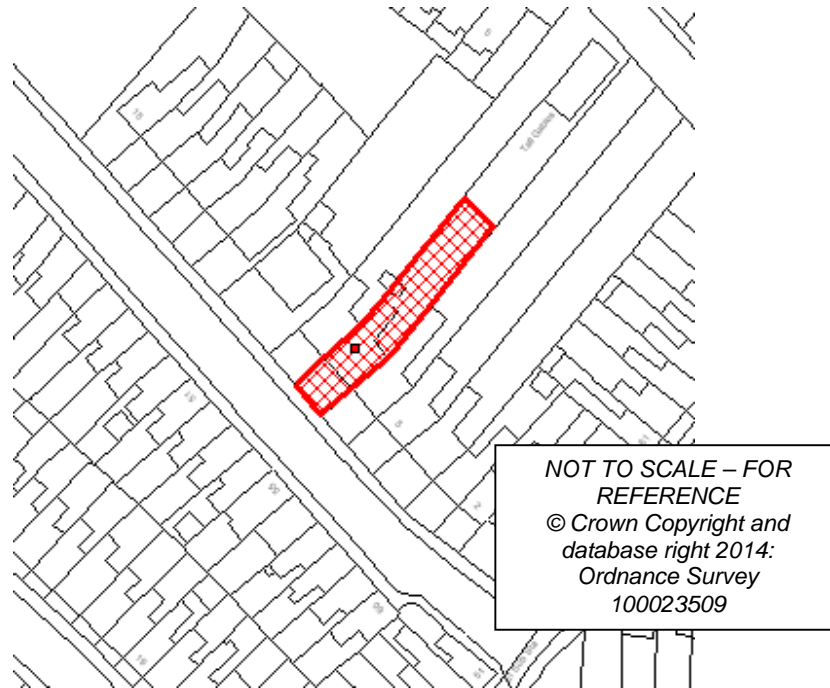
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- 12 The proposed development is crossed by a distribution watermain. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. It may be possible for this watermain to be diverted under Section 185 of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

**PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018**

**ITEM 2** **APPLICATION NO:** 2017/1558/FUL  
**WARD:** St. Thomas - Bay Area  
**Location:** 7 Kilvey Terrace, St Thomas, Swansea, SA1 8BA  
**Proposal:** Change of use from residential (Class C3) to 6 bedroom HMO for 6 people (Class C4)  
**Applicant:** Mrs Jacqui Thomas



**BACKGROUND INFORMATION**

**POLICIES**

**UDP - EV1 - Design**

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

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

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

**UDP - AS6 - Parking/Accessibility**

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

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ITEM 2 (CONT'D)

APPLICATION NO:

2017/1558/FUL

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1558/FUL	Change of use from residential (Class C3) to 6 bedroom HMO for 6 people (Class C4)	PDE	
2017/1661/FUL	change of use from residential (Class C3) to 6 bedroom HMO (Class C4)	WDN	01.08.2017
93/0221	TWO STOREY REAR EXTENSION	APP	20.04.1993

### APPRAISAL

This application has been called to Committee at the request of Councillors Joe Hale and Clive Lloyd and has met the threshold of objection set out in the Council Constitution.

### RESPONSES TO CONSULTATIONS

**Public Response:** The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters. A site notice was also posted within the vicinity of the application site on 4th August 2017.

A PETITION OF OBJECTION containing 31 signatures has been received.

The petition has been submitted with the following summarised comments:

- o The proliferation of HMOs has a negative effect on community cohesion
- o A house with more adults is statistically more likely to have multiple cars than a family home
- o Worsening of local parking issues and congestion
- o The property will have more visitors, contributing to parking problems
- o Existing HMOs in the area have contributed to anti-social behaviour.

**Highway Authority:** The Head of Transportation and Engineering has been consulted and responded with the following comments:



## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2017/1558/FUL

As the proposal is on or below the 6 person limit then it is treated as a single household in terms of parking provision and no new parking spaces are required. The application form states that 6 cycle spaces will be made available but there is not a plan showing this. The cycle provision can however be secured by condition.

Residents permits are in operation on the street and the dwelling will remain eligible for two permits as is currently the case.

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

1. The HMO being used by a maximum of six persons only in the interests of highway safety.
2. Cycle parking, in accordance with details to be submitted to the LPA for approval, shall be laid out in accordance with the approved plans prior to beneficial occupation of the HMO and maintained for parking purposes only thereafter.

**Dwr Cymru** - No objection subject to advisory notes.

### **Description**

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to 6 bedroom HMO (Class C4) at No. 7 Kilvey Terrace, St Thomas.

The application property is a mid-terrace property currently occupied as a residential dwelling which makes up a block of 16 properties along Kilvey Terrace.

Submitted indicative plans show that the property has a basement, ground floor, first floor and attic space. It is proposed to alter the basement from 2 undefined rooms into an accommodation room (i.e. bedroom) and storage area, alter the ground floor from a lounge and separate kitchen into a bedroom, sitting room, kitchen and shower/toilet area. No alterations are proposed on the first floor which contains 3 bedrooms and bathroom. The attic floor is proposed to include a bedroom which is listed as existing.

Other than the insertion of a rooflight to the front elevation, which would be permitted development and not require the benefit of planning permission, no external alterations are proposed.

### **Main Issues**

The main issues for consideration during the determination of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of the area and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 City and County of Swansea Unitary Development Plan and the Supplementary Planning Guidance document entitled 'Parking Standards'.

ITEM 2 (CONT'D)

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### Principle of Use

Until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominately without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made introducing a separate C4 use for HMO properties with more than 2 people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them.

Policy HC5 of the Swansea UDP supports the conversion of dwellings to HMOs subject to compliance with the set criteria:

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance
- (ii) The development would not contribute to harmful concentration or intensification of HMOs in a particular area
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality,
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided

The criterion of the above is addressed below:

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

Regard needs to be given to the fact that a large family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the City and County of Swansea Unitary Development Plan.

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Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple accommodation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance (February 2016)'. Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is noted from the Council's own HMO register that there are 2 registered HMO properties on Kilvey Terrace (Nos 6 and 47 Kilvey Terrace) (as of 19th December 2017). It is acknowledged that there may be other properties along Kilvey Terrace which have been used as HMO's pre February 2016. It should also be noted that outside of the Castle and Uplands Wards, only larger properties are captured by Mandatory Licencing. As a result there may be instances where HMOs exist in the area, albeit that they would have been implemented prior to the use class change in February 2016 and are not subject to licensing requirements.

Further to this a check has been made on Rent Smart Wales which provides a public register for all landlords in Wales who rent properties and 9 properties along Kilvey Terrace are registered. However this register does not indicate whether or not the properties are used as a HMO or rented out and occupied as a single dwellinghouse or flat.

Whilst work commenced on Supplementary Planning Guidance this has not been accepted or adopted by the Council. As such no weight can be given to the document in this application process. Notwithstanding this in general principles the purpose of the draft SPG was to manage and limit HMOs in order to protect amenities whilst at the same time meeting the demand for HMOs in addition to student accommodation. Planning inspectors have determined at appeal stage on similar HMO proposals that where there is no adopted Supplementary Planning Guidance in place assessing impact depends on a planning judgement in each case.

There are a total of 62 properties along Kilvey Street (33 on North side which includes the application property and 29 on the South side). This doesn't include St Thomas Lofts which is a building comprising of a number of apartments located off Kilvey Street but does include those original dwellings which have been converted into flats (Nos. 4 and 8 Kilvey Terrace).

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ITEM 2 (CONT'D)

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On the basis of the HMO register it can be noted that there are 2 known HMOs. On a street basis approval of this application therefore would take the overall percentage of HMOs in the street from approximately 3.2% to 4.8%. It is considered that this shows fairly limited numbers of HMOs in this area and it cannot be evidenced this this would result in harm that would conflict with the policy position. As such it is considered that the application is acceptable in respect of this criterion.

There would be no adverse effect upon the external appearance of the property and the character of the locality

Other than the plans indicating provision of a rooflight in the attic room which would be permitted development there are no external alterations proposed at the property.

There would be no significant adverse effect on local car parking and highway safety

Whilst the objections received from local residents are noted, regard needs to be given to the Adopted SPG Parking Standards. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwelling house. No details have been provided for cycle storage; however there is adequate space at the rear of the property to provide such provision which can be secured by planning condition.

In view of the above, subject to an appropriately worded condition in respect of cycle parking, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5, EV40 and AS6.

Appropriate refuse storage arrangements can be provided

Appropriate refuse storage facilities can be provided within the rear yard and can be controlled via a condition.

### Conclusion

It is considered that the Local Planning Authority has no evidence to suggest that the use of this property as HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 of the Swansea Unitary Development Plan.

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

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**ITEM 2 (CONT'D)**

**APPLICATION NO:**

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**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: Location plan, block plan, received 12th July 2017. Attic room after works, first floor - no changes to be made, received 26th July 2017. Ground floor after work, received 23rd November 2017. Basement after works, received 11th December 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The development shall not be occupied until facilities for the secure storage of 6 bicycles and refuse storage have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained as approved at all times.  
Reason: In the interests of providing facilities for sustainable transport and general visual and residential amenity.

**INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV40, AS6 and HC5.
  - 2 The planning permission hereby granted does not extend any rights to carry out works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991.
-

**PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018**

**ITEM 3**

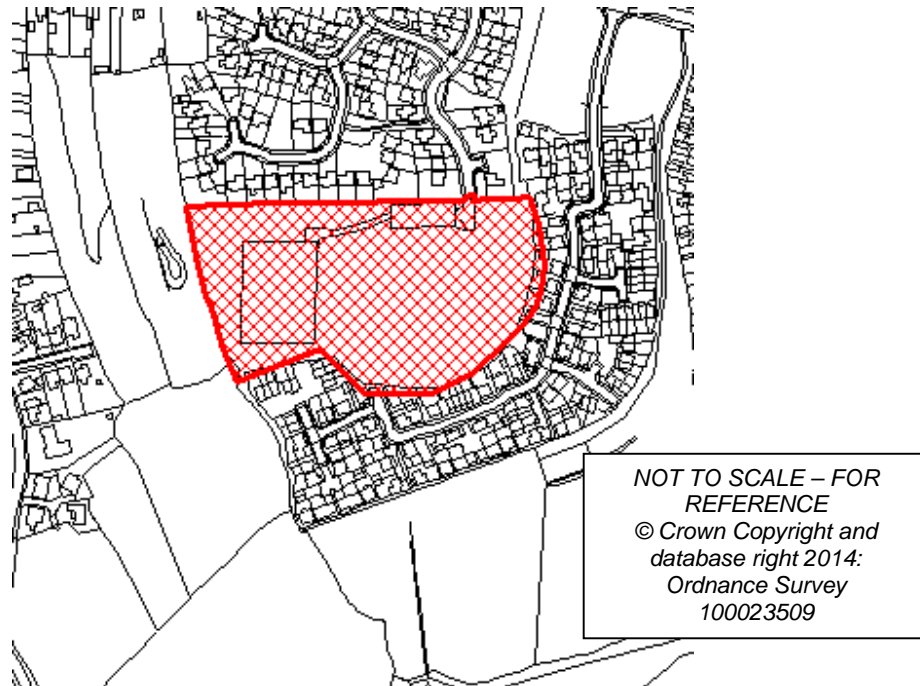
**APPLICATION NO:** 2017/1663/S73

**WARD:** Kingsbridge - Area 2

**Location:** Loughor Sports Pitch, Ffordd Cae Duke, Gorseinon, Swansea, Swansea, SA4 6PA

**Proposal:** Variation of condition 20 of planning permission 2014/0306 granted 27/08/2014 to allow for the floodlighting to operate Monday to Friday 1630 - 2015 hrs

**Applicant:** Mr Kelvin Lewis Loughor Rugby Club



**BACKGROUND INFORMATION**

**POLICIES**

UDP - EV1 - Design

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

UDP - EV40 - Air, Noise and Light Pollution

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

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**ITEM 3 (CONT'D)**

**APPLICATION NO:**

2017/1663/S73

**SITE HISTORY**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2017/1663/S73	Variation of condition 20 of planning permission 2014/0306 granted 27/08/2014 to allow for the floodlighting to operate Monday to Friday 1630 - 2015 hrs	PDE	
2017/1663/S73	Variation of condition 20 of planning permission 2014/0306 granted 27/08/2014 to allow for the floodlighting to operate Monday to Friday 1630 - 2015 hrs	PDE	
2015/1176	Non-Material Amendment to Planning Permission 2014/0306 granted 27th August 2014 to alter condition 21 to allow samples of all external finishes to be submitted to and approved in writing prior to the commencement of any works on the construction of the changing room building.	APP	08.07.2015
2014/1403/DOC	Discharge of condition 3 of Planning Permission 2014/0306 granted 27th August 2014	NOBJ	03.11.2014
2014/1365/DOC	Discharge of condition 11 of Planning Permission 2014/0306 granted 27th August 2014	NOBJ	20.10.2014
2014/0306	Construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of 11 x 15m high floodlighting columns	APP	27.08.2014
2007/2264	First floor side/rear extension	APP	12.12.2007

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

ITEM 3 (CONT'D)		APPLICATION NO:	2017/1663/S73
2006/0327	Erection of 8 metre high safety netting behind rugby post	APP	10.04.2006
2004/0568	Single storey side extension to changing rooms	APP	04.10.2004
2001/1185	Single storey side extension and front porch	APP	07.09.2001

### RESPONSE TO CONSULTATIONS

Twelve neighbouring properties were directly consulted and 3 site notices were placed in the surrounding streets.

ONE LETTER OF OBJECTION has been received. The concerns raised are:

- o Flood-lighting has been operated and the pitches have been in use until 20:15 over the past few weeks. Whilst the flood-lights themselves are not an issue for us, we are experiencing intrusive levels of noise whilst the pitches are in use. This is an impact that we are happy to live with during the day and even on weekends but feel that at 20:15 in the evening, is unreasonable. I am therefore objecting to the pitches being floodlit and used until 20:15. We would have no objection to them being floodlit and used until 19:00.

**Pollution Control** - No objection

### APPRAISAL

The application is being reported to Planning Committee for determination, as the original planning permission to which this variation of planning condition relates, has a site area exceeding 2 hectares. All planning applications which have a site area exceeding 2 hectares (including variation of condition applications) are reported to Planning Committee for determination.

Permission is sought to vary Condition 20 of planning permission 2014/0306 granted on the 27th August 2014 to allow for the floodlighting at the site to operate from 1630 - 2015 hrs on Monday - Fridays.

Planning permission 2014/0306 granted planning permission for the construction of a single storey changing room building, one full size rugby pitch, one training pitch, a 36 space car park and installation of eleven 15m high floodlighting columns. To date, only the training pitch, car park and the floodlighting serving the training pitch have been implemented.

Within the original application, the applicant sought to use the floodlights between Tuesdays-Fridays.



**PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018**

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

2017/1663/S73

Condition 20 states:

*The floodlighting hereby approved shall not be operated outside of the following hours :  
16.30 - 20.00hrs (Tues - Fri) during the winter months only, unless otherwise agreed in writing  
by the Local Planning Authority. Glare/ overspill light from the installation shall be controlled  
adequately such that no statutory nuisance impact results on any residential properties.*

*Reason: In interests of residential amenity*

The application is therefore seeking an addition 15 minutes of floodlight use on Tuesdays - Fridays and to be allowed to use the floodlighting on Mondays between 1630-2015hrs.

The applicant has explained that the floodlights are required to be used for an additional 15 minutes in the evenings to allow for sports equipment to be cleared from the pitch, for the players to tidy up and stow away the equipment, and for players/coaches to get to the car park at the end of the allotted playing time. The additional use on Monday evenings is required due to demand in the locality to allow the following clubs to utilise the facility - Garden Village Football Club, Loughor Rovers, Gorseinon Football Club, Gower College and the WRU.

Condition 22 of the original consent states that the facilities approved shall not be used after 2030hrs. As such, the proposed extension of the floodlighting usage falls within the permitted hours of use of the sports pitches, as per the original consent.

The main issues for consideration are the impacts of the proposed development on the visual appearance of the area and residential amenity of nearby residential dwellings with regard to the provisions of Policies EV1 and EV40 of the City & County of Swansea Unitary Development Plan (2008). There are no overriding matters with regard to the provisions of the Human Rights Act.

In terms of visual amenity, there are no changes proposed to the number and position of the floodlights and as such the visual amenity of the area will not detrimentally affected by this application.

With regard to the impact on the residential amenity of the nearby neighbouring houses, it is considered that the additional 15 minutes of floodlighting between 20.00 and 20.15hrs (Tues-Fri) and the use of the floodlights on Monday evenings would not have a harmful impact upon the residential amenity of those occupiers. The reasoning for the additional floodlighting time is not to facilitate additional playing time, but solely to allow for the equipment to be cleared off the pitch, for the players to tidy up and stow away the equipment, and to get to the car park at the end of the allotted playing time. The additional use on Monday evenings is required due to demand in the locality to allow the local clubs to utilise the facility.

With regard to the objection received, this has been addressed in the preceding paragraphs.

Pollution Control officers have raised no objection to the application.

It is therefore considered that the additional 15 minutes of floodlighting and the use of the floodlighting on a Monday evening is acceptable and complies with the provisions of Policies EV1 and EV40 of the UDP.

ITEM 3 (CONT'D)

APPLICATION NO:

2017/1663/S73

### Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights, the proposal is considered to be acceptable and would not harm the visually amenity of the area or cause any harmful impacts upon the residential amenity of nearby residential dwellings, and complies with the provisions of policies EV1 and EV40 of the UDP.

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"). 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 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 substitute condition:**

- 1 The floodlighting hereby approved shall not be operated outside of the following hours:  
1630 - 2015hrs (Mondays - Fridays).  
Reason: In interests of residential amenity.

### INFORMATIVES

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
  - 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1 and EV40.
  - 3 For the avoidance of doubt, this application only varies the wording of Condition 20 of planning permission 2014/0306. All other conditions forming part of the 2014/0306 planning permission remain unchanged and in force.
-

**PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018**

**ITEM 4**

**APPLICATION NO:**

2017/1676/FUL

**WARD:**

Bishopston - Area 2

**Location:**

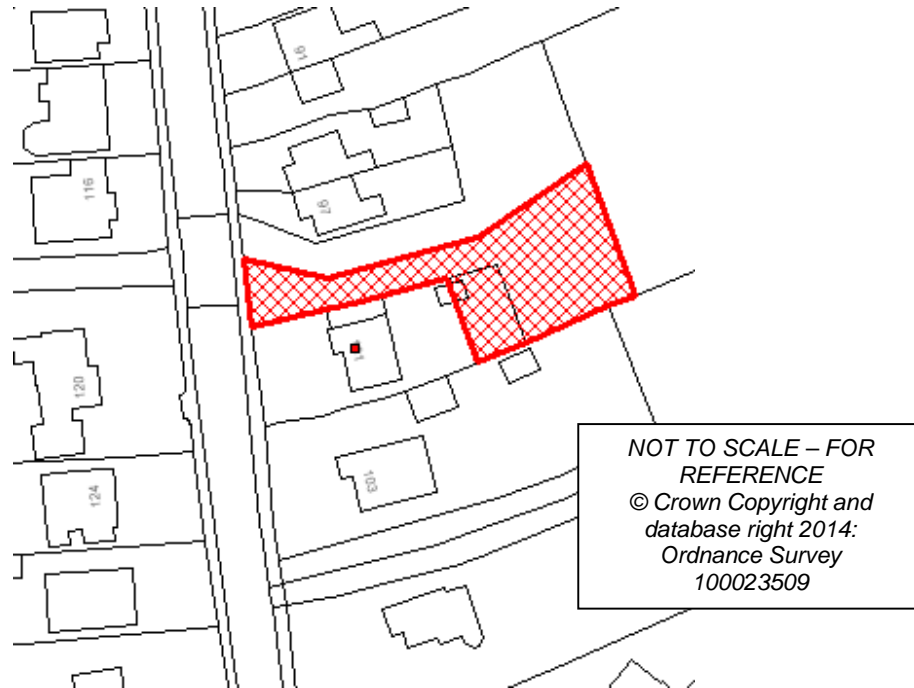
**Land To The Rear Of 101 Bishopston Road, Bishopston, Swansea, SA3 3EW**

**Proposal:**

**Detached dwelling and detached garage**

**Applicant:**

**Mr & Mrs S Davies**



**BACKGROUND INFORMATION**

**POLICIES**

UDP - EV1 - Design

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

UDP - EV2 - Siting

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV3 - Accessibility

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

**PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

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**UDP - EV17 - Large Villages**

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

**UDP - EV20 - New Dwellings in the Countryside**

In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV22 - Countryside General Policy**

The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:

- i) The control of development, and
  - ii) Practical management and improvement measures.
- (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV23 - Green Wedges**

Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS1 - New Development Proposals**

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

**UDP - AS6 - Parking/Accessibility**

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

**SITE HISTORY**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2017/1676/FUL	Detached dwelling and detached garage	PDE	
85/0689/03	ALTERATIONS TO PRIVATE DWELLING	APP	27.06.1985
79/0635/03	ALTERATIONS AND ADDITIONS TO DWELLING	APP	26.07.1979
2016/0823	Detached dwelling (outline)	WDN	05.07.2016
2008/0292	Detached dwelling (outline)	REF	20.03.2008

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1676/FUL

### RESPONSE TO CONSULTATIONS

Two neighbouring residents were directly consulted and the application has been advertised by way of a site notice and press notice as a 'departure' application.

TEN LETTERS OF SUPPORT have been received. No objections have been received.

The comments of **support** are summarised below

- o We fully support the application for a dwelling behind our property
- o The proposed building is more than a sufficient distance away so will have no impact on our light or privacy.
- o The vast majority of houses on Bishopston Road have properties behind them, so we don't think that a well designed property behind us would be out of character or detract from the feel of the village in any way.
- o A single property, at this suggested site would have no overbearing significance on any other property.
- o We have lived at this address for 50 years, during which time there have been no incidents at our junction. If there is a similar vehicle access to our own we don't envisage there being a problem as there is clear visibility up and down the road.
- o The land in question is unused as an agricultural facility but does not form part of an active agricultural holding.
- o The applicants are local residents, one of whom has lived in the village of Bishopston for the whole of her life and clearly wishes to remain as a Bishopston resident with her young family.
- o The development is a proposal for a discreet private single dwelling and not commercial in type. It will provide a modern home for a family that has long term historic connections with the village.
- o The rearmost extent of the development will not project beyond the development line established by previous developments on that side of the road (eg. South Close) and will therefore not be incursive into the land separation of the Murton/Bishopston villages.
- o There is a precedent for a development on part agricultural land at the new property adjacent to 118 Bishopston Road directly opposite the subject site where officers made a positive recommendation for the proposals.
- o We propose that this application should be supported as a single one-off development.
- o We can see no measurable negative impact on local infrastructure and no breach of local or national planning policy.
- o We support this application and look forward to seeing a contemporary, energy efficient and attractive dwelling house on Bishopston Road, to (hopefully) set the tone for any future development in the area.
- o We fully support Mrs Davies building a house behind our property and we feel it is right that we make this comment as we will be one of the closest to the development. It is where she has grown up and it will be perfect for her family. We only think it will make the village more attractive having seen the plans. We cannot see why it should be refused as other houses have been built in similar locations up and down Bishopston Road.
- o The property will back onto our garden but has been designed very considerately so we do not envisage that it will be detrimental to us in any way. There are also no problems with access. Mrs Davies has lived in Bishopston all her life and she and her husband both contribute positively to village life. We would be delighted to have them as neighbours.

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

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- o Indeed, it is refreshing to see such a well-considered new proposal for the village. There is a distinct under-resource of housing in the local area, and infill development such as this is a key way to ensure village growth can be managed in a sustainable fashion.
- o The proposed inclusion of Bishopston within the draft LDP, to which there have been no objections to date, supports the fact that the village is an appropriate locale for new housing development.
- o In design terms, Bishopston has little to offer by way of a running thread of housing design; the vernacular having developed in a rather piecemeal fashion over the years. However, this seems to be making a true effort to utilise building facade materials with a very locally distinctive character. A welcome return to a local style.
- o Bishopston sits on the edge of Gower as a small but active community, offering a range of businesses and services. Enabling small scale, appropriate development such as this bolsters the village population and provides greater depth to help support this local economy.
- o I feel that individually designed houses actually add to the character of the village as opposed to the large housing developments that add little value to the community. The family has, as stipulated, lived at the address for 50 years and have contributed to the village community and this will purely help to maintain that focus going forward. I whole heartedly support the application for planning at this location.
- o We support this application without any reservations. Mr and Mrs Davies have been considerate and spoken to us before making the application. We believe it is well considered and appropriate to the village and previous developments. Both Mr and Mrs Davies make a significant contribution to the local community and we are happy to support their application.
- o We would like to register our support for the proposed house in the field at 101 Bishopston Road. The proposal is for a modest property for locals who belong to a long-standing Bishopston family. Whilst the precious and few remaining agricultural fields in the village should of course be protected for their habitat, the applicants have shown sensitivity to the impact the property would have on the local environment and have expressed their intention to mitigate the effect on local wildlife.
- o It would seem very unfair if the application was to be refused whilst other nearby areas with rich habitat and historical features such as on Oldway, Northway and at Long Elms have been deemed to be unused garden and approved for building. As a consequence, mature trees have been removed, vernacular features lost, native hedges fragmented without replacement and out of scale houses built for profit. None of these things will happen with the proposed development. In the interests of preserving the community we urge that this modest new house for a local family be approved

**Dwr Cymru / Welsh Water - No Objection**

**Council's Head of Engineering and Transportation**

Adequate parking and turning is indicated for the dwelling.

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

1. Permitted development rights being removed with respect to the garage.
2. The front boundary being kept below 1m in the interests of visibility.
3. The construction of a vehicular crossing to Highway Authority Specification.
4. The provision of adequate drainage facilities within the site to ensure that surface water does not flow out onto the highway.

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

ITEM 4 (CONT'D)

APPLICATION NO:

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### **Council's Drainage Officer**

We have no objection to the proposed development. However no drainage details have been provided although the site lies in an area infiltration may be achievable. Accordingly we recommend a condition is added to any permissions given to secure the provision of an appropriate drainage scheme to manage one dwelling.

### **Council's Ecology Officer**

#### *Initial Comments*

The proposal will result in the loss of a small amount of grassland habitat and could impact on mature trees and a hedgerow. There is also some small potential for the neighbouring properties to support nesting birds and roosting bats. It is therefore advised that a Preliminary Ecological Assessment be requested to inform any planning decision.

#### *Final Comments*

The applicant submitted a Preliminary Ecological Assessment Appraisal (PEA).

A PEA has been received in support of this application. The report refers to the translocation of the more ecologically valuable section of hedgerow. This is greatly welcomed but we currently do not know exactly how much will be translocated or how it will be carried out and what will be done if it fails to establish.

The PEA also suggests that reptiles could be present on site. As well as a suitable small rubble pile reptiles will make use of hedgerows. Strictly speaking if it is considered likely that protected species could be affected by the proposal then specific species surveys should be requested. However, I appreciate that this could be construed as overly onerous given the small scale of the proposal.

I would therefore request that a condition be attached to any consent that the LPA may be minded to grant.

### **APPRAISAL**

The application is being reported to Planning Committee as it is a departure from the adopted Unitary Development Plan (2008)

Full planning permission is sought for the construction of a detached dwelling house and detached garage at land rear of 101 Bishopston Road. The principle requirement for the dwelling is to enable the applicants to create a long term sustainable home to provide fully accessible assisted accommodation for the applicants' disabled child who has a long term condition associated with physical and intellectual disability and as a result is not likely to be able to live unassisted, away from the care of her parents during her lifetime. For 'safeguarding' and 'data protection' reasons, full disclosure of the medical condition cannot be disclosed within this report and the child is referred to as 'child A' in this report.

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1676/FUL

The application site is located to the side and rear of No. 101 Bishopston Road and currently comprises a side access track, part of the existing rear garden of No 101, and part of a field which is laid to grass. The site measures just over 730sq.m.

The section of the site which comprises the access track and lies within the rear garden of 101 Bishopston Road is within the village settlement of Bishopston (approx. 40% of the site), and the remainder of the site is within the field which is allocated as 'Green Wedge' and is currently outside the settlement boundary of Bishopston (approx. 60%) as defined by the UDP.

The application site has an existing vehicular access from Bishopston Road which is located between the existing houses at nos. 97 and 101 Bishopston Road and is bound to the front by a hedge and gate. The site is bound to the north by the remaining part of the field with the gardens of existing residential dwellings beyond, to the south by the rear garden of No. 103 Bishopston Road and to the east (rear) by a field planted with evergreen trees.

It is noted that within the immediate environs of the site, the established pattern of development contains a significant number of 'back-land' residential dwellings, namely South Close (8 dwellings), Vennsland (3 dwellings), r/o 118 Bishopston Road (3 dwellings).

The site is not located within the AONB or a conservation area.

### **Main Issues**

The main issues for consideration with regard to this application relate to the principle of residential development on this site, impacts upon visual amenity, residential amenity, parking and highway safety, drainage and ecology with regard to the provisions of Policies EV1, EV2, EV3, EV17, EV20, EV22, EV23, AS1 and AS6 of the City & County of Swansea Unitary Development Plan (2008), and the SPG - Infill and Backland Development. There are no overriding issue for consideration under the provisions of the Human Rights Act.

### **Policy / Principle of Development**

The City and County of Swansea UDP was 'time expired' on the 31st December 2016. The UDP however remains the lawful, extant development plan for the City and County of Swansea Council and, under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), planning decisions must be made in accordance with the UDP unless material considerations indicate otherwise. Given the time expired nature of the UDP, such material considerations include circumstances where new national planning guidance or policy is at variance with or contradicts UDP policy and, in certain cases, where new robust evidence undermines the basis upon which UDP policy was originally formulated. Fundamentally the UDP continues to be the basis for consistent and sound planning decisions, however given its time expired status, planning applications should be assessed on an individual basis to ascertain whether the circumstances justify a departure from the extant plan.



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ITEM 4 (CONT'D)

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The designation of the application site is different in the proposed Local Development Plan (LDP) as it is proposed to be included within the large village of Bishopston. The site is currently within a Green Wedge and outside the defined settlement boundary as defined by the UDP (Policies EV17 'Large Villages' and EV23 'Green Wedges' apply) and is therefore a location where new development for market housing is not supported by the policy framework. In this respect the proposal is a 'departure' to the UDP.

However, following the boundary review process undertaken to inform the LDP, it was resolved to amend the boundary at the rear of 101/103 Bishopston Road. The detailed reasoning is set out in a supporting document to the LDP Settlement Boundary Review (Revised 2017) at which states in relation to this change the following:

*'Remove settlement boundary around the inside edge of the built up area of Bishopston. This land is designated green wedge to prevent coalescence within the settlement. In a change to the previous green wedge area the LDP green wedge does not include the school playing fields and land at the rear of 103 Bishopston Road that has an established residential use through planning permission 2011/0575. A small area of land at the rear of 95, 97 and 101 Bishopston Road is also not covered by the green wedge in order to provide a logical defensible green wedge boundary having regard to the planning permission granted in 2011'.*

Given the stage of the Swansea LDP national guidance (PPW Section 2.14) makes clear that normally only limited weight should be attributed to an emerging LDP for determining planning applications and that the weight to be attached to an emerging Plan should not simply increase as the plan progresses towards adoption, not least because the appointed Inspector is required to consider the soundness of the whole plan and could therefore amend or delete proposals of the plan at a late stage in the overall process. Given this, a balance has to be struck for each case between giving weight to the new evidence and emerging policy position, and the duty to have regard to the adopted Plan.

In this case, it is a material consideration that the LPA now considers the site to be more appropriately categorised as being within the settlement rather than being part of the Green Wedge having regard to an up to date survey which represents robust new evidence that differs from the basis upon which UDP Policy was originally formulated, and that this is significant given the time expired nature of the UDP. However this must be balanced against other factors. On balance, it is considered that given the LDP Examination process has not started and there is a chance it may not ultimately be approved on the basis of the Deposit Plan submitted for Examination, greater weight should be given at this stage to the proposal being at variance i.e. a 'departure' with the extant UDP policies that apply. It is however relevant to note that no formal objections have been received with respect to the proposed settlement boundary review at this site.

The case put forward for this application is that this development is of an exceptional nature given specific personal circumstances of the applicants' family. The applicants have stated that the principal requirement for the development is to enable the applicants to create a purpose built, long term sustainable solution to providing fully accessible, assisted accommodation for their child who has a long term condition associated with physical and intellectual disability.

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The applicants have provided evidence from their Doctor (Consultant) who has advised that due to the medical condition of their daughter (child A), that it is extremely important for child A to be living in the village of Bishopston, at this specific location because it is a place of familiarity, close to known community and friends, with supportive family in the neighbouring property (No 101), and that it is important for this to happen now, rather than being further delayed, as it will help to achieve a strong and long term stability for child A as soon as possible.

The Consultant has explained that the disability affecting child A limits her ability to live independently and that there is no cure for the condition. In addition, the Consultant has confirmed that the design and layout of the proposed dwelling would be ideal for the purpose of accommodating the needs of child A and enabling the parents to provide the full degree of care required. It will give child A more privacy and dignity as she gets older and also make daily routines more manageable for the mother as the primary carer. There will also be a separate reception room which will be available for her to use when she may want or need her own living space. The house location is ideal for the family, as it is amongst friends, family and the local community. This familiarity will create an environment which is safe for her to live and mature into adulthood and the family intend to incorporate as much technology as possible for adapted living, to ensure that child A can live as independently and safely as possible.

The applicant has also provided information regarding the suitability of existing houses within the village which are currently on the market to further demonstrate the need for the proposed dwelling. The family currently reside in a 3 bed semi-detached house which is approximately 400m from the application site. Their current house does not have the space they need to accommodate the complex needs of child A. Within the village, a number of properties are on the market, but are not considered to be suitable due to a number of reasons, including the purchase price being outside their budget, the properties not being close to, or having a level access to the village facilities, their close proximity to the busy main road, and the significant internal works (and cost) that would need to be undertaken to provide fully adapted assisted living accommodation for long term care.

The application site is owned by the family, being situated next door to the grand-parents of child A, and with the plot itself being set well back from the main road, this further reinforces the requirement for the proposed dwelling in this particular location.

The applicant has explained (confirmed by the Consultant) that the specific central location within the village is critically important as it is already very familiar to child A, and it is close to the known community and friends, with supportive family living next door. The site is also relatively level with easy access into the local community and there is direct level access to local facilities and transport via a level pavement without the need to cross any roads. As child A has mobility difficulties, being in such close proximity to such facilities and family is critically important and will become increasingly so, as she gets older.

It is also noted that Planning Policy Wales (PPW) states at para 9.2.22:

*"In planning for housing in rural areas it is important to recognise that development in the countryside should embody sustainability principles, benefiting the rural economy and local communities while maintaining and enhancing the environment. There should be a choice of housing, recognising the housing needs of all, including those in need of affordable or special needs provision"*

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### ITEM 4 (CONT'D)

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In addition, PPW at paragraph 1.3.4, regarding participation in planning, confirms that people with disabilities are considered to be "special needs".

It is considered that given the unique circumstances of the applicant and the particular location of the site, it would not be considered as 'setting a precedent' for other developments within current designated green wedges. In any event all applications are considered on their own merit.

For all of the reasons given within this section of the report, and given that the proposed dwelling is to provide fully accessible accommodation for a person with special complex needs, it is considered that the proposed development can be supported and can be considered as an 'acceptable departure' from the Unitary Development Plan. A 'personal' condition will be used to ensure that the dwelling is only occupied by child A and her family or primary care giver.

### Visual Amenity / Design

The proposed dwelling would be a modest 1.5 storey house (bungalow, with rooms in the roof space) with an L shaped footprint with a feature gable projection clad with natural stone and timber cladding. The main elevations would be white painted render with grey aluminium framed windows and the roof would be natural slate. The proposal also includes a detached garage which would incorporate natural stone and timber cladding.

The proposed dwelling, as previously mentioned, would be located to the rear of 101 Bishopston Road which is a detached two storey 1970's style house. The properties to the north of the application site are a pair of semi-detached houses, circa 1960's. On the opposite side of Bishopston Road, there are a number of detached 1930's style houses and a more modern detached 1990's style house. As such, there is no particular local vernacular in proximity of the application site.

Given the location of the proposed house to the rear of 101 Bishopston Road, it would not be highly visible from the public realm.

The design of the proposed house is considered to be of a good quality design and its scale and massing is considered to be modest, ensuring that it would be a visually acceptable addition to the village of Bishopston.

The property has been specifically designed to enable the family to support child A as she develops into adulthood. It includes purpose built fully accessible space to enable the incorporation of the latest technology for adapted living which will enable her to live as independently as possible by creating an accessible, functional and inclusive environment that is adaptable to her current and future needs.

The design of the property is in part, open plan which provides for versatility for child A's future needs, including being able to have her own, separate sitting room and her own bathroom, all in her own area within one half of the ground floor of the house, informally buffered by the communal hallway space. This will give her the privacy and dignity she needs, and enable her to enjoy some degree of separation and independence from the family as she grows up, whilst still ensuring the family are able to be immediately accessible to her if and when required.

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**ITEM 4 (CONT'D)**

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Consideration has been given to future requirements including the necessity for wheelchair access. The ground floor layout is designed to have sufficient space and circulation to be accessible both inside and out, catering for all current needs and providing versatility for the future. There are no barriers between kitchen and dining areas and all door widths comply with recommended wheelchair guidance and the thresholds will be level and flat. The downstairs bathroom is designed to enable all fittings to be approached and used by a person in a wheelchair. Transfer options have been considered depending on future needs.

The specific internal design maximises the ability to enjoy natural sunlight and daylight. This is particularly important as child A spends a great deal of time indoors due to the limitations of her condition. The creation of a suitably attractive, naturally lit internal environment is therefore essential. Similarly, the plot location and external house design has been planned so that the entrance and all circulation routes are level and easily accessible.

The external areas have been designed to achieve safe play areas, parking and drop off areas directly outside the entrances to the house, at a safe distance from the public highway. This will enable the provision of a safer environment in close proximity to the areas of the property where there is better natural surveillance, and which are away from the potential dangers of the public highway.

The design enables the provision of purpose built accessible space, with some private space if required, making the space convenient and easy to use, whilst ensuring that the family are close enough to be able to assist child A in her day to day needs as she grows older.

The house is designed to comply with:

The Welsh Assembly Governments Design Quality Requirements (DQR)  
Habinteg Wheelchair Access guidelines  
Welsh Quality Housing Standards (WQHS)  
Lifetime Homes Guidance

The SPG - Infill and Backland Development, advises that backland development should be subservient in scale and size in relation to the surrounding properties in order to avoid overdevelopment of the site and to ensure that there are no overbearing impacts on adjacent properties, and also that consideration should be given to the 'lifetime homes' concept whereby a home is designed to be adaptable to allow change over time in response to the changing needs of the household. Not only is this inclusive, it also allows communities to stay together rather than individuals and families having to move on to different accommodation as their needs change.

It is considered that the thoughtful design of the proposed dwelling fully complies with the criteria of the SPG and is considered to be acceptable in this regard.

It is considered that the design of the proposed dwelling is acceptable and will provide a safe and long term home for the family. It is considered that the proposed dwelling would not cause any detrimental impacts to the visual amenity of the streetscene. In this regard the application is considered to comply with the provisions Policy EV1 of the UDP and the SPG - Infill and Backland Development.

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### **Residential Amenity**

The proposed plot would occupy part of the existing garden of 101 Bishopston Road. The remaining garden length serving 101 Bishopston Road would be 14m which is considered to be an acceptable level of private amenity space for its occupiers.

The proposed dwelling would be located 28m from the rear elevation of 101 Bishopston Road which ensures that no overlooking, overshadowing or overbearing impacts would occur.

In terms of the impacts upon the neighbouring house at 97 Bishopston Road, the proposed dwelling would be sited 16m from the rear garden boundary of No 97, thus ensuring that no overlooking, overshadowing or overbearing impacts would occur.

With regard to No 103 Bishopston Road, the side elevation of proposed dwelling would be located close to the mutual boundary, which would contain one first floor window serving a bathroom which would be obscurely glazed. No 103 has a long rear garden and a detached outbuilding adjacent to the proposed house and as such, no overlooking, overshadowing or overbearing impacts would occur.

The private amenity space of the proposed dwelling has been carefully designed to ensure that it meets the needs of the family in the long term.

As such, the application is considered to be acceptable and would not cause any detrimental impacts to the occupants of adjacent residential dwellings. In this regard the application is considered to comply with the provisions Policy EV1 of the UDP and the SPG - Infill and Backland Development

### **Transportation and Highway Safety**

The Head of Transportation and Engineering raised no objection the application as adequate parking and turning would be provided for the dwelling. It is not considered necessary to remove permitted development rights relating to the use of the garage, as the proposed layout makes ample provision for vehicular parking even if the garage was not used for this purpose.

### **Ecology**

The site is of low ecological value and as such no objection is raised for the development of this land. A condition has been added in line with the recommendations of the Preliminary Ecological Assessment submitted in support of the application.

### **Response to Consultations**

It is particularly relevant to note that no objections have been received to this application from local residents. Ten letters of support have been received from local residents, including the occupiers of the three immediate neighbours at 97, 101 and 103 Bishopston Road.

From the letters of support received, it is evident that the family are established residents, and are very much part of the community of Bishopston, which reinforces the special circumstances of this application.

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**ITEM 4 (CONT'D)**

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**Conclusion**

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the scheme is an acceptable departure to the Unitary Development Plan 2008 given the special circumstances of the applicant's family as described in the preceding paragraphs. The proposal is considered to be acceptable in term of its design, impacts upon visual amenity, residential amenity, parking and highway safety, drainage and ecology with regard to the provisions of Policies EV1, EV2, EV3, EV17, EV20, EV22, EV23, AS1 and AS6 of the City & County of Swansea Unitary Development Plan (2008), and the SPG - Infill and Backland Development.

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 fully in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

**RECOMMENDATION**

**APPROVE subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
  
- 2 The development shall be carried out in accordance with the following approved plans and documents:  
17005-5103DP-08-ZZ-DR-A-901 - EXISTING AND PROPOSED SITE LOCATION PLAN;  
17005-5103DP-08-ZZ-DR-A-902 - PROPOSED BLOCK PLAN;  
17005-5103DP-08-ZZ-DR-A-905 - PROPOSED SECTIONS;  
17005-5103DP-08-ZZ-DR-A-906 - PROPOSED GARAGE PLAN AND ELEVATIONS, received 27th July 2017.  
  
17005-5103DP-08-ZZ-DR-A-903 A - PROPOSED FLOOR PLANS;  
17005-5103DP-08-ZZ-DR-A-904 A - PROPOSED ELEVATIONS, received 3rd August 2017.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
  
- 3 No development shall commence until full details and samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

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**ITEM 4 (CONT'D)**

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- 4 Prior to the first beneficial occupation of the dwelling hereby approved, a plan indicating the positions, height, design, materials and type of boundary treatments to be erected (including the retained sections of hedgerows) shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed as approved before the dwelling to which they relate is occupied and shall be retained as such at all times thereafter.

Reason: In the interest of providing and maintaining a satisfactory scheme of boundary treatment and to protect the visual amenity of the area.

- 5 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site (including the access driveway and parking spaces) showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.

Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system (SuDS), and the results of the assessment provided to the Local Planning Authority. If the assessment indicates that a SuDS can be utilised, then such a system should be used.

Where a SuDS is to be utilised, full details of any soakaways being proposed shall be provided. The submitted information shall include details of the size of the soakaways and confirmation that they have sufficient permeability, to be demonstrated by the results of soakaway tests (to be carried out in accordance with BRE Digest 365 2016).

The agreed drainage scheme shall be implemented before the dwelling hereby approved is brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

- 6 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.

- 7 No development or site / vegetation clearance shall take place until a Method Statement for the hedgerow translocation and the consideration of reptiles has been submitted to and approved in writing by the Local Planning Authority. The Method Statement shall detail exactly how the translocation will be undertaken, including timings; hedge treatment prior to, and immediately after moving; what will be done in the event that the procedure fails etc. It shall also include details demonstrating how reptiles will be appropriately considered during the works and shall build upon the basic principles of Preliminary Ecological Appraisal received on 7th December 2017. The approved Method Statement shall be implemented in accordance with the details thereby approved.

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### ITEM 4 (CONT'D)

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Reason: To ensure that any animal and plant species and plant species and habitats listed under the Conservation of Habitats and Species Regulation 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting within the area.

- 8 No removal of hedgerows, trees or shrubs that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the Local Planning Authority before the vegetation clearance works commence.

Reason: To ensure that nesting birds are not disturbed by development works and to enable the Local Authority to fulfil its obligation under Section 25 (1) of the Wildlife & Countryside Act (1981).

- 9 The dwelling hereby approved shall be occupied only by child A and her family and/or primary care giver.

Reason: To define the special terms under which planning permission has been granted.

**FOOTNOTE - Cllrs are advised that child A will be specifically named in this planning condition that will form part of the decision notice, in the event that planning permission is granted**

### INFORMATIVES

- 1 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.

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

- 3 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV17, EV20, EV22, EV23, AS1 and AS6.



**PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018**

**ITEM 5**

**APPLICATION NO:**

2017/2271/FUL

**WARD:**

Newton - Area 2

**Location:**

**The Dingle, Caswell, Swansea, SA3 4RT**

**Proposal:**

**Proposed enabling development of a detached 2 storey dwelling house and detached garage within the Dingle Garden**

**Applicant:**

**Mr P Griffiths**



*PI Existing Location Plan*  
1 : 1250

**BACKGROUND INFORMATION**

**POLICIES**

UDP - EV1 - Design

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

## PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

### ITEM 5 (CONT'D)

APPLICATION NO:

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#### UDP - EV2 - Siting

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

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

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

#### UDP - EV20 - New Dwellings in the Countryside

In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV22 - Countryside General Policy

The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:

- i) The control of development, and
- ii) Practical management and improvement measures.

(City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV26 - Area of Outstanding Natural Beauty

Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

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

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

#### UDP - AS1 - New Development Proposals

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

#### UDP - AS6 - Parking/Accessibility

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

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**ITEM 5 (CONT'D)**

**APPLICATION NO:**

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**SITE HISTORY**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2017/2271/FUL	Proposed enabling development of a detached 2 storey dwelling house and detached garage within the Dingle Garden	PDE	
2016/0029	Detached dwelling and detached garage	REF	25.02.2016
2016/0013	Detached dwelling with detached garage	WDN	07.01.2016
2015/2182	(PRE APP) Detached dwelling and detached garage	PRENE G	15.12.2015
2014/1470	Detached dwelling and detached garage	REF	07.01.2015
2011/0869	Addition of first floor and associated increase in ridge height providing accommodation in roof space with two front and one rear dormer, front bay window, front porch and front canopy	APP	02.11.2011
2010/1821	To fell 1 ash tree covered by TPO no. 156	APP	18.02.2011
2010/0957	To fell 2 ash trees and 4 cypress trees, crown lift 2 cypress trees and 1 pine tree, reduce the crown of 1 oak tree, balance the crown of a second oak tree, cut back 1 laurel tree and remove a lateral branch from 1 ash tree covered by TPO no. 156	APP	19.08.2010
2009/1620	Detached dwelling	APP	13.01.2010
2008/0953	Detached dwelling	REF	28.08.2009
2007/0533	To fell 2 ash trees covered by TPO no. 156	REF	26.04.2007

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ITEM 5 (CONT'D)

APPLICATION NO:

2017/2271/FUL

### RESPONSE TO CONSULTATIONS

Thirty seven (37) residents were directly consulted and the application has been advertised by way of a site notice and press notice as a "departure" application.

FOUR (4) letters of OBJECTION, and THIRTY SIX (36) letters OF SUPORT have been received.

The **objections** raised are summarised below:

- o Point 30 of the Planning Inspectorate report stated *Against these benefits (referring to the CCS 5 year Housing land supply), the proposal would harm the significance of the Grade II registered historic garden. Whilst I have found that the proposal represents an enabling development, the Cadw guidance is clear that such proposals will be unacceptable where they would materially harm an historic asset or its setting. Regardless of the public benefits, and even were a completed UU to be submitted securing public access and single ownership, such matters would not sufficiently outweigh the identified harm. Consequently, I consider that the benefits of the scheme would not outweigh the identified conflict with UDP Policies EV1, EV2 and EV11.*

Given the clear unambiguity of the above I fail to understand how any development could be considered and be the subject of on-going discussion and revision.

- o I understand that a waste water survey is still outstanding, and I see no reference within the application to mitigating the adverse effects on the local community during any construction phase,
- o It is again noted that highways have once again suggested that the addition of one further house would not impact road usage. I say once again as this was their stated position when Mr and Mrs Griffiths were granted planning consent for their current property. I would remind everybody concerned that the Highways Dept. have never conducted a traffic usage or risk assessment survey. Further given recent events at Grenfell and the fact that I note the garden would be open to the public for a minimum of 20 days with the potential for indiscriminate parking on a very narrow access road I would have thought that a Fire safety survey would have been commissioned with particular reference to fire appliance access.
- o A study of the file documents would also show that as part of the discussions to date any vehicle leaving the Dingle should not reverse but drive forwards. Who would police this and issue prohibition orders.
- o Whilst appreciating that the new design seeks to mitigate the visual impact of a building in this location by reducing its height, I remain concerned that the proposed property is not a replacement for the formers gardener's cottage last occupied some 60 years ago and is in any case on a completely different part of the site.
- o Any building on that side of the lane outside the existing settlement line and adjacent to the nature reserve and AONB will introduce artificial light and noise which will have a detrimental impact on the wildlife.
- o The entrance to the site is at a 90 degree angle to the entrance to Taylors Hales and there is bound to be obstruction from time to time as vehicles enter or leave both properties.

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- o Such obstruction will in turn cause a problem for pedestrians entering or leaving the public footpath that runs alongside Gower Coast Lodge (the current home of the applicants). And people coming out of the footpath gate onto the lane will lose the vista across the garden to open countryside and the sea once a dwelling is built.
- o The application involves the felling of existing trees.
- o There is no public parking provided for the garden to be opened to the public and therefore no facility for disabled people to access the site without making the journey from the nearest on street parking in Caswell Drive and it would be impossible for anyone with mobility problems to access the site from the lower gate. Similarly access to the lower gate could only be made by the general public using the very steep footpath up from Bishopswood Car Park.
- o Scale of the development and building in the countryside - there is no justification for development on this site according to Policy EV20 of the UDP.
- o Object to any proposal to move the urban settlement boundary to facilitate this development.
- o The site is visible from the AONB - there is a clear view from the garden archway joining the footpath in the AONB from Caswell Hill - without the deciduous trees at the site of the path to soften the impact.
- o The access would be dangerous - the gate at the end of my drive is at right angles to the gate of the proposed new house and the rear gate posts are only about 4 feet apart. The applicants have five or six cars and use heavy traffic e.g. pick-up truck, horse box, tractor etc. The proposed garage would be along the boundary wall leading to my gate and their own gate which would completely block any view of vehicles moving along both the drives. This would virtually guarantee an accident black spot.
- o The applicants have excavated the ground level on their side of my boundary wall which have exposed the foundations and caused it to lean. I am concerned that if foundations are dug for the garage close to my boundary wall, the weakened wall may collapse and cause my drive to subside.
- o The applicants seem to be attempting to make a case re: Policy EV20 of the UDP - their present house actually overlooks the garden - they can guarantee the future of the garden by continuing to live in their present house - the garden stopped 'thriving' because of World War II and no one can guarantee that any future owners of their present house or any house they build in the garden would be interested in maintaining it.
- o The development represents a further incursion into the attractive undeveloped land on the western boundary of the city, exerting further pressure on the Area of Outstanding Natural Beauty.
- o It is only a few years since the applicant completed the development known as Gower Coast Lodge and this new proposal is therefore obviously commercial rather than purely domestic.
- o Although it is private garden, this site is an important visual amenity when viewed from the road and footpath above. It contains many beautiful trees with TPO's which would be compromised by felling or severe lopping. A building on this site would contribute to the further urbanisation of the AONB.
- o The whole of the dingle was covered by a TPO and all hedgerow shrubs and trees were protected.
- o The removal of the trees and hedgerows in front of the road retaining wall and no doubt the increase and increased weight of traffic flows has contributed to a deterioration in the condition of the wall above road level.

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- o The deterioration will be exacerbated by ground works, heavy building vehicles associated with the granting of planning permission and will eventually lead to the wall collapsing and the danger that poses to the road and road users.

The comments of **support** are summarised below:

- o I support this application. It sympathetically follows the contours of the landscape. The new property will ensure that the beautiful garden will have a permanent future with a family to ensure its maintenance and development. As there was originally a home and tennis courts on this site it is only right that a replacement property should be allowed. The house is well designed with disabled facilities and is environmentally friendly.
- o I fully support this application, developing a beautiful family home overlooking the fabulous "secret garden" would be an outstanding addition to the area.
- o The future of the garden must be preserved and the proposed residential development will certainly secure that future.
- o The restoration of the garden by Linda and Paul Griffiths is breath-taking and historically accurate and enhances the entire area. Their charitable work with the garden as well is quite a yearly undertaking, yet they put in the untold hours of work for the good of others. This proposed house, set into the hillside, is itself beautiful and unobtrusive, and its presence will serve to keep the garden maintained at its high standard into the future. The garden is already a jewel in the crown that is Swansea, and the house will blend in beautifully.
- o It is considered that the proposed development would have minimal impact on the neighbouring properties as the proposed dwelling is significantly below the existing road level.
- o The Welsh Office stated that their only concern was the design of the house, and with these points considered their architect has created a contemporary house that will fit seamlessly into the slope. The house will reflect the natural beauty of the garden, while the surrounding evergreen trees will obstruct the view from path ways.
- o This garden/ property is in real need of a house to secure the future of this sunken/secret garden which is a jewel in the district of Caswell. Now that it has a near flat roof and is sunk deep into the bank (with wood slat cladding) it blends beautifully into the bank and its surrounding environment to complement this magnificent location. Furthermore, it is proposed to open the garden to the public on a number of dates throughout the year which shows the ongoing commitment of the owners to this unique location and the area of Caswell.
- o I am delighted that Paul and Linda intend to allow visitors access to the proposed residential property to enjoy the views of the garden. This will be of significant benefit to disabled visitors. The development plans include a disabled toilet for visitors.

### Rebecca Evans AM

I have visited the garden recently and have also seen photographs documenting the changes in the garden over the years. Having been left untended for decades, the garden has now been faithfully restored to its 1930s glory and is very impressive indeed. It is a publicly accessible heritage site, and Mr and Mrs Griffiths open the garden for charity events. In my conversation with them during my site visit, Mr and Mrs Griffiths made the following arguments in favour of allowing the building of a new home in the garden:

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- o The Dingle has won Swansea in Bloom awards for the past five years. This recognises that it is a garden, not a part of the open woodland (which is one of the main objections to allowing the building of a new home to go ahead).
- o The garden is an enclosed walled garden, bordering the countryside (Bishopswood) - rather than being part of the open woodland.
- o The garden is not a field and is not agricultural land.
- o Cadw has registered the garden as a historic garden of Wales (PGW (Gm)74(SWA)).
- o The AONB officer believes that the proposed house would have no adverse affect.
- o Photographs show that there was a house in the garden in previous years.
- o The proposed house will be secluded and will not look over other properties.
- o There are plans to build dozens of new homes locally.

My constituents tell me that their previous planning application was declined on the basis of the design. They have now re-visited the design completely, and hope for a timely and positive decision. I would be grateful if you could review my constituent's views as the application is considered.

### **Ward Councillor Will Thomas**

The return of The Dingle garden is a fantastic achievement that should be given the best chance possible of survival. Cadw feels a house on this site would help to sustain The Dingle gardens future, I therefore support this application as ward Councillor.

### **Gower Society**

We have considered the above application and specifically studied the Inspector's Report for the previous application 2016/0029. We comment as follows:

1. The design of the house is not in accord with the Gower AONB Design Guide. There is ample scope to submit a design that would both comply with the Guide as well as sympathetically drawing upon the Arts and Crafts movement that this beautiful garden was currently (and actively) listed for.

It is for this reason we have no alternative but to object to the application.

**Mumbles Community Council - No objection**

### **Cadw**

Having carefully considered the information provided with this planning application, we consider that the proposals are unlikely to harm the special historic interest of the garden.

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We therefore have no objections to the impact of the proposed development on the registered historic park and garden. Our assessment of the application is given below.

### *Our role*

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### *National Policy*

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 - The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

### *Assessment*

The proposed development is located within the grade II registered historic park and garden at The Dingle PGW (Gm) 74 (SWA). The Dingle was the ornamental garden associated with Summerland House (since gone) and dates to the early twentieth century. The registered status of the site is acknowledged in the supporting documents to the application.

The revised application appears an improvement on the previously refused application. The proposed dwelling is reduced in size and scale with a flat sedum roof and supported on columns to create a lighter appearance on its garden facing elevation.



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The addition of a dwelling on the site directly associated with the garden is likely to assist in safeguarding the garden's future and in our view the proposals are unlikely to harm the special historic interest of the garden.

### **Welsh Historic Gardens Trust**

I write on behalf of the Trust, which was founded in 1989 with two major aims: to promote restoration of historic parks and gardens and the conservation of such sites.

We are delighted that the Dingle, an example of a historic garden has been restored. This style of garden became popular in the early 20th century, the most famous example of which was created at Kensington Palace. The Dingle is a rare example in Wales and, as such, its sustainability is essential.

We are strongly of the opinion that the preservation of the Dingle can best be achieved by the creation of a building on site and overlooking the Garden. A ruined gardener's cottage in the upper garden gives evidence that this need was appreciated from the beginning.

The 21st Century requires different approaches to ensure the safe custody of the Dingle Garden. Today the owners do the maintenance of the Garden and provide vigilance against vandalism. This can best be achieved by their living within the site and overlooking the garden. The new design of the dwelling house offers excellent opportunities to observe the Garden whilst the area of green roof acknowledges the growing 21st century interest in biodiversity amongst horticulturalists and is appropriate for the semi-rural setting.

**Dwr Cymru / Welsh Water** - No objection subject to conditions.

### **Natural Resources Wales (NRW)**

We do not object to the above proposal, however we wish to make the following comments.

#### *Landscape*

Our advice relates to landscape and visual effects on the Gower AONB. Having reviewed the information submitted in support of the above proposal, we do not consider that there would be significant adverse effects on the Gower AONB. We consider that effects would be localised and largely limited to views from within the gardens of the Dingle. The revised building is of contemporary design, stepping down the slope of the garden. The mass of the building has been reduced, along with its prominence. In our opinion, it would not dominate the views from the south to the same degree as the previous building.

We recommend that consideration is given to the use of wildflower turf to the roof, potentially plant species that occur within the gardens. We would also support conditions to secure the ongoing protection and long-term maintenance of the historic garden, which is a feature of the AONB.

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*Pollution Prevention & Waste Management*

The biggest risk in relation to pollution, occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches).

As best practice, we would advise the applicant/developer to produce a site-specific construction management plan / pollution prevention plan, with particular reference given to the protection of the surrounding land & water environments. We would also recommend that a Site Waste Management Plan (SWMP) is produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. For general guidance in respect of pollution prevention, waste management, biodiversity and protected species we would refer you to our website at: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk) / [www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk).

**Council's Head of Engineering and Transportation**

The principle of introducing a residential unit in this location has been established previously in the Inspector's December 2016 decision. It is noted within the Inspector's decision letter (paragraph 32) that he did not consider that the proposed new dwelling would have a detrimental impact upon parking or highway safety. Detailed consideration was given to highway matters on previous submissions following the submission of a video survey. The previous application was not refused on highway grounds, and as such there are no highway objections with regard to the access and parking provision for a new dwelling. The indicated plot layout with access is acceptable with more than adequate on-site parking facilities being provided.

On balance therefore, I recommend that no highway objections are raised.

**Council's Tree Officer**

The current application is a little further away from the protected Monterey Cypress and in that respect is a better layout than the previous refused application.

In the Inspector's appeal report he stated the following:

- o *the loss of the Western Red Cedar would have a limited visual impact and the proposed three Holm Oaks at the northern boundary of the site would provide acceptable visual mitigation. (Para 20)*
- o *potential impacts on protected trees from the construction of two buildings and ground excavations on the site would be acceptably managed by way of a condition, as proposed by the Council. (Para 21)*
- o *given the size of the appeal property and character of the garden the living conditions of future occupiers would not be reduced to such an extent that the long term health of the trees would be threatened by inappropriate pruning or felling. (Para 22)*
- o *I conclude that the proposal would not unacceptably harm protected trees or other trees nearby, and would therefore accord with the objectives of UDP policy EV30. (Para 23)*

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Due to the Inspector's comments, the Council cannot insist on an updated tree survey and arboricultural impact assessment prior to determination (those documents accompanying the previous application were not in accordance with the British Standard and have not been submitted with this application).

A tree survey, arboricultural method statement and tree protection plan are requested to be conditioned as suggested in the Inspector's report. The findings of such a report may have a considerable impact on the construction techniques required, possibly requiring engineering solutions for the foundations to not adversely impact on the protected trees. For this reason, it may be advisable to commission such a report at the earliest opportunity.

In addition to impacts on construction techniques, one of the trees on site is in a dangerous condition that was not noted in the previous tree report. The applicants have a duty of care to visitors and contractors that they invite into their garden; this would also be highlighted in an updated report and could be dealt with prior to determination by contacting the Tree Officer. The Inspector was happy with the suggested tree protection condition in the Council's appeal submission for the previous application. As this is the case please could you append the same conditions in the event of this application being approved.

### **APPRAISAL**

This application is being reported to Planning Committee as it is a 'departure' from the adopted Unitary Development Plan (2008).

Full planning permission is sought for the construction of a detached 2 storey house and detached garage within the Historic Garden known as The Dingle, Caswell Road, Swansea.

The proposed house and garage is to be sited in the north-western section of the garden on a sloping part of the site. The site is located to the south of a private roadway which serves 10 existing dwellings.

The site is located within the open countryside and the southern part of the site is within the Gower Area of Outstanding Natural Beauty

Planning permission was refused for a detached dwelling on the site on the 25th February 2016 and was subsequently 'dismissed' at appeal by the Planning Inspectorate in their decision letter dated 19 December 2016.

Full details of are contained within the site history section below.

### **Site History**

The Dingle Garden was formally part of a bigger site associated with a large detached dwelling known as Summerland House. The original Summerland House was constructed in the late 1800's and was occupied as a single family dwelling until the Second World War. The Dingle Garden was located to the south of Summerland House, at a much lower level within a former quarry and was formed as a garden in the 1920's. The Dingle Garden once contained a modest bungalow which was used by the gardener and his family as their residence.

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The bungalow has long since been demolished, however the site of the bungalow is still evident. During the war Summerland House was used as an officers' mess by the American Army and following the war, the house was sold to the Duke of Beaufort and was divided in to four flats.

It is understood that it was at this point that the garden ceased being maintained and was left to become overgrown and became "abandoned".

On 23rd August 1996, planning permission (96/4108) was granted for the demolition of Summerland House and its replacement with 4 detached dwellings - 3 two storey houses and 1 bungalow - these are now know as 76, 78, 80 and The Spinney, Caswell Road.

It is very important to note that at the time of the above planning application, the Dingle Garden was located outside of that planning application site, rendering it outside any domestic curtilage. The Planning Committee report at the time noted that the site "contains a number of very attractive mature trees many of which are protected by TPO 156 which also includes the woodland area to the south of the access lane" - referring to the Dingle Garden, which at the time was completely overgrown and had the appearance of a dense woodland.

The site of the Dingle Garden has been located within the countryside, outside the 'urban settlement' since 1955 when the boundary on the Swansea Town Map was shown to run along the private access lane which leads to Caswell Road. In more recent years the countryside boundary has not changed in the Swansea Plan 1989, its review in 1999 or the current Unitary Development Plan which was adopted in 2008 (which was agreed by the Planning Inspectorate following a Public Inquiry in 2007). The Dingle Garden has consistently been located within the open countryside. There are no plans to amend the countryside boundary for the Local Development Plan (LDP) which is currently under preparation and is due to be subject to the Examination in Public February 2018.

After the construction of the four dwellings approved in 1996, the ownership of the Dingle Garden and other land was associated with the bungalow known as The Spinney, located to the north of the site, but was physically separated from the dwelling by the private access road that served the new dwellings.

The applicant bought The Spinney and the Dingle Garden and on 13 January 2010 they received planning permission (2009/1620) to build a new detached dwelling on land between The Spinney and the Dingle which was within the settlement boundary. This dwelling has been constructed and is now known as Gower Coast Lodge and is the current home of the applicant. The house is separated from the application site by the private access lane. The Spinney has since been sold to a separate owner, but the applicant retained the ownership of the Dingle Garden and has since spent a number of years clearing the undergrowth and removing a number of trees and laying out the garden in a formal arrangement.

In 2012, the applicant submitted an application for a 'Certificate of Lawful Use or Development' (2012/1597) for the Dingle Garden site for "the use of land as residential curtilage". The certificate application was considered as being 'not lawful' as *"insufficient evidence has been provided to confirm that on the balance of probability the land subject of this certificate has been used as residential curtilage for a period exceeding 10 years"*.

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It was noted within the officers report that *"Summerland House was demolished in 1995 and notwithstanding any arguments regarding the definition of curtilage, the application site did not fall within the curtilage of the dwellings subsequently erected at the Spinney or Gower Coast Lodge (p.a. ref: 96/4108 and 2009/1620 respectively) as defined by the red line in the relevant application and any residential use of land associated with Summerland House would have ceased upon demolition"* and

*"Therefore, although the land was used as a garden and now has the appearance of a formally laid out garden; it does not form part of the residential curtilage of Gower Coast Cottage but as an ornamental garden area in its own right. It does not necessarily follow that simply because a piece of land is in the same ownership as a dwelling house it must comprise the residential curtilage. The agent's also contend that just because it hasn't been used as garden for some time it does not change the fact that it is a garden. The Local Planning Authority would argue however, that the use of the land as a domestic garden area had been abandoned as it had not been used from the end of the 2nd World War until 2006, as officially documented and acknowledged by the applicant. It is considered therefore that the land is not considered as residential curtilage but as an area of land used now as an ornamental garden."*

The applicant then submitted a pre-application request in April 2014 with regard to a new dwelling within the Dingle Garden. Officers advised the applicant that as the site was located within the countryside, any new dwelling would need to comply with Policy EV20 - New Dwellings within the Countryside.

A planning application (2014/1470) was subsequently submitted for a 3 storey detached dwelling and detached garage which was refused permission on 7th January 2015 for the following reasons :

1 The proposal represents an unjustified form of development in the countryside for which no overriding agricultural, forestry or economic need has been demonstrated to the detriment of the character and appearance of the area and Gower AONB contrary to the provisions of Policies EV1, EV2, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008.

2 The proposed dwelling is considered to be an intrusive and incongruous development by virtue of its design, scale and massing which would fail to integrate with its rural surroundings, and would detract from the setting of the historic garden and the tranquil rural Gower fringe setting, which would have a detrimental impact on the visual appearance of the locality and upon the openness of the undeveloped, green, rural character of this location, contrary to the provisions of Policies EV1, EV2, EV11, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the SPG - Gower AONB Design Guide.

3 The development would result in the loss of a Western Red Cedar tree protected by the woodland TPO156 which would be harmful to the visual amenity of the area and the would place ongoing pressure on the remaining woodland TPO trees in the vicinity to the detriment of this designation contrary to Policy EV30 City and County of Swansea Unitary Development Plan 2008.

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Following the refusal of permission, a further pre-application request (Ref 2015/2182) was submitted in which the agent highlighted the following changes to the previous scheme:

- o The Dingle is now a Cadw Grade II Registered Park and Garden of Special Historic Interest in Wales;
- o The applicant / owners of the Garden are committed to link the proposed dwelling with the Garden in ownership terms, and (in liaison with Cadw) will develop an appropriate specification for the frequency and form of public accessibility associated with the Garden - to be secured by Legal Agreement;
- o The proposal incorporates a DDA compliant toilet within the garage - which is proposed to be publicly accessible on occasions when the Garden is opened to the public;
- o The left gable of the southern elevation has been reduced in mass, serving to 'soften' the proposals; and
- o The loss of a Western Red Cedar category C3 tree - of below average condition, low value, and a lifespan of less than 20 years - to facilitate the development, will be mitigated by the planting of three mature (15 year old) Home Oak trees to be planted the north of the proposed dwelling. It is considered that these will serve to enhance visual amenity in this location

The pre-application response to the agent stated that it was considered that the offer by the applicant to allow the garden to be publically accessible (to be secured by a legal agreement) is not considered to be sufficient to allow a departure to Policy EV20 in this instance and therefore the principle of a new dwelling in this location is considered to be unacceptable and contrary to Policy EV20 of the City & County of Swansea Unitary Development Plan 2008. With regard to the design, it was considered that given that the design has not significantly changed from the previous unacceptable scheme, the previous reasons for refusal in design terms stand. With regard to the trees, it was still considered that the development would still place ongoing pressure on the remaining woodland trees contrary to Policy EV30, and that any development that would impact on a TPO'd woodland will be discouraged.

A second planning application (2016/0029) was refused for a detached dwelling on the site on the 25th February 2016 for the following reasons:

- 1 The proposal represents an unjustified form of development in the countryside for which no overriding agricultural, forestry or economic need has been demonstrated to the detriment of the character and appearance of the area and Gower AONB contrary to the provisions of Policies EV1, EV2, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008.
- 2 The proposed dwelling is considered to be an intrusive and incongruous development by virtue of its design, scale and massing which would fail to integrate with its rural surroundings, and would detract from the setting of the historic garden and the tranquil rural Gower fringe setting, which would have a detrimental impact on the visual appearance of the locality and upon the openness of the undeveloped, green, rural character of this location, contrary to the provisions of Policies EV1, EV2, EV11, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008 and the SPG - Gower AONB Design Guide.

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- 3 The development would result in the loss of a Western Red Cedar tree protected by the woodland TPO156 which would be harmful to the visual amenity of the area and the would place ongoing pressure on the remaining woodland TPO trees in the vicinity to the detriment of this designation contrary to Policy EV30 City and County of Swansea Unitary Development Plan 2008.

The application was subsequently 'dismissed' at appeal by the Planning Inspectorate in their letter dated 19 December 2016.

It is noted that within the appeal decision, although it was 'dismissed', the Inspector only dismissed the appeal on design grounds, and stated that he considered the proposal to be acceptable in principle. This is explained in the next section of this report.

### Main Issues

The main issues for consideration are whether the principle of development is acceptable or not in this location, the impacts upon the visual amenity of the area and setting of the Grade II listed Historic Dingle Garden, impacts upon residential amenity, and impacts upon parking and highway safety with regard to the provisions of Policies EV1, EV2, EV11 EV20, EV22, EV26, EV30, AS1 and AS6 of the City & County of Swansea Unitary Development Plan 2008, and also the SPG - A Gower AONB Design Guide. There are no overriding issue for consideration under the provisions of the Human Rights Act.

### Principle of Development / Policy Issues

As previously mentioned, the appeal relating to the 2016/0029 planning application was 'dismissed' by the Inspector on design grounds only.

At paragraphs 7- 9 of the appeal decision letter, the Inspector stated the following:

*"Settlement boundary*

*7. The proposed dwelling and detached garage would be located just outside the settlement boundary to the south of a private lane which provides access to around 14 houses. UDP Policies EV20 and EV22 seek to avoid the erection of housing in the open countryside other than where justified. Whilst these policies are consistent with the objectives of PPW to strictly control ad hoc development away from established settlements, national policy also indicates that sensitive infilling of small gaps within small groups of houses, or minor extensions to groups, in particular for affordable housing to meet local need, may be acceptable, though much will depend upon the character of the surroundings and the number of such groups in the area.*

*8. The character of the immediate area is influenced by the contrast between the woodland on lower ground to the south and the well-spaced detached dwellings to the north. The extensive tree cover nearby and location of the appeal buildings within a former quarry would substantially screen longer distance views, including during the winter, but the dwelling and garage would be visible in short-range views from the public right of way to the north and from Bishop's Wood to the south.*

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*The elevation and siting of the appeal buildings would, however, visually separate them from the main area of the historic garden, and their proximity and similar scale to the adjacent dwellings would provide a strong visual association with the neighbouring suburban built form. The boundary screening provided by existing and proposed hedgerows and trees would further mitigate visual impacts when viewed from the lane, and views from the neighbouring woodland would be glimpsed and at some distance.*

*9. Given the visual character of the walled garden as a managed and clearly demarcated landscape set within native woodland, the presence of a house and ancillary garage on the site would not be so unexpected that it would be perceived as a harmful incursion into the open countryside. Furthermore, the proposal would represent an exceptionally modest expansion of the urban area, and the site circumstances would significantly limit opportunities for cumulative urbanisation. I conclude that, notwithstanding the conflict with UDP policy EV20, the proposal would be consistent with the objective of policy EV22 to safeguard the countryside, and with the similar aims of PPW."*

Given that the Inspector's decision is a material planning consideration in the assessment of this planning application and also that the decision was made within the last 12 months, it is considered that the principle of a new dwelling on this site is acceptable 'departure' to the City & County of Swansea Unitary Development Plan (2008)

### Visual Amenity and Design

The previous appeal was dismissed on design grounds only.

*At paragraph 16 of the appeal decision letter, the Inspector stated that the design of the proposed house "by virtue of its design, scale and siting, would appear wholly incongruous within its setting. It would dominate the visual experience of those within the garden, fundamentally altering the character and substantially harming the aesthetic qualities and significance of this historic asset. Given the formal layout of the garden, a scheme of landscaping would not adequately screen the poor design or apparent scale of the building. For the reasons given above I conclude that the proposal would not accord with the design and conservation objectives of UDP policies EV1, EV2 and EV11."*

The design of the currently proposed dwellinghouse is vastly different from the previously refused scheme. It would comprise of a two storey (3 bedroom) detached dwelling of contemporary design set within the natural topography of the site and a detached single storey garage and associated works.

The current scheme presents a built form that would be firmly embedded into the slope of the site, working with the landform in order to ensure that it would be recessive in its appearance. The proposal includes a minimal cantilever base which gives the impression of the dwellinghouse marginally floating above the ground level when viewed from the south, yet sufficiently anchored into the slope. The proposed dwelling has been significantly revised in terms of its scale and design approach to that previously refused and appealed, and is shown to be finished in neutral tones and including flat sedum roofs to create a more light weight appearance on its garden facing elevation.



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Consideration must be given to the garden's setting in terms of the AONB within which the most southerly part of the site sits, and this application can be assessed in its entirety in terms of its 'Gower fringe' setting. The main purpose of the AONB designation is to conserve and enhance the natural beauty of the designated area. The AONB Design Guide identifies the site to fall within a character area comprising 'wooded valley'.

The proposal is considered to be designed sensitively with consideration given to its setting in terms of the AONB and other site constraints such as the public right of way (PRoW) and footpaths which are located close to the site. The proposed dwelling would include grey painted timber, stonework and a flat sedum roof which would result in a recessive development which is not considered to harm the surrounding AONB, but rather blend it within the green backdrop.

The Gower AONB Design Guide SPG notes that there are three possible acceptable contextual design styles;

- contemporary;
- modern vernacular;
- traditional.

All approaches are expected to be high quality. The proposed design approach accords with the 'contemporary' approach as set out in the Gower Design Guide SPG. It is considered that the proposed dwellinghouse is overtly contemporary whilst being sensitively integrated into the site's unique topography and character.

The current design approach has been significantly amended following the previous refusal and now shows the dwelling set down into the slope to further embed the dwelling into the surrounding landscape and reduce its visual impact. In addition, both the proposed single storey garage and proposed stepped residential dwelling will be set below the existing boundary enclosures at the site and there will be minimal views into the site, albeit the development will be visible from the PRoW running alongside the site.

These views have been fully considered and it is considered that the development would not represent a harmful visual impact in terms of views from the public realm.

Access to the site will be taken from an existing gate to the north-west corner of the site and there are no works proposed to the natural stone boundary wall that encloses the site.

The submitted materials palette is considered to respect the natural topography, incorporating muted / neutral tones that will blend with its surroundings. Stonework will tie in with the geology of the existing stone walls at the site in terms of colour and finish.

It is considered that the principle of introducing a residential unit in this location has been established previously in the Inspector's decision. The previous Inspector's report notes that *any development at the site must preserve the features of special interest at the historic garden*. The proposal is now considered to meet this requirement with a recessive form of development within its setting, neither dominating the visual experience of those using the garden, nor altering the character or substantially harm the aesthetic qualities and significance of the historic asset.

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The proposed contemporary, stepped approach set into the topography is acceptable in principle and results in a proposal, by virtue of its overtly contemporary design, subservient scale and careful siting, which is considered to overcome the previous reasons for refusal and would consequently be considered to preserve the special features of the historic garden. For this reason, the proposed development is considered acceptable subject to appropriate conditions to ensure the development is of the highest quality.

It is acknowledged that the design of the current proposed dwelling is a vast improvement compared to the appeal scheme, and as such it is considered that it would not have a harmful impact on the visual amenity of the area or on the AONB.

It is therefore considered that the improved design of the proposed dwelling would not cause a harmful impact on the special historic interest of the grade II listed historic Dingle Garden.

### **Impacts upon the Registered Historic Garden**

The application is supported by a Heritage Impact Assessment (HIA), which argues that for the wider public benefit of the garden to continue, it is considered necessary to create further value at the site through the presence of a dwelling, positioned to relate directly with the garden to enable its continued restoration and maintenance. The HIA notes the objective of the proposed house is 'enabling development' to ensure the continued upkeep and restoration of the garden. Cadw, in their response, consider that the addition of a contemporary dwelling on the site that is embedded into the slope and directly associated with the garden is likely to assist in safeguarding the garden's future and is therefore unlikely to harm the special historic interest of the garden. Cadw subsequently have no objection to the impact of the proposed development on the registered historic park and garden.

In terms of assessing the significance of the grade II registered historic park and gardens, the significance of the 'heritage asset' can be assessed against the following criteria as set out in the Cadw Conservation Principles publication.

#### Evidential value

This derives from elements of an historic asset that can provide evidence about past human activity, including its physical remains or historic fabric. As noted in Cadw's grading, the garden is set within a deep ravine, sloping down towards the sea, enclosed at its upper end with a substantial revetment wall and revetted garden paths that curve down the steep slope below. Extant features to the main body of the garden include the layout comprising tree planting, together with remnants of formal hedgerow and palms.

#### Historical Value

The site originally housed a quarry and was later turned into ornamental gardens in 1925 associated with Summerland House, a substantial two storey, timber-clad building of vaguely Arts and Crafts character. Photographs provided illustrate how the gardens appeared in the 1930's, set out in a formal design and used as recreational gardens for the original dwelling including central lawn with tennis court and sounded paths bounded by a yew hedge and palms. The gardener's cottage is shown to the north end of the lawn and old photographs show this to have been a neat, single-storey with attic, half-timbered house.

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Cadw acknowledge that the historic gardens have been restored in a manner *'faithful to the original layout and style of planting'*.

### Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset. The main evidence for the original appearance of the garden comes from old photographs dating to 1920s-40s. These show Summerland House overlooking and dominating the garden below and a less wooded landscape than at present below the garden. Any development at the site must be of a recessive form, sensitive to the unique location and respect the architecture and aesthetic qualities and significance of the historic asset.

### Communal Value

The historic gardens are important in terms of their links to past uses and the restoration and maintenance is viewed as significant. The proposal allows the opportunity to enable continued maintenance of the historic gardens and safeguards the future use of the garden.

Cadw considers that the proposal would enable to continued restoration and maintenance of these gardens. The proposal will be located to the north-west of the historic site of the gardener's cottage and is considered to respect the historic context of the site in terms of siting. The proposal is now broadly in line with section 5.5.2 of TAN 12 (Design) which states, "In general terms, good design will almost always be dependent on working within the natural constraints and the historic character of the landscape and this should be the starting point from which the design of development evolves. The aim should be to achieve good design solutions which maximise the natural landscape assets and minimise environmental impact on the landscape."

The proposal is of an appropriate scale and generally works around the natural topography and extant features of the site, being set between the historic retained paths that lead down to the main body of the garden. The proposed dwelling is set a sufficient distance away from the main garden lawn area as not to dominate the visual experience of those using the garden, but it will clearly be visible as a recessive feature in the restored landscape that works with the character and significance of the historic asset.

Cadw has stated that the revised application appears as an improvement on the previously refused application as the proposed dwelling is reduced in size and scale with a flat sedum roof and supported on columns to create a lighter appearance on its garden facing elevation. Cadw conclude that the addition of a dwelling on the site directly associated with the garden is likely to assist in safeguarding the garden's future and, that in their view, the proposals are unlikely to harm the special historic interest of the Dingle Garden.

### **Enabling development**

As part of the previous application and the current application, the applicant has submitted a signed Unilateral Undertaking (UU) which would secure public access, and the single ownership of the garden and proposed dwelling, into the long term

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As part of the appeal decision, the Inspector stated the following "*The appellant has put forward a case for an enabling development as a means of securing the future of the registered historic garden. Whilst reference has been made in the submitted materials to costs associated with ongoing restoration and maintenance, it was confirmed at the hearing that the 'enabling' effect relates to securing the long-term future of the historic asset via the provision of a dwelling which has a strong visual and physical relationship with the garden. Cadw has offered its support on this basis. Nevertheless, PPW makes it clear that the benefits of an enabling development proposal should decisively outweigh the harm to other material assets, and the Cadw guidance sets out seven tests for assessing this.*

*Whilst the garden was formerly in a state of disrepair, that is no longer the case. I am in no doubt that the appellant, with minimal public funds, has expended a considerable amount of time and effort in restoring the garden, thereby enabling it to be graded and registered. However, gardens are ephemeral and require continued maintenance. Given the currently limited prospects of public or charitable ownership, the optimum viable long term future for the garden is one which keeps it in single ownership, and closely associated, with a single dwelling. Although the garden and Gower Coast Lodge are located close to one another, I consider that their visual separation presents a significant risk to the future maintenance of the garden over the long term. Furthermore, given the physical separation between the Gower Coast Lodge and the appeal site, fragmentation of ownership is a significant possibility.*

*The appellant contends that the garden suffers ongoing, if sporadic, vandalism and theft. Given the relative visibility and easy access to the garden from the improved right of way to the south, I have no reason to dispute this. Anti-trespass measures such as higher boundary walls or fencing may assist, but these would come with potentially significant visual impacts on the Bishops Wood footpath and the garden itself, possibly risking or reducing its significant aesthetic qualities. I consider that passive surveillance from a single dwelling would provide an appropriate solution to addressing the inherent problems of maintaining a privately owned, secluded registered historic garden that is accessible from a public footpath.*

*A draft Unilateral Undertaking Section 106 Agreement (UU) has been submitted which would secure public access, and the single ownership of the garden and proposed dwelling, into the long term. However, it has not been signed and is therefore not legally binding, and on this basis I am unable to afford it any weight. Nonetheless, for the reasons given above I conclude that, based on the submitted information, the case for an enabling development on the site has been adequately justified."*

As the Inspector found in favour of the case for enabling development, the signed UU has now been received and is considered to be acceptable, as it would secure public access, and the single ownership of the garden and proposed dwelling, into the long term.

### **Residential Amenity**

The proposed house would be located 40m to the south of the existing houses at 76, 78 and 80 Caswell Road and at a lower level. Given the distances from existing houses it is considered that the proposed house and garage would not cause any overshadowing, overlooking or overbearing impacts upon the residential amenity of the existing neighbouring occupiers. As such, the proposed development is considered to be acceptable in this regard.

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### Access and Highway Safety

The Head of Transportation and Engineering has confirmed that on balance therefore, no highway objections are raised, for the reasons given in the Highway Observations section of this report.

The Inspector stated at para 32 of the appeal decision

*"I saw on my site visit that the lack of visual obstructions at the junction of the lane allows sufficient visibility in both directions for vehicles exiting onto Caswell Road, and drivers travelling up the hill would have sufficient advance sight of potential hazards. Due to an existing boundary hedge, the proposed garage would have a negligible effect on visibility for vehicles exiting the smallholding at Taylors Hales. Adequate visibility would be available into the lane from the adjacent access points, and the likely slow speeds of vehicles emerging from both properties would assist in avoiding harmful vehicle or pedestrian conflicts. The width of the lane would enable acceptable access for service or construction traffic. I note that the Highways Authority has not raised any objections, and given the limited increase in traffic movements associated with a single dwelling I also find the proposal to be acceptable in terms of its effects on highway safety."*

As such, the proposed development is considered to be acceptable in this regard.

### Trees

The proposed dwelling would be located a little further away from the protected Monterey Cypress than the previously refused dwelling, and in this respect, the proposed development would have a better layout than the previous refused application.

Within the Inspector's appeal report he stated the following:

- o *the loss of the Western Red Cedar would have a limited visual impact and the proposed three Holm Oaks at the northern boundary of the site would provide acceptable visual mitigation. (Para 20)*
- o *potential impacts on protected trees from the construction of two buildings and ground excavations on the site would be acceptably managed by way of a condition, as proposed by the Council. (Para 21)*
- o *given the size of the appeal property and character of the garden the living conditions of future occupiers would not be reduced to such an extent that the long term health of the trees would be threatened by inappropriate pruning or felling. (Para 22)*
- o *I conclude that the proposal would not unacceptably harm protected trees or other trees nearby, and would therefore accord with the objectives of UDP policy EV30. (Para 23)*

Due to the Inspector's comments, it is considered that a new dwelling can be accommodated on the site without having a harmful impact upon the retained trees and the woodland TPO. The Council's Tree Officer has recommended that details of a tree survey, arboricultural method statement and tree protection plan can be submitted via a condition, as suggested in the Inspector's report.

As such, the application is considered to be acceptable in this regard.

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### Ecology

The position of the proposed dwelling is located within the open and cleared areas of the site. The Inspector noted that "*the site of the proposed dwelling has limited ecological value and stated that subject to the proposed mitigation planning and landscaping, the proposal would be acceptable in terms of its effect on species and habitats.*" A landscaping condition has been added to ensure appropriate planting to encourage ecological biodiversity.

### Response to Objections

Issues relating to the principle of development, impacts upon the Grade II registered historic garden, traffic and highways, design and visual impact, impacts upon the AONB, ecology and trees, are addressed in the above sections of this report.

With regard to drainage, Dwr Cymru / Welsh Water have confirmed that no objections are raised to the planning application. A condition will be added requiring full details of a drainage scheme which shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means.

With regard to fire safety, the Head of Transportation and Engineering has raised no objection, and it is considered that the access lane is sufficient to allow full access for emergency vehicles to existing houses and the proposed dwelling.

With regard to the stability of the lane and retaining walls, it is noted that the lane is well established as a vehicular access for around 14 properties and would acceptably serve an additional dwelling. Structural and maintenance issues and obligations would be adequately covered by other legislation, and in this regard the proposal would be acceptable in planning terms.

### Conclusion

Having regard to all the material planning considerations, including the provisions of the Human Rights Act, the application is now considered to be acceptable in terms of the impacts upon the visual amenity of the area and setting of the Grade II listed Historic Dingle Garden, impacts upon residential amenity, and impacts upon parking and highway safety with regard to the provisions of Policies EV1, EV2, EV11 EV20, EV22, EV26, EV30, AS1 and AS6 of the City & County of Swansea Unitary Development Plan 2008, and also the SPG - A Gower AONB Design Guide.

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"). 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 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.

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**ITEM 5 (CONT'D)**

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**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:

HG.14-13 AL(P)0.01 - EXISTING AND PROPOSED LOCATION PLAN

HG.14-13 AL(P)0.10 - POSITION OF THE HOUSE ON SITE

HG.14-13 AL(P)0.20 - HOUSE LOWER GROUND FLOOR PLAN

HG.14-13 AL(P)0.30 - HOUSE HIGHER GROUND FLOOR PLAN

HG.14-13 AL(P)0.50 - ELEVATION SOUTH

HG.14-13 AL(P)0.60 - ELEVATION FACING NORTH EAST

HG.14-13 AL(P)0.70 - ELEVATION SIDE - WEST

HG.14-13 AL(P)0.80 - ELEVATION FACING NORTH-WEST

received on the 23 October 2017

AL(P)0.90 - PROPOSED GARAGE PLAN AND ELEVATIONS

received on 30th October 2017.

Reason: To define the extent of the permission granted.

- 3 Details / samples of the external materials, including a composite materials sample board and the surface material of the driveway and paths of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority before development works commence on site. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- 4 Prior to the commencement of development works on the site, large scale drawings shall be submitted to and approved in writing by the Local Planning Authority. The large scale drawings shall comprise:

- Elevations and sections of the first floor of the south elevation showing the glazing/timber cladding/fascias/bargeboard;

- Elevations and sections of the ground floor/first floor of the south elevation showing the glass balustrade/timber cladding/soffits/ground floor glazing;

- Elevations and sections of the north-west elevation through door/facing stonework/fascia/bargeboard;

- Elevations and sections of the north-east elevation showing typical windows in their openings within the timber cladding and facing stonework areas.

The development shall then be implemented in accordance with the approved details.

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Reason: In the interests of visual amenity and to preserve the grade II registered historic park and garden.

- 5 Notwithstanding the drawings hereby approved, prior to the commencement of development works on the site, full details of all external stone work shall be submitted to the Local Planning Authority for its written approval and a sample panel of the stone work shall also be built on site for the written approval of the Local Planning Authority.

Both the submitted details and sample panel shall illustrate the type, cut and coursing style of the stone, as well as details of the mortar type, colour, size of the mortar joints and pointing style.

Development works shall not commence on the site, until the Local Planning Authority has approved the submitted details and a sample panel.

The stone work used in the development shall thereafter be carried out in accordance with the agreed details.

The approved sample panel shall be retained on site during the construction phase of the development.

Reason: In the interests of visual amenity.

- 6 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site (including the access driveways and parking spaces) showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.

Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system (SuDS), and the results of the assessment provided to the Local Planning Authority. If the assessment indicates that a SuDS can be utilised, then such a system should be used.

Where a SuDS is to be utilised, full details of any soakaways being proposed shall be provided. The submitted information shall include details of the size of the soakaways and confirmation that they have sufficient permeability, to be demonstrated by the results of soakaway tests (to be carried out in accordance with BRE Digest 365 2016).

The agreed drainage scheme shall be implemented before the dwelling hereby approved is brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.



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**ITEM 5 (CONT'D)**

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7 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme. The tree protection scheme shall include the following information:

(a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.

(b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.

(c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;

(d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;

(e) Details of any levels changes within or adjacent to protection zones;

(f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;

(g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;

(h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;

(i) Provision for the prevention of soil compaction within planting areas;

(j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;

(k) Provision for briefing construction personnel on compliance with the plan;

(l) Provision for signage of protection zones and precautionary areas;

(m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.

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### ITEM 5 (CONT'D)

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(n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

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

- 8 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The development shall then be implemented in accordance with the details thereby approved.  
Reason: To ensure that reasonable measures are taken to safeguard tree cover in the interests of local amenity.

- 9 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 occupation of the dwelling 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: To ensure that reasonable measures are taken to safeguard tree cover in the interests of local amenity.

- 10 Unless otherwise agreed in writing by the Local Planning Authority, the proposed parking areas hereby approved/illustrated on the submitted plan shall be:
- (i) porous or permeable; or
  - (ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouses; and
  - (iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

Reason: In the interests of sustainability.

### INFORMATIVES

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

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**ITEM 5 (CONT'D)**

**APPLICATION NO:**

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- 3 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV11, EV20, EV22, EV26, EV30, AS1 and AS2.
  
- 4 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.

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PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018

ITEM 6

APPLICATION NO:

2016/1573

WARD:

Landore - Area 1

Location:

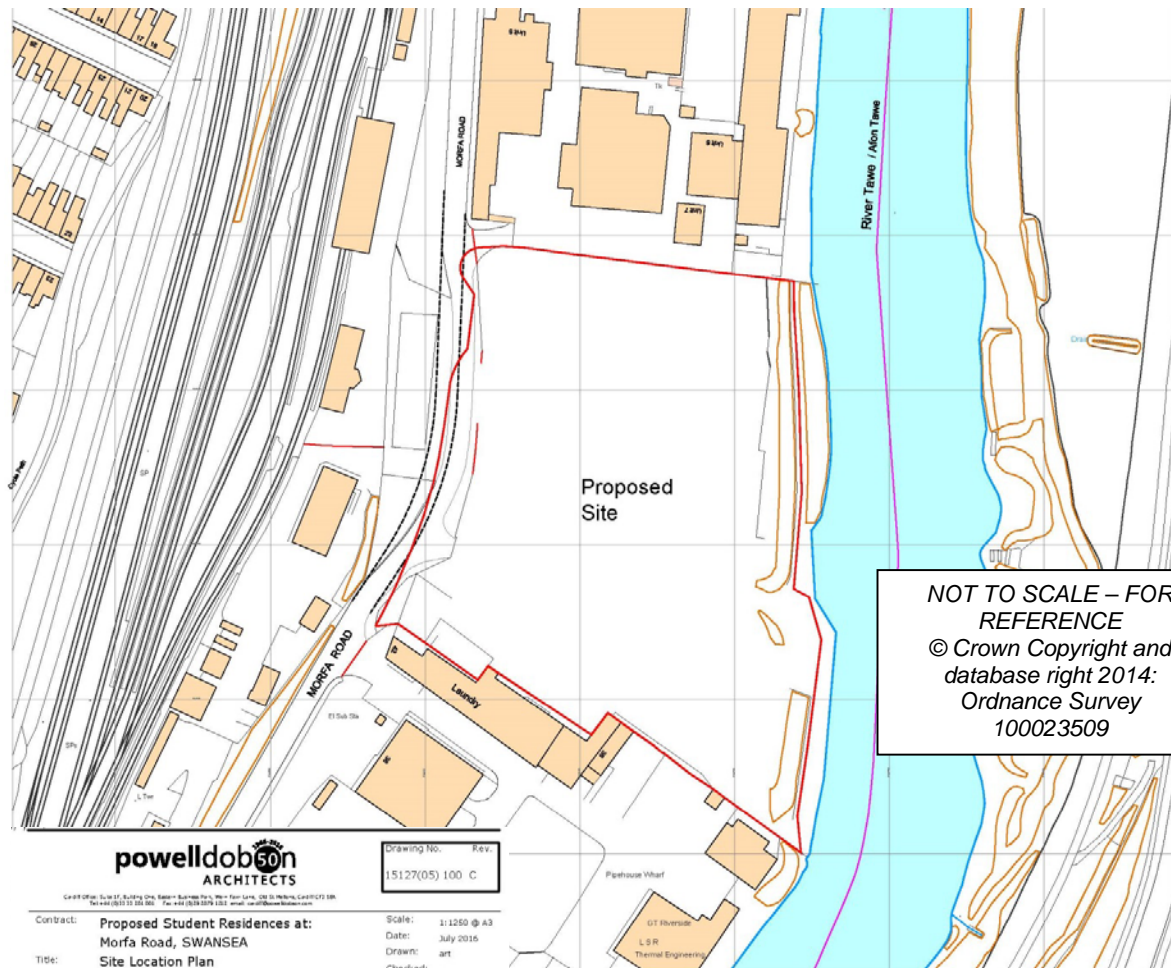
Land At The Former Unigate Dairy Site, Morfa Road, Swansea

Proposal:

Demolition of existing on site building /structures and construction of purpose built student accommodation (up to 706 bedrooms) (Sui Generis) within an indicative access / layout of 5 blocks & scale parameters of 4 to 6 storeys with 4 No. ground floor commercial units of Block 1(A1/A2/A3 &B1) and 1 No. ground floor convenience retail store (A1) / 1 No. commercial unit (A1/A2/A3 & B1) of Block 2 together with ancillary communal uses including management / laundry / common room (D1 & D2 uses), car & bicycle parking/servicing area, associated engineering, drainage, related infrastructure and landscaping works (Outline Application - all matters reserved)

Applicant:

Mr Nigel Short



ITEM 6 (CONT'D)

APPLICATION NO:

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**BACKGROUND INFORMATION**

**POLICIES**

**UDP - EV1 - Design**

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

**UDP - EV2 - Siting**

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

**UDP - EV3 - Accessibility**

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

**UDP - EV4 - Public Realm**

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites**

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV34 - Protection of Controlled Waters**

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

**UDP - EV35 - Surface Water Run-Off**

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

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

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

**UDP - EV36 - Development and Flood Risk**

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

**UDP - EV38 - Contaminated Land**

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

**PLANNING COMMITTEE – 9<sup>TH</sup> JANUARY 2018**

**ITEM 6 (CONT'D)**

**APPLICATION NO:**

2016/1573

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

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

**UDP - EC3 - Established Industrial and Commercial Areas**

Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)

**UDP - HC2 - Urban Infill Housing**

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

**UDP - HC11 - Higher Education Campus Development**

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

**UDP - HC17 - Planning Obligations**

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

**UDP - HC19 - Tawe Riverside Park**

The Tawe Riverside Park will be completed so as to enhance its ecology and appearance, improve its role as an attractive recreation area and complete the pedestrian and cycle network. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS1 - New Development Proposals**

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

**UDP - AS2 - Design and Layout**

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

**UDP - AS4 - Public Access Routes**

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

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UDP - AS6 - Parking/Accessibility

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

UDP - AS11 - Roads

Accessibility - Road construction and improvement at specified locations. (City & County of Swansea Unitary Development Plan 2008)

**SITE HISTORY**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2016/1573	Demolition of existing on site building /structures and construction of purpose built student accommodation (up to 706 bedrooms) (Sui Generis) within an indicative access / layout of 5 blocks & scale parameters of 4 to 6 storeys with 4 No. ground floor commercial units of Block 1(A1/A2/A3 &B1) and 1 No. ground floor convenience retail store (A1) / 1 No. commercial unit (A1/A2/A3 & B1) of Block 2 together with ancillary communal uses including management / laundry / common room (D1 & D2 uses), car & bicycle parking/servicing area, associated engineering, drainage, related infrastructure and landscaping works (Outline Application - all matters reserved)	PDE	

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2015/1599

Residential development for 93 units - Discharge of conditions 7 (materials), 9 (road construction), 10 (travel plan), 11 (noise reduction scheme), 16 and 19 (waste management & CMS) 20 (archaeological excavation) of outline planning ref:2008/1615 dated 4 Feb. 2015 and conditions 2 (temporary pedestrian access), 3 (greyfriars / apartment roof design), 4 (highway details) and 5 (lumley dormer design) of reserved matters ref:2015/0221 dated 14 July, 2015

NOBJ

01.04.2016

### RESPONSE TO CONSULTATIONS

#### ORIGINAL PROPOSAL

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

1. St Davids student development has caused parking and noise problems with high student numbers. Adding another 1200 students in such a small area would not be a good thing for the Morfa road project. In a time when affordable housing is in short supply, would it not be better to look at putting family housing rather than more student digs?

**Gladeborough** - Gladeborough currently own the neighbouring land at Pipehouse Wharf which lies to the south of the site.

Gladeborough's position with regards to the information submitted is principally in support of the redevelopment of the site and, by association the wider area. It is noted that the former dairy site is located within the Deposit LDP for 'high density' residential development forming part of the wider redevelopment of the Tawe River Corridor. Notwithstanding the support for the principle, there are a number of initial concerns in relation to detailed aspects of the application proposed that our clients would like to raise. It is acknowledged that the application is submitted for Outline planning permission at this stage and therefore much of the detailed design has not yet been completed / finalised. Notwithstanding this, it is felt that raising potential issues at this early stage will allow for any concerns to be addressed within the design of the final scheme and details relating to the Reserved Matters application. The concerns are set out and detailed below.



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#### Built Form

The principle of a high rise / dense development is not opposed, indeed is welcomed in this location and would in any extent be consistent with the emerging planning policy context for the area. It is noted for example that the Deposit LDP has allocated this site, and a number of others on Morfa Road, to be redeveloped for high density residential and employment uses. Notwithstanding this, there is a concern that the outline application as submitted has positioned high rise built form in close proximity to the southern site boundary, with resultant adverse impacts on the relationship to the adjoining land that is owned by Gladeborough, and moreover potentially compromising and prejudicial effects on the redevelopment of our site (which is similarly emerging and allocated for redevelopment).

Appreciating that the submitted plans and drawings are indicative only at this outline application stage, and that all matters are reserved, it is noted that Blocks 1, 4 and 5 on the Proposed Site Layout (Drawing no. 15127 (05) 101 B) lie within close proximity to the site boundary, and are of a considerable height. Most notably Block 1 comprises 8 storeys, and Block 5 comprises blocks of 9 and 10 storeys. Whilst the proposed scale and height of these elevations are not objected to, it appears that the Proposed Site Plan does not allow for an adequate separation distance to Gladeborough site - some blocks being located less than 10.5m to the site boundary. Appreciating that there would be little impact on the existing uses at Pipehouse Wharf, as a result of this, the close proximity of the proposed development would have a compromising and prejudicial effect on any future redevelopment of our clients site. In particular, Blocks 1, 4 and 5 would necessitate any minimum separation distances being accommodated with and by our clients future redevelopment proposals - with resultant reduction in the sites capacity etc.

In addition to their principle concern, there are also some concerns about the design and placement of windows on southern facing elevations of the proposed residential blocks, particularly on the blocks which would directly overlook the site. Although it is acknowledged that the application has been submitted in outline form, it is considered that this issue should be carefully considered to ensure the future development of Pipehouse Wharf is not compromised, not least as any consideration of the proposals for the application site will inevitably create an expectation of what will be permissible in any subsequent reserved matters application.

#### Drainage

The application site does not currently benefit from any foul drainage onsite. The current drainage only exists through Gladeborough's site. It is therefore considered that the current drainage system may not have capacity for the numbers contained within the development proposal (circa. 1212 beds), nor have the necessary right and / or ability to form a suitable connection etc. As such, this aspect of the proposals will need to be carefully considered to ensure that any drainage solutions do not have a negative impact on the adjacent land owned by Gladeborough.

#### Leased Land

It is noted that the Proposed Site Layout includes a parcel of land which is identified as within the application site area, but excluded from the majority of the site by a hashed red line. This parcel of land is currently owned by the adjacent land owner (Gladeborough), who currently leases this parcel to a further party. Access to this parcel is gathered through (in part) the application site (the former Unigate Dairy Site). This will be compromised by the application proposals if not properly and carefully planned and integrated, as will the means of access onto Morfa Road - as a result of highways access proposals along the site's frontage.

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As such, the application should not include this parcel within the red line and it is requested that this parcel should be removed from the development site boundary (indicated by a bold red line) and this should be referenced accordingly. It is also a concern that the Proposed Site Plan would see this parcel 'cut off' from the rest of the site including the access from the north to this parcel of land, ultimately rendering it unusable and therefore the Proposed Site Plan should retain access to this parcel.

### Summary

We would therefore submit that, although our Gladeborough is in support of the above application, both in terms of principle and much of its detail, it is considered that the issues identified above should be carefully considered and clarified / attended to when determining the scheme. This is necessary in order to prevent any adverse impact on, and prejudice to, the site at Pipehouse Wharf, along with any adverse effect on the potential for redevelopment of Gladeborough our site and surrounds in the future.

**Swansea Civic Society** - wish to register the following objections to this application both in the context of its principles and details for the following reasons:-

1. The intended use of the proposed development as high density student accommodation is contrary to the requirements of the Deposit Local Development Plan July 2016. The document identifies this brownfield site as Residential. Also that under the terms of the LDP, student accommodation does not come under the definition of residential which should be seen as permanent residences primarily for families and the development of communities. By its very nature, student accommodation is temporary, transient and generally occupied for only 9 months in any 12.
2. The LDP goes on to identify that the Tawe Riverside Corridor and Hafod Morfa Copper Works are expected to provide a Total No. of homes for residential led SDA's of 370. This would also comply with the Affordable Housing Strategy which states that there is a requirement for affordable housing across all areas of Swansea and it will be important to maximise affordable housing delivery wherever possible. To remove this brownfield site from residential use will be contrary to the target for the number of possible homes and also affordable homes. Ultimately this will put greater pressure on green field locations elsewhere.
3. The LDP also states that the Council wishes to avoid development of student accommodation that is unsustainable (including in terms of access to services, facilities and public transport) or to the detriment of the regeneration aims for the Central Area. Therefore proposals for student accommodation will not be supported outside of the Swansea Central Area unless the exception criteria are met. There is no evidence provided of any exception criteria having been met.
4. The C & C Swansea Public notice of 22nd. August 2016 states that the proposed development is one of those which may have a substantial impact on the amenity of the area in which they are situated. This point is supported by the Civic Society as a reason for refusal.
5. The proposed density of the scheme at 1212 beds is far in excess of any residential alternative. This may be financially beneficial to the developer however if converted to a notional scheme for 4 bed homes would equate to over 300No. close to the LDP target for the whole of the SDA. Clearly this is not an acceptable density and will have major and unacceptable impacts upon the surroundings.

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6. The proposals are accompanied by a transport assessment which can only make basic assumptions for the impact upon the Morfa Distributor Road as it is incomplete. We understand that the Distributor Road scheme has two purposes, firstly to reduce traffic and pollution on the Hafod Road by diverting vehicle loads. Secondly to open up the riverside area to development in line with the LDP. It is therefore impossible to identify with certainty the impact of the proposed development when existing traffic numbers are unrepresentative. The new road consists of one lane in each direction together with a shared 3m. footpath. This is totally inadequate to serve the addition of 1212 students with 49 cars and 610 bicycles at peak times in the morning and evening. Easy access to other cycle routes does not exist.

7. Also, the proposal that for each occupant (where not allocated one of the 49 parking spaces) the C & C Swansea policy that a no student shall park on the streets within 3 miles shall be included in the tenancy agreements (excluding the High Street MCP) and enforcement to be responsibility of the developer, is totally unenforceable. This will add to the concerns already expressed relating to the Mariner Street development for 725 student beds which also pretends to restrict student car use and also allows for the MSP to be used.

8. The proposed development for students does not add vitality and amenity to the river frontage and when seen as an addition to the current student accommodation on New Cut Road will create too large a concentration within such a small area.

**South Wales Police Designing Out Crime Officer** - Having visited the site and having reviewed the drawings South Wales Police would object to the above planning application for the following reasons:-

(i). The application relates to the provision of approximately 1200 student flats. The first time students often leave home is to attend university and quite often they are young and vulnerable.

(ii). Many students do not own motor vehicles and rely on walking or on public transport. There is no public transport provided in this area.

(iii). The site proposed is in an area of Swansea that is isolated. It is located outside the city centre adjacent to a number of industrial units. These units provide no natural surveillance of Morfa Road which would result in students walking from the student accommodation down Morfa Road being vulnerable especially at night time.

(iv). Because of the lack of established residential properties there is a lack of capable guardianship (self-policing).

(v). Lighting in Morfa Road is poor. It is totally unsuitable for young people to walk in this area especially at night.

If the development is to go ahead I would ask that conditions to be imposed in order to try and mitigate some of the risks with such a development in respect of Perimeter security; Lighting; Vehicle parking areas; Bicycle stores; Landscaping; Bin storage; CCTV with Signage; Drainpipes; Utilities; Door and Window Security; Access control; Management Plan and Dwelling identification.

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**Dwr Cymru Welsh Water** - request that if you are minded to grant Planning Consent for the above development a condition is included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets in respect a point of connection on the public sewerage system being identified by a hydraulic modelling assessment. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the sewerage system, as may be identified by the hydraulic modelling assessment.

**Natural Resources Wales** - recommend that that you should only grant planning permission if the scheme can meet the following requirements in relation to contaminated land and foul drainage and that your Authority attaches the recommended conditions. These would address significant concerns that we have identified.

### Contaminated Land

We welcome the submission of the document entitled; 'Former Unigate Dairy, Morfa Road, Swansea - Proposed Student Accommodation: Geoenvironmental Site Assessment Report (Ref: 1220-01/R0)', dated 10 July 2016, by Ground Investigation (Wales) Limited. NRW agree with the recommendations made in section 7.3.2 of the report, which advises that groundwater monitoring is required in order to understand what contaminants may be leaching into them. We note the coverage and the targeting of specific areas relating to contaminative previous use and welcome this approach.

Further investigation may be required at WS01 and TP05, due to the presence of underground chambers and the applicant may need to consider piling options depending on the level of contamination found on site. Generally, NRW will only support the use of deep-pit based systems (including boreholes or other structures that bypass the soil layers) for surface water if the developer can show that all of the following apply:

- o there are no other feasible disposal options such as shallow infiltration systems (for surface water) or drainage fields/mounds (for effluents) that can be operated in accordance with current British Standards;
- o the system is no deeper than is required to obtain sufficient soakage;
- o pollution control measures are in place;
- o risk assessment demonstrates that no unacceptable discharge to groundwater will take place, in particular that inputs of hazardous substances to groundwater will be prevented; and
- o there are sufficient mitigating factors or measures to compensate for the increased risk arising from the use of deep structures.

In terms of SUDS, soakaways are not the only option and we recommend that other green engineering should be considered in areas where the leachate may make shallow soakaways inappropriate.

### Foul Water Disposal

We assume that foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water disposal and is considered to be the most sustainable. Dwr Cymru Welsh Water (DCWW) should also be consulted and asked to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution.

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### Flood Risk

We note the provision of the document entitled; 'Flood Consequences Assessment: Proposed Student Accommodation at Morfa Road, Swansea (Report No. C0750/R2)', dated July 2016 by CB3 Consult Ltd. The detailed site plan submitted with the FCA confirms that the site is not at risk of fluvial or tidal flooding, either now or in 100 years' time (with climate change added). Therefore, we have no further comments to make in relation to this matter.

### Ecology and Protected Species

NRW welcome the provision of the document entitled; 'Preliminary Ecological Assessment: Land at Morfa, Swansea', dated June 2016, by Hawkeswood Ecology. We note the recommendation made in Section 8 of the above report, and advise that these are discussed and agreed with your Authority's Planning Ecologist.

**Council's Drainage Engineer** - has reviewed the submitted information and recommends that a condition is appended to any permissions requiring the submission of a strategy for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with. 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.

**Glamorgan Gwent Archaeological Trust** - Thank you for consulting us about this application; consequently we have consulted the detailed information contained on your website and can confirm that the proposal has an archaeological restraint.

An archaeological desk based assessment undertaken by Dyfed Archaeological Trust (Report no. 2016/42) has been submitted in support of the application. This has collated and assessed the known archaeological resource in the area, which includes the former Hafod Saw Mill and Patent Safety Fuse works. Additionally, elements of Glasbrook's Wharf (coal wharf) and associated features, such as tramroads, may also be encountered. Indeed, geotechnical investigations have recorded brick, sandstone and slag inclusions, as well as metal sheeting, ceramic pipes, glass and asbestos. As the assessment notes, such remains could represent general waste deposition or levelling, but could also indicate remains of structures.

Despite the modern construction activities on the site, previous archaeological investigations have demonstrated that the current ground level has the potential to be significantly higher than was historically the case. As a result the remnants of structures could be preserved. It is likely that evidence of the canal, wharves, tramways and buildings survive and be adversely affected by the proposed development. Planning Policy Wales 2016 (Edition 8) Section 6.5.2 notes that "If important remains are thought to exist at a development site, the planning authority should request the prospective developer to arrange for an archaeological field evaluation to be carried out before any decision on the planning application is taken." More detail on this guidance can be found in Welsh Office Circular 60/96 sections 13 and 14.

It is therefore our opinion in our role as the professionally retained archaeological advisors to your Members that the applicant should be requested to commission suitable archaeological evaluation work. Consequently, as the impact of the development on the archaeological resource will be a material consideration in the determination of the current planning application this should be deferred until a report on the evaluation has been submitted to your Members.

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### CADW

Having carefully considered the information provided with this planning application, we consider that the proposed development will cause no damage to the setting of the scheduled monuments. We therefore have no objections to the impact of the proposed development on the scheduled monuments. Our assessment of the application is given below.

### Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority. It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

### National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and circular guidance.

PPW (Chapter 6 - The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 : The Historic Environment elaborates by explaining that there is a presumption against proposals which would involve significant alteration or cause damage, or which would have a significant impact on the setting of remains. PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

### Assessment

The application area is located some 320m south of scheduled monument White Rock Copper Works (GM481). The upper storeys of the proposed development are likely to be visible from the scheduled monument. The scene down river from the scheduled monument would originally have been an industrial one, however recent developments have changed the immediate view from the scheduled monument to a residential one, as such the proposed development will not constitute a significant change. Consequently it is our opinion that the proposed development will not cause any damage to the setting of scheduled monument GM481.

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Scheduled monument GM482 Foxhole River Staithes (GM482) is located some 60 metres, east of the application area. The monument comprises the remains of the staithe, a waterside depot for coals brought from the collieries for shipment, furnished with staging and chutes for loading vessels, dating to the 18th century. Three stone staithes survive on the edge of the river's sloping bank and are situated at the southern end of Smith's Canal, which was built in 1783-5, suggesting the staithes are probably contemporary. Each is 7m high and constructed of rubble sandstone, with some copper slag block quoins and earthwork banks to the rear. Two of the staithes have single walls with embankments behind, but the third has three additional stone piers toward the river. All three staithes would formerly have carried wooden superstructures for the tram rails and chutes.

The setting of the scheduled monument is primarily its' riverside location. The application area was originally industrial (although currently it is open) and will change to residential but this will not change the relationship of the monument with the river. Consequently whilst the view from the monument will change this will not alter the significance of the scheduled monument and therefore the proposed development will no cause damage to the setting of scheduled monument. GM482.

**Council's Planning Ecologist** - The site generally appears to be of low ecological value although it's important that the vegetation along the river bank is maintained and this is not lit. The river bank will be used by foraging bats, nesting birds and quite possibly otters. The preliminary ecological survey has a series of recommendations in section 8, these should be adhered to, they include mitigation methods for reptiles and nesting birds. A condition should require the ecological recommendations to be followed.

The brick building to the front of the site isn't covered by the ecological survey although appears to be earmarked for demolition, if this is the case and it's still there the building will need a full bat survey as it is very near the river and appears to have features that could be used by roosting bats. We'll need to see this before we give permission. This will need to be carried out very soon as the period over which full bat surveys can be carried out is running out (August, 2016).

**Council's Environment Officer** -

A condition must be placed upon this application for a detailed scheme for the eradication of Japanese Knotweed to be submitted and to be implemented prior to the commencement of work on site.

**Council's Pollution Control Officer** - have no objection to this application subject to conditions in respect of mitigation measures for noise, plant noise and detailed plans of any piling operations to be carried out.

NRW's comments relating to groundwater and gas migration are also valid with regard to Public Health, instead of duplicating conditions if reference to Public Health is added to the wording of their conditions then that would suffice.

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### AMENDED PROPOSAL

The application was re-advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) with the display of site notice on 11 August, 2017. No third party responses were received.

#### **South Wales Police Designing out Crime Officer -**

Having consulted with the local Superintendent of South Wales Police and having considered the additional information supplied by the developer, South Wales Police will withdraw their objection to the above planning application subject to the following conditions:

(i). The student development is built to meet Secured by Design standards and specifications and an application is made for the award by the developer. Many of the standards and specifications were outlined in my report to you dated the 20th October 2016.

(ii). Lighting on the "safe route" proposed by the developer from the site to the city centre meets the British Standard 5489-1 2013 and compliments and enhances CCTV coverage.

(iii). The safe route proposed by the developer is protected by monitored CCTV with the Designing out Crime Officer consulted on the CCTV scheme

**Dwr Cymru Welsh Water -** No further comment

**Natural Resources Wales -** Having reviewed the information submitted, we refer your Authority to the comments provided in our previous response, dated 23 August 2016.

**Council's Drainage Engineer -** Our previous recommendation remains the same.

#### **Glamorgan Gwen Archaeological Trust-**

As you may remember we previously commented on this application in our letter dated 20th September 2016, and our understanding of the archaeological resource of the area remains unchanged.

Whilst we note the current amendments, it remains our assertion that a field evaluation is appropriate in this particular case. Consequently, as the impact of the development on the archaeological resource will be a material consideration in the determination of the current planning application this should be deferred until a report on the archaeological evaluation has been submitted to your Members.

**Council's Pollution Control Officer -** My original comments still stand.

**Highway Authority -** Concerns had been raised regarding the unsustainable nature of the site and lack of connectivity to local amenities and public transport routes and the Highways stance was that the site was unsustainable and would not be supported from a Highways viewpoint. A refusal was therefore being recommended.

Subsequent to this, and after a series of meetings and advice, the applicant has offered up a package of measures that will help mitigate for the remote nature of the site and enhance its accessibility for all modes of transport.



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These include:

1. A financial contribution of £500,000 (Five Hundred Thousand Pounds) is made to City and County of Swansea, towards the physical infrastructure improvements between the application site and the City Centre (to include highway junction improvements, new footways and CCTV enhancement). The £500k will be used to fund:
  - o Providing a riverside shared use link through the Pipehouse Wharf development;
  - o Infrastructure works to the existing Morfa Road/New Cut junction to provide a through route to the Strand for public transport access and to provide improved pedestrian crossing facilities.
  - o Provision of a new bus stop immediately outside the application site.
  - o The provision of local CCTV coverage on the Morfa Distributor Road to enhance pedestrian safety.
2. The provision of a new circular Public Transport Route that links the application site, Morfa Hafod Copperworks Site, Swansea Train Station and the City Centre.

In addition to the above the indicative plans show the implementation of a shared use riverside walkway along the entire riverside boundary at the applicants' expense. Also a direct link through the site for public use from the Morfa Distributor Road to the riverside walkway will be required in the interests of permeability. .

A roundabout access to the site has already been constructed as part of the Morfa Distributor Road and any access layout would need to use this point of access. No other vehicular accesses will be supported.

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

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

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

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

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2. Car parking in line with the CCS Parking standards being provided within the curtilage.
3. Cycle parking in line with the CCS Parking standards being provided within the curtilage.
4. The applicant entering into a section 106 Agreement with the CCS to provide the sum of £500,000 to enhance accessibility by walking/cycling/public transport. The section 106 will also need to include:
  - a) Details of a parking management scheme for the parking area and in particular for the pick-up /drop off periods.
  - b) The tenancy agreement will need to ensure that there is a mechanism for dealing with failure to comply, in the interests of highway safety.
  - c) The undertaking arrangement with the bus company to provide an appropriate level of public transport routes in accordance with details to be submitted for approval to the LPA prior to beneficial occupation.
5. I recommend that the applicant be required to submit a Travel Plan for approval within 12 months of the reserved matters consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
6. The implementation of a riverside shared walkway along the entire site boundary in accordance with details to be submitted for approval to the LPA prior to beneficial occupation.
7. The site layout to be designed to allow for direct public access through the site to link the Morfa Distributor Road with the riverside walkway in the interests of enhancing the permeability of the site.
8. All vehicular access to utilize the existing roundabout access into the site that has already been built out.
9. The bus layby as indicated will need to be constructed under a Section 278 Agreement with the Highways Authority and would need to be in place prior to beneficial occupation.
10. The reserved matters application will need to include details on how the deliveries/servicing/waste management are to be managed. This should include adequate operational parking needs and turning (to be supported by swept path analysis).
11. The development is to be occupied by students only as the parking is significantly reduced from the unrestricted residential parking standards.
12. Adequate waste facilities are to be included in line with the level of development proposed.

### **APPRAISAL**

The application seeks Outline Planning Permission for the demolition of existing buildings / structures on site and the erection of purpose built student accommodation (PBSA) buildings with ancillary uses (A1/A2/A3/B1/D1 and D2 use) at ground floor as well as the construction of a car parking / servicing area and associated engineering, drainage, related infrastructure and landscaping works on land at the former Unigate Dairy Site, Morfa Road, Swansea.

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### **The Proposal**

The application submission is in outline form with all matters reserved for subsequent approval, however, the application as originally submitted was supported by an indicative layout for the erection of a purpose built student accommodation (PBSA) comprising 5 blocks of accommodation which would have provided up to 1212 bedrooms with ancillary community facilities / services, together with A1, A2, A3, B1, D1 and D2 ancillary uses. The development would have comprised a mix of 5 apartment blocks ranging from 5, 6, 7, 8, 9 & 10 storeys. Within the indicative scheme a vehicular access was proposed towards the south-western corner of the site and an indicative provision of 49 car parking spaces and 610 cycle spaces were included.

The proposal has since been amended to provide a PBSA of 5 blocks providing a total of 706 bedrooms with the 5 apartment blocks ranging from 4, 5 & 6 storeys. Blocks 1 & 2 along the Morfa Road frontage would incorporate 6 x retail units and ancillary communal facilities at ground floor level. Following completion of the Morfa Distributor Road it is now proposed for the vehicular access to be obtained off the mini-roundabout at the north-western corner of the site. The indicative layout incorporates 110 car parking spaces and extensive cycle parking of 716 spaces.

### **Background**

The application highlights that there is a growing need for bespoke student accommodation in Swansea, with both Swansea University and University of Wales Trinity St David University undergoing a period of expansion within the City and that without sufficient bespoke student accommodation the pressure on traditional 'family' housing stock is growing and forcing up the cost of living. This planning application seeks to respond to both the existing and future demand for high quality, purpose built student accommodation in Swansea.

### **The Site and its Surroundings**

The application site measures 1.6 hectares in area and is located on the western banks of the Rive Tawe and occupies a central location within the Morfa Industrial Estate. The site has previously been developed ('brownfield') and comprises of the former Unigate Dairy site along with additional land but has been substantially cleared save for the former Dragon Arts and Learning Centre which fronts onto Morfa Road, which, it is understood, was constructed as the previous Nickel Works Office Building. There is some vegetation on parts of the site, mainly along a strip of land fronting the River Tawe, with smaller pockets of vegetation in the south-west part of the site and along the northern boundary.

The following reports are submitted:

- o Planning Statement;
- o Design and Access Statement;
- o Landscape and Visual Assessment;
- o Transport Assessment;
- o Travel Plan;
- o Historic Environment Desk Based Assessment;
- o Flood Consequences Assessment;

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- o Drainage Strategy Report;
- o Geoenvironmental Site Assessment Report;
- o Baseline Air Quality Assessment;
- o Noise and Vibration Assessment;
- o Preliminary Ecological Assessment;
- o Arboricultural Report;
- o Japanese Knotweed Eradication Plan.

### Material Planning Considerations

The main material planning considerations for the proposed development are as follows:

- o Compliance with Development Plan Policy and Supplementary Planning Guidance;
- o Townscape and visual impact;
- o Community Safety;
- o Highways, traffic, car parking, access and pedestrian movements;
- o Impact on archaeology and cultural heritage;
- o Flood Risk and Drainage;
- o Land contamination and Pollution, including noise impact and air quality;
- o Impact on Ecology;

### Compliance with Development Plan Policy and Supplementary Planning Guidance

#### National Planning Wales - PPW (Edition 9, November, 2016)

The Well-being of Future Generations (Wales) Act 2015 places a duty (including Welsh Ministers) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory purpose for the planning system in Wales for statutory bodies carrying out a planning function to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Act) Wales 2015. Paragraph 4.2.2 states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker in taking decisions on individual planning applications.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Paragraph 4.2.4 states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives.

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Swansea Unitary Development Plan (Adopted November 2008)

The site is an established industrial and commercial area and is therefore afforded white land status in the adopted UDP where redevelopment proposals are considered on their merits. UDP Policy HC11 relates to Higher Education campus development, and whilst the policy relates to all forms of campus development, it does state that appropriate City Centre sites for student accommodation will be favoured, as a way of encouraging City Centre living, contributing towards its revitalisation. This site is outside the City Centre core action area and isolated not only by facilities but also by the existing highway / pedestrian access network.

Whilst there is no site specific allocation in the Plan, the Tawe Riverside Corridor Strategy (TRCS) does provide some planning policy framework and overarching masterplan for considering schemes along the Morfa Road corridor. The TRCS was adopted as a Council Policy Document in October, 2006.

The vision for the Tawe Riverside Corridor is to: 'Develop a modern, attractive and vibrant riverside urban area, creating a place where people wish to live, work and visit, capitalising upon and celebrating the Tawe's unique contribution to the Industrial Revolution'.

The strategy within the Tawe River Corridor Study (TRCS) for Morfa Road is for a significant opportunity for redevelopment, capitalising on the superb riverside setting, the proximity of the area to the City Centre and waterfront and also to celebrate and interpret the heritage of the area. The strategy for the regeneration of the area is to alter the balance of uses from light and heavy industry and dereliction, which ignores the river frontage, to a high quality mixed area of residential, commercial and light industrial uses.

In addition, one of the key aspirations of the TRCS was the delivery of the 'Morfa Distributor Road', which has required the upgrading of the existing Morfa Road from its junction on New Cut Road and then providing a new road link via the existing Landore park and ride access onto the A4067 to enable it to have a distributor road function.

The Morfa Road Masterplan envisages that the former dairy site would be re-developed for an office development; however, the overall concept for the Morfa Road section is to deliver a mix of uses, and the TRCS does point out that there is sufficient flexibility to enable the majority of sites to be developed for housing purposes in the longer term. The TRCS does not anticipate the use of the Morfa Road corridor for student development.

Phasing is clearly an important element in ensuring that the amenity of future occupiers is not unacceptably compromised by factors such as noise pollution and general disturbance. The UDP states that proposals for non-commercial uses at or adjacent to industrial areas should be determined on their individual merits against broad planning principles, many of which are set out in UDP Policies EV1 and EV2. Of particular relevance is the requirement to consider the level of impact caused by existing commercial uses in terms of environmental pollution to future occupiers at neighbouring sites. The TRCS also deals with 'Pollution Considerations', which states that Planning Permission may be refused at sites along Morfa Rd if - notwithstanding the use of good design - the close proximity of a site to existing noise generating uses is considered unacceptable.

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UDP Policy EV1 requires that the scheme provides a safe environment for future occupiers by addressing issues of security, crime prevention, fear of crime, and giving consideration to spaces and routes around the site. There is some concern whether connections to/from the site and areas around it are possible having regard to personal safety issues for future residents. The safety and quality of pedestrian routes from the site to the City Centre and local facilities is crucial. UDP Policy AS2 in particular states that the design and layout of new developments should provide suitable facilities and attractive environment for pedestrians and non-car users. The extent to which the submitted scheme meets these requirements to provide safe, attractive direct links for the large number of pedestrian movements that would arise from residential occupiers is a significant consideration.

### Purpose Built Student Accommodation (PBSA Supplementary Planning Guidance

As indicated Policy HC11 favours appropriate City Centre sites for the development of student accommodation. The Council is currently preparing Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) and the draft report was presented to this Committee on 4 July, 2017. In respect to PBSA, the SPG sought to promote such developments in appropriate City Centre sustainable locations, recognising the positive contribution this type of development can make to improving accommodation choice and quality; with good access to services, facilities and public transport and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for this area. However, the Planning Committee resolved not to adopt the SPG and to carry out further public consultation in respect of the threshold limits for HMO's.

Whilst the draft SPG was not adopted, it did indicate that where proposals for student accommodation are on campus they will be assessed having regard to the criteria under policy HC11, and where they are proposed off campus they will be assessed having regard to UDP Policies including Policies EV1 and EV2. The LPA will therefore favour City Centre sites for PBSA unless the proposed site is within a Higher Education Campus. However, the SPG proposed that the LPA will consider PBSA proposals at sustainable locations on the edge of the City Centre where it can be demonstrated:

- o There are no available and suitable sites in the City Centre; and
- o There is acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport; and
- o The development would give rise to an overall benefit to the vitality and viability of the City Centre.

The SPG indicates that as part of a planning application for a PBSA, the applicant must demonstrate that the development complies with the guidance set out within the SPG (irrespective of location) and that proposals which are located outside the City Centre will need to provide an assessment to demonstrate the proposal's conformity to the above criteria. Any PBSA proposed on the edge of the City Centre should have acceptable accessibility and connectivity to the City Centre by walking, cycling and public transport, including safe, attractive and legible active travel routes.

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The SPG indicates that applicants will be required to carry out a detailed Availability and Sustainability assessment. Whilst the SPG is in draft format only, the applicants have acknowledged that the emerging policy in respect of PBSA in the Local Development Plan and the draft SPG is to support PBSA in City Centre sites and on sustainable sites located on the edge of the City Centre where it can be demonstrated that the above criteria can be satisfied and that the draft SPG establishes a basis for consideration of the application even though it has no formal status.

### *Availability and Suitability*

In relation to criteria 1) above - to assess the availability of potential sites and premises within the City Centre, the agents have submitted a Planning Statement Addendum, which has undertaken a Sequential Appraisal of potential sites in the City Centre for PBSA, and specifically has concentrated on three key areas:

- o Review of sequentially preferable sites;
- o Overall need for student development;
- o Conformity with adopted planning policy.

### *Sequential Analysis*

The analysis acknowledges that the application site is not located within the City Centre Action Plan Area and accepts that it is the Council policy to site PBSA within the City Centre. The analysis concludes that there are no existing suitable and available alternative sites within the City Centre Action Plan Area.

### *Need for Student Accommodation*

The Planning Statement Addendum highlights the expansion plans of both Swansea University and University of Wales Trinity St David (UWTSD) in recent years and that the numbers of students within Swansea rose from 15,500 in 2001 to 23,500 in 2011 and that this trend is expected to continue within the coming years. It is considered that the projected increase in the levels of PBSA within the City Centre confirms the significant shortfall of student accommodation and highlights the need for the delivery of further accommodation such as that proposed here in Morfa Road. It is also suggested that the growth of HMO properties in recent years, which based on an estimated 65% student occupancy rate equates to approx. 1300 properties, suggests the significant shortfall in PBSA.

### *Conformity with Planning Policy*

It is highlighted that UDP Policy HC11 does not specifically exclude new PBSA from areas outside of the City Centre, and whilst the emerging policy within the Local Development Plan and the SPG is more explicit in attempting to guide student accommodation into the City Centre, this is not yet adopted planning policy. In land use policy terms, it is argued that the development seeks to make efficient use of an underused brownfield site which is in accordance with both Planning Policy Wales and the UDP.

### *Analysis of Role and Demand for PBSA*

The draft SPG on PBSA highlights the growth of this sector in recent years and the national pattern for PBSA to help meet the accommodation demand. This recent national trend is also now being experienced in Swansea and the draft SPG states that the LPA has approved circa. 3,200 PBSA bed spaces in the last three years on sites located within and around the edge of the City Centre.

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It is indicated that in the 2014/2015 academic year, there were approx. 26,400 students attending Swansea University and UWTSD and that this number is set increase to around 32,000 by 2024/2025.

National Research suggests that the average university town houses 26% of its students in halls of residence (University or PBSA), with 38% in parental / own home and the remaining 26% in HMO's. In Swansea only 18% live in halls of residence (16% University Halls / 2% PBSA), with 36% in parental / own home and 46% in HMO's. It should be noted that of the additional 3,200 PBSA bed spaces, very few have yet to be delivered and whilst it is difficult to accurately predict future demand, this is a significant increase but it is still below the anticipated growth in student numbers and the draft SPG policy is to encourage PBSA schemes to sustainable locations.

### *Accessibility and Connectivity to the City Centre*

Criteria 2 of the draft SPG requires that acceptable accessibility and connectivity to the City Centre is achievable by walking, cycling and public transport. Since the planning application was first submitted (July, 2016) the nature of the area has changed significantly with the opening of the Morfa Distributor Road (MDR). This has increased local connectivity between the City Centre and to areas to the north, although currently there is no public transport along this route. The nearest public transport bus stop is approx. 400 metres away outside the St Davids student accommodation where the Swansea University bus route (8, 8X & 10) run. The site is outside the defined City Centre Action Plan Area and there have been concerns in relation to the potential to walk and cycle to and from the site.

The applicants have acknowledged that the proposed development will have an impact on the strategic highway network, including physical infrastructure and public transport provision. Therefore in order to address this issue they have agreed a Section 106 Planning Obligation of:

- o A financial contribution of £500,000 towards the physical infrastructure improvements between the application site and the City Centre to include highway junction improvements, new footways and CCTV enhancement.
- o The provision of a new circular Public Transport Route that links the application site, Morfa Copperworks, Swansea Train Station and the City Centre

The £500,000 contribution would be used for the following:

- o Enhancing the riverside shared use link on land adjacent to the site;
- o Infrastructure works to the existing Morfa Road / New Cut Junction to provide a through route to the Strand for public transport access and to provide improved pedestrian crossing facilities;
- o Provision of a bus stop immediately outside the application site;
- o Provision of local CCTV coverage on the MDR to enhance pedestrian safety.

### **Design Issues including Townscape and Visual Impact**

UDP Policy EV1 sets out the good design principles which all new development should accord with. The draft SPG in respect of design indicates that new PBSA development should be designed so it responds to its local context and wherever possible seeks to improve the built environment.



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The draft SPG acknowledges that PBSA proposals, by their nature, are often high-density developments and this principle of high-density living would normally be supported provided they are carefully designed and integrated with surrounding areas. It would normally be expected for the planning application to be supported by information to illustrate how the design has been arrived at and how this positively relates to its context, such as Townscape and Visual Impact Assessment.

*Landscape and Visual Assessment*

The original proposal of the development ranging from 5 to 10 storeys was accompanied by a Landscape and Visual Assessment which included six viewpoints from selected locations. The conclusions of the assessment were that the proposed development would be acceptable in landscape and visual terms. The Landscape and Visual Assessment has not been revised following the submission of the reduced proposal. Notwithstanding the conclusion of the Assessment, the impact of the scale and layout of the proposal is assessed in more detail below.

*Scale*

Reference is made that proposals for tall PBSA will need to have regard to the Council's Tall Buildings Strategy SPG. The adopted strategy identifies zones within the City Centre where tall buildings are 'welcome' and other areas where they may be 'considered'. The application is not within either of these zones and the SPG contains a general presumption against tall buildings outside of the areas identified for visual and infrastructure reasons. As indicated above, the original proposal sought consent for up to 1212 bedrooms within a site layout of 5 five blocks of between 5 to 10 storeys. However, there was not considered to be any justification for the scale of the development proposed which rose from 6 storeys on the road frontage to 10 storeys on the river frontage, and whilst there is a desire to make the best use of previously developed land, there is a need to ensure sites are not over-developed. In the wider context of the site this was considered to be excessive and unacceptable.

The scale has now been reduced from 4 stories on the Morfa Road frontage and 6 stories on the river frontage. This is an acceptable urban scale that balances the desire to make best use of this site without overdeveloping the site. The reduced heights are not considered to be tall buildings in the context of the existing commercial and residential developments along the Morfa Road corridor. The reduced 4-6 storey height fits with the regeneration objectives for the area and is supported and is not considered to trigger the 'tests' within the Tall Building SPG. Therefore it is considered that a general urban scale of up to 6 storeys (with a variety of heights under this maximum) is the correct approach to this site.

The revised layout and Parameters Plan indicating the maximum and minimum building footprints is supported by a Design Philosophy document and Massing Views to illustrate how the proposal would respond to the urban edge of the Morfa Distributor Road and the Riverfront within the Tawe Riverside Corridor Study. Additionally, a Riverside Connection Concept drawing has been also prepared to illustrate how a potential access to the riverfront may be achieved.

*Layout*

The original layout proposed the siting of blocks ranging from 5 - 8 storeys along Morfa Road but was considered to be too close to the street and would have been physically overbearing.

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Additionally, since the application was submitted in July, 2016 the Morfa Distributor Road has been completed and the position of the access has been amended to be obtained from the mini-roundabout. Within the amended layout, the scale of the street frontage blocks (referred to as Blocks 1 and 2) have been reduced to a maximum of 4 storeys and have been set back from the alignment of the completed MDR with a planting area and layby. This relationship would be acceptable in order to provide an appropriate urban scale to the development and moreover, the provision of the ground floor commercial units within Blocks 1 and 2 fronting onto Morfa Road would provide a welcome active and legible frontage and this is supported.

The proposed site layout indicates the provision of a 'River Walk' alongside the River Tawe which is to be welcomed and indeed the provision of a riverside walkway and cycle route along the western banks of the Tawe in order to provide a continuous access from Parc Tawe through to the Hafod Site is a key component of the Tawe Riverside Corridor Study and would provide an active travel route. Additionally, it would provide a valuable informal recreation source for the general public providing access to the river frontage. The application site boundary (i.e. the red line area) does not actually abut the river frontage which is in Council ownership. Additionally, there is a significant level difference between the application site and the river front of between 5 - 6 metres.

The Proposed Site Layout is ambiguous in that it does not indicate a connection to the River Walk along the top of the embankment of the River Tawe and in order to address this issue a River Walk Connection Concept drawing has been submitted to illustrate how a potential connection could be constructed from the level of the student residential blocks down to the River Walk. The connection would comprise of a stepped access with a terraced platform (due to the levels difference of 5 metres) with two possible schemes, one with a platform lift in order to provide an Equalities Act compliant access, and the other comprising of a zig-zag ramp. The option of the platform lift should be discounted because it will not be accessible to cyclists, not readily usable for wheel chair users (which impacts on Equality issues) and from a practical viewpoint will have maintenance implications.

Whilst the ramp option demonstrates that the length of ramp can be accommodated by means of a double back arrangement and landings, there are concerns whether there is sufficient space to construct the ramp and steps without impacting on the final layout. The applicant has indicated that further information cannot be submitted until a fully design / engineered scheme is prepared, therefore at this stage it has not been demonstrated that a fully compliant Equalities Act ramp can be accommodated. However, this is an outline application only, and it has been agreed with the applicant that a condition is imposed requiring the design and construction of a fully compliant Equalities Act ramp to ensure satisfactory access to the Riverside walk is provided.

The amended layout provides a legible and direct west-east public route through the site from Morfa Road to the Riverwalk / cyclepath between blocks 3 and 4. This passes between blocks 1 and 2 as a pedestrian route with the vehicular access to the north of block 2 from the recently constructed roundabout. This arrangement is supported in principle. Additionally, the layout incorporates an internal north south route between blocks 1/2 and 3/4 which could potentially connect to the adjacent sites in the future to form a future internal pedestrian/ cycle route.

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The perimeter block approach to the layout is welcomed to separate public and private space and there is an indication of the residential entrances to ensure active frontages which is supported. There is no undercroft parking - all cars are parked on the surface in an on street arrangement within the site which is supported. Blocks 3 and 4 define private courtyards. The river frontage including the river walk is a key area of public realm and amenity space and as referred to above; the connection to the river will be a key component of the detailed scheme.

*Architecture*

At this outline stage, no elevations are provided; however, the amended DAS includes an indication of architectural precedents that are contemporary with cladding systems that are acceptable in principle in terms of referencing the industrial uses, the quality and weathering subject to detailed design. Additionally, an illustrative CGI along the river frontage has been submitted as a design aspiration of the potential detailed scheme. It is proposed that a planning condition is imposed requiring the proposed development to substantially be implemented in accordance with the approved Proposed Site Layout, Parameter Plans, Design and Access Statement and the Design Philosophy to establish a placemaking framework for the urban design and masterplan principles of the scheme to guide future reserved matters applications.

**Community Safety**

The draft SPG highlights that PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting. The Council's adopted 'Planning for Community Safety' SPG (2012) provides guidance in increasing community safety and reducing crime and the fear of crime, in order the quality of life for future students. The Designing Out Crime (South Wales Police) originally raised objections to the proposed development based on the isolated location of the proposed development outside of the City Centre, the reliance of students on walking or on public transport, and the lack of natural surveillance and lighting and would have created a vulnerable location for young people.

Since then the MDR has opened, and based on the additional submitted information and the proposed public transport and accessibility enhancements the Designing out Crime Officer has withdrawn his objection subject to the student development is built to meet Secured by Design standards and specifications, the provision of street lighting and CCTV coverage.

**Highways, traffic, car parking, access and pedestrian movements**

PPW aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys. UDP Policy AS1 of the UDP requires that new development associated with housing, employment, shopping, leisure and service provision is located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling.

Policy AS2 states that new development should be designed to:

- o promote the use of public transport and facilitate sustainable travel choices;
- o provide suitable facilities and an attractive environment for pedestrians, cyclists and other non-motorised modes of transport;

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- o Allow for the safe, efficient and non-intrusive movement of vehicles, and
- o Comply with the principles of accessibility for all.

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. Whilst Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles.

As cited above, the planning application was originally submitted in July, 2016 and from the outset concerns were raised regarding the location of the site being outside of the City Centre Core Action Area and as such being remote from a lack of local facilities and amenities and lacking a connection to public transport routes. The Head of Transportation's view at that time was that the site was unsustainable and would not be supported from a highways viewpoint.

Since then the completion of the Morfa Distributor Road (MDR) has been critical to allow the re-development opportunities along Morfa Road to occur and has been designed to boost regeneration of the Tawe Riverside Corridor reduce congestion and air quality problems on the A4067 Neath Road in the Hafod and improve walking and cycling links. The MDR provides a 3 metre shared use path along its length linking with and complementing the parallel riverside route which is expected to be delivered in its full extent in the coming years in accordance with the Tawe Riverside Corridor Strategy (TRCS) (2006). One of the key aspirations of the TRCS is to ensure the river corridor is fully integrated with the city centre and the Liberty Stadium and to achieve a continuous and pleasant public access along the banks of the River Tawe.

Following a series of meeting with the applicant and his advisors, the applicant has agreed to deliver a series of packages that will help mitigate for the remote nature of the site and enhance its accessibility for all modes of transport. These include:

1. A financial contribution of £500,000 (Five Hundred Thousand Pounds) is made to City and County of Swansea, towards the physical infrastructure improvements between the application site and the City Centre (to include highway junction improvements, new footways and CCTV enhancement). The £500k will be used to fund:
  - o Towards providing a riverside shared use link through the adjoining sites;
  - o Infrastructure works to the existing Morfa Road/New Cut junction to provide a through route to the Strand for public transport access and to provide improved pedestrian crossing facilities.
  - o Provision of a new bus stop immediately outside the application site.
  - o The provision of local CCTV coverage on the Morfa Distributor Road to enhance pedestrian safety.
2. The provision of a new circular Public Transport Route that links the application site, Morfa Hafod Copperworks Site, Swansea Train Station and the City Centre.

In addition, the TRCS Masterplan envisages a riverside walkway and cycle route of a minimum width of 6 metres, and whilst sections of this walkway have previously been constructed along part of the application site frontage and the adjacent Gladeborough site, they are currently overgrown and are inaccessible and in need on substantial improvement.

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There is also a missing section along the river frontage to the Council owned Pipehouse Wharf site; however, any redevelopment proposal coming forward on that site will need to address this issue within any future planning application.

A large section of the embankment to the River Tawe along the application site frontage is within CCS Council ownership and the indicative plans show the implementation of a shared use riverside walkway along the entire riverside boundary to be delivered at the applicant's expense. This will require the construction of an accessible access and also providing a direct link through the site for public use from the MDR to the riverside walkway in the interests of permeability. The provision of the access and the upgrading of the riverside walkway can be achieved through a planning condition.

Since the application was first submitted, the construction and completion of the MDR has clarified the access proposals. Within the indicative site layout plan it was originally proposed for access to be obtained at the south western corner of the site, however, following the construction of the roundabout as part of the MDR, the amended site layout plan indicates the access being obtained off the roundabout at the north western corner of the site. This is supported by the Head of Transportation.

This location is situated outside the Zone 1 area (Central Core) and car parking for purpose built student accommodation will be required fully in accordance with the parking standards for 'managed student accommodation' (as per the Adopted Parking Standards SPG). This will need to be supported by a tenancy agreement tied into a Section 106 obligation plus a travel plan. The Head of Transportation highlights that parking for managed accommodation is already a significant reduction over and above the parking standards for residential accommodation.

Subject to the proposed measures set out and suitable imposition of planning conditions it is considered that the application is acceptable in regard to its impact upon highway safety and parking issues.

**Impact on Archaeology and Cultural Heritage**

*Archaeology*

Policy EV1(x) of the UDP states that new development shall have regard to the desirability of preserving the setting of any listed building. Policy EV2 (vi) states that new development must have regard to the physical character and topography of the site and its surroundings by avoiding detrimental effects on the historic environment. Policy EV6 seeks to protect, preserve and enhance Scheduled Ancient Monuments and their settings as well as unscheduled archaeological sites and monuments and their settings. The site lies within the Archaeologically Sensitive Area of the Lower Swansea Valley.

The application is accompanied by a Historic Environment Desk Based Assessment which aims to provide supporting information regarding the historic environment and potential impacts upon it from the proposed development, and to enable an informed decision on the proposal as regards the archaeological and historic environmental issues. The assessment indicates that there is a low potential for any archaeological remains pre-dating the 19th century and the industrialisation of the area, to survive at the site.

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The evidence suggests that the majority of the site is unlikely to contain the remains of any technological features directly relating to the main industrial products of Swansea, namely copper, nickel or cobalt, but the well preserved remains of significant 'secondary' aspects of Swansea's industrial heritage could be present. The southern part of the proposed development site has some potential for evidence of the former Hafod Saw Mill and Patent Safety Fuse works. The eastern part is likely to contain structural elements of Glasbrook's Wharf (coal wharf) and its associated features (such as tramrails etc.). The western part of the site contains the surviving Hafod Nickel Works office (former Dragon Arts and Learning Centre), but may also contain evidence of features relating to the canal side in the early stages of the industrial development of this location. Above the entrance of the former Nickel Works office building there is a memorial to workers at the Nickel Works who were killed during the First World War. Whilst the red brick building of the former Dragon Arts and Learning Centre is considered to be of local interest, the building is not listed and therefore has no protection from demolition, however, it is considered that the war memorial plaque on this building should be retained and re-sited as close as possible to the original location within this development where it is visible from Morfa Road and this can be ensured through condition.

There is also a significant potential for hitherto unknown industrial features, not shown on earlier mapping, to be present within the proposed development area. Latterly the site was used by the Unigate Dairy, remains of which are still present on site, but are of low archaeological significance.

During the latter part of the 19th century the northern part of the site area was used as a spoil tip for the Hafod Nickel and Cobalt works to the north. This spoil tip is likely to have been used to level the site and infill the former canal branch, to allow later development. This is likely to have sealed and protected the remains of earlier industrial archaeological remains, but also creates a high risk for contaminated soil to be present on the site. Future remediation works to remove this contamination, if necessary, could impact upon the buried archaeological resource in advance of development of the site, and thus must consider the archaeological implications. Considerate design may provide opportunities to preserve and incorporate surviving elements of the industrial past into the development.

The Desk Based Assessment has reviewed the information from the geotechnical survey undertaken by the ground investigation works. The test pit profiles suggest that much of the site there is approximately 2 metres of 'made ground' material considered to be made up of general waste deposited to create level areas across the site. Several of the test pits were targeted to locate the former canal and dock within the development area, and these indicated the presence of clay material interpreted as fill of the canal.

Consultation with Glamorgan Gwent Archaeological Trust (GGAT) has confirmed the presence of an archaeological restraint on the site and despite the modern construction activities on the site, previous archaeological investigations have demonstrated that the current ground level has the potential to be significantly higher than was historically the case. As a result the remnants of structures could be preserved. It is likely that evidence of the canal, wharves, tramways and buildings survive and be adversely affected by the proposed development. In view of this GGAT have advised that the determination of the application should be deferred until a report is submitted for an archaeological field evaluation to be carried out prior to the determination of the application.

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However, the applicant has proposed that archaeological design mitigation could be achieved through an archaeological watching brief to be carried out during groundworks to record any features that may warrant archaeological recording. However, an archaeological watching brief would not be adequate as if an archaeological resource was identified at the development stage it could significantly affect the implementation of the development programme and without further investigation of the archaeological resource, there is a significant risk of archaeological features being revealed during the development and delays occurring leading to a significant financial impact for the developer. Therefore to mitigate the potential risk and to ensure that the developer clearly understands the archaeological potential of the site and the measures that will need to be carried out prior to and during any development of the site, it is recommended that the developer be required to produce a document outlining what archaeological investigations would be undertaken on the site, the timing of such works and also the type of mitigation measures that will be employed on the site if archaeological features are present. These works will be conditioned to be undertaken prior to the submission of any reserved matters application and the applicant has agreed to accept such a condition.

#### *Cultural Heritage*

There are several Scheduled and Listed structures within 0.5 km of the development site, including three Scheduled Ancient Monuments in the former White Rock Copperworks, the Staithes landing stages (on the opposite eastern bank of the River Tawe) and the Hafod Copperworks Engine House, the Assessment concludes that it is not considered that the development proposals will have a significant impact upon their setting. The proposals will redevelop a presently unoccupied and derelict area.

UDP Policy EV6 seeks to protect the setting of a Scheduled Ancient Monument. The application area is located some 320m south of scheduled monument White Rock Copper Works (GM481). Whilst the upper storeys of the proposed development are likely to be visible from the scheduled monument, CADW are of the view that the proposed development will not constitute a significant change and in their opinion will not cause any damage to the setting of scheduled monument GM481.

Scheduled monument GM482 Foxhole River Staithes (GM482) is located directly opposite the site on the eastern banks of the River Tawe. Whilst there will be a direct visual relationship from the proposed development, CADW do not consider that the proposed development will cause harm to the setting of the scheduled monument. Additionally, it is considered that the active use of the site and creation of the river walk could potentially increase the awareness and visibility of the Staithes which are currently a forgotten and overgrown heritage feature.

#### **Flood Risk and Drainage**

##### *Flood Risk*

The FCA indicates that the majority of the site lies entirely within Zone A, as defined by TAN 15 Development Advice Maps, however, given the location immediately adjacent to the River Tawe, this FCA has been undertaken as a precautionary approach. The topographical survey indicates that the top of the site adjacent to Morfa Road ranges from 9 - 16m AOD before there is a drop of around 5m to the pathway along the embankment, which lies within Zone C1.

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In order to satisfy TAN 15 criteria for a flood free floor level, residential development is required to be above the 1% ape level + climate change (1 in 100). The River Tawe Flood level is 6.53m AOD (the 0.1% - 1 in 1000 is 7.34m AOD) and the proposed finished floor levels at existing site levels (between 11m - 14m AOD) are therefore TAN15 compliant. Natural Resources Wales have assessed the Flood Consequences Assessment (FCA) and accept that the detailed site plan submitted with the FCA confirms that the site is not at risk of fluvial or tidal flooding, either now or in 100 years' time (with climate change added).

#### *Drainage*

Dwr Cymru Welsh Water have raised no objections with regard to connection to the public foul drainage network. The Council's Drainage Engineer has reviewed the submitted information and recommends that a condition is appended to any permission requiring the submission of a strategy for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with. 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.

#### **Land Contamination and Pollution (Air Quality and Noise)**

##### *Land Contamination*

The planning application is accompanied by a Geoenvironmental Site Assessment Report. The site and surrounding area has a rich industrial heritage with late 19th century land uses including coal and timber yards with a coal wharf and navigation channel linking to the former Swansea Canal which flanked the site's west boundary. From the mid-1900s, the site was occupied by a dairy which survived until early in the 21st century. Adjacent land uses have included a laundry (a potential source of chlorinated solvents), Hafod-Isaf Works (nickel and cobalt), railway sidings, engineering works and a patent safety fuse works. Most of the former buildings have been demolished to slab level and the site now stands vacant.

The ground investigation works have established that remedial action is required to mitigate human health risks associated with elevated concentrations of arsenic, lead, nickel and PAH compounds within the Made Ground. The risks could be mitigated by the provision of a simple cover system comprising an adequate thickness of suitable uncontaminated soil in external areas of soft landscaping. The thickness of such a cover system should be agreed in advance with regulators, but is likely to be at least 0.60 m.

Limited soil leaching test data identifies a possible pollution risk to the River Tawe due to a potential for arsenic, copper, PAH and alkaline impacted groundwater from leaching of contaminants within the Made Ground. Further investigation and assessment will be necessary to examine the quality of the groundwater beneath the site and satisfactorily gauge pollution risk to the River Tawe.

Potential sources of landfill gas have been identified and further investigation and assessment is recommended to examine the gas regime and gauge the requirement for gas protection measures. No protection measures are required in respect of radon gas.



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A desk-based assessment has concluded that old coal mine workings are highly unlikely in the vicinity of the site and that further consideration of mining subsidence risk is not warranted. The site's east boundary slope may place constraints on various aspects of the proposed development. A detailed investigation and assessment of the stability of the boundary slope is therefore recommended.

Natural Resources Wales raise no objections subject to the imposition of suitable ground contamination conditions.

### Site Preparation

The Report indicates that site preparation works are likely to be required to address the following issues:

- o Eradication of Japanese knotweed.
- o Removal of waste materials on the site surface (including suspected asbestos containing materials).
- o Stripping of vegetation and vegetated soils.
- o Demolition of remnant structures and breaking out of hardstanding (slabs and pavements). The material arising from these works could be crushed on site and reused in the permanent works
- o Location, excavation and backfilling of any underground chambers. Such features have been identified in two areas. Other similar features may remain unidentified

Suitable control measures should be implemented to ensure that sedimentladen and/or contaminated water runoff from the site does not impact on water quality in the nearby River Tawe during the site's development.

The proposed development of four to six storey student residence buildings will likely need to be supported on piled foundations, however, supplementary investigation will be required to further assess foundation options.

The Report highlights that soakaways constructed within the Made Ground may be feasible. However, National Resources Wales (NRW) should be consulted as soil leaching tests have demonstrated that the infiltration of water through the Made Ground has the potential to impact on groundwater quality (although any such concern should be weighed in the context of the expanse of ash and clinker fill that blankets the floor of the Lower Swansea Valley). In the event that regulatory concerns constrain or preclude the use of soakaways, it may be possible to construct the soakaways so that they discharge only through their base directly into the Till. Detailed consideration of such an option would require further investigation.

### *Air Quality*

UDP Policy EV40 indicates that development proposals will not be permitted that would cause significant harm to health because of significant levels of air or noise pollution. The planning application is accompanied by an Air Quality Assessment (AQA). The site falls within the Hafod Air Quality Management Area (AQMA) declared by Swansea Council for exceedences of the annual mean nitrogen dioxide objective.

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The development will lead to an increase in traffic on the local roads, which may impact on air quality at existing residential properties. The new residential properties will also be subject to the impacts of road traffic emissions from the adjacent road network. The main air pollutants of concern related to traffic emissions are nitrogen dioxide and fine particulate matter (PM10 and PM2.5). The site is located in close proximity to a number of railway lines, the closest of which runs north to south approximately 60 m west of the site. Defra guidance outlines an approach to assess the potential for exceedences of the annual mean nitrogen dioxide objective as a result of emissions from diesel locomotives. The guidance outlines that there is only the potential for an exceedence where there is long-term exposure within 30 m, and the annual mean background concentration of nitrogen dioxide is above 25 µg/m<sup>3</sup>. The development site falls outside these criteria and thus the impact of emissions from railway locomotives on nitrogen dioxide concentrations are not considered further within the AQA.

Concentrations of nitrogen dioxide, PM10 and PM2.5 have been predicted at a number of locations both within, and close to, the proposed development, at a base year (2015) and the proposed year of opening (2018). CCS operates 4 automatic monitoring stations within 1km of the proposed development site, and also operates an extensive network of nitrogen dioxide monitoring sites using diffusion tubes, which includes 17 tubes located adjacent to the roads surrounding the proposed development site. Concentrations of nitrogen dioxide exceeded the annual mean objective at two of the four automatic monitoring sites in 2015, albeit only marginally at Hafod and Station Court High Street. The exceedences of the diffusion tubes were both measured along Neath Road.

The operational impacts of increased traffic emissions arising from the additional traffic on local roads, due to the development, have been assessed. The traffic data has taken full account of the Morfa Distributor Road (MDR), and the future year scenario in the assessment has assumed that the MDR is fully operational. Concentrations have been modelled for four worst-case receptors, representing existing properties where impacts are expected to be greatest. In addition, the impacts of traffic emissions from local roads on the air quality for future residents have been assessed at a single worst-case location within the new development itself. It is concluded that concentrations of PM10 and PM2.5 will remain below the objectives at all existing receptors in 2018, whether the scheme is developed or not. This conclusion is consistent with the outcomes of the reviews and assessments prepared by CCS, which show that exceedences of the PM10 objective are unlikely at any location.

In the case of nitrogen dioxide, the annual mean concentrations remain below the objective at all but one of the existing receptors in 2018, whether the scheme is developed or not, and taking account of the worst-case sensitivity test. This location is within the AQMA. The additional traffic generated by the proposed development will affect air quality at existing properties along the local road network. However, the increases as a result of the development are all negligible. The impacts of local traffic on the air quality for residents living in the proposed development have been shown to be acceptable at the worst-case locations assessed, with concentrations being well below the air quality objectives. The overall operational air quality impacts of the development are judged to be 'not significant'. This conclusion, which takes account of the uncertainties in future projections, in particular for nitrogen dioxide, is based on the concentrations being below the objectives at all but one location, and impacts all being negligible. Where an exceedence is predicted, the scheme is not causing the exceedence.

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*Noise*

The application is supported by a Noise and Vibration Assessment which identifies the relevant planning and noise guidance, establishes noise and vibration levels and recommends mitigation measures for the proposed development.

The main source of potential noise affecting the site is road traffic along the A4217 and the Morfa Distributor Road (MDR), railway noise and commercial noise from adjacent land operations. The impact of vibrations due to the proximity of the railway line also needs to be considered.

The noise modelling indicates that the site falls into Noise Exposure Category B (NEC B) under Technical Advice Note 11: Noise where noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection. The Assessment concludes that it will be necessary to provide noise mitigation measures to residential buildings on parts of the site that fall into NEC B in order to achieve acceptable levels internally to the proposed dwellings, in particular along the blocks along the frontage to the Morfa Distributor Road the windows will require specific noise mitigation measures. There will also be a need for suitable attenuated ventilation provisions in the habitable rooms where specific noise mitigation measures are required, such as acoustic trickle vents or a mechanical ventilation system. Additionally, the Assessment makes recommendations in terms of the external wall and roof construction.

It is likely that the ground floor commercial units in Blocks 1 & 2 will require some ventilation / fume extraction plant to serve refrigeration / cooking units. The noise from the plant will need to be suitably controlled and will be dependent on the background noise levels affecting the proposed residential units and conditions will be required to limit plant noise levels.

Vibration monitoring was undertaken to determine levels due to rail traffic at a location representative of the proposed façade of the nearest proposed student block (Blocks 1 & 2). From the measured data it was concluded that the measured vibrations lie below the British Standard 6472 and as such, vibration is not considered to be an issue at the site and no vibration mitigation measures are considered to be required.

The Council's Pollution Control team raise no objection to this application subject to conditions in respect of mitigation measures for noise, plant noise and detailed plans of any piling operations to be carried out.

**Ecology**

The application is accompanied by a Preliminary Ecological Assessment which has included undertaking a Phase 1 Habitat Survey. The conclusions of the Appraisal are that the site has limited ecological potential but the areas of scrubland along the river frontage could possibly have limited potential for breeding and foraging birds and also low potential for bats, otters and reptiles. The development works should be planned and timed to have the minimum impact on fauna species and if carried out the recommendations made within the Appraisal should ensure that there is no long term negative ecological impacts upon protected species.

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These include the protection of the scrub vegetation where possible, timing of clearance works outside the bird breeding season and through enhancement measures such as the inclusion of new bat and bird boxes. There are also areas of Japanese Knotweed within the scrub land and these will need to be removed accordingly.

The former Dragon Arts and Learning Centre building would be demolished as part of the proposals, and this has been excluded from the Ecological Assessment. There is the potential for protected species (such as bats) to be present in the building. Circular 016/2014 (The Use of Planning Conditions for Development Management) advises against the imposition of conditions requiring habitat surveys to be carried out and that such surveys should be submitted before determination. However, the application is submitted for outline permission at this stage and, on balance, it is considered that it would be appropriate and reasonable in this instance to provide for a condition to be imposed to ensure that a habitat survey of the Dragon Arts Centre is undertaken prior to the submission of any subsequent Reserved Matters application. This will ensure that the building is assessed prior to any demolition works being undertaken. If bats are found to be present a Development Licence will be required and suitable design mitigation measures agreed as part of the overall development.

### **Conclusion**

The proposed development would represent a significant regeneration of a brownfield site within the Tawe Riverside Corridor and aims to make a contribution to the growing demand for Purpose Built Student Accommodation (PBSA) in Swansea. The redevelopment of the brownfield site would be consistent as a more sustainable form of development being promoted by National Planning Policy and through the Development Plan Policy in respect of such developments within the urban area. The site is outside the City Centre Core Action Area and UDP Policy HC11 in particular, favours the development of PBSA within appropriate City Centre sites and recognises the contribution this type of development can make towards achieving the Council's wider regeneration aims for this area.

The emerging policy within the Local Development Plan and the draft preparing Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) is more specific in that they favour sustainable locations within the City Centre; however, neither of these documents is adopted policy and therefore carries no formal weight in the determination of this planning application. Nevertheless, the SPG provided a basis for the consideration of such PBSA proposals at sustainable locations on the edge of the City Centre. In particular, to demonstrate that there is acceptable accessibility and connectivity to the City Centre by way of walking, cycling and public transport. Since the planning application was first submitted (July, 2016) the nature of the area has changed significantly with the opening of the Morfa Distributor Road (MDR), and whilst there is currently no bus route along the MDR, the applicant has indicated a willingness to fund the provision of a new circular public transport route linking the site to the City Centre and the various University campuses and this can be secured through the Section 106 Planning Obligation.

Additionally, as the application site is situated on the edge of the City Centre there have been concerns about its accessibility and distance to the City Centre. It has been a long term aspiration of the Tawe Riverside Corridor Study to provide a continuous riverside walkway and cycling route.

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The construction of an accessible Riverwalk along the application site frontage to the River Tawe will be a requirement of the development, and the applicant has agreed to make a Section 106 Planning Obligation of £500,000 towards the physical infrastructure improvements between the application site and the City Centre to include enhancing the riverside shared use link on land adjacent to the site; highway junction improvements to the existing Morfa Road / New Cut Junction to provide a through route to the Strand for public transport access to provide improved pedestrian crossing facilities, provision of a bus stop immediately outside the application site; and local CCTV enhancement coverage on the MDR to enhance pedestrian safety.

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

**RECOMMENDATION:**

**APPROVE**, subject to the completion of a Section 106 Planning Obligation to include the following:

- o **A £500,000 Highway infrastructure contribution (to be paid within 12 months of commencement of development) towards measures to improve the accessibility of the site in particular:**
  - a) **Towards the provision of a riverside shared use link along the River Tawe (for land outside the application site boundary but excluding the application site frontage).**
  - b) **Additional Infrastructure works to the existing Morfa Road / New Cut junction to provide a through route to The Strand for public transport access and to provide improved pedestrian crossing facilities; bus stop and CCTV coverage**
- o **The provision of adequate bus services (or diversion of existing) for a period of five years between the site and both Swansea University campuses & the SA1 UWTSD campus prior to the first beneficial use of the development;**
- o **The provision of a mechanism to deal with the control of on-site car parking through limiting allocation of spaces to students based upon the number of spaces available (including visitor spaces) and excluding students not allocated with a space from bringing a vehicle to the site through the production and agreement of a Tenancy Agreement. Mechanisms shall be set out to deal with any failure to comply with the terms of a Tenancy Agreement.**
- o **Section 106 Management and Monitoring Fee - costs incurred against the management of the obligation based on 20% of the planning fee = £1,216.00**

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**If the Section 106 Obligation is not completed within 3 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 AS1, AS6, EV1, EV3 and HC17 of the City and County of Swansea Unitary Development Plan (November 2008).**

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

- 1 The proposed development shall be substantially implemented in accordance with the approved Proposed Site Layout (drg. No. 15127(05) rev F) and the Parameter Plans (Drg. No. 15127(05)102), Design and Access Statement - Rev B, and the Design Philosophy which set out the vision, objectives, urban design principles, development strategy, masterplan, accessibility and movement, scale, quantum of development, building concept, infrastructure, environmental sustainability and structural landscaping principles of the development.  
Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance.
- 2 Prior to the commencement of development of an individual phase, a phasing programme of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing programme.  
Reason: To ensure that the development is carried out in a logical and comprehensive manner in accordance with sustainable urban design principles.
- 3 Applications for the approval of the details of the means of access, appearance, landscaping, layout, and scale (hereinafter called 'the reserved matters') for each phase of the development shall be submitted to and approved in writing by the Local Planning Authority before any development begins on each respective phase. The applications shall be supported by a Design and Access Statement for that phase and shall accord with the Parameters Plans and related plans referred to in Condition 1 of this planning permission. Development shall thereafter be carried out as approved.  
Reason: To ensure that each phase of the development corresponds to the approved development; and to ensure the development is carried out with best practice in relation to design and the built environment.
- 4 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 5 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

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- 6 Notwithstanding the Riverwalk details indicated on the Riverwalk Connection Concepts Rev A Option 1 & Option 2, prior to the beneficial use of any part of the development, the design and alignment of the riverside promenade cyclepath/walkway adjacent to the application site boundary to the River Tawe together with associated containment, public access and street lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall accord with the Active Travel Act Design guidance and the cyclepath/walkway shall be completed before the first beneficial occupation of any part of the development.  
Reason: To ensure the completion of the promenade cyclepath / walkway in a satisfactory manner and to provide for a fully accessible public connection.
- 7 A phased landscaping scheme for the site shall be submitted as part of the reserved matters for each phase and the scheme as approved shall be carried out in accordance with the phased scheme. The landscaping shall follow the principles outlined in the Design and Access Statement and Design Philosophy and shall include details of soft planting, external surfaces and boundary treatments / enclosures. Any trees, shrubs or plant material which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees of a similar size and species to these already planted, unless otherwise agreed by the Local Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved design principles for the site.
- 8 A landscape and public realm management plan for the development including management responsibilities and maintenance schedules for all landscaped / public realm areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of any phase of the development. The landscape management plan shall be carried out as approved.  
Reason: To ensure that the landscaped areas are adequately maintained in the interests of visual amenity.
- 9 All reserved matters applications shall be accompanied by details of the existing ground levels and proposed floor levels for each phase of the development indicating the relationship to the adjoining land and public highway. The development shall be carried out in accordance with the approved details.  
Reason: To enable the reserved matters application to be properly assessed to ensure that the work is carried out at suitable levels in relation to the adjoining land.
- 10 All reserved matters applications shall be accompanied by details and disposition of the external finishes for each phase of the development and shall accord with the aspirations outlined within the approved Design and Access Statement and the Design Philosophy documents. The pattern of application of the external finishes shall be completed for each phase of the development in accordance with the approved scheme.  
Reason: In the interests of visual amenity.
- 11 Prior to the commencement of the development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of each site shall be submitted to and approved, in writing, by the Local Planning Authority:

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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 of 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. The site investigation results and the detailed risk assessment (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 (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason: In the interests of public health and amenity.

- 12 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the 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 any plan (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, and for the reporting of this to the Local Planning Authority.

Reason: To demonstrate that the remediation criteria relating to control water have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 13 Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 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 the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.



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Reason: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 15 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 approved details.

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.

- 16 Prior to commencement of any phase of the development, detailed plans of any piling operations to be carried out within the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted plans shall contain an assessment of vibration with regard to the neighbouring properties and the piling or any other foundation designs using penetrative methods will only be allowed for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: To ensure that a statutory nuisance does not occur for neighbouring premises and in order to assess the potential for pollution of controlled waters from inappropriate methods of piling.

- 17 Prior to the commencement of any phase of the development, a strategy for the comprehensive and integrated foul water, surface water and land drainage of the site showing how such drainage will be dealt with shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the 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 in accordance with the approved details.

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

- 18 Prior to the commencement of any phase of the development, including any demolition and site clearance works, a Construction Method Statement (CMS) detailing all necessary pollution prevention measures for the construction shall be submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period and shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoardings;
- v) wheel washing facilities;
- vi) measures to control the emissions of dust, dirt and noise during demolition and construction;

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- vii) a scheme for recycling / and disposal of waste resulting from demolition and construction works;
- viii) the hours of work during the construction phase of the development including the traffic delivery movements into and out of the site.

Reason: In order to prevent pollution of the environment, protect the residential amenities of the area, to secure the satisfactory development of the site and to minimise traffic impacts on the surrounding highway network.

- 19 Prior to the submission of any reserved matters application, the applicant, or their agents or successors in title, shall secure agreement for a written scheme of historic environment investigation and mitigation which has been submitted to and approved 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.

- 20 Prior to the demolition of the former Nickel Works office building (former Dragon Arts and Learning Centre) a scheme for the relocation / re-use of the First World War Memorial Plaque within the approved scheme of development, including its safe removal and storage, shall be submitted to and approved in writing by the Local Planning Authority. The plaque shall be provided in accordance with the approved details as part of the development prior to its first beneficial use and retained thereafter.

Reason: In order to preserve the Memorial Plaque and to retain its historical value in relation to the site.

- 21 Prior to the commencement of the development, full road engineering details of the vehicular access onto the Morfa Distributor Road (MDR), including the construction of bus stop facilities on the MDR shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: To allow the proper consideration of all details in the interests of highway safety.

- 22 No phase of the development shall be occupied until the proposed internal roads linking to the existing adopted road network have been constructed to base course level and provided with street lighting and cctv coverage in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the development is provided with satisfactory vehicular access and in the interests of public safety.

- 23 Prior to the occupation of any phase of the development, a Car Parking Management Strategy (including cycling provision) shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into beneficial use until the car parking and secure cycle facilities have been laid out and are available for use. The development shall thereafter be operated in accordance with the approved Car Parking Management Strategy.

Reason: To ensure that the development is provided with adequate car and cycling parking provision.

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**ITEM 6 (CONT'D)**

**APPLICATION NO:**

2016/1573

- 24 No phase of the development shall be occupied until a Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include arrangements for monitoring and recommending adjustments to the Travel Plan in consultation with the Local Authority. The approved plan shall be implemented prior to the occupation of any part of the development and the development shall thereafter take place in accordance with the approved plan.  
Reason: In the interests of sustainability and to reduce the demand for car borne travel.
- 25 Prior to the beneficial use of any commercial component of the development, details of vehicular servicing, including the timing of deliveries, shall be submitted to and approved in writing by the Local Planning Authority. The vehicular servicing of the site shall thereafter take place in accordance with the approved details.  
Reason: In the interests of highway safety.
- 26 Prior to the beneficial use of any phase of the development, details of an Operational Management Plan including a Waste and Refuse Management Plan (to include recycling facilities) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.  
Reason: In the interests of public safety, to protect future residents amenity and to ensure the management and movement of refuse within the site in the interests of amenity and site safety.
- 27 No development shall commence on site until an Arboricultural Method Statement has been submitted for each phase of the development and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved method statement and all protective fencing, ground protection, and construction methods shall be retained intact for the duration of the development hereby approved, and shall only be removed, or altered with the written approval of the Local Planning Authority.  
Reason: To ensure the protection of retained trees on the site whilst the development is being carried out.
- 28 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at the same location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.  
Reason: To ensure the protection of the retained trees during construction works.
- 29 The detailed ecological measures as outlined in the Ecological Assessment shall be incorporated as part of the submission of reserved matters into the development and provided prior to any part of the development being occupied.  
Reason: In the interests of ecology within the site and in accordance with the Environment (Wales) Act, 2016.

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### ITEM 6 (CONT'D)

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- 30 No development shall take place (including the demolition of any buildings on the site) until such time that a further habitat survey has been carried out to assess the potential for protected species within the site. The survey shall be provided as part of future reserved matters applications and all recommendations incorporated into the design of the development.  
Reason: In the interests of ecology.
- 31 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, in accordance with the approved scheme.  
Reason: In the interests of ecology and amenity of the area.
- 32 Prior to the beneficial use of any phase of the development a scheme for the plant noise to be installed at the site shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall incorporate the details set out in Section 6 of the Acoustic Consultants Limited report - ref: 6401/BL/pw. Development shall be carried out in accordance with the approved details.  
Reason: To minimise noise and disturbance to the residential uses against noise from building services plant.
- 33 Prior to the beneficial occupation of any phase of the development, details of the noise mitigation measures to be used (as set out in section 5.3 of the Acoustic Consultants Limited report - ref: 6401/ BL/pw) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.  
Reason: To ensure compliance with BS: 8233:2014 Guidance on sound insulation and noise reduction for buildings in order protect the residential occupants against noise emanating from the surrounding commercial activity.
- 34 Prior to the beneficial occupation of any Class A3 unit within the development, a method of ventilation and fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The scheme for each unit shall be implemented in accordance with the approved details and the approved methods of ventilation and extraction shall thereafter be retained to serve the use.  
Reason: To prevent any nuisance from fumes and / or cooking odours to the occupiers of neighbouring premises.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: [UDP Policies EV1, EV2, EV3, EV4, EV6, EV34, EV35, EV36, EV38, EV40, EC3, HC2, HC11, HC17, HC19, AS1, AS2, AS4, AS6 & AS11]
-



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**ITEM 7 (CONT'D)**

**APPLICATION NO:**

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**UDP - EV20 - New Dwellings in the Countryside**

In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV22 - Countryside General Policy**

The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through:

- i) The control of development, and
  - ii) Practical management and improvement measures.
- (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV23 - Green Wedges**

Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV26 - Area of Outstanding Natural Beauty**

Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

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

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

**UDP - EV33 - Sewage Disposal**

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

**UDP - EV34 - Protection of Controlled Waters**

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

**UDP - EV35 - Surface Water Run-Off**

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

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

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

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### ITEM 7 (CONT'D)

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#### UDP - HC3 - Affordable Housing

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

#### UDP - HC17 - Planning Obligations

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

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

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

#### UDP - AS1 - New Development Proposals

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

#### UDP - AS2 - Design and Layout

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

#### UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS6 - Parking/Accessibility

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

#### UDP - AS10 - Traffic Management and Highway Safety

Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

### **SITE HISTORY**

There is no relevant planning history relating to the site.

### **RESPONSE TO CONSULTATIONS**

Eighteen local residents were directly consulted and the application has been advertised by way of a site notice and press notice as a "departure" application.

EIGHTY TWO (82) OBJECTION LETTERS and a PETITION of OBJECTION containing NINETY SIX (96) signatures has been received.

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The concerns raised are summarised below:

- o Sewers - 61 properties are likely to overload this fragile and historically problematic system. This area is built on strata of carboniferous sedimentary limestone, particularly susceptible to water erosion. I have also submitted my concerns to the Head Development Officer at DWR CYMRU. Surface water contaminants are a concern and could feasibly pollute Caswell Bay with health issues for bathers on Gower's most popular 'Blue Flag' beach.
- o Vehicles - There will be potentially more than 100 residential vehicles using this single track lane for access. This will directly impact on road safety due to inadequate pavements/congestion and already disintegrating road surfaces. The 2.5 Hectare site will be dominated by vehicle parking, belying the fanciful artist impression of landscaped open spaces within this site.
- o Amenities - How will the extra school places be fulfilled; schools are full to maximum. The Council has already overspent their budget by £7.2 million, 66% of this budget is spent on Education/Social provisions.
- o This development is ill considered, building on the last valuable agricultural fields in Newton. It will without question destroy mature hedgerows which qualify as: SINC habitat. UK BAP habitat.
- o Important hedgerows under the Hedgerow Regulations 1997
- o There are badgers, foxes and dormice in this area and birds.
- o It does NOT meet Rural Exception Site criteria.
- o I cannot see how this development meets contemporary building practices by promoting energy efficiency, reducing the need to travel, reducing emissions through renewables, or addressing the disproportional impact on this area and community.
- o I live on the Newton End of Summerland Lane. This is an un-adopted stretch of Lane, that primarily so we are told, belongs to the residents for the upkeep of this stretch of Lane! There is already too much through traffic that use this as a short cut to Newton / Mumbles. More houses would bring in further traffic to a narrow stretch of lane at the Newton. The developers should be made to make this stretch serviceable to this added traffic, before any planning application is considered.
- o Whilst I welcome any development in the area that makes housing affordable, I do not feel this development would benefit our community in terms of traffic management and pressure on local schools.
- o Summerland Lane is a single lane road that already struggles with quality of road surface, traffic passing in opposite directions and has limited areas of safe pavement on a route which is a known school run.
- o Loss of view.
- o Increased noise.
- o Current value of my property could be negatively affected.
- o Disturbance caused by building works and noise of heavy vehicles affecting wildlife.
- o With a huge number of large lorries delivering to the site, we will be stuck on our driveways unable to get to work and any appointments we have due to these lorries and tradesmen getting back and for to the building site.
- o The same access problems would apply to the emergency services if they need to come down the lane for any emergency situations.
- o The junction with Caswell Drive is very dangerous as it is, but with the increased volume of traffic this will be an accident waiting to happen, and quite irresponsible to even consider this option.



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- o It is a gross high density development.
- o The inclusion of multiple garage units is a proven failed project elsewhere. It leads to dereliction and vandalism.
- o Caswell Drive is on a bus route so this would be hazardous and completely unacceptable. We also wonder if consideration has been given to the people living in chalets on Owen's Field, who all own cars, camper vans etc, and add to the overall use of the lane.
- o All residents on the approaching access routes to the proposed estate will suffer increased traffic density - it appears that these residents have not been informed of this planning application by the Council.
- o The development is an encroachment onto the green belt area bordering the Area of Outstanding Natural Beauty on which grounds this should be opposed.
- o Severe impact on the wildlife habitats.
- o This is an overdevelopment in an already congested area.
- o It is understood that the surface water would be directed to soakaways. This will lead to large quantities of water penetrating the limestone bedrock with issues of potential erosion causing subsidence.
- o Developing on prime greenfield sites should not be permitted where brownfield sites are being left undeveloped.
- o There are bats in the local area - has a proper survey been conducted for all protected species including bats?
- o I consider that this is detrimental to the green wedge and conservation area.
- o There has been no inclusive public consultation as regards this site either under the LDP or in respect of this application.
- o The size and nature of this proposed development does not take into consideration the true realistic needs of the actual local community.
- o An argument has been put forward that there is a real need for affordable/social housing in the areas in question. This need is not amongst the existing local community, but only serves to realise the dream of those on an already existing affordable/social housing list, held within Swansea City Council, to live in rural Swansea West. This development satisfies only one objective - to reduce the housing lists thereby enriching the developers.
- o Lack of consultation on inclusion of site under LDP. Most certainly a pre-emptive application whilst awaiting Public Examination LDP by the Inspectorate.
- o No cycle paths busy and dangerous roads in the area lack of footpaths.
- o Grade 2 Agricultural Land. Loss of Hedgerows and nesting sites currently also of endangered sparrows in the site and other species.
- o Such a development may act as a precedent to encroach further onto the Gower Peninsula.
- o There will soon be no separation between the villages of Newton, Murton and Bishopston should this and future green land developments take place.
- o I fail to see the need in this area for yet more expensive, and high profit development, which could adversely affect not only the local ecosystem, killing local wildlife, trees and plants, but also affect schools and other stretched facilities.
- o It is not an infill development so would stick in to the open countryside like a carbuncle.
- o Has a local need assessment been done in order for this to be declared as a rural exception site? The site should be all affordable housing not a market site in order for it to be a rural exception site.

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- o Currently no wastewater drainage is available on the north side of Summerland Lane west of Caswell Drive. Our property is served by septic tank drainage because the only available sewer in the road is a surface water drain. The development appears to be connecting to this drain.
- o This is a Rural Exception Site. The developer wants to build 49% market housing on the site. The rules say that a SMALL amount of market housing may be built on the site to subsidise the affordable housing but that is not what the developer is attempting to do.
- o Since the public consultation was held the developer has changed the plans to add 22% more market housing to the site when the site was already 'full' under a previous ruling by the Local Authority.
- o There must be a clearly evidenced need for affordable housing in the area and this must be for people with existing links to the area who would otherwise not be able to afford to buy property. There should be agreement with the Parish Council that the need exists but in this case the Parish Council is opposed to the development and in open disagreement with the developer. The developer is trying to subvert the Rural Exception Site rules to be allowed to build on a desirable site in an expensive area when it would not otherwise be allowed to do so. This is evidenced by its intent to build the absolute minimum amount of affordable housing it thinks it can get away with and furthermore has tried to add even more market housing to the site since public consultation.
- o It has been included very late in the LDP process as a candidate site without going through the same process as other candidate sites. It is included in the LDP as a 'Rural Exception Site'. Both the latest Planning Policy Wales document and TAN2 are explicitly clear in stating that affordable housing exception sites are not appropriate for market housing. Therefore either, this site is an exception site, and in which case inappropriate for market housing. Or, it has market housing, and cannot be classed as an exception site. In either case it's inclusion in the plan is unsafe. I can only assume that the developer has come in now to circumvent proper process and steamroller an unprepared Council into accepting a hugely inappropriately intrusive development.
- o This development would ruin the rural character of this lovely area.
- o Several stretches of this lane have no pavement this will endanger pedestrians and the lives of children who use it as their main route to Newton School.
- o We have just attended the public meeting concerning the proposed housing development in Summerland Lane. This was attended by over 100 local residents all of whom are vehemently opposed to this project. I list as a series of bullet points the grounds on which we object to this proposal.
- o There has clearly been a democratic deficit in the way this development was included in the local development plan. Many people attending tonight's meeting feel that the Welsh Government should call in this application. As a strong supporter of Swansea Council you are about to alienate large sections of the local community.
- o This application pre-empts consideration by the Welsh Government of the draft LDP and prevents the independent Inspector from undertaking his statutory role in relation to it. Parts of the draft LDP are directly relevant to this application and raise important issues, including about the use of the Green Wedge, that the Council itself has highlighted for the Inspector's consideration. It is clearly not the case, as is asserted in the proposal, that the development is insignificant and would not predetermine decisions about the scale, location or phasing of new development which ought to be taken in the LDP context. Whilst it is undoubtedly true that more houses of all types are required in Swansea, this of itself is not a sufficient reason to justify treating this application as exceptional and allowing the democratic LDP process to be disregarded.

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ITEM 7 (CONT'D)

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- o Grade 2 agricultural land is a rarity in Wales and we should preserve what we have.
- o There is clearly a very serious dissonance between the views of the proposer and of Welsh Water and the experience and knowledge of residents about the capacity and efficacy of the current system, and therefore its ability to cope with the addition of a further 61 dwellings. Problems identified include a system barely coping with the existing load, as exemplified by sewage odour, and the risks of pollution, erosion and subsidence consequent on implementing a system, including soakaways, that is not suitable for the type of land to be found on this site and in its surrounding area.
- o It will not be sufficient for the Council simply to note the difference of view between the parties and to decide who to believe. These issues need to be thoroughly investigated by an expert independent of both the proposer and of Welsh Water and a risk assessment undertaken.
- o Parking for the number of dwellings proposed is inadequate. The proposal's statement that because the number of parking spaces is less than the standard required for new developments, this will encourage people to give up using their cars and walk or cycle instead, is fanciful and, for the reasons already described, dangerous.
- o The GP surgeries in the area are overstretched and their premises coping with considerably more activity than they were designed for. The addition of a further 61 households will have a considerable impact on GP, community nursing and other services and on existing, as well as new, patients.
- o The pre-planning consultation was inadequate, being restricted to a very small proportion of the residents affected by this scheme. The Council has perpetuated this situation by formally consulting only those residents whose properties are immediately opposite the proposed development.
- o Loss of green space.
- o The planned development will not meet its claimed sustainability objectives. The development will require considerable civil engineering works during construction with large numbers of heavy goods and articulated trucks using a through route to the site. Experience of similar but smaller schemes undertaken in the past ie Highmeade, have thrown up a number of problems in respect of road damage and subsidence caused by the very nature of heavy 30 ton lorries which were observed passing to and from every 10 minutes.
- o It does not appear to comply with the 2010 Equality Act Legislation for Lifetime Housing Provision of 10%.
- o The drainage issue also reflects the potential risk factor for future problems culminating in the inability to obtain insurance and mortgages in the event of subsidence.
- o 61 houses at the end of what is still, essentially, a single track is totally contrary to the PPW's emphasis on the importance of "local context, character and the quality of life of existing residents". Planning Policy Wales further states that any development should ensure the "safe and efficient movement of people and traffic" and should be located so as to encourage the "use of public transport". How on earth does this eccentric proposal satisfy either of these fundamental aims? Why have core policies if they are then allowed to be ignored. Buses cannot drive down Summerland Lane. Cars are, and will remain, the "norm" for younger families in the Caswell/Newton catchment. Anyone who does not drive will have a relatively long and exposed walk to the nearest bus stop.
- o This site is path-accessible to Caswell Bay car park and will attract a raft of investment speculators who will make a "killing" unless permanent legal constraints are imposed on both developer and future residents to prohibit the commercial exploitation of the gratuitous "affordable" tag attached to this application.

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- o The LAP is defined as a local area of play primarily for under 6's recommended activity zone 100sq/m, requires a sign indicating the area is for children's play and dogs are not welcome. There are two LAP's on the site, one at the end of the principle street and the other in the remains of the hedge to the NW of the site. 200sq/m out of 2.5 hectares has been given over for under 6's to play in although with no play equipment one does wonder exactly what kind of play will take place and nothing for over six year olds. The LAP at the end of the principle street seems to be of great significance to the developers as projected landscape views criss-cross it from three different directions giving an impression of space. However let's not get carried away here, it is after all just a circle of grass 30ft across - a paltry gesture!
- o This trust has been seriously compromised in the way Swansea Council, together with the developer West Acre Ltd have behaved procedurally by rail-roading through this planning application. As one objector on this site eloquently highlighted "the mechanics of influence which pervade this application" and that seems to me to be at play here.

### **Gower Society**

1. The Society have grave concerns that such a full and detailed application has been submitted for 61 houses within the existing Green Wedge as defined in the Current UDP.
2. The development's proximity to the AONB, Bishop's Wood conservation area, combined with the removal of productive agricultural land, hedges and trees are of great concern.
3. This is a Candidate site in the draft LDP, and as such has not been ratified. It is totally unacceptable. It prevents the site being determined and approved by the Planning Inspectorate. We feel that we must object to this in the strongest possible terms and feel we and the public have been denied their democratic rights.
4. The site design is badly prepared (despite the plethora of application documents) and 61 houses on such a 'tight' site creates a congested and inappropriate development both for now and the future.
5. We are concerned about unadopted access roads (that lead to the congested site) and the fact that site roads will not be adopted. This can only create ongoing legal issues and may lead in time to a development with a 'run down' appearance.
6. We think that the application's Design and Access Statement is misleading relating to walking and cycling times to buses, shops, doctors and the like. This requires both further inspection and validation.

We have no alternative but to strongly object to this application and would be greatly obliged if you would take our above comments into consideration when arriving at your decision.

### **Mumbles Community Council (MCC)**

#### *Initial Comments*

The MCC submitted an eleven page objection document, the conclusion of which is shown in full below:

This planning application is clearly premature and is currently in conflict with local planning policy. It is suggested by the applicants that because of the urgent need for affordable housing, the draft allocation of the land as a rural exception site in the emerging Local Development Plan should be sufficient to persuade the Local Planning Authority to accept a departure from current policy.

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ITEM 7 (CONT'D)

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In our view, however, the relatively small number of affordable houses that would be provided; the failure of the applicants to prove that there is an overriding need to develop this site now; and the clear need for the appropriateness of the H5 policy to be assessed at the Local Development Plan hearing in early 2018 require this application to be rejected on the grounds of prematurity.

Notwithstanding the prematurity argument, there are many other reasons why this site should not either be allocated for development, or granted planning permission. This report has drawn attention to the clear deficiencies of this application in terms of agricultural land classification, ecology, drainage, access, sustainability and visual impact, and it is suggested that these represent sufficient reasons, in their own right, to justify a refusal of permission in this case, and hopefully the subsequent exclusion of the site from policy H5 of the LDP.

### *Further comments*

The MCC submitted a six page objection document which is summarised below.

Prematurity - This issue remains a major part of the case being made. It is noted that the papers circulated for the Council meeting for 14th Dec - Part A - Supplementaries with Councillors questions, provide a reply to a question raised by Cllrs Will Thomas, Myles Langstone and Lyndon James concerning this very issue.

The Councillors question states as follows: *Does the Cabinet Member think that potentially granting planning permission for an LDP deposit housing site in a Green Wedge outside the City boundary before the LDP review is democratic. If successful the application would then be removed from the LDP review. The only reason the Summerland Lane, Newton site is being considered is as a rural exception site as part of the LDP. Surely it should go through full and fair scrutiny. We ask that this application is not rushed through, but refused permission as a departure from the current plan to allow the LDP to follow the fair and correct procedure.*

In his reply, the Cabinet Member refers to the Developer Guidance Document produced in 2015 which relates to the Council's strategy for determining planning applications following the time-expiry of the UDP. He does not, however make any reference to either the LDP Deposit Draft Consultation Report produced one year later in 2016, or the LDP Consultation Report dated July 2017, which both make it absolutely clear, in response to the overwhelming number of objections lodged against the H5 draft allocations, that both the H5 and Green Wedge policies would be KEY ISSUES for the LDP hearing.

The later report, published only months before this application was submitted, stated that it would be one of the key tasks of the LDP hearing to consider the *appropriateness of the principles of policy H5*. An approval of this application is clearly tantamount to an approval of the H5 policy, this preventing the appointed Inspector the opportunity of determining the appropriateness of the policy, while at the same time denying all the objectors the ability to argue their case at the LDP hearing. This is clearly undemocratic.

Access - the road is already sub-standard, and yet with only minor changes it is now seen as capable of dealing with the traffic generated by 61 additional dwellings - this is in stark contrast to the comment in the LDP assessment report dated July 2015 which stated that *Roads leading to the site are inadequate to serve the development unless improved.*

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A series of off-site works are now proposed - these appear to represent a 'wish-list' of minor improvements along the remaining section of Summerland Lane which are mainly used by pedestrians - what they don't do however is improve highway safety to the site itself, particularly for the larger service and delivery vehicles.

Drainage - notwithstanding the acknowledgement by WWDC of operational problems on the existing foul water network, there seems to be a general acceptance by experts that the system will readily cope with the likely flows from 61 homes. This is despite the applicants having failed to supply any details of the likely flows to be generated in this case.

### **Tonia Antoniazzi MP**

I would like to raise an objection on behalf of my constituents regarding the planning application. My constituents argue that the existing infrastructure is not able to accommodate the proposed 61 dwellings to be built in this development. This is a designated greenfield site. It is important that the Local Authority takes action to protect our greenfield sites and takes action to consider developing on available brownfield sites.

My constituent would also like answers to questions they have concerning the development of this site. Where does the construction traffic intend to park whilst development work is being carried out. How will the construction workers access the site? Will all of the proposed properties have off street car parking? Does the local authority have any plans to ease the problems of traffic flow along the Mumbles Road as more residents in these dwellings will mean increased traffic in the area?

### **Rebecca Evans AM**

My constituent argues that the proposed development will have a detrimental impact upon wildlife in the area. Furthermore, my constituent is concerned that approving this development may act as a precedent for other proposals across the Gower peninsula. In addition, my constituent believes that the existing road and sewerage infrastructure in Newton is already at full capacity and that this development will intensify the issue. Lastly, my constituent argues that the local schools will not be able to cope with increased demand.

### **Ward Councillor - Will Thomas**

#### *Initial objection comments*

After reading over all the documents and the 'pre application report', I do not think that the developer/agent has given the proper considerations and answers to the following:

Schools: The report states that the primary school being full is not an issue and that: 'projections are predicting unfilled places to increase by 2023.' The report then goes on to say: 'In addition, it should be noted that the proposed development will be made available to people that live in the area and therefore it is likely that some of the children that will reside at the site will already be going to the schools.'

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This is complete spin! It is true that some families with children in the school may move to the new development, but presumably their current houses would surely then be filled by other families potentially with children.

Access to proposed site: I am hoping the comment that: 'The 'pinch point' along part of Summerland Lane is considered to introduce a natural traffic calming measure as it reduces the speed of vehicles along this lane, thus further improving the safety of this area of the road'. is a bad joke, as it is the most ridiculous statement I have ever read. The truth is that there is a single lane access to the site that currently services, in my opinion, too many houses. Adding a further 61 dwellings will cause chaos at this access point. The access to this site needs careful consideration, as it is not safe. Please take this point seriously as it needs to be addressed!

More general points regarding the site: -

Drainage & Sewage capacity: Whilst the developer notes that Welsh Water has no objection to the development, there have been historic issues with a serious lack of drainage capacity in this area and this needs close attention before this many dwellings are added to the system. I do not feel enough evidence has been collated with regards to this issue currently, and would hope that further detailed surveys would be carried out. My major concern, with regards to sewerage, is that the sewage from the proposed site will go into a storm drain - is this even allowed? I have not heard of this at any other location.

Affordable Housing Demand: As a rural exception site, the only reason that this site is being considered for housing is because there is said to be a demand for 'needs housing' (i.e. social and affordable housing) in the ward of Newton. I have been quite alarmed to find no evidence to support this claim. If Swansea City Council has done research to back this claim where is the evidence? If it has not, then this site should not be included in the LDP until such evidence is gathered in support of the claim. It might well be that there is a demand but detailed evidence needs to support this.

Summerland Lane Traffic: If this development was to go ahead there will be a large increase of traffic down Summerland Lane. There is no pavement on the large majority of Summerland Lane and it is used by many people including school children as a walk route everyday. Bearing in mind our obligation to the 'well-being of future generations' act, and with the Welsh Government's 'Safe routes in communities' initiative, I feel this has not been given any attention and is of great concern. The crossing point between Slade Road and Summerland Lane has always been a worry for parents attending Newton School, and I have met with the Road Safety Dept. on this junction in the past. This development would mean even more children crossing at this point and sharing a walk to school with cars down Summerland Lane as there is little pavement for them to use.

Private Road: This section of Summerland Lane is currently a private road. As far as I am aware it does not meet the requirements to be adopted by Swansea Council. However, if this development was to go ahead, then this road will be used for many years by a considerable number of people, not to mention refuse lorries etc. I therefore feel it would be unfair on road owners to pay for its maintenance.

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### *Additional objection*

1. I am concerned that the ability of the developer to deliver the affordable homes aspect of the development, I feel this has not been scrutinised.
2. However it is dressed up to look adequate, the access to this site is poor and in my opinion not safe.
3. If granted planning this site will in effect drop out of the LDP review. I feel that such a big change to the village of Newton needs to follow fair and democratic procedure and not be rushed through.
4. There is far too many houses crammed into this site.
5. This proposal would destroy mature hedgerows which qualify as SINC habitat.
6. Building on prime agricultural land is contradictory to Welsh Government policy.
7. There is historical issues with drainage and sewage capacity in the locality that I do not feel have been addressed.
8. Newton Primary School is full, where will these children go to school?

### **Natural Resources Wales (NRW)**

#### Initial Response

We have significant concerns regarding the proposal as currently submitted and consider that there is currently insufficient information in relation to bats and dormouse, both European protected species. We require additional information/clarification before we can provide you with detailed comments on the application.

#### Final response

Further information was submitted in support of the application in the form of:

Addendum to Dormouse Survey and Protected Species Mitigation Plan: Land at Summerland Lane, Swansea in Relation to Dormouse', dated November 2017, by Hawkswood Ecology; and 'Land off Summerland Lane, Newton, Swansea: Ecological Assessment', dated November 2017, by David Clements Ecology.

NRW provided the following comments to this information.

#### *Protected Species*

Having reviewed the additional information and clarification provided in the most recent assessment / mitigation documents, we are satisfied with the level of survey carried out and the conclusions drawn.

Therefore, in relation we would not object to the proposal, subject to:

The proposal being implemented in accordance with the recommendations laid down in Section 6 of the document entitled; Land off Summerland Lane, Newton, Swansea: Ecological Assessment', dated November 2017, by David Clements Ecology and Section C of the Addendum to Dormouse Survey and Protected Species Mitigation Plan: Land at Summerland Lane, Swansea in Relation to Dormouse', dated November 2017, by Hawkswood Ecology.



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These measures should be translated and delivered via an appropriate Ecological Management Plan, to be secured through planning conditions and agreed with your Authority's Planning Ecologist.

If any roosts or nests are found then work must stop immediately and NRW contacted for further advice.

### *Landscape*

We note the submission of the document entitled; 'Summerland Lane: LVIA (Ref: 14596285v4)', dated 31 August 2017, by Lichfields. Whilst we do not consider that there would be significant adverse effects on the purpose or special qualities of the Gower AONB, we do consider that there would be an adverse effect on the character of the landscape which forms its setting in this location, through increased urbanisation, loss of field pattern, trees and hedgerows on the site and an adverse effect on views in the immediate vicinity of the site. Therefore, should your Authority be minded to grant planning permission a Landscape Management Plan for the site should be secured and via an appropriately worded condition. This is to ensure the long-term conservation and management of the retained trees, new trees and hedgerows on the site.

### *Geoscience / Surface Water Disposal*

The proposed development is located on a greenfield site and a Principal Aquifer, which is underlain by Limestone Bedrock. We note the additional information provided in letter from Blackburn Griffiths Ltd (dated 6 November 2017), which states that surface water runoff from the site is to be dealt with through utilizing a soakaway system constructed in the surface deposits generally located in the eastern part of the site. The letter goes on to state that the proposed drainage solutions does not include the use of any deep infiltration system, nor do the soakaway test results for the site indicate that such a provision will be necessary.

Providing no deep-infiltration drainage solutions are implemented, then we have no further comments to make in relation to this matter. However, if this were to change, we would refer your Authority to our Ground Water Protection Position Statements (G9 & G1), which were laid down in our statutory pre-application response, dated 9 August 2017. As the drainage system design is ultimately a matter for Local Authority Drainage Engineers, we advise that you consult them regarding this aspect. We also advise that you discuss this aspect with your Building Control Department. The placement of any SUDS needs careful consideration as the site is underlain by limestone and increasing drainage in specific areas could impact on rocks.

### *Foul Water Disposal*

We note the additional information provided in letter from Blackburn Griffiths Ltd (dated 6 November 2017), which states that foul water flows will be dealt with via a pumped system (subject to a Section 104 agreement with Dwr Cymru Welsh Water) to the main sewer. We also note from the letter that discharge of effluent which we previously made your Authority aware of (Permit Number: BF0119101) will be incorporated in the scope of works for the foul drainage for the site and will be drained via the proposed pumping station to the existing main drainage network.

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*Pollution Prevention*

We consider there to be a risk of causing pollution to controlled waters during construction phases, unless appropriate pollution prevention measures are in place.

Therefore, a detailed Construction Environmental Management Plan (CEMP) should be produced and submitted for the proposal. It should include measures are in place to reduce the risk of contaminated surface run-off and silt from entering and pollution controlled waters.

The following condition should be included on any permission granted.

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

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

*Waste Management*

Given the nature and scale of this development, a SWMP should be produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

The following condition is suggested:

No development approved by this permission shall be commenced until a Site Waste Management Plan has been produced and submitted in writing for approval by the Local Planning Authority.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

Any waste materials that are generated on site must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW.

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

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

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### Sewerage

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We would advise that the content of our consultation response (Ref: PPA0002272) has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, prepared by Lichfields, which confirms that foul flows only from the proposed development can be accommodated within the public sewerage system whereas the Local Authority should be consulted in respect of surface water drainage by means of soakaway systems.

Accordingly, having regard to the accompanying Drainage Strategy (Revision B) and Drainage Schematic (Drawing No. 100 Rev C) prepared by Blackburn Griffiths Ltd, we would request that the following conditions and advisory notes are included if minded to grant Planning Consent, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

### Conditions

Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made within the foul water public sewer at manhole SS59876901 located in Summerland Lane as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

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.

### 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.

## **Council's Head of Engineering and Transportation**

### Initial Comments

During previous discussions with the Transport Consultant, a scheme had been agreed for a package of improvement works to Summerland Lane and had been costed in the region of £350k. The scheme is referenced within the Transport Statement submitted with this application (clause 3.34 refers). This subsequently has been omitted from the current application so the access is to be considered on an 'as is' basis with no improvements barring a pedestrian crossing outside the site.

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In my opinion this lack of improvement renders the scheme unacceptable as the pedestrian provision is so poor with the main length of Summerland Lane being of substandard quality with intermittent footways and poor quality construction on the unadopted elements. I therefore dispute the claims made within the Transport Statement regarding the ease of, and opportunities for, pedestrian movements given the lack of appropriate safe facilities and poor condition of the existing facilities.

In terms of layout I would make the following comments:

1. The visibility for the private drive opposite 123 Summerland Lane is inadequate due to the hedges in place.
2. The two turning heads look adequate to allow emergency vehicles to turn although the layout could be improved by linking these two together to provide a continuous loop.
3. The visitor spaces are not appropriately located in peoples' front gardens etc. although provision does need to be included.
4. Justification needs to be provided for the shortage of parking within the site for the affordable units- no relaxation is available specifically for those users.
5. It is unclear as to whether or not the site is to be offered up for adoption or whether a private management company will be utilized. This should be clarified. Due to the layout and inadequate footways through the bulk of the site we would be unlikely to wish to adopt the site
6. Gradients for the internal roads need to be identified to ensure that the maximum allowable gradients are not being exceeded.
7. At least one 1.8m footway should be present on one side of all the roads throughout the site.

Notwithstanding our objection in principle on the grounds of inadequate safe pedestrian provision, following an internal consultation and site meetings the following items have been identified as being a requirement in order for the scheme to be more acceptable.

These are:

1. The erection of a bus shelter on the bus stop situated between Caswell Drive and Long Shepherds Drive.
2. The realignment of the kerbs at the junction of Summerland Lane with Caswell Drive to allow for easier passing and an increased queue length.
3. The relocation of the proposed pedestrian crossing outside the site to the junction of Summerland Lane with Newton Road incorporating a raised plateau as an additional traffic calming feature.
4. The addition of appropriate signage to make the adjacent private streets 'access only - no through road' due to concerns regarding increased movements on private streets which are not publically maintained but are maintained at the frontagers' expense.
5. The introduction of Traffic Regulation Orders on the existing junctions off Summerland Lane to keep the areas clear to cater for the increase in traffic movements and maintain adequate visibility.

In summary the scheme does not allow for increased safe pedestrian movements to destinations in and around the area, particularly the school. In the absence of the previously agreed Highways Improvements scheme then I am not in a position to support the application as it currently stands.

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### Final Comments

Drawings illustrating a series of pedestrian improvement works to Summerland Lane were submitted in support of the application following a meeting between the applicant's Transport Consultant and the Council's Highway Officer.

Following the receipt of these drawings the following comments were received from the Head of Transportation and Engineering.

During preliminary discussions regarding the site, it was advised that a Transport Statement would be required to be submitted to quantify the impact on the highway in terms of vehicle and pedestrian movements. Concern was also raised historically regarding the poor quality provision and lack of safe pedestrian infrastructure along Summerland Lane to its junction with Newton Road. After a series of discussions and meetings a scheme has now been agreed in principle and is referenced on Vectos (the Transport Consultant) Drawings:

1. Proposed site access arrangement and Summerland Lane Improvements Drawing W17032\_A05 REV C,
2. Proposed Zebra crossing on Newton Road drawing W17032\_A06.

All the improvement works are contained within land that is either CCS owned or adopted highway thus the works can be undertaken without any third party land acquisitions.

In summary the agreed improvements are related to:

- o signage and pedestrian provision,
- o the installation of a cantilevered bus stop, and
- o the introduction of a zebra crossing on Newton Road to facilitate safer access to Newton Primary school.

The nearest bus stop to the site is existing and is located some 120m to the east of the site. The improvements will mark out 'bus stop' signs on the road together with a cantilevered bus stop structure to provide shelter for waiting passengers. Access to bus services is good in the week and on a Saturday but less frequent on a Sunday.

Where footway improvements cannot be accommodated then a series of road signs and road markings have been agreed to warn of the likelihood of pedestrians in the road. Signs are also proposed at either end of Caswell Avenue (which is a private street) warning of no motor vehicles except for access.

### *The Transport Statement*

The scope of the Transport Statement was agreed with CCS Highways Officers.

The site was assessed using the National Database TRICS and the trip generation and site selection have been validated to ensure that the trip rates are relevant to this semi-rural site

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The site of 61 units is expected to generate a total of 45 trips in the a.m. peak and 44 trips in the p.m. peak which equates to less than one additional vehicle movement per minute. There are a number of alternative routes that could be used to leave the site and head into Swansea and a split of traffic 70/30 Newton Road / Oystermouth Road to Southward Lane / West Cross has been assumed.

Traffic surveys were undertaken in July 2017 to ascertain the base level flows at two key junctions:

- o Newton Road / Llangland Road junction
- o Newton Road / Mumbles Road junction.

The levels recorded were as follows :

- o Newton Road / Llangland Road a.m. peak 747 p.m. peak 838
- o Newton Road / Mumbles Road a.m. peak 1147 and p.m. peak 1517

It is therefore noted that the additional traffic generated by the proposal will be less than 5%. Daily fluctuations of +/- 10% are considered normal.

Notwithstanding the low percentage increase in traffic at the key junctions some minor infrastructure improvements have been negotiated and are included in the Vectos drawings as cited earlier in this section. The improvements are, in the main, connected with the safe passage of pedestrians, cyclists, and public transport users and the package of measures are therefore aimed at more sustainable transport forms than the private car.

Accident statistics submitted in and around the immediate area show that there are no obvious areas that give rise to highway safety concerns. Four of the accidents identified in the last five year period were on Caswell Road with one on Newton Road and one on Caswell Avenue. The Crash-map data does not give cause of the accidents but from the accident spread it does not appear that there are any highway design issues within the existing infrastructure.

#### *Access*

Access to the site is indicated at two locations, one serving a shared private drive and a second one which serves the main area of the site. Works to facilitate the access points will need to be undertaken under a Section 278 agreement with the Highway Authority (as the land is in Highways ownership).

Both access points allow for two way flow. And both will need to be constructed under a Highways Agreement with the Highways Authority including any necessary new footway and tactile crossing points.

#### *Layout*

The estate is not being offered up for adoption and as such a private management company will need to be set up to manage and maintain the internal road network. Swept path analysis has been provided to demonstrate that refuse and emergency vehicles can enter/turn and leave the site in a forward gear.

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Most of the internal road has at least one footway together with a 5m carriageway which would allow for two way flow and safe pedestrian passage. Whilst the site is not being offered up for adoption the roads should still be constructed in accordance with Highway Authority Standards and specification.

The internal site layout is acceptable in safety terms but is otherwise not suitable for adoption as parts of the layout do not comply with this Council's standards, particularly with regard to pedestrian movements. The roads within the site therefore will need to remain privately maintained, which is an option open to Developers as an alternative to having the roads adopted. A private management company will therefore be responsible for the estate in perpetuity.

### *Parking*

Parking is provided in the form of side drives, frontage parking and garages. Parking is provided at 2 spaces per residential unit (for the affordable units) and 3 spaces for the open market units. No dedicated visitor spaces have been indicated and visitors will have to park informally. The management / maintenance company will be required to oversee the parking within the site.

From the boundary treatments indicated within the site it would appear that no retaining walls are to be constructed. A condition will be added to restrict all front boundary wall works to be a maximum of 1m high in the interest of visibility.

### *Highway Conclusions*

From the submitted Transport Statement it has been demonstrated that car borne traffic can be accommodated within the existing infrastructure with only minor amendments. The same cannot be said for the pedestrian/cycle/public transport users. An extensive scheme of improvements has been agreed with the applicant and subject to this improvement scheme being built out in line with certain thresholds then I consider that the scheme will not give rise to any highway safety concerns.

I would suggest the following thresholds:

- o Prior to any works commencing on site: The access only signage at either end of Caswell Avenue being erected.
- o At 50% occupation: The remainder of the works as outlined on Vectos drawings W17032\_A05 REV C and W17032\_A06 to be brought into beneficial use under a Section 106 Agreement with Swansea Council.

### *Highway Officer Recommendations*

I recommend that no highway objection is raised to the proposed development subject to the following;

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

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

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

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

3. Permitted development rights being removed with respect to the garages.

4. All front boundaries to be kept below 1m in the interests of visibility.

5. The new accesses/new footpath will need to be constructed to Highways Authority Standards and Specification under a Section 278 Agreement with the Highways Authority.

6. The applicant entering into a Section 106 agreement to provide highway improvements at two key timeline points:

a) Prior to any works commencing on site:

- 1. The access only signage at either end of Caswell Avenue being erected.

b) At 50% occupation:

The remainder of the works as outlined on Vectos drawings W17032\_A05 REV C and W17032\_A06 to be brought into beneficial use under a Section 106 Agreement with Swansea Council.

Note 1: Management and Maintenance of Estate Streets

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



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Note 2: The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please contact the Team Leader (Development), e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091

### Council's Drainage Officer

#### Initial Response

We have reviewed the submitted information and offer the following comments. The infiltration testing completed despite its very limited scope in only two locations towards the rear of the site does indicate that the site is able to be drained via infiltration. We would highlight that the drainage layout indicates some soakaways towards the front of the site and additional testing will be required to demonstrate that infiltration will work in those locations.

We would also highlight that one of the soakaway structures is under the highway which would preclude the highways being adopted, another soakaway appears to be in the rear garden of Plot 51 which serves several dwellings. Clear plans will need to be submitted demonstrating maintenance access and how it is secured for the lifetime of the development. Furthermore this particular plot will not be able to construct any sheds, flower beds or plant any trees, shrubs etc. in the garden to avoid the roots compromising the infiltration structure.

Furthermore the developer should allow for urban creep in the design of any surface water network, otherwise no alterations nor extensions will be allowed during the buying process i.e. conservatories etc. nor over the lifetime of the development.

If permission is granted for the development we recommend the following is appended to any permissions given.

#### 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 and to minimise surface water run-off.

#### Condition 2

The results of soakaway tests carried out in strict accordance with BRE Digest 365 2016 must be submitted prior to the commencement of development.

Reason: To ensure that an appropriately designed surface water management system is implemented so as to avoid creating surface water flood risk to the development itself and adjacent third parties.

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### Condition 3

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate.

### Final Response

The applicant submitted an amended layout plan and additional drainage information.

The applicant has demonstrated that in principle a scheme is possible on site and can therefore be conditioned, however at the discharge of conditions stage the applicant will need to demonstrate that the design should not create the risk of dissolution features forming, as Natural Resources Wales has the necessary experience in hydrogeological studies we would recommend that they are consulted with respect to this specific element of any drainage design.

We have no concerns with the amended layout and our previous comments and recommendations remain relevant as the detailed design is brought forward.

### **Council's Tree Officer**

#### Initial Comments

More information is required.

None of the trees on site are presently protected by a tree preservation order or conservation area status. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

A tree report has been submitted with the application that has categorised the trees in accordance with BS5837. The site has several good quality trees that should be retained wherever possible. The applicant has supplied a basic arboricultural impact assessment that identifies most of the impacts of the proposed development on the retained trees. The limited tree losses are acceptable if the trees indicated for retention can be successfully retained and a landscape plan be suitably designed to mitigate the tree removals.

The impacts not identified in the AIA are:

- o Impact on tree T1 from the construction of the footpath external to the site.
- o Compaction of rooting environment around trees T30, T31 and T32 from use of play area.
- o Proximity of tree T58 to house in plot 38

Confirmation is required that these impacts can be adequately mitigated.

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### Further Comments

An amended layout plan and accompanying letter was received.

I am content with the response concerning the impact on tree T1 from the construction of the footpath external to the site and the proximity of tree T58 to house in plot 38.

However the letter provided contradicts itself with regard to the play area. In the section titled 'Trees' it states: "With regards to the play area, the installation of play equipment could potentially impact on the tree roots if excavations are required. As a result, no play equipment is proposed within the north west and instead it will provide a 'naturalistic' play area, as advocated by Play Wales."

However, in the preceding section titled 'Local Area of Play' it states " The intention therefore is for the North West LAP to incorporate natural features such as boulders to encourage naturalised play. Such provision would also ensure limited impact on the root protection area of the adjacent trees as minimal excavation works would be required." The example photographs show play equipment not boulders.

Notwithstanding the confusion, the letter does not address my concerns over compaction "Compaction of rooting environment around trees T30, T31 and T32 from use of play area." Compaction will be caused by repeated pedestrian movements, damaging the soil structure and preventing roots from functioning correctly, leading to a decline in the trees health.

### Final Comments

Additional information has been received in the form of clarification of the 'compaction' naturalistic play area.

None of the trees on site are presently protected by a tree preservation order or conservation area status. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

A tree report has been submitted with the application that has categorised the trees in accordance with BS5837. The site has several good quality trees that should be retained wherever possible.

The applicant has supplied a basic arboricultural impact assessment that identifies most of the impacts of the proposed development on the retained trees.

The limited tree losses are acceptable if the trees indicated for retention can be successfully retained and a landscape plan be suitably designed to mitigate the tree removals.

Additional information has addressed previous concerns

- o Impact on tree T1 from the construction of the footpath external to the site; the project arboriculturist is confident that this tree can be retained by means of using suitable precautions detailed in an arboricultural method statement.

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- o The agent has indicated that no play equipment will be installed under these trees to have an unequipped play area.
- o Pruning may be required to tree T58 that will not be excessive.

In the event of approval please append a tree protection during construction condition.

### **Council's Ecology Officer**

The site is two fields at the edge of Newton, measuring ca. 2.5ha. The fields are surrounded by agricultural hedging, which includes a number of trees. The proposal involves removing parts of the hedgerows and developing the entirety of the fields.

The ecological documents submitted with the application are an Ecological Assessment (David Clements Ecology, November 2017) and a Dormouse Survey and Protected Species Mitigation Plan (Hawkeswood Ecology, July 2017) plus addendum (HE, November 2017). In addition, a number of documents were submitted in relation to the trees and hedgerows.

#### *Habitat*

The fields are of little ecological value, but the hedgerows qualify as important under the Hedgerow Regulations 1997 and meet Site of Importance for Nature Conservation (SINC) criteria.

#### *Protected Species*

No evidence of dormice was found at the site during the survey. A number of the trees were assessed as being of limited potential for use by bats and the hedgerows are likely to provide foraging opportunities. Reptiles may be resident in the hedgerows and enter the fields to forage. Most of the hedgerows have potential for use by nesting birds.

#### *Badgers*

There were no badger setts recorded within the site boundary. Only badger setts are protected by law; foraging areas are not included. This is explained briefly in section 3.2.13 (page 9) of the Ecological Assessment.

Badgers are, however, protected from harm. As badgers are primarily nocturnal and generally avoid humans and loud noises, they are unlikely to venture closely to the heavy machinery during daylight hours, but may explore the area during the night. A fencing scheme will be installed around the site, primarily for the purpose of protecting the hedgerows and trees. This will also function to exclude or discourage badgers from the site to a large extent. In addition, an Ecological Clerk of Works (ECoW) will be appointed to ensure that any impacts on wildlife and vegetation will be minimised both during the construction period, and to a certain extent, after.

Section 7.5 of the Dormouse Survey and Protected Species Mitigation Plan states that a further check for badger setts will be conducted by the ECoW prior to commencement of the development.

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Provided they are enacted, these measures are sufficient to satisfy both the legislation and policies.

### *Conclusion*

- o To protect the hedgerows/trees during development, the Tree Retention/Removal Plan should be conditioned. The fencing scheme must be installed prior to groundworks commencing.
- o The Construction Environmental Management Plan (CEMP) must state that no liquids will be stored adjacent to any retained trees/hedgerows.
- o Section 6 (Recommendations) of the Ecological Assessment should be conditioned. This includes the production of an Ecological Management Plan to manage the site both during and after the construction period.
- o Section 7 (Protected Species Mitigation Plan) of the Dormouse Survey and Protected Species Mitigation Plan and section C (Delivery Information, Compensation and Monitoring) of the addendum should be conditioned. These include the appointment of an Ecological Clerk of Works (ECoW) to supervise the vegetation clearance and administer the Ecological Management Plan.
- o A Landscape Design Scheme should be produced. It should include species and planting suggestions made in the ecology documents; these are deemed appropriate for the site. Additional advice can be sought from the ECoW. The use of native species hedging between plots is preferred to close-board fencing. This would go some way towards mitigating for the overall loss of hedgerow.

### **Council's Housing Enabling Officer**

#### Initial Comments

I can confirm the housing service supports the proposed 51% affordable housing on the Summerland Lane site, Newton. I do not agree with the siting of the social rented in one part of the site, the requirement is that the affordable housing be dispersed across the site. I also do not agree with the proposed 4 no bungalows being intermediate tenure.

The 4 bungalows (Plots 49, 50, 51 and 52) need to be social rented tenure and the 4 social rented flats (Plots 24, 25, 26 & 27) become intermediate tenure, this will meet the need and also assist to solve the issue of the social rented being grouped in one part of the site.

The affordable housing needs to be to DQR standard and the design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

#### Final Comments

Amended plans have been received which show the four bungalows as social rented and the remainder of intermediate and social rented dwellings being dispersed through the site.

I can confirm the Housing Service agrees with the amended site plan submitted for the Summerland Lane site, Newton. The change of tenure to Plots 49,50,51,52 from Intermediate to Social Rented enables the tenure to be better dispersed across the site.

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### **Council's Pollution Control Officer**

No objections subject to informatives relating to construction site noise, smoke / burning of materials, dust control and lighting.

### **Council's Education Officer**

#### Initial Comments

Education request a Developers Contribution due to the lack of capacity in the secondary education catchments schools (both English and Welsh medium) and especially when taking the condition of the demountables out of the equation for Bishopston Comp; the request being:

#### *Primary:*

English-medium: the English medium catchment school currently has very limited capacity (6.94%);. With the pupils generated from this development, it would then put the school in an "over capacity" situation. However, the projections are predicting the number of unfilled places to increase by 2023.

Welsh-medium: the Welsh medium primary school (YGG Llwynderw) currently has the capacity of 10.94%, however, the projections are predicting the number of unfilled places to increase by 2023.

Requested Contribution - nil

#### *Secondary:*

English-medium: there is currently very limited capacity (1.10%) at Bishopston Comprehensive, by taking away the demountables and not including them in the calculations, this puts the school over capacity. The existing commitments, without the combined impact of the LDP, will create significant pressures and a shortfall in accommodation for Bishopston Comp. School.

Welsh-medium: the Welsh medium secondary school (YG Gwyr) based on January 2017 figures had 21.06% unfilled places, however by September 2023 is expected to be over capacity (-12.85%). In addition there are a large number of developments that have successfully obtained planning approval that will further exacerbate the situation; that and the impact of LDP will further increase the pressure for places at the school.

Requested Contribution : The full generated amount of £195,028 plus Indexation towards Bishopston Comprehensive School, and £17,652 plus indexation towards YG Gwyr; the amount being split 91.7% of £212,680 for English-medium and 8.3% for Welsh-medium). Total: £212,680.

#### Final Comments

Following a further analysis of the secondary school capacity, only one secondary school place for the Welsh Medium is required. The sum being £15,848.

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However, the Education Officer has confirmed that the requested amount is too little to increase capacity and may jeopardise any larger contributions to infrastructure improvements to the school. As such no contribution is necessary for this application.

### **APPRAISAL**

This application is being reported to Planning Committee for determination as it is a departure from the adopted Unitary Development Plan (2008).

Full planning permission is sought for the development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering works. Of the 61 dwellings, 31 are proposed to be for affordable housing (which includes 4 two bedroom bungalows and 4 one-bedroom flats) and 30 are proposed to be for 'local needs' open market housing.

Two accesses are proposed from Summerland Lane, one serving 3 detached dwellings opposite 123 Summerland Lane and one serving the remaining 58 residential dwellings opposite 113 and 115 Summerland Lane. The application also includes the provision of a zebra crossing on Newton Road, close to the junction with Summerland Lane. A number of pavement and access improvement works are proposed along Summerland Lane.

The application site comprises two rectangular fields measuring, in total, 2.5 hectares, located to the north-west of Summerland Lane. The site is bounded by mature hedgerow with woodland to the north-west; mature hedgerows, woodland and a residential dwelling (No.66 Summerland Lane) to the north-east; to the south-east by Summerland Lane and residential dwellings opposite (nos. 109-125 Summerland Lane) and to the south-west by two dwelling houses (Ty Sarnau and Ty Haf).

The site is not located within the Gower AONB, but is located approximately 200m to the east of the boundary of the AONB.

The application site is currently designated as 'Green Wedge' within the Unitary Development Plan 2008.

### **Main Issues**

The main issues for consideration with regard to this application relate to the principle of residential development on this site, impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests with regard to the provisions of Policies EV1, EV2, EV3, EV20, EV22, EV23, EV26, EV30, EV33, EV34, EV35 HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety, and The Protection of Trees on Development Sites. There are no overriding issues for consideration under the provisions of the Human Rights Act.

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**Policy - Principle of Development**

The City and County of Swansea UDP (adopted 2008) was 'time expired' on the 31st December 2016. The UDP however remains the extant development plan for the Council and, under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), planning decisions must be made in accordance with the UDP unless material considerations indicate otherwise. Given the time expired nature of the UDP, such material considerations include circumstances where new national planning guidance or policy is at variance with or contradicts UDP policy and, in certain cases, where new robust evidence and/or significant changes in circumstance undermine the basis upon which UDP policy was originally formulated. Therefore whilst the UDP must be the starting point for decision making, given the Plan's time expired status, in this instance it is appropriate to consider the unique circumstances that apply in the case of this application to resolve whether any departure from UDP policy can be considered justifiable.

Having regard to the above UDP planning framework, it is clear that the proposal is contrary to the extant development plan, being located outside the defined settlement boundary within the open countryside and a Green Wedge. The application must therefore be considered as a departure to the UDP. The following analysis considers the special circumstances that apply in this case relating to other Council approved and emerging policy.

The Council has approved a Developer Guidance document relating to Planning Applications for Non-householder Residential Development. The document sets out the Council's strategy for determining departure applications and provides for an approved mechanism to prioritise certain 'departure sites' above others in the interests of addressing the current shortfall in housing land and delivering affordable housing. At Para 3.5, the guidance supports in principle departure applications on sites allocated in the emerging Swansea Local Development Plan (LDP) as H5 'Exception Sites' sites, where such schemes would deliver a majority proportion of affordable housing and complies with other necessary planning principles.

The Council's latest (1st April 2016) Joint Housing Land Availability Study (JHLAS) confirms that there is a 3.2 year housing land supply, which evidently falls below the requirement set out in TAN1 (JHLAS) for every local authority to maintain a 5-year supply of readily developable housing land.

The rationale for this approach is to meet the pressing need to deliver affordable housing to address the identified shortfalls in provision, in particular within Swansea West, Gower Fringe and Gower AONB. In this context it is therefore significant that the application site at Summerland Lane is allocated as a rural exception site under Policy H5 of the Deposit LDP (H5.6).

The allocation was made following a detailed assessment process undertaken for the LDP, which determined that the site was in principle acceptable for development and that, on balance, an appropriate development would not compromise the fundamental objectives and functions of the countryside/green wedge designation at this location. Crucially however this decision was made on the basis that the designated development area was 'exceptional', beyond the defined settlement boundary in the LDP where a high standard of sympathetic design must be achieved, and which must also deliver more than 50% affordable housing for local needs and other requirements.



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There is, therefore, a Council approved mechanism in place to potentially allow a departure application at this location. Notwithstanding this, the proposal must be appraised in its widest terms to determine whether it is appropriate having regard to all planning considerations. In this context, whilst the emerging LDP typically has very limited weight for determining planning applications, given the nature of the proposal it is important that the scheme adequately complies with the policy objectives and aspirations set out in Deposit LDP Policy H5, and also exhibits excellent placemaking credentials.

To comply with Policy H5 the majority of dwellings (51% minimum) on the site are required to be for affordable local needs housing. The proposed ratio of affordable / 'market' dwellings for the scheme is 31 / 30 and as such the applicant has addressed this requirement. The Council's housing department has advised on the appropriateness of the precise tenure mix and house type mix that is proposed for the local need affordable homes. The Council's local occupancy criteria will need to be applied to these affordable homes and delivery formally tied to an appropriate legal agreement.

The fundamental, and clearly articulated, approach of LDP Policy H5 is to allow for an enabling element of market housing on such sites, but only where such homes are in the minority (which given the 31 / 30 ratio for the proposed scheme has been successfully addressed) and that homes are tailored to meet evidenced local needs - either social or economic. The applicant has demonstrated a willingness throughout pre-application discussions to include house types and configurations that meet a social need, in particular providing for the needs of older people or those with restricted mobility with bungalows designed to lifetime home standard. This is welcomed. Clearly there are market homes that are more generic, including large 4/5 bed properties, which the developer maintains are important to ensure the financial viability of the scheme.

In order to further comply with LDP Policy H5, local occupancy criteria should be applied to the market homes and formally tied to an appropriate planning mechanism and / or legal agreement. The assertion of the applicant in its planning statement, that they recognise it is appropriate to consider some form of occupancy criteria for the open market housing, in order to assist those people who need to live in the local area but that don't qualify for affordable housing, is welcomed.

The proposal is a departure to the extant UDP, however the unique circumstances of the site and new / emerging policy framework provides a mechanism to allow a departure to the extant development plan in this case.

It is considered that, having regard to the analysis in the paragraphs above, the scheme is an acceptable departure scheme, which in particular will deliver a proportion and absolute number of affordable homes to address a local need within the Swansea West Zone, which historically has rarely been achieved in this area.

This marks a positive and very welcome contribution to development needs for the area.

As such, the principle of the proposal is considered to be an 'acceptable departure' to the Unitary Development Plan 2008 and can be supported.

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### **Agricultural Land Classification**

The Applicant submitted an Agricultural Land Classification report with the application which identifies the site as being Grade 2 - Very Good Quality (Best and most versatile Land). Welsh Government Officers have confirmed that the survey has been completed in accordance with the Revised Guidelines and Criteria for Assessing Agricultural Land Quality (MAFF1988) and provides a reliable picture of agricultural land quality across the site.

Planning Policy Wales (PPW) at paragraph 4.10 states that *Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.*

Given that the principle of developing the site is considered to be acceptable due to it being allocated via the 'Rural Exception Policy' discussed within the Policy section of this report, it is considered that the development of Grade 2 agricultural land is acceptable in this instance.

### **Visual Amenity / Urban Design**

The proposed layout has been amended a number of times during the course of the application due to concerns raised regarding the highway alignment, the position of key 'visually important' buildings, design features, boundary fencing and impacts upon the hedgerows and trees.

It is considered that the proposed layout has a 'loose' character which is appropriate for the semi-rural location at the transition from suburbia to open countryside. The plot sizes are generally of a good size, with detached and semi-detached houses giving an adequate spacing between dwellings to secure an acceptable level of openness and greening which respects the sites proximity to the Gower AONB.

The site takes its access off Summerland Lane. The site would be an extension to the existing village boundary of Newton, thereby taking advantage of the existing facilities and transport routes which the village encompasses.

The submitted Landscape and Visual Impact Assessment provides an analysis of potential landscape and visual effects arising from the proposed development. The report includes an assessment of landscape effects upon identified LANDMAP aspect areas within which the site is located. The report concludes that due to the lack of intervisibility, resulting from topography and intervening woodland the proposed development is said to have no direct effect upon the Bishopston Visual and Sensory Aspect Area. It is considered that the Gower AONB, will not be detrimentally affected by the proposal by virtue of distance and screening.

A site visit has confirmed that there appears to be no views of the site from either the coastal paths or cliff paths running from Langland to Caswell Bay or along public footpaths through Bishop's Wood Nature Reserve to the south and south west of the site.

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In terms of more local impacts, the visual assessment has undertaken an analysis of representative views. Immediate views selected include:

View 1: Eastern side of junction of Caswell Drive and Summerland Lane,

View 2: Footway outside 105 Summerland Lane and

View 3: Junction of PRow and Summerland Lane.

Of these the magnitude to change is identified as 'low' at view 1, and as 'medium/high' to views 2 and 3 as these location points are in the immediate vicinity of the site.

In terms of the local vicinity (Views 1-3), there is expected to be a level of change as a result of the development and this is accepted subject to the proposal representing a high quality finish and retention of greenery to adequately screen the site and retain the general character of the surrounding area.

The existing hedgerow which fronts onto Summerland Lane is an important local feature which presently delineates the urban area from the countryside and as such, retention of the majority of the hedgerow is important in terms of preserving the visual amenity of this location.

The majority of the hedgerow is to be retained as far as possible apart from two sections which are required to be removed to facilitate the two new access points into the site, one serving 3 detached dwellings opposite 123 Summerland Lane, and one serving the remaining 58 residential dwellings opposite 113 and 115 Summerland Lane. Part of the hedge will need to be thinned to allow for adequate vehicular visibility splays. It is considered that due to the retention of the majority of the hedgerow, the proposed development would not have a harmful impact upon the visual amenity of the streetscene in this location. A condition is recommended for a management plan for the hedgerow to be submitted prior to the commencement of work on the site.

In terms of placemaking, the layout has been amended to incorporate improved vistas including improved greening / soft features. On entering the site an area of informal play within a green space is visible which provides a focal point around which the internal highway branches. The western route terminates with an additional area of informal play and retained trees / hedgerows.

The proposed building heights, building lines, greening, play spaces and proposed street widths provide a legible and functional space for future occupiers. The inclusion of two informal play spaces (LAPS) within the development is welcomed. One LAP is located centrally to the front of Plots 28-31 and a further play area located to the frontage of Plots 38-39. With regard to the Wales Fields In Trust (FIT) standards, the proposed two LAP's are adequately overlooked and of an acceptable size and separation distance to accord with the required buffers between play space and residential boundaries.

Within the site, the north-west turning head (front of Plot 39) has been amended and now offers a far less engineered appearance. The turning head to the north-east has been amended to create a 'courtyard' orientated parking arrangement to serve several plots which is considered to be an improvement to the previous layout.

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The affordable units are generally well integrated throughout the site and will appear to be indistinguishable from the market housing, as they will all incorporate elements of detailing to provide a coherent approach throughout the development.

The Caernafon house type (Plot 1) and the Harlech house type (Plot 58) form the 'gateway' to the development. As such enhanced elevations have been provided to address Summerland Lane. Plot 1 would have a ground floor bay window and an aligned first floor window and Plot 58 would have a first floor side feature window to provide character to these prominent elevations on the 'gateway' plots.

The boundary treatments include rendered walls where visible from the public realm. The inclusion of wire mesh fencing to perimeters (as opposed to close boarded fencing) is supported as this will provide an enclosure without the need to provide a solid boundary enclosure.

The proposed layout, design, access, landscaping and scale of the proposals are considered to be acceptable in terms of their impacts upon the visual appearance of the streetscene and would not cause an unacceptable visual impact in the local area.

The proposal is therefore considered to represent a satisfactory form of development in terms of its impacts upon the character and appearance of the area, and the layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of Policies EV1 and EV2 of the UDP and the SPG - Places to Live: Residential Design Guide.

### **Residential Amenity**

In terms of residential amenity impacts, the majority of the existing residential houses are located on the opposite side of Summerland Lane from the application site, and as such there would be no material residential amenity impacts in terms of overlooking, overbearing or overshadowing impacts on the existing dwellings.

With regard to No. 66 Summerland Lane, the proposed rear gardens of Plots 1, 3 and 4 would abut the existing boundary with No. 66 Summerland Lane and all of the existing trees along the boundary would be retained. Sufficient separation distances will be maintained to ensure that there would be no material residential amenity impacts in terms of overlooking, overbearing or overshadowing impacts on No 66 Summerland Lane.

With regard to the two existing dwellings located to west of the site, Ty Sarnau and Ty Haf, it is noted that they are both situated close to the mutual boundary with the application site. The existing boundary is a substantial hedge which is proposed to be retained. The proposed dwellings adjacent to these two existing houses are to be bungalows and will therefore be single storey in height. They are shown to have their gable ends facing the hedgerow and as such it is considered that they would not cause any residential amenity impacts in terms of overlooking, overbearing or overshadowing impacts on Ty Sarnau or Ty Haf

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The layout of the proposed development ensures that all separation distances for back to back relationships accord with (and exceed) the minimum separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have a standard 10m separation distance where first floor windows overlook neighbouring private amenity space. All of the plots would have an acceptably sized private rear garden.

In terms of the residential amenity of the existing and future occupiers, the application is considered to be acceptable and would accord with the provisions of Policy EV1 of the UDP and the SPG - Places to Live: Residential Design Guide.

### **Transportation and Highway Safety**

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect on the local highway network as detailed in the 'Response to Consultations' section of this report. A Transport Statement was submitted with the application which shows that the additional movements generated by the development can be incorporated into the existing traffic flows with some minor infrastructure works being required. The minor infrastructure improvements relate to the safe passage of pedestrians, cyclists, and public transport users and the package of measures are therefore aimed at more sustainable transport forms rather than the private car. In addition, a new proposed zebra crossing is proposed on Newton Road, close to the junction with Summerland Lane. Access to the site is indicated at two locations, one serving a shared private drive serving 3 detached dwelling and a second one which serves the main area of the site.

Whilst extensive concern has been raised regarding the additional traffic movements that would be created by the development, it is considered that the trips arising from the development would be approximately less than one per minute. It is therefore considered that the development traffic can be accommodated within the existing road network.

The layout of the new development shows that the internal roads have at least one footway together with a 5m carriageway which would allow for two way flow and safe pedestrian passage. Swept path analysis has been provided to demonstrate that refuse and emergency vehicles can enter/turn and leave the site in a forward gear. The estate roads are not being offered for adoption by the Highway Authority and will therefore be managed and maintained by a private management company.

Parking provision within the site complies with the Council's parking standards.

As such, no highway objections are raised subject to the imposition of appropriate conditions, and the application is considered to be acceptable in this regard.

### **Trees**

The Arboricultural Officer has raised no objections to the application as detailed in the 'Final Comments' of the Council's Tree Officer Observations (above).

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None of the trees on site are presently protected by a tree preservation order or conservation area status. A limited number of trees (8 in total) are proposed to be removed and the arboricultural impact assessment has identified most of the impacts of the proposed development on the retained trees and is considered to be acceptable.

As such, no arboricultural objections are raised subject to the imposition of appropriate conditions, and the application is considered to be acceptable in this regard.

### **Ecology**

The Ecology Officer and NRW have raised no objections to the application subject to conditions as detailed in the comments in the Ecology Officer and NRW observations section of this report.

No protected species (including badgers, dormice, bats, or reptiles) would be detrimentally affected by the proposed development and as such, the application is considered to be acceptable in this regard.

### **Affordable Housing**

To comply with the emerging LDP Policy H5, the majority of dwellings (51% minimum) on the site are required to be for affordable local needs housing. The proposed ratio of affordable / 'market' dwellings for the scheme is 31 / 30.

The Council's local occupancy criteria will be applied to these affordable homes and delivery will be formally tied to an appropriate S106 legal agreement.

The Housing Enabling Officer has confirmed that the details of the affordable housing provided on site is acceptable in terms of its tenure and dispersal across the site, and as such, the application is considered to be acceptable in this regard.

### **Education**

The projected pupil numbers generated by the proposed development of 61 houses (having regard to the calculations contained within the Planning Obligations SPG) is as follows:

Primary: 19 (17 English and 2 Welsh medium)

Secondary : 13 (12 English and 1 Welsh medium)

With regard to primary school places, as detailed in the Education Officers observations section of this report, no contribution is required as it predicted that there will be a number of unfilled places in 2023 in both the English and Welsh medium primary schools.

With regard to secondary school places, the cost per pupil would be £15,848, and it is observed from the capacity figures provided by the Education Department, that the English medium school (Bishopston Comp) has sufficient unfilled places (12) to accommodate the new pupils from the development. The projected figure shows 18 available school places at September 2023. However, the Education Department have indicated that the capacity provided within the existing demountable class rooms (1 single and 2 double) should be excluded from the calculations which then shows the school to be over capacity.

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However, Circular 13/97 - Planning Obligations specifically states (para B12) that "the extent of what is sought or offered is fairly and reasonably related in scale and kind to the proposed development" and "that developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies". The existing demountable classrooms are considered to be 'existing deficiencies' in this regard, and cannot be excluded from the capacity calculations as it is not the developer's responsibility to provide an upgrade to existing demountable classrooms. That responsibility lies with the Council / school. S106 monies can only be requested for new capacity within schools, where the school does not have current or projected capacity to accommodate the new children from the development. As such, it is considered that no contribution can be sought for Bishopston Comp.

Therefore the requested contribution for the secondary Welsh medium school equates to £15,848 for the projected 1 Welsh medium pupil generated by the proposed development.

As such, the total contribution requested is £15,848 (plus indexation), for Y Gwyr Welsh Medium secondary school to increase capacity at the school. However the Education Officer has confirmed that the requested amount is too little to increase capacity and may jeopardise any larger contributions to infrastructure improvements to the school. As such no contribution is requested for this application.

### **Drainage**

There are no objections raised to the application by statutory consultees on drainage grounds, providing conditions are added relating to the comprehensive and integrated drainage of the site with regard to surface water and land drainage and sustainable drainage (SUDS), and the removal of permitted development allowances.

Dwr Cymru / Welsh Water (DCWW) have confirmed that they raise no objection to the application subject to conditions relating to a drainage scheme for the disposal of foul, surface and land water, and that only foul water from the development site shall be allowed discharge to the public sewerage system within the foul water public sewer at manhole SS59876901 located in Summerland Lane.

With respect to the concerns raised by objectors, DCWW have confirmed that assessments have been carried out of their network and determine that sufficient capacity exists to accommodate foul flows. Concerns regarding ground conditions relate to surface water drainage arrangements which they acknowledge is proposed to a soakaway system.

With respect to the residents' concerns on the ability of the public sewerage system to cope with an additional 61 dwellings, DCWW have advised that their records do not identify any recorded incidents of hydraulic overloading or pollution. Whilst it is appreciated that there are concerns regarding sewage odour, DCWW have also advised that no issues have been raised on the public sewerage system albeit they are aware of issues at a nearby private pumping station and this has been previously been brought to the attention of the Council's Environmental Health department by Welsh Water's Network Operations team.

With regard to surface water drainage and soakaways, the agent has confirmed that they have previously responded to the NRW comments relating to 'deep infiltration techniques' which do not form part of their proposals for the drainage strategy for this site.

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All soakaways are proposed to be constructed in the surface deposits. The extensive soakaway testing undertaken on the site to identify appropriate locations for the features has resulted in the majority being located beneath the proposed access roads. These roads are intended to remain private, and will not therefore give rise to any adoption issues.

The soakaway location identified in the rear of plot 51 is one of the few sites identified on that side of the site, and whilst not ideally located has been retained in the strategy. Access provision would be detailed in the transfer of the property, as would the rights of the management company, which would be equally appropriate to all soakaway locations. Shared soakaways in rear gardens are not an uncommon feature, but as noted care is required in their positioning and transfer to ensure proper management.

The application is therefore considered to be acceptable in this regard.

### **Response to Objections**

Issues relating to sewerage, surface water and drainage, traffic, road and pedestrian safety, parking, access for emergency vehicles, school places, agricultural fields, open space hedgerows, protected species and habitats, rural exception criteria, density, AONB, green wedge, LDP designation, affordable housing, trees, visual impacts, and play areas have been addressed above.

With regard to disturbance caused by building works, a condition has been added requiring the submission of a Construction Method Statement prior to works commencing on site (condition 12).

With regard to heavy vehicles affecting wildlife, a condition has been added requiring protection zones for retained trees and hedgerows to be installed prior to works commencing on site (conditions 15 and 18).

With regard to public consultations, the applicant undertook a full Pre-Application Consultation (PAC), and the planning application was advertised in accordance with the statutory requirements of the Town and Country Planning (Development Management Procedure) Order 2012 (as amended).

With regard to the other issues contained within the list of objection points including capacity on GP surgeries, loss of view, bus services and property values, these issues are not material planning considerations and so do not form a reason for refusal of the application.

### **Conclusion**

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the scheme is an acceptable departure to the Unitary Development Plan 2008, as it will deliver a high proportion of affordable housing and local needs housing, and therefore justifies a 'departure' under the Council's approved Developer Guidance.



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The principle of the development of the site as a 'rural exception site' for 61 houses is therefore considered to be acceptable subject to conditions and a S106 Agreement.

It is considered that the application demonstrates that the site can be satisfactorily developed in terms of impacts upon the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests with regard to the provisions of Policies EV1, EV2, EV3, EV26, EV30, EV33, EV34, EV35, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety, and The Protection of Trees on Development Sites.

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

### **Recommendation**

**APPROVE** subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide S106 Planning Obligation to provide:

- o **31 Affordable housing units (51%) on the site comprising 12 social rent units (38%) provided at 42% ACG and DQR compliant, and 19 low costs home ownership (intermediate) (62%) provided at 70% ACG and DQR compliant. The design and specification of the AH units shall be of equivalent to those used in the local needs open market units. The AH shall be dispersed across the site in accordance with the layout shown on the approved plan: 17023(05) 102 Rev G - Proposed Site Plan received on the 1 December 2017.**
- o **Maintenance and Management plans for the retained trees, new trees and planting, existing hedgerows, LAPS, opens spaces, and sustainable urban drainage system (SUDS) (including soakaways and pumping station).**
- o **Highways:**
  - a) **Prior to any works commencing on site, the access only signage at either end of Caswell Avenue shall be erected.**
  - b) **At 50% occupation of the dwelling houses, the remainder of the works as outlined on Vectos drawings W17032\_A05 REV C and W17032\_A06 to be implemented and brought into beneficial use.**
- o **A Management and Monitoring fee of £4,020 (based on 20% of the planning application fee.**

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- o The Council's legal fees of £1000 relating to the preparation of the S106 agreement**

**CONDITIONS**

- 1 The development hereby permitted shall begin not later than one year 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:

17032(05) 100 Rev B - Site Location Plan  
17032(05) 106 - Boundary Type A Details  
17032(05) 107 - Boundary Type B Details  
17032(05) 206 Rev C - Pembroke House Type - Gable Front  
17032(05) 208 Rev C - Pennard House Type - Plans  
17032(05) 210 Rev C - Camrose House Type - Gable Front  
17032(05) 212 Rev C - Caernarfon House Type - Option 1  
17032(05) 214 Rev C - Cennen House Type - Stone  
17032(05) 228 Rev A - Summerland House Type  
17032(05) 230 Rev B - Garages (Sheet 1) - Plans And Elevations  
17032(05) 231 Rev A - Garages (Sheet 2) - Plans And Elevations  
W173072-AT\_B01 Rev A - Refuse Vehicle Swept Path Analysis  
Received on 1st September 2017.

W173072\_AT\_C03 Rev D - Refuse Swept Path Analysis For private Drive Access From Summerland Lane  
Received on 3rd October 2017.

17032(05) 229 Rev B - 1b2p Apartments - Plans and Elevations  
17032(05) 226 Rev C - Harlech House Type - Timber  
17032(05) 223 Rev D - Affordable 3b5p House Type - Timber  
17032(05) 222 Rev D - Affordable 3b5p House Type - Render  
17032(05) 220 Rev D - Affordable 2b3p Bungalow  
17032(05) 209 Rev D - Pennard House Type - Elevations  
17032(05) 205 Rev D - Oystermouth House Type - Timber Opt 2  
17032(05) 204 Rev D - Oystermouth House Type - Timber Opt 1  
17032(05) 203 Rev D - Harlech Integ House Type - Timber  
17032(05) 202 Rev D - Harlech Integ House Type - Stone  
17032(05) 201 Rev D - Carew House Type - Timber  
17032(05) 200 Rev D - Carew House Type - Stone  
Received On 10th November 2017.

W173072\_AT\_D01- Site Internal Swept Path Analysis\_Refuse vehicle site spine road swept path analysis  
17032(05) 213 Rev E - Caernarfon House Type Option 3  
17032(05) 215 Rev D - Cennen House Type - Timber  
17032(05) 227 Rev C - Harlech House Type - Stone  
Received 15th November 2017.

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2979\_220 Rev A - Setting Out Information  
2979\_211 Rev A - Long Sections - Sheet 2  
2979\_210 - Long Sections - Sheet 1  
2979\_100 Rev D - Drainage Schematic  
17032(05) 108 Rev A - Refuse Strategy  
Received 21st November 2017.

17032(05) 211 Rev D - Camrose House Type - Non gable front  
17032(05) 105 Rev D - Materials And Enclosures Layout  
17032(05) 102 Rev G - Proposed Site Plan  
Received 1st December 2017.

W173072\_A06 - Newton Road Zebra Crossing  
W173072\_A05 Rev C - Proposed Site Access Arrangements & Summerland Lane  
Improvement  
Received 6th December 2017.

17032(05) 109 - Boundary Type C Details  
received 11th December 2017.

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

- 3 The dwelling-houses identified as "local needs housing" shall not be occupied otherwise than by a **person with a local connection**, or the widow or widower of such a person and any dependents of such a person living with him or her, unless the property has been marketed for sale for a period of at least 16 weeks at market value price and at the end of the 16 week period a person with a local connection has not been identified as a purchaser.

This process must be repeated for every successor in title (repeat sale) to each individual dwelling.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who before taking up occupation of the dwelling satisfies one of the following conditions:

(1) The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week immediately prior to occupation;  
or

(2) The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or

(3) The person has been continuously resident in the Locality defined for three years immediately prior to the occupation of the dwelling and is need of another dwelling resulting from changes to their household as detailed in informative 1 below:

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- The 'Locality' is defined as the Council's administrative wards of Newton, Bishopston, West Cross, Mayals, Oystermouth, Gower, Pennard and Penclawdd.

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or chargee or any receiver appointed by such a mortgagee or chargee or any person deriving title through such a mortgagee, chargee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) meet an identified local social or economic need.

- 4 The dwelling-houses identified as "local needs housing" shall only be occupied by a person as his or her **Only or Principal Home**. The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.

In this condition, the following definition applies:

An '**Only or Principal Home**' is a dwelling house that is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a holiday home, second home or for short term let accommodation.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) is used as the occupier(s) only or principal home.

- 5 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made within the foul water public sewer at manhole SS59876901 located in Summerland Lane (as indicated on Welsh Water's Sewerage Network Plan).

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.

- 6 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site (including the access driveways and parking spaces) showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.

Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system (SuDS), and the results of the assessment provided to the Local Planning Authority. If the assessment indicates that a SuDS can be utilised, then such a system should be used.

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Where a SuDS is to be utilised, full details of any soakaways being proposed shall be provided. The submitted information shall include details of the size of the soakaways and confirmation that they have sufficient permeability, to be demonstrated by the results of soakaway tests (to be carried out in accordance with BRE Digest 365 2016).

The agreed drainage scheme shall be implemented before the dwellings hereby approved are brought into beneficial use, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D and E of Schedule 2, part 1 shall not apply.

Reason : To protect the integrity of the chosen surface water management system from additional impermeable areas that the surface-water system is not designed to accommodate.

- 8 Prior to the commencement of development on site, full details of the proposed arrangements 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 thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 9 All garages shall be made available for the parking of vehicles at all times and shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on-site car parking provision in the interests of highway safety.

- 10 No development shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details thereby approved.

As a minimum, the plan should include:

- o Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.

- o How each of those watercourses and pathways will actually be protected from site run-off.

- o How the water quality of the watercourses will be monitored and recorded.

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- o What the construction company intends to do with surface water run-off from the site during the construction phase.
  - o Storage facilities for all fuels, oils and chemicals
  - o Construction compounds, car parks, offices, etc.
  - o Measures for dealing with dust
  - o Measures for dealing with any contaminated material (demolition waste or excavated waste)
  - o Identification of any buried services, such as foul sewers, so that they are protected
  - o Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060
- Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

Reason: In the interests of prevention pollution to controlled waters and the wider environment.

- 11 No development shall be commenced until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the details contained within the approved SWMP.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

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

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

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

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- 13 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.  
Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development, and also in the interests of highway visibility.
- 14 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority.  
Reason: In the interests of pedestrian and highway safety.
- 15 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree and hedgerow protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree and hedgerow protection scheme, unless otherwise agreed in writing by the Local Planning Authority. The tree and hedgerow protection scheme shall include the following information:
- (a) A tree and hedgerow protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees, hedgerows and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree and hedgerow protective fencing during the demolition phase and during the construction phase.
  - (b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.
  - (c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
  - (d) Details of mitigation proposals to reduce negative impacts on trees and hedgerows including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
  - (e) Details of any levels changes within or adjacent to protection zones;
  - (f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;
  - (g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees and hedgerows to an acceptable level;
  - (h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
  - (i) Provision for the prevention of soil compaction within planting areas;
  - (j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;
  - (k) Provision for briefing construction personnel on compliance with the plan;
  - (l) Provision for signage of protection zones and precautionary areas;

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(m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.

(n) A tree and hedgerow protection mitigation plan detailing emergency tree and hedgerow protection and remediation measures which shall be implemented in the event that the tree and hedgerow protection measures are contravened.

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

- 16 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting, and a Landscape Management Plan. 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 Landscape Management Plan shall detail all the measures for the long-term conservation and management of all retained trees, new trees and hedgerows on the site. 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 first house 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.

- 17 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
  - a. hard surfacing materials;
- v) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- vi) water features.

The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following the completion of the development. The completed scheme shall thereafter be managed and maintained in accordance with a scheme of management/maintenance to be agreed in writing by the Local Planning Authority before development commences on site.

Reason: In the interest of protecting visual amenity.



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- 18 The development shall be implemented in strict accordance with Section 6 (Recommendations) and specifically section 6.13, of the Ecological Assessment by David Clement Ecology received on the 1st September 2017, and Section 7 (Protected Species Mitigation Plan) of the Dormouse Survey and Protected Species Plan Mitigation by Hawkswood Ecology received on 1st September 2017 and the Addendum to Dormouse Survey and Protected Species Mitigation Plan by Hawkswood Ecology received on the 13th November 2017.  
Reason: In the interests of protecting retained habitats and wildlife on the site during the construction process.
- 19 Prior to the commencement of works on site, a Hedgerow Management Plan for the retained hedge fronting Summerland Lane shall be submitted to and approved by the Local Planning Authority. The management plan shall include details of the hedgerow removal methods for the sections of hedgerow required to be removed to facilitate the new access points and the visibility splays and shall include full details of enhancement planting within the retained hedgerow. The hedgerow works shall be implemented in strict accordance with the approved details and the retained and enhanced sections of hedgerows shall thereafter be maintained in accordance with the agreed Hedgerow Management Plan.  
Reason: In the interests of visual amenity of the streetscene.
- 20 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. 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.

### INFORMATIVES

- 1 Local Needs Housing information in association with conditions 3 and 4:
1. The circumstances where a person needs another dwelling resulting from changes to their household are (but not limited to), getting married, divorced, having children, requiring more space for a growing family, downsizing to a more manageable home or adult children forming new households and purchasing a property for the first time, or where a person is returning to the Locality defined within 12 months of the completion of undertaking full-time post-secondary education or skills training.
  2. If after a period of 16 weeks of marketing of a local needs dwelling at an estate agents in the Locality (as defined in the Condition) and advertising on a well used property agency website, there are no appropriate offers of purchase from a person with a local connection, the property may be marketed to, and subsequently purchased by, a person that does not meet the local need criteria. Any subsequent re-sale of the local needs dwelling will be subject to the local needs occupancy restriction in order to ensure that the property will continue to provide a potential opportunity to address any future local need in the Locality.

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### 2 **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.

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

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

#### **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.

#### **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. Due consideration should be taken of the Institute of Lighting [[www.ile.org.uk](http://www.ile.org.uk)] recommendations.

### 3 *Management and Maintenance of Estate Streets*

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

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

#### *S278 Agreement*

The new accesses/new footpath will need to be constructed to Highways Authority Standards and Specification under a Section 278 Agreement with the Highways Authority.

- 4 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV20, EV22, EV23, EV26, EV30, EV33, EV34, EV35, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10
- 5 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 6 Natural Resources Wales (NRW)

In relation to condition 10 (CEMP), in addition, prior to commencement of works (particularly before stripping the land) NRW request that the applicant / developer contacts; Mr Chris Palmer (NRM Officer) to discuss pollution prevention measures. He can be reached via email at: Chris.Palmer@cyfoethnaturiolcymru.gov.uk, or telephone on: 0300 0653 293.

In relation to condition 11 (SWMP), any waste materials that are generated on site must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW.

In relation to condition 18 - Ecology - if any roosts or nests are found on the site, then work must stop immediately and NRW contacted for further advice.

#### 7 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.

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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.

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## Report of the Director of Place

Planning Committee – 9 January 2018

### Countryside Access Plan

<b>Purpose:</b>	To report to Committee on the need to produce an updated and revised Countryside Access Plan (Rights of Way Improvement Plan).
<b>Policy Framework:</b>	Under s60 of the Countryside and Rights of Way Act the Authority has a duty to decide whether to amend the previous Plan not more than ten years after publishing the previous plan.
<b>Consultation:</b>	Not at this stage. If the Committee decides that a new Plan is needed the draft Plan will require a statutory consultation period of 12 weeks.
<b>Recommendation(s):</b>	It is recommended that the Authority revises and updates the Countryside Access Plan 2007-17 and consults on a draft Plan for the next 10 years.
<b>Report Author:</b>	Chris Dale
<b>Finance Officer:</b>	James Moore
<b>Legal Officer:</b>	Sandie Richards
<b>Access to Services:</b>	Ann Williams

#### 1. Introduction

- 1.1 In October 2007 the Authority adopted the first Countryside Access Plan (CAP) as required under section 60 of the Countryside and Rights of Way (CROW) Act 2000. Ten years after the publication of the previous CAP the Authority has a duty to decide if the previous CAP needs to be amended.
- 1.2 The legal title of the CAP is a Rights of Way Improvement Plan. However, local authorities may use alternative titles if they consider that this may be more appropriate, so long as the Plan makes it clear that the document

forms their Rights of Way Improvement Plan for the purposes of the CROW Act. Hence it is proposed to retain the title of the previous Plan.

## **2. Consideration of whether an amended Plan needs to be produced**

- 2.1 Various circumstances have changed sufficiently in the last 10 years to make amending the previous CAP necessary. The authority is now in a different financial situation than it was in 2007. The public path network has been improved significantly; however, there are reduced staff resources to continue those improvements further. The Plan needs to take account of other legislation (non-specific rights of way legislation) that has been enacted since 2007, such as the Active Travel Act, local well-being assessments and plans, and area statements associated with the Environment Act.
- 2.2 The previous Countryside Access Plan (CAP) was the first strategy governing access to the countryside produced by this or any of the previous authorities. A great deal of experience has been gained from producing and using the previous CAP and a number of issues have arisen that need to be addressed in a new CAP. However, during the past 10 years there has been little change in either the legislative framework or the public's countryside access needs. Therefore, a new CAP does not necessarily need extensive revision.
- 2.3 Of the list of 27 Actions in the original CAP, 7 need to be removed, having been achieved or being no longer necessary, 8 need to be revised or updated due to, for example, the different financial situation and there is a need for 6 additional actions. Experience has shown that the Actions can lead to the acquisition of external funding and some of the changes are needed to allow improved opportunities for attracting funding. An evaluation of the Actions in the previous Countryside Access Plan can be found in appendix A.
- 2.4 A number of rights of way policies have also become obsolete or need to be updated/altered slightly, and the large number of policies needs to be reduced to make the policies as a whole more concise and easier to use.
- 2.5 There are, therefore, sound reasons why the previous CAP needs to be amended.

## **3. Equality and Engagement Implications**

- 3.1 The Authority has a duty to produce a Countryside Access Plan and to consider the needs of those with mobility difficulties within the CAP. The main purpose behind the CAP is to improve access to the countryside for as many people as possible.

#### **4. Financial Implications**

4.1 There are no financial implications associated with this report.

#### **5. Legal Implications**

5.1 There are no legal implications associated with this report.

**Background Papers:** Countryside access Plan 2007-17 and Welsh Government guidance for Local Authorities on Rights of way Improvement Plans, July 2016.

**Appendix A:** Evaluation of actions in the previous Countryside Access Plan 2007-17

## Appendix A

### Evaluation of actions from previous Countryside Action Plan

#### THE NEEDS OF USERS

Ref	Action	Situation in 2007	Situation in 2016	Proposal for CAP 2017-27
AL1	The Authority will discuss with individuals and organisations representing those with limited mobility regarding the best means of providing information to enable them to access those parts of the network that are available to them.	The Authority has a duty to make as much of the path network as accessible to as many people as possible. Much of the network is already open to those with limited mobility but there is a lack of information re location and condition of routes.	No progress made.	Retain action.
AH1	The Authority will open all bridleways (obstructions removed, legally defined, signposted) by 2012.	Proportionately more bridleways are open than footpaths.	Only two bridleways remain obstructed, one of which is the process of being opened, and negotiations to open the other will begin shortly.	Remove action. This action has served its purpose with the final two bridleway issues in the process of being resolved.
AN1	The Authority will encourage the participation of people from all backgrounds to take part in countryside access.	The current emphasis is to encourage people to access the countryside by bus.	The Authority has made progress with this via the Walking Development Officer.	Retain action.
AN2	The Countryside Access Service will develop links with other agencies to improve the opportunities for people living in Communities First areas to take part in countryside access.	There are currently few links between the Countryside Access Service and other agencies.	Little progress has been made by the Service, but the Authority as a whole is making progress via the Walking Development Officer.	Remove action. This is already being progressed by the Authority. The CAT will continue to provide support for this action.



## DEFINITIVE MAP

**Objective** To develop a process of work for dealing with definitive map issues in the most effective and efficient way

Ref	Action	Situation in 2007	Present situation	Proposal for CAP 2017-27
AD1	Means of publishing the definitive map on the website will be explored.	There is presently no map on the Council's website.	The working copy of the definitive map was available on the Council website from 2008 to 2013, and has recently been reinstated in improved form.	Remove. This has been achieved.
AD2	A formal Service Level Agreement for PROW between Legal Services and Planning Services will be established.	An agreement is currently being drawn up (July 2007).	The present agreement was signed off on 8 December 2007.	Replace with new action.
AD3	A survey of the definitive map and statement will be carried out to assess the number of corrections that will need to be made to the existing legal record. Once the scale of the problem is known each correction will be considered in an order agreed between Legal Services and the Countryside Access Team.	The Authority is aware of over 65 errors and anomalies on the definitive map and 17 dead end routes.	The assessment of corrections was carried out and a list of 159 errors compiled. 112 errors remain to be resolved.	Revise. Deal with list in order of priority.
AD4	LEMOs will be made immediately after each new PPO is confirmed.	LEMOs are currently made after each new PPO is confirmed.	LEMOs are currently not being made after each new PPO is confirmed and a small backlog has developed	Retain action.
AD5	LEMOs for the backlog of PPOs will be produced as a matter of urgency and a new	55 LEMOs have been produced so far with the	The original backlog of LEMOs was removed. However, the	Revise action. This has been partially achieved, but there is still much work to be

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Commented [MP1]: How many now?

	definitive map produced by 2008 and then every 5 years.	remainder expected to be produced by 2008.	new definitive map? has not been produced.	undertaken to check the 'working copy' before a new definitive map is produced.
<b>Additional actions needed</b>				
			The legal records of public rights of way still require much work before they can be described as an accurate record.	New Action: ensure that the definitive map and statement provide an accurate record
			<p>Rights of way services in nearly all authorities are delivered by one team dealing with both legal and network management issues from one common point. Such a structure has been shown to be more efficient and flexible in terms of service delivery and to provide a better environment for staff development and training.</p> <p>The Planning and City Regeneration Commissioning Review identified the need for a dedicated part-time legal officer to support the CA team and clear a 4yr+ backlog of legal casework</p>	New Action: create one Authority Team to deal with public rights of way at one location.

## PUBLIC PATH ORDERS

**Objective** To protect the network and ensure that changes do not reduce the enjoyment of users

Ref	Action	Situation in 2007	Present situation	Proposal for CAP 2017-27
AP1	The Authority will lead by example and create paths on its own land where it can be shown that there is a need for improved public access.	The Authority has already created a number of kilometres of new paths on its own land.	This has been ongoing and is now accepted good practice.	Remove action.
AP2	To create new paths in the formerly excluded area where it can be clearly demonstrated that there is a public need and demand for new paths or where a previous order has left a path as a dead end or unconnected to another highway.	The Authority has already added a number of paths in the formerly excluded area.	This has been ongoing.	Remove action. This action is duplicated by action AP3.
AP3	To create new paths where it can be clearly demonstrated that there is a public need and demand for new paths.	The network, especially of bridleways, is sporadic	This has been ongoing.	Retain action.
AP4	Where there are missing links in the Gower Coast Path the Authority will seek to create public paths.	The route of the Gower Coast Path already exists but some sections need to be registered as public paths.	This has mostly been achieved, but new paths are still needed at Oxwich and Pennard. As the coast continues to erode, further additions to the route will be required.	Retain action.

<b>Additional actions needed</b>				
			Since the original CAP was published a number of diversions have taken place that have resulted in an improved network.	New action: Divert paths where this will enhance the network and improve the performance indicator

## MANAGEMENT OF THE PATH NETWORK

**Objective**      **The Authority will aim to have 75% of the network signposted and easy to use by 2012**

**As of 2016 just over 70% of the network is easy to use.**

Ref	Action	Situation in 2007	Present situation	Proposal for CAP 2017-27
AM1	The Authority will continue to expand its annual path vegetation clearance programme in order to ensure that as much of the network is open and available as possible.	In 2007 The Authority spent £24,000 on path clearance and over 200 paths were cleared between 1 and 3 times.	Path clearance continued to expand until 2016. However, the amount of path clearance has had to be reduced in 2017 due to lack of funds.	Revise action.
AM2	Where it is likely that improved signs where paths meet roads will encourage increased use, signs will be improved by including destinations and distances.	This action is presently being implemented.	A number of destination signs have need installed, especially in the Coastal Zone.	Retain action.

AM3	The Authority will take every opportunity to remove structures altogether or replace stiles with gaps or gates on the most used and promoted paths.	The Authority attempts to replace as many stiles with gates as possible and to remove both stiles and gates where no longer necessary.	Over 200 stiles have been replaced with gates during the last 10 years.	Retain action.
AM4	The booklet 'Public Rights of Way - A Guide' will be updated and re-published, to advise users of their rights and responsibilities.	The booklet is out of print.	This was completed.	Remove. This has been achieved.
AM5	The Community Path Improvement Programme will be expanded to improve the network Community by Community and prioritised on a first come first served basis.	Four schemes already started and two nearly complete.	This was completed	Remove action. This scheme has served its purpose in helping to work towards the 75% target.
AM6	All paths in the Coastal Access Zone will be improved to the 'easy to use' standard by ensuring that they are all signposted where they meet a road and easy to find and follow.	About 1/3 of the total network is in the Coastal Access Zone and work has begun to improve it via the Coastal Access Improvement Programme.	This was mostly completed, although 30 problems still remain to be resolved, only 15 of which result in the path being unusable.	Retain.
AM7	The Gower Coast Path will be improved through enhanced signage, waymarking, surface works and increased accessibility, with the ultimate aim of removing all stiles from the route (in keeping with the landscape and environment and, as far as possible, kept in its natural state).	The Coastal Access Improvement Programme has started to improve the Coast Path already.	The programmed improvements on the Coast Path have been completed. Only two stiles remain on the Coast Path on the least used sections.	Revise.

AM8	In partnership with the Gower Society the Authority will maintain the Gower Way and improve it where necessary.	Waymarking along the Gower Way has recently been enhanced by the Gower Society with assistance from the Authority.	A number of improvements have taken place with further planned.	Revise.
AM9	Where walkers or riders need to walk along or across busy roads consideration will be given to improving safety by maintaining or improving existing verges and/or to traffic management.	Some sections of busy roads, have no verges and this can, in effect, sever the network by making walking or riding between paths too hazardous.	Opportunities to implement this have not arisen.	Revise or remove. This is an action that is beyond the remit of the CA team and should be picked up by other plans or strategies.
<b>Additional actions needed</b>				
			Overall, our path network is well used and a large amount of effort has been applied to improve it over the last 10 years; however, a significant proportion of it still does not meet even minimum standards	New Action: 75% of the network to be signposted and easy to use
			Most new paths that have been created to address the needs of the public require some work to bring them up to at least the minimum standards.	New Action: New paths to be of a standard that is at least easy to use.
			Over the last 12 years the surface of a number of paths has been improved, resulting in increased use of the paths. Whilst it would not be practical or financially viable to improve the surface of all paths, carefully selected surface	New Action: Path surfaces will be improved where it is likely that improved surfaces will encourage increased use and works can be carried out in keeping with the landscape.

			improvements on some paths will result in an increase in use.	
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## TOURISM AND PROMOTION

Ref	Action	Situation in 2007	Present situation	Proposal for CAP 2017-27
AT1	The Authority will continue to expand the present network of promoted walking routes by producing further 'walking by bus' leaflets.	Six routes are already promoted.	No further 'walking by bus leaflets' have been produced, as other opportunities have been pursued.	Replace both AT1 and AT3 with a new action promoting walking and health and well being
AT2	The Authority will promote the Gower Coast Path from Crofty to Mumbles and associated linear and circular walks.	There is no promotion of the Gower Coast Path as a singular walk.	A leaflet showing the Coast Path has been re-printed a number of times. A series of 6 Gower Coast walks was published.	Revise.
AT3	The Authority will create and promote a network of walks located close to villages and the urban fringe to provide increased tourism and health benefits.	All of the current series of walking by bus walks are based on the either villages or the urban fringe.	Leaflets based on Llanrhidian Higher and Rhossili were published in partnership with the local communities. Four walks were published in the Mawr, Clydach and Pontarddulais areas.	Replace both AT1 and AT3 with a new action promoting walking and health and well being
AT4	The Authority will consider, in consultation with all users, the promotion of off-road cycling routes and horse riding routes.	There are presently no promoted routes for horseriders and few for cyclists.	To date this has not been undertaken. However, a route around Gower has been proposed.	Retain
AT5	The Authority will continue to improve its web-site by providing more specific information on the condition	The Authority's website already provides information on some walks, applications for modification orders and	Funding for this was not found.	Revise.

	of the path network to enable potential users to plan their walks and rides prior to visiting the area.	general rights of way information.		
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