



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, 6 February 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

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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| 2 | Disclosures of Personal and Prejudicial Interests. www.swansea.gov.uk/disclosuresofinterests | |
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Next Meeting: Tuesday, 6 March 2018 at 2.00 pm

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

Huw Evans
Head of Democratic Services
Tuesday, 30 January 2018

Contact: Democratic Services - 636923



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 9 January 2018 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
M H Jones
P B Smith
L J Tyler-Lloyd

Councillor(s)

P M Black
M B Lewis
A H Stevens
T M White

Councillor(s)

L S Gibbard
R D Lewis
D W W Thomas

Apologies for Absence

None.

50 Disclosures of Personal and Prejudicial Interests.

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

Councillor A H Stevens – Planning Application 2017/1663/S73 (Item 3) – Personal and Prejudicial – Member of Loughor RFC - and left prior to discussion.

Councillor D W W Thomas - Planning Application 2017/1676/FUL (Item 4) – Personal – Member of the Mid & West Fire Authority (applicant is an Officer of the Authority)

Councillor T M White- Planning Application 2016/1573 (Item 6) – Application site is within my ward

51 Minutes.

Resolved that the Minutes of the Planning Committee held on 5 December 2017 be approved as a correct record.

52 Items for Deferral/Withdrawal.

None.

53 Confirmation of TPO632, St Teilo's Church, Pontarddulais.

The Head of Planning and Regeneration presented a report which sought consideration of the confirmation as a full order, the provisional order TPO 632 at land at St Teilo's Church, Pontarddulais.

The representations received regarding the proposal were outlined and detailed in the report.

Resolved that the Tree Preservation Order TPO 632 at land at St Teilo's Church, Pontaddulais be confirmed.

54 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/and or indicated below(#):

(#)(Item 1) Planning Application 2017/1342/FUL - Construction of 11 detached dwellings at land to the south Of 28, Christopher Rise, Pontlliw, Swansea, Swansea

A visual presentation was provided.

Christine Rowlands (objector) and Geraint John (agent) addressed the Committee.

Councillors D G Sullivan (Local Member) addressed the Committee and spoke against the application.

Report updates as follows:

Four additional late letters of objection have been received raising concerns over the types of dwellings proposed, loss of privacy, land being outside the applicant's control, access and traffic congestion.

Late letter of no objection from NRW.

Application approved subject to a deed of variation of the Section 106 agreement, and subject to the amendments/conditions below:

The Council's Conservation and Design Manager has raised concerns over the siting of plots to the south in relation to the trees at the rear of the site, which is likely to cause shading and affect residential amenity, the garages and parking on plots 1 & 11 should be relocated to the rear of these plots with additional side windows/patio doors added to the side elevations to allow access and outlook to the side gardens and habitable room windows applied to the side elevations of plots 1 & 11 where they front the road.

In order to address these concerns, amended plans have been submitted which address the issues as follows:

Re-arrangement of Plots 01 and 11

- The re-location of the garages, to be detached in nature and to be located to the rear of the properties – this will allow access to the properties to be via the new access road rather than via Christopher Rise, as previously proposed;
- The introduction of patio doors at ground floor level, which allow access to the side / rear garden on the gable elevations;
- The introduction of a window on a gable elevation on the 'first floor' bedroom per unit to overlook the cul-de-sac, and add further design articulation / interest to these gable elevations.

Re-arrangement of Plots 09 and 10

- Moving these two plots 'forward' i.e. towards the site access road – this would allow for a larger sized rear garden owing to the size of the mature trees and impacts on light / amenity they have.
- In response to these amendments, the Conservation and Design Manager has indicated that the scheme addresses the requirements of the adopted Residential Design Guide and recommends approval of the scheme.
- The following conditions should be amended as a result of these changes:

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

- AS17.05.L.00.00 P1 - Site location plan (received 16th June 2017);
- AS17.05.L.01.00 P5 - Proposed Site Plan (received 5th Jan 2018);
- AS17.05 L.02.10 P4 - Floor Plans - Type A and B (received 5th Jan 2018);
- AS17.05 L.02.11 P3 - Floor Plans - Type B - C and C2 (received 5th Jan 2018);
- AS17.05 L.02.12 P2 - Floor Plans - Type B and C (received 5th Jan 2018);
- AS17.05 L.02.13 P2 - Floor Plans - Type C2 and D (received 5th Jan 2018);
- AS17.05 L.02.14 P1 - Detached Garage - Type C2 (received 5th Jan 2018);
- AS17.05.L.93.00.P2 - External works plans (received 8th January 2018);
- AS17.05 L.04.00 P2 - Street Elevations (received 5th Jan 2018)
- 21.01 - Highways cross section sheet 1 (received 17th June 2017)
- 21.02 - Highways cross section sheet 2 (received 17th June 2017)
- 20.01 - Highways longitudinal sections sheet 1 (received 17th June 2017).

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

In condition 4, 'plan AS17.05L 93.00 P2' should be changed to 'plan AS17.05L 93.00 P3'.

In condition 6, 'Plan Nos. AS17.05.L.02.10.P3, AS17.05.L.02.11 P2 should be changed to 'Plan Nos. AS17.05.L.02.10.P4 and AS17.05.L.02.11 P3'

In condition 13, 'plan no. AS17.05.L.01.00.P4', should be changed to 'plan no. AS17.05.L.01.00.P5'

Condition 14 should be deleted and replaced with the following condition:

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

(#)(Item 2) Planning Application 2017/1558/FUL - Change of use from residential (Class C3) to 6 bedroom HMO for 6 people (Class C4) at 7 Kilvey Terrace, St Thomas, Swansea

A visual presentation was provided.

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

Report updated as follows:

One late letter of objection reported raising concerns about parking, noise & community effects.

(#)(Item 3) Planning Application 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 at Loughor Sports Pitch, Ffordd Cae Duke, Gorseinon, Swansea, Swansea

The Chair read out a letter of support from Councillor R V Smith (adjoining Ward Member).

(#)(Item 4) Planning Application 2017/1676/FUL - Detached dwelling and detached garage at Land To The Rear Of 101 Bishopston Road, Bishopston, Swansea

A visual presentation was provided.

Mark Evans (agent) and Steve Davies (applicant) addressed the Committee.

Report updated as follows:

Amend Condition 7 as follows:

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 details of the location of the receptor site; 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.

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.

(#)(Item 5) Planning Application 2017/2271/FUL - Proposed enabling development of a detached 2 storey dwelling house and detached garage within the Dingle Garden at The Dingle, Caswell, Swansea

A visual presentation was provided.

Mr Phillips (objector) and Geraint John (agent) addressed the Committee.

Councillor W G Thomas (Local Member) addressed the Committee and spoke in support of the application.

Report updated as follows:

Late letter received from Glamorgan Gwent Archaeological Trust - The site is within the Registered Park and Garden of the Dingle and also partly within the Gower AONB. It is our opinion that the proposed development would not have an adverse impact on either of these designations. It is unlikely that the proposed development would encounter archaeological remains during the work. The record is not definitive, however, and archaeological material may be disturbed during the course of the work. In this event, please contact this division of the Trust. Nevertheless, as the archaeological advisors to your Members, we have no objection to the determination of the application.

(#)(Item 6) Planning Application 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) at Land At The Former Unigate Dairy Site, Morfa Road, Swansea

A visual presentation was provided.

Councillor R C Stewart (Leader) addressed the Committee and spoke in support of the application.

Report updated as follows:

One late letter of objection received. Response raises general concerns about quality of architecture facing the river, the frontage to Morfa Road being highways led with no effort to address streetscape, no coherence to spatial/street grid layout, no obvious link from river to street and no sense of spatial quality.

Application approved subject to a Section 106 agreement, and subject to the following addition to p115 recommendation b) "and lighting" to be added to after CCTV coverage.

(#)(Item 7) Planning Application 2017/1948/FUL - Development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering works at Land Off Summerland Lane, Newton, Swansea

A visual presentation was provided.

Graham Carlisle (representing Mumbles Community Council objections) and Gareth Williams (agent) addressed the Committee.

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

Councillor R Francis-Davies (Cabinet Member) addressed the Committee and spoke in support of the application.

Report updated as follows:

The final sentence on page 125 incorrectly states that a petition of objection containing 96 signatures has been received. This final sentence should read as follows;

"Eighty two (82) objection letters and a petition of objection containing 132 signatures, signed by persons from 93 individual properties has been received."

Two additional late letters of objection received – additional concerns raised: Current septic tank at neighbours' property – resident has not had any contact from the applicant and has not seen any proposal to ensure continued sewage disposal from the property; Who benefits – not the local residents; Miniscule recreation areas; there are no recreation areas within 2 km. High density building; 2 to 3 times denser than surrounding area; Potential sewerage / surface water contamination; No mention of summer time parking, Caswell Drive and surrounding areas are completely filled with overflow beach parking; Single track access on Summerland Lane shared by existing residents, the bungalow community in Bishopswood; affordable housing – how will this be maintained; area is not practical for cycling due to topography; very poor bus service.

Application approved subject to a Section 106 agreement

55 Countryside Access Plan.

The Head of Planning and City Regeneration presented a report which outlined the need to produce an updated and revised Countryside Access Plan.

The plan will now be the subject of a 12 weeks public consultation process.

The report was updated as follows:

Paragraph 5 amended to read:

5. Legal Implications

- 5.1 Under section 60 of the Countryside and Rights of Way Act 2000 the Authority must decide whether or not to produce an amended Countryside Access Plan (Rights of Way Improvement Plan) and to then either publish a new plan or to provide a report explaining why no amendments are needed.

Resolved that the Authority revises and updates the Countryside Access Plan 2007-17 and consults on a draft plan for the next ten years.

The meeting ended at 4.57 pm

Chair

City and County of Swansea
Dinas a Sir Abertawe

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

Date: 6 February 2018

| Bay Area Team Leader Liam Jones - 635735 | Area 1 Team Leader: Ian Davies - 635714 | Area 2 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 | 2017/2572/FUL | Pines Country Club , 692 Llangyfelach Road, Treboeth, Swansea, SA5 9EL Mixed-use development comprising 28 residential dwellings and two commercial units (Class A1). | APPROVE |
| 2 | 2017/2360/OUT | Land Part Of, 44 Cefn Styllle Road, Gowerton, Swansea, SA4 3QS Detached dwelling (outline) | APPROVE |
| 3 | 2017/2511/FUL | Plot E3b South Of Fabian Way, Langdon Road, Swansea Docks, Swansea, SA1 8QY Construction of 25 residential units (16 three storey townhouses houses, a three storey block of 6 apartments and 3 'flats over garages') with associated access, parking, refuse / cycle storage and landscaping works | APPROVE |

PLANNING COMMITTEE – 6TH FEBRUARY 2018

ITEM 1 (CONT'D)

APPLICATION NO:

2017/2572/FUL

UDP - EC6 - Local Shopping Centres and Neighbourhood Facilities

The provision of appropriate small-scale local shopping and neighbourhood facilities will be encouraged within local shopping centres and areas of acknowledged deficiency in order to meet local need. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV1 - Design

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

UDP - 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 - EV30 - Trees, Woodland and Hedgerow Protection

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

UDP - EV33 - Sewage Disposal

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - 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)

UDP - EV39 - Land Instability

Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)

PLANNING COMMITTEE – 6TH FEBRUARY 2018

ITEM 1 (CONT'D)

APPLICATION NO:

2017/2572/FUL

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 - 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 - 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 - 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

| App Number | Proposal | Status | Decision Date |
|---------------|--|--------|---------------|
| 2017/2572/FUL | Mixed-use development comprising 28 residential dwellings and two commercial units (Class A1). | PDE | |
| 89/1254/10 | CUT DOWN + LOP TREES. | APP | 17.11.1989 |

PLANNING COMMITTEE – 6TH FEBRUARY 2018

| ITEM 1 (CONT'D) | | APPLICATION NO: | 2017/2572/FUL |
|-----------------|---|-----------------|---------------|
| 2011/0889 | Construction of a food store (Class A1) with associated car parking, landscaping, ancillary works and mini roundabout. | S106 | 20.04.2015 |
| 2009/0256 | Mixed use development of one 4 storey block to provide 2 No. ground floor retail units (Class A1) with 16 flats , one block of 6 terraced units, one block of 8 terraced units, 3 pairs of semi-detached units, new vehicular access, landscaping, car parking and associated works | REF | 03.12.2009 |
| 2003/2117 | Change of use of storage building to taxi booking office (private hire) | APP | 17.12.2003 |
| 2001/0703 | Change of use of storage building to taxi booking office (private hire) | APP | 17.07.2001 |

RESPONSE TO CONSULTATIONS

The application was advertised by a site notice and press notice, moreover fourteen neighbouring properties were individually consulted. FOURTEEN LETTERS OF OBJECTION have been received which may be summarised as follows:

1. Highways safety concerns in relation to increased traffic on the local road network particularly as this is a walking route for school children.
2. Concern the development would result in increased noise and pollution from vehicles accessing the site.
3. Concerns in relation to loss of light and overlooking/loss of privacy from the proposed flats.
4. Concerns there is insufficient parking to serve the development.
5. Local shops may be affected by the development.
6. Concerns in relation to the sale of alcohol from the units which may result in anti-social behaviour.
7. Concerns in relation to where construction workers would park.
8. Concerns the proposals would amount to an overdevelopment of the site and would not be in keeping with the character and appearance of the area.
9. Concerns plots 7 and 8 would result in overbearing and overlooking impact upon No. 694 Llangyfelach Road.
10. No details have been provided in relation to boundary treatments.
11. Concerns raised in relation the type of retail premises that may occupy the site. Betting shops and fast food outlets should not be allowed.
12. Concern raised in relation to deliveries and hours of opening before 8am and after 10pm.

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ITEM 1 (CONT'D)

APPLICATION NO:

2017/2572/FUL

13. Concerns that disruption during clearance/construction should be kept to a minimum.
14. Concerns the increased traffic may have a detrimental impact on the use of the public hall.
15. Concerns that two new retail units are unnecessary as there are already local businesses serving the area.
16. Concerns the development could delay traffic to Morriston hospital.

Summaries of Other Consultation Responses:

Highways Department

There has been a history of previous approvals for retail units on this site thus the principle of that use has already been established on the site. The previous use at the site was as a Club with a D1/A3 Use Class although this use has ceased some time ago.

The Transport consultant (Asbri) has been in correspondence with the Highway Authority regarding an access strategy and this was agreed prior to submission of the Planning Application. Comments were also made by Highways as part of the PAC Process and those comments have been reflected in the current scheme layout. A Transport Statement has also been submitted to quantify the impact of the traffic generated by the development.

In the previous planning application a sum of money (£66,000) was requested under a Section 106 agreement to fund road safety measures in the immediate area and this sum is still required under this application.

The site currently has a single point of access off Llangyfelach Road. The proposed scheme has two points of access, one to serve the residential and one to serve the retail units in line with the Highways request to keep the two sites separately accessed. These will both operate as priority junctions. A Section 278 Agreement will be required to construct these two new access points and in addition a new footway will be constructed along the site frontage under the same agreement. This will include the tactile crossings across the bellmouth accesses to allow for safe pedestrian movements.

Accident statistics submitted show that from 2012 to 2016 inclusive there were 7 reported accidents, 2 of which were serious and 5 of which were slight resulting in a total of 8 casualties. None of the accidents were recorded anywhere near this proposed site. It is therefore reasonable to assume there are no obvious highway safety issues, and the majority of accidents recorded are related to human error and not any design flaw within the Highway layout.

The site is well served by public transport and is located in proximity to local amenities. As part of the section 106 contributions a scheme of traffic calming will be introduced on Penlan Road (measures have already been identified under a 'safe routes in the community initiative'). In addition to this a new pedestrian crossing is proposed across Llangyfelach Road to the south of the site (approximately between numbers 680 and 684 Llangyfelach Road where there is an existing pedestrian access to the school). This will help to connect to the site to areas to the south east and improve the safety of pedestrians wishing to travel to the new retail units without driving.

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ITEM 1 (CONT'D)

APPLICATION NO:

2017/2572/FUL

Parking provision in the main is provided at 2 spaces per residential unit and 7 spaces total for visitor use and these levels accord with the adopted standards (reduced by the use of the sustainability appendix). A sustainability matrix has been submitted as part of the application to demonstrate that two spaces per plot is an appropriate level for the 3, and 4 bedroom units given the proximity to local amenities and public transport. Parking for the retail use is in line with the CCS Standards together with a servicing area.

Total Traffic movements are estimated at 57 vehicular trips in the morning peak and 67 vehicular trips in the afternoon peak hour. The site is also forecast to generate pedestrian, cycling, car sharing and public transport trips. This is less than one car per minute in the peak hours. The vehicular Development traffic can be accommodated within the existing infrastructure notwithstanding the Section 106 contributions already identified which will go towards road safety and pedestrian improvements.

Autotrack runs have been submitted to show that the site can be adequately serviced by a refuse or emergency vehicle and a hammerhead is included to facilitate this movement (on the residential element). For the retail use a small delivery area is available and the proposed layout allows the vehicles to access and leave in a forward gear thus reducing down the impact on the freeflow of traffic along Llangyfelach Road.

The internal site layout is acceptable in safety terms but it is not clear if the site is to be offered up for adoption by the Highway Authority. The roads within the site therefore will need to either be constructed under a Section 38 Agreement with the Highway Authority or 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.

The two new access points have been tested using PICADY software and the results showed no problems with queuing. The double width entry, and entrance kerb radii should enable cars to access/egress with minimum disruption to the freeflow of traffic.

In conclusion the development can be accommodated within the Strategic Highway Network.

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:

- 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

PLANNING COMMITTEE – 6TH FEBRUARY 2018

ITEM 1 (CONT'D)

APPLICATION NO:

2017/2572/FUL

- 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. The parking areas as indicated being laid out in accordance with the approved plans and being maintained for parking purposes only in perpetuity.

4. All front boundaries to be kept below 1m in the interests of visibility.

5. The new bellmouth accesses and associated new footway and pedestrian crossings on Llangyfelach Road will need to be constructed to Highways Authority Standards and Specification under a Section 278 Agreement with the Highways Authority.

6. The visitor spaces shall be clearly marked out and maintained for visitor parking only in perpetuity.

7. The developer entering into a Section 106 Agreement to provide a financial contribution to the sum of £66,000 to be used towards road safety/traffic calming in the area and for the installation of a new pedestrian crossing across Llangyfelach Road

Pollution Control Division

Land Contamination:

I agree with the comments within the Geotechnical & Geo-Environmental Site Investigation Report: June 2017, Job No: 141111; in that gardens and landscaped areas a capping layer of 600mm of suitable clean imported subsoil/topsoil material shall be utilised. To that end please attach the following conditions:

- o Imported Soils

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

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

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

Advisory: http://www.swansea.gov.uk/media/pdf/a/2/Imported_Materials_Guidance_WLGA.pdf
Requirements for the Chemical Testing of Imported Materials for Various End Uses

o Unforeseen Contamination

If, during the course of development, contamination not previously identified is found to be present at the site no further development [unless previously agreed in writing with the Local Planning Authority] shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

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

Noise:

I have been through the Acoustic Consultants Limited Noise Impact Assessment, Ref: 6699/BL/pw. December 2017.

Please attach the following condition relating to the method of build for the residential element:

- o Prior to the beneficial use commencing the applicant shall submit, to the Local Planning Authority, the methods of construction for the residential uses ensuring that they meet the requirements for External Wall Construction, Road Construction, Window Construction and Ventilation as advised within the Acoustic Consultants Limited Noise Impact Assessment, Ref: 6699/BL/pw. December 2017.

Please attach the following condition regarding the commercial plant noise:

- o Prior to the beneficial use commencing the applicant shall submit a scheme, to the Local Planning Authority, to ensure that the plant noise rating level, LAr,Tr, including any character correction shall not exceed the following (as set out in the Acoustic Consultants Limited Noise Impact Assessment, Ref: 6699/BL/pw. December 2017):
46dBLAr,Tr 07:00 - 19:00
39dBLAr,Tr 19:00 - 23:00
27dBLAr,Tr 23:00 - 07:00

With regard to the delivery noise assessment; the modelling work carried out assumes that the southern boundary wall is at least 2m above the finished site level. However, the report (p.26) advises that the existing stone wall at the south of the site should be at least 1.5m above the finished site level. In-line with BS4142:2014, when taking context in to account for the existing sensitive receptors I am in agreement with the modelling prediction of low impact in the evening.

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However, given the outcome of the BS4142:2014 assessment for the proposed residential scheme and the potential for 'windows open' I would look to condition the following regarding the commercial delivery noise:

- o Prior to the beneficial use commencing the applicant shall submit, to the Local Planning Authority, a 'delivery operation noise management plan' taking into account the mitigation proposals put forward in the Acoustic Consultants Limited Noise Impact Assessment, Ref: 6699/BL/pw. December 2017.
- o Commercial deliveries to the application site shall take place between the hours of 08:00 and 22:00.

Ecology

Following demolition, the site had been abandoned for a number of years. It has since become overgrown with scrub. Nesting birds and reptiles may be present on-site. Both Japanese knotweed and wall cotoneaster are present, which require removal. Ditches are located along the boundaries.

Protected Species

Nesting birds are likely to be present during spring/summer months and reptiles may be present year-round. Methodologies for minimising impacts on these species are included in sections 5.4 and 5.5 of the Extended Phase 1 Habitat Survey. To ensure compliance, all vegetation removal should be conditioned to be undertaken under an ecological watching brief. This includes supervision of the chipping of the northern horse chestnut (T742) in line with the bat tree inspection report recommendation.

Japanese knotweed

Japanese knotweed is recorded along the northern, western and possibly southern boundaries. A method statement for its eradication should be conditioned.

Ditches

To ensure that pollution of the ditches surrounding the site is prevented, a Pollution Prevention Method Statement, Construction Environmental Management Plan, or equivalent document should be conditioned.

Landscape

The species used in the Detailed Soft Landscape Proposals plan are acceptable mitigation for the proposed tree loss.

Drainage and Coastal Management

We have reviewed the submitted information which indicates that the onsite watercourse network discharges to what appears to be DCWW apparatus in the pavement and highway, although the existing connection point has not been fully confirmed we consider that appending the following conditions will ensure the provision of an appropriately designed development that fully considers the issues.

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Condition 1

Prior to the commencement of development, full details of a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with shall be submitted to and 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 thereafter for the lifetime of the development.

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 development shall not discharge to the onsite watercourse at any rate greater than 10l/s as stated on the Drainage Strategy Plan dwg no. C-003 Rev A.

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 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.

Condition 4

Prior to the commencement of development a CCTV/Trace Survey illustrating the existing and proposed culvert connection points offsite shall be submitted and agreed in writing with the Local Planning Authority.

Reason: To ensure that the watercourse catchments in the area are maintained as is to prevent any increase in flood risk occurring as a result of the development.

Housing Department

I can confirm that Coastal have proposed a 100% affordable, grant funded scheme at the land at The Pines, Llangyfelach Road, Treboeth, the design & layout to be agreed.

For the purpose of the Section 106 the Housing Service would expect to see 30% of the site conditioned to remain affordable in perpetuity.

Education Department

The catchment schools are Gwyrosydd Primary, Pentrehafod Comprehensive, Ysgol Gynradd Tirdeunaw and Ysgol Gyfun Gymraeg Bryn Tawe.

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There is no request for a Developer's Contribution towards Education in respect of any of the named catchment schools in question from this proposed development due to the current number of unfilled places in each, also the limited impact of the low number and type of dwellings involved.

Tree Officer

No objection. The trees present adjacent to the road are protected by TPO246. There are also unprotected trees present around the proposed site boundaries. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The submitted tree survey indicates that the trees on site are of low quality (category C, BS5837). Two trees off site are categorised as B. The trees on the site will be removed to facilitate the development and can be compensated for by replacement planting.

The trees off site and replacement planting areas will be protected during construction using the supplied arboricultural method statement. The tree protection plan requires amendment to show the dimensioned location of the tree protection fencing where appropriate.

Required: Updated tree protection plan prior to any approval or for one to be conditioned.

Tree Officer (Further comments)

Tree officer confirmed the updated tree protection plan is satisfactory.

Parks Service

The Parks Service have no comments to make and would offer no objection for the proposed development.

Natural Resources Wales (NRW)

We recommend that you should only grant planning permission if you attach the following conditions in relation to construction and waste management plans. These conditions would address significant concerns that we have identified.

We advise that in line with standard best practice guidelines; pruning or felling of all 'Low' bat roost potential trees should be carried out using 'soft felling' techniques, and then left on the ground for 48 hours.

We also advise that you discuss the remaining recommendations laid down in Section 5 of the Habitat Survey report with your Authority's Planning Ecologist, to determine if they wish to condition any of the other proposed measures. To be agreed by your Authority.

In line with best practice, we advise the applicant/developer to produce a site-specific Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan (PPP) with particular reference given to the protection of the surrounding land & water environments.

We also recommend that a Site Waste Management Plan (SWMP) for the project is produced.

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Coal Authority

The Coal Authority concurs with the recommendations of the Geotechnical & Geo-Environmental Site Investigation Report (June 2017, prepared by Terra Firma (Wales) Ltd); that a mine entry poses a risk to both public safety and the stability of the proposed development. Consequently, intrusive site investigation works should be undertaken in order to establish the exact situation regarding them.

The Coal Authority is therefore able to recommend that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring site investigation works prior to commencement of development.

In the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, this should also be conditioned to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

South Wales Police Designing Out Crime Officer

Specific observations provided in relation to the development obtaining the Secured by Design Award.

Dwr Cymru Welsh Water

We would advise that the content of our consultation response (Ref: PPA0002499) has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report prepared by Asbri Planning insofar as foul flows from the proposed development can be accommodated within the public foul sewerage system. We also acknowledge that the application form and accompanying Drainage Strategy Plan (Drawing No. C-003 Rev A), prepared by CB3 Consult, maintains proposals to dispose surface water into the adjacent watercourse.

Condition recommended that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

APPRAISAL

This application is reported to Committee as the development exceeds the 20 dwelling threshold set out within the Council's constitution.

The development is a mixed use scheme comprising a three storey retail and residential block along the Llangyfelach Road frontage with a two storey development of houses and flats to the rear. In total 28 residential units are proposed comprising 18 No. one bedroom flats, 2 No. two bedroom flats, 3 No. two bed houses and 5 No. 3 bed houses. The residential element would provide social rented affordable units that would meet the definition of affordable housing defined within Technical Advice Note (TAN) 2: Planning and Affordable Housing. Two commercial units are proposed at ground floor level providing a total retail floor space of 450 square metres.

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Two access points are proposed to serve the development, one to the north-east onto Llangyfelach Road serving the residential element, and the second to the south-east onto Llangyfelach Road serving the retail element.

The application site was formerly occupied by the Pines Country Club which was demolished several years ago. The site is currently vacant and covered in scrub vegetation. There are residential properties fronting Llangyfelach Road and Penlan Road to the north and south of the site. To the west and south west are the dwellings on Penlan Road and Gwyrosydd Primary School respectively. On the opposite side of Llangyfelach Road is the Treboeth Community Hall and a row of traditional terraced properties.

The site slopes upwards from the road frontage to the rear boundary and also follows the gradient of the road which slopes down from north to south. The main site features are the large deciduous trees on the site frontage, the pennant stone front boundary wall and the mature hedge boundary along the southern elevation.

In terms of the planning history of the site, as indicated above, planning permission has previously been refused on the site for a mixed scheme comprising two retail units and thirty three residential units in 2009 under Planning Ref: 2009/0256. The application was refused on the grounds that the development would not be appropriate to its local context and would result in a cramped and overintensive form of development. Moreover insufficient parking provision was provided to the detriment of highway and pedestrian safety.

In 2014 planning permission was granted for a new retail food store under Planning Ref: 2011/0889. This permission is extant but has not been implemented.

MAIN ISSUES

The main issues are the principle of the proposed development, the impacts of the development upon the character and appearance of the area, the impacts upon the living conditions of neighbouring residential properties, the impacts upon highway safety and the impacts upon the ecology of the area. Other relevant matters include the consideration of drainage, land stability and land contamination.

As this is a major development the application has been accompanied by a Pre-application Consultation (PAC) report. This report has been carried out in accordance with statutory requirements set out within the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). The issues raised by statutory consultees and local residents have been addressed within the PAC report and are considered further within this report.

Planning Policy / Principle of the Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined 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.

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UDP policies EV1 and EV2 seek to ensure new development is appropriate, inter alia, to its local context and integrates into the existing settlement with no detrimental impact on local amenity. Developments must have regard to existing site features and existing adjacent developments and the possible impact of environmental pollution from those developments including light, air and noise pollution (see also EV40).

Within the UDP proposals maps the application site is white land within the urban area as such Policy HC2 is relevant which supports housing development where the site has been previously developed, which is the case in this application, and where the site is not covered by conflicting Policies, subject to proposals complying with the technical requirements of the policy criteria. In addition, UDP policies EV3, AS1, AS2, AS6 and AS10 require that new development provide satisfactory access, facilities for parking and traffic management. These Policies are expanded upon and supported by the Supplementary Planning Guidance (SPG) document 'Places to Live: A Design Guide' adopted in 2014.

Affordable Housing provision on a site of this scale should be provided in accordance with Policy HC3 and Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), and these provisions should be fairly and reasonably related in scale and kind to the individual development.

Policy HC24 indicates that all new housing development will be required, where the level and nature of open space provision in the locality is inadequate to meet the needs of future occupiers of the development proposed together with the needs of the existing population in the locality, to make provision for area of open space either within the site or at an appropriate location in relation to the development, or contribute towards the provision or improvement of existing off-site facilities in the locality through a commuted payment.

The current proposal needs to be considered in the context of the surrounding area. The natural environment of this site is further supported by Policy EV30 which particularly seeks to protect and improve trees, hedges and woodlands. This is pertinent as there are protected trees on the site. This policy is supported by the SPG 'The Protection of Trees on Development Sites'.

With regard to foul and surface water drainage Policies EV33 and EV35 respectively require developments to be served by the public mains sewer and to provide satisfactory means of surface water disposal. Moreover, as there is a partially culverted watercourse running through the site, Policy EV34 is relevant which states that 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.

The site is located within an area where there are former coal mine workings, in accordance with EV39 development will not be permitted in such areas unless the Council is satisfied that proposals to make the land capable of supporting the development are adequate. In this respect the Council is guided by the advice of the Coal Authority.

Turning to the retail element of the scheme, the application site is located within an out of centre location and proposes a retail element comprising 450 square metres of floor space spread over two units, with one large unit and one small unit.

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The provision of additional out of centre floor space must be carefully considered to ensure that the proposal, either alone or in combination with other proposals, would not result in any significant impacts upon existing shopping centres.

Policy EC9 states that retail development at out of centre sites will be resisted except for certain exceptional forms, for example small scale shopping facilities required to meet local needs (Policy EC6 refers). Small scale is defined as a maximum of 1000 square metres. The key criteria against which all significant retail proposals are considered are set out in Policy EC4. As well as the standard tests of need and sequential suitability, the policy emphasises that schemes must not adversely impact on the vitality and viability of established centres; must be compatible with the function, scale and character of the centre near to which it is located; and be sited in a highly accessible location.

In this respect it is relevant that there is an extant planning permission on the site for a retail shop comprising 1286 square metres of floor space. In view of this fall back position and having regard to the provisions of UDP Policy EC6, which supports the provision of small scale local shopping facilities in areas of acknowledged deficiency, the principle of the proposed retail element is considered to be acceptable. The need for a food shopping facility has already been established under the extant consent where it was acknowledged that there is a lack of facilities in the locality providing fresh food produce, with the nearest location being the Co-op at Brynhyfryd. This store provides an important role for the community but has issues in respect of its lack of convenient parking provision and traffic congestion on Llangyfelach Road. Whilst the need for the proposals has not been fully quantified within the planning submission it is accepted, based on the consideration of the previous planning application, that there is a qualitative need for a new food store to serve the locality. This position is further supported by national planning policies set out within Planning Policy Wales Edition 9 (PPW) as well as taking into account the requirements of the Well-Being of Future Generations (Wales) Act 2015 (WBFG) which supports and encourages walking and cycling for local trips.

In terms of alternative sites, a sequential assessment has not been submitted to demonstrate that there are no more sequentially preferable sites to accommodate the development, however, it is clear from the scale of the retail proposals that they are intended to serve the local population rather than draw in custom from further afield. There are no viable sites available within the nearest local centre and the application site is no less centrally located for the surrounding community it is intended to serve than any other non-centre site. Its proximity to other supporting facilities (the community centre, pharmacy) also adds weight to the argument that this is a sequentially suitable location.

In terms of impacts upon established stores and shopping centres it is clear that development plan policies and national guidance require new store development to safeguard against any significant adverse impacts to town centre vitality and viability. The proposed store will likely have some degree of adverse impact upon existing businesses in the nearest centre at Brynhyfryd and other small convenience stores nearby, and further afield upon supermarkets in District Centres. The key question for the Authority is whether the anticipated adverse impact is regarded as being so materially adverse and over-riding that this outweighs the benefits associated with the proposed new store.

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In view of the extant planning permission for a larger retail food store on the site, it is considered that the proposal would have less of an impact in this respect and in view of the benefits associated with the development in terms of supporting and enhancing a sustainable local community in the area, any adverse impacts would not be significant and would be outweighed by the positive benefits of the proposal. In principle, therefore, the proposed retail element is considered to be acceptable, however, it will be necessary to impose a planning condition requiring that the larger unit be used as a food store only as the scheme is justified on the basis that it would address local shopping deficiency.

In terms of the principle of the residential use at the site, as indicated above, the residential use of previously development land within the urban area is supported in principle under UDP Policy HC2. The design, layout and any technical constraints to the development are discussed below.

Character and Appearance

The site is enclosed by mature vegetation including mature trees along the site frontage, set behind a high stone wall. The former buildings on the site were located centrally with parking areas at a higher level adjoining the rear boundary. All the former buildings have now been demolished and the site currently comprises areas of hardstanding, spoil and overgrown vegetation. In terms of the context, the site fronts onto Llangyfelach Road and is located between a primary school at the rear and two storey terraced properties either side of the site. The surrounding area is primarily residential in character although there is a chemist, beauty salon and community hall in close proximity to the site.

The former buildings were sited broadly in line with the terraces either side of the site and, unlike the extant planning permission for the foodstore, the three storey frontage block would broadly accord with the building line established by the existing residential properties to the north and south. A parking area for 15 cars is proposed between the mixed use block and the road. On its southern side the ground level of the block would correspond with the site levels in this area, a consistent slab level would be maintained across the ground floor of the block resulting in the requirement for a 3-4m retaining wall at the northern end of the car park serving the retail units. Whilst the parking area and retaining wall would be partially screened by new tree planting and the retention of part of the front boundary wall, the treatment of the retaining wall will be important as it will be visible from the street scene. The material for the retaining wall can be dealt with by a planning condition.

The block itself has a modern design finished mainly in brick with areas of cladding around the smaller windows. The front and rear elevation are punctuated by full height bay windows, again surrounded in cladding, that provide depth and a vertical emphasis to break up the mass of brick. These features are replicated in the blocks two storey rear elevation. The entrance to the residential flats above the retail premises is clearly legible through the treatment of this façade with large areas of glazing and an entrance canopy. To the northern elevation a refuse stores and separate bike stores are provided for the residential use within upper floors.

Details of the materials for the shopfronts have not been provided, however, in principle the modern shopfronts indicated with full height glazing accord with the modern design approach for the block.

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The southern side elevation of the block accommodates a stairwell, this is indicated to be treated with glazing and panelling, again to break up the mass of this elevation and to add visual interest. This approach is considered to be consistent with the modern design approach for the building.

The existing mature trees along the front boundary which includes two protected horse chestnut trees have been surveyed and found to be of low quality with limited life expectancy. Notwithstanding this they form a prominent feature in the street scene and will require compensatory planting for their loss. The Council's tree officer is satisfied that the replacement of these trees with a line of native field maple would provide the necessary mitigation. On the southern side of the site, the applicant has obtained the end of terrace property at No. 690. Whilst not forming part of the application site the application drawings indicate the applicant's intention to demolish this house (an application for the demolition of the property is currently being considered under Planning Ref: 2018/0110/PND) and provide a landscaping screen along the southern boundary of the site to provide a green edge to the development and screen the service area at the southern end of the site. The service area includes refuse storage and details of this element can be secured by a planning condition.

At the rear, the levels rise and the mixed use block would be two storey. A dedicated parking area is provided at the rear of the block which is overlooked by the first floor and second floor units. The rear facing ground floor habitable rooms would be separated from the parking area by a low wall that will provide some defensible space to the occupiers of the flats.

There is no doubt that the provision of the mixed use three storey block will result in a significant change in the character and appearance street scene in the locality. A street scene elevation has been submitted which indicates the levels of the block in relation to neighbouring properties to the north and south. The street scene elevation reveals that the block would 'sit' well within the street scene by maintaining a satisfactory visual gap between existing properties. This would be further enhanced through the proposed demolition of No. 690. Importantly the scheme acknowledges and responds to the existing important features at the site in terms of the retention of the stone boundary wall and the landscaped frontage. Moreover, by cutting into the site, retaining the boundary wall and providing appropriate landscaping, the overall visual impact of the development will be reduced. The choice of materials will be important to ensure a contextual response to the surrounding built form and this will further assist in assimilating the development into the street scene. The submission indicates the use of brown brick for the block, this is not considered to be acceptable on the basis that the scheme should reflect the grey brown tones of the pennant stone in the locality. The materials for the block can be dealt with by a planning condition, however, overall the visual impact of the three storey block is considered to be acceptable in terms of its scale, design and response to the local context.

Turning to the residential element behind the block, this would be accessed via a widened access point in the north eastern corner of the site. The existing footpath along Llangyfelach Road will extend into the site to provide good connections to the wider locality. At the rear the development is two storey and made up of two detached dwellings, three pairs of semis and a block of four flats. Upon entering the site a dedicated visitor parking area is provided that is overlooked by the ground and first floor windows of the dwelling on plot 10. The properties are arranged around a central turning area with the parking provided in a combination of side drives and frontage parking.

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A dedicated parking area for the residential element of the three storey block is provided at the rear, which is overlooked by habitable room windows. All parking areas within the site are generally well overlooked.

Following comments from the Design and Conservation Team, some minor design changes have been made to the scheme including the introduction openings on one prominent corner unit (Plot 3) and alterations to the front elevation of the block of four flats to create a more vertical appearance. The housetypes are modern, but the simple duo-pitched roof design and modest scale will provide continuity with the residential character in the area. This continuity can be further enhanced by the choice of materials to match the colour and tones of local materials.

Overall it is considered that the scheme incorporates the principles of good design, the housetypes have been orientated and designed to address important views within the site, natural surveillance of the street is provided on key elevations and the provision of side parking has allowed dwellings to be pushed forward creating a sense of enclosure to the street scene. Overall it is considered that the proposal would not amount to an overdevelopment of the site, and provides a modern contextual response to its surroundings. In this respect the development would accord with UDP Policies EV1, EV2 and HC2 the design guide SPG.

Residential Amenity

The main body of the proposed three storey block would be sited some 1.5m from the side garden boundary of No. 690 Llangyfelach Road, whereas the staircase block would be sited directly on the boundary. The proximity of the building to this boundary, its overall mass and, in particular, the elevated level at which it would be sited in relation to this property would result in the occupiers of No. 690 experiencing significant physical overbearing impacts, mainly when within the rear garden. No. 690 is, however, within the applicant's ownership and the submission plans indicate that this property is proposed to be demolished and a tree lined landscaped area would be provided. In this respect a prior notification application for the demolition of the property has been submitted (REF: 2018/0110/PND) and is currently being considered by the Local Planning Authority. In view of the impact of the development upon the dwelling at 690 under normal circumstances the application would be recommended for refusal for this reason, however, as this property is within the applicant's control they have indicated their willingness to enter into a Section 106 planning obligation to prevent the property being used as a residential dwelling. This would ensure that the harmful impacts described above would not occur. The requirement to enter into a S106 planning obligation to achieve this aim is considered to be necessary, directly related to the development and reasonable in order to address the impacts identified above.

Cross section drawings have been submitted which indicate that the dwellings proposed on the northern side of the site would be at a similar level or lower than the properties to the north on Llangyfelach Road and Penlan Road.

Turning to the impacts upon No.688 Llangyfelach Road, the main body of the proposed three storey block would be sited some 7.7m from the side garden boundary of this property whereas the staircase block would be sited some 6.1m from the same boundary. This is considered to be an acceptable separation distance to ensure there would be no significant overbearing impacts to the occupiers of this property.

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The development is sited to the north of this property as such there would be no material overshadowing impacts to the garden or dwelling at No. 688.

Turning to the northern boundary, separation distances of over 10 meters are maintained from first floor habitable rooms of the dwellings on plots 9 & 10 to the side boundary No. 694. The flatted block on plot 8 is located near (<1m) to the south western corner boundary of No. 694, however, the block is single storey on this corner rising up to two storey some 3.5m from this corner as such there would be no significant overbearing and overshadowing impacts to the occupiers of this property. The oblique angle from the first floor windows of the block to the rear boundary of No. 694 would mean that there would be no significant overlooking and associated loss of privacy impacts to the occupiers of No. 694 when in their rear garden.

A back to back separation distance in excess of 21 metres would be maintained between the flatted block on plots 7&8 and the detached dwelling at No. 5 Penlan Road. A 10 metre separation distance would be maintained from first floor habitable room windows to the rear boundary of this property. As a result there would no significant overlooking or associated loss of privacy to the occupiers of this dwelling. The separation distances would also ensure there would be no significant physical overbearing or overshadowing impacts upon the occupiers of this property.

The western part of the flatted block on plots 7&8 is single storey and is sited partly behind the rear boundary of No. 9 Penlan Road rising up to two storey broadly on the south eastern corner boundary of this dwelling. The proximity of the flatted block to this garden boundary would result in some overbearing impacts to the occupiers when in their rear garden and would overshadow part of the garden in the late morning. Any significant impacts in this respect, however, would be mitigated by the siting of the two storey element at an oblique angle beyond the south eastern corner of the rear boundary. In terms of overlooking, the angle from the first floor windows of the block back towards to dwelling and garden of No. 9 Penlan Road would be oblique and would not result in any significant overlooking and associated loss of privacy impacts upon the occupiers of this property.

A separation distance in excess of 10 metres would be maintained between the first floor windows of the dwellings on plots 5 & 6 and the rear garden boundaries of Nos. 9 & 11 Penlan Road, back to back separation distances in excess of 21 metres would also be maintained between these existing properties and the proposed dwellings on plots 5 & 6 as such there would be no significant overbearing, overshadowing or overlooking impacts upon the occupiers of these properties. The considerable separation distance and orientation of the dwelling on plot No. 5 in relation to 15 Penlan Road would also mean there would be no significant residential amenity impacts upon the occupiers of this dwelling.

Turning to the living conditions of the future occupiers of the development, the dwellings have been designed to provide satisfactory levels of outlook and ventilation to habitable rooms. The private garden areas for the dwellings broadly accord with the design guide SPG which states that private amenity space serving new dwellings should be no smaller than the footprint of the dwellings they serve. There will be some overshadowing of the plots along the southern boundary from the deciduous trees on this boundary, however, this impact would not be so significant as to refuse planning permission for this reason alone and would be mitigated by the design of the dwellings which have large areas of glazing in the rear elevations which should allow adequate natural light into these properties.

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The introduction of a commercial use at the ground floor level within the three storey block will have the potential to result in noise and disturbance to neighbouring residential properties from the comings and goings of customers and service traffic together with noise from any associated plant and equipment. The application has been accompanied by a noise assessment to assess any impacts in this respect. In terms of plant noise, based on the measured background noise data on Llangyfelach Road, the assessment provides maximum plant noise limits which any plant at the site should be designed not to exceed at nearby existing and proposed properties. If the proposed scheme for plant adheres to these limits the assessment suggests the plant rating noise level will result in a 'difference' of 0+ decibels at the façade of the noise sensitive dwellings. A difference of +0 decibels is normally considered acceptable in planning terms and a British Standard 4142:2014 assessment. On this basis and having regard to the comments from the pollution control officer, it is recommended that a condition is imposed requiring details of the plant serving the commercial unit and that the plant should not exceed the levels specified within the noise assessment. This condition is necessary and reasonable to ensure the proposed plant would not result in any significant noise disturbance to existing residents and the future occupiers of the development.

In terms of delivery operation noise, deliveries, for the most part, will take place at the southern end of the site. The assessment lists a number of noise mitigation measures including the provision of a barrier between the commercial use and the nearest noise sensitive properties, various procedural mitigation measures to be applied during delivery operations, and restrictions of the hours of delivery to between 7am and 11pm. The assessment indicates that the delivery and unloading activities would have a low impact when considering the noise climate at the site, with particular reference to road traffic noise and when assessed to British Standard 4142:2014.

The Pollution Control officer has considered the contents of the noise assessment and has offered no objection to the application subject to conditions relating to plant noise, a delivery management plan and a restriction of delivery hours to between 8am and 10pm. These conditions are considered to be necessary to ensure the noise arising from the development would not result in any significant impacts upon neighbouring residents.

Having regard to the above, subject to conditions, to limit the hours of operation and delivery, to provide an acoustic barrier on the southern elevation, to restrict plant noise, and to provide a method statement to mitigate noise during delivery operations, it is considered that the development is unlikely to result in any significant noise impacts upon neighbouring residential properties and would therefore accord with UDP Policies EV2 and EV40.

Concerns have been raised regarding the potential for increased noise and disturbance from traffic noise during the construction phase. It is acknowledged there may be some additional noise and traffic impacts to local residents during the construction of a development of this scale, however, this would be for a temporary period only and can be mitigated through good site management practices. Any statutory nuisance would be dealt with under separate legislation. Therefore it is not considered that the construction phase or the operation phase when the dwellings are occupied, would result in any significant noise or disturbance to existing local residents that would warrant refusal of the application.

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Access and Highway Safety

The application has been accompanied by a Transport Statement which assesses this impact of the development on the local highway network.

The site currently has a single point of access off Llangyfelach Road. The proposed scheme has two points of access, one to serve the residential and one to serve the retail units in line with the Highways request to keep the two sites separately accessed. These will both operate as priority junctions.

The Highways officer has advised that a Section 278 Agreement will be required to construct the two new access points and in addition a new footway will be constructed along the site frontage under the same agreement. This will include tactile crossings across the bell-mouth accesses to allow for safe pedestrian movements. Should planning permission be granted an informative note will be included advising the developer of the requirement for a Section 278 Agreement.

The site is well served by public transport and is located in proximity to local amenities. No road traffic accidents have been recorded in the vicinity of the site between 2012 and 2016, the highways officer therefore considers there are no obvious existing highway safety issues in the immediate locality. Notwithstanding this, in view of the additional pedestrian and vehicular traffic being attracted to the site a S106 financial contribution will be necessary to fund traffic calming works on Penlan Road (measures have already been identified under a 'safe routes in the community initiative'). In addition to this a new pedestrian crossing will be necessary across Llangyfelach Road to the south of the site (approximately between numbers 680 and 684 Llangyfelach Road where there is an existing pedestrian access to the school). This will help to connect the site to areas to the south east and improve the safety of pedestrians wishing to travel to the new retail units without driving.

Parking provision in the main is provided at 2 spaces per residential unit and 7 spaces total for visitor use and these levels accord with the adopted standards. A reduction in the number of parking spaces has been applied, having regard to the sites proximity to shops and services.

Total Traffic movements are estimated at 57 vehicular trips in the morning peak and 67 vehicular trips in the afternoon peak hour. This is less than one car per minute in the peak hours. The site is also forecast to generate pedestrian, cycling, car sharing and public transport trips. The Highways officer considers the vehicular traffic arising from the development can be safely accommodated within the existing infrastructure notwithstanding the Section 106 contributions already identified which will go towards road safety and pedestrian improvements.

Autotrack runs have been submitted which indicate the site can be adequately serviced by a refuse or emergency vehicle and a hammerhead is included to facilitate this movement (on the residential element). For the retail use a small delivery area is available and the proposed layout allows the vehicles to access and leave in a forward gear thus reducing the impact on the freeflow of traffic along Llangyfelach Road.

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The Highways officer considers the internal site layout is acceptable in highway safety terms, however, it is not clear if the roads are proposed to be adopted by the Highway Authority. The roads within the site therefore will need to either be constructed under a Section 38 Agreement with the Highway Authority or remain privately maintained, which is an option open to developers as an alternative to having the roads adopted whereby a private management company would be responsible for the estate for its lifetime.

In light of the comments from the Highways officer it is considered that the proposed development can be accommodated at the site without resulting in any significant impacts upon highway safety. The development would therefore be in accordance with UDP Policies AS1, AS2, AS6, AS10 and HC2. Conditions are recommended in relation to the management of the roads, and for the parking layout to be implemented and retained for the lifetime of the development. Other requirements set out in the Highways officer's comments have been included as informative notes, with the exception of the requirement for a financial contribution of £66,000, which will be secured through a S106 planning obligation.

Ecology

The application has been accompanied by an 'Extended Phase 1 Habitat Survey' and a 'Climbing Inspection of Tree with regard to Potential for use by Bats'. These surveys have been considered by the Council's planning ecologist and NRW. Nesting birds are likely to be present during spring/summer months and appropriate mitigation measures are detailed within the Habitat Survey. There is Japanese knotweed on the site and to ensure this invasive plant is eradicated it is recommended that a condition is included for a method statement detailing a scheme of eradication, in the interests of the ecology of the area. In view of the presence of a water course at the southern boundary it is recommended that a Pollution Prevention Method Statement/Construction Environmental Management Plan is required by a condition. This requirement has also been requested by NRW. The Council's planning ecologist has noted the proposed landscaping scheme for the site would provide acceptable mitigation for the loss of trees at the site.

With regard to bats, the tree with 'moderate' bat potential identified within the Habitat Survey was surveyed, the inspection found no evidence for the use or likely use of the tree as a bat roost. However, NRW has advised that, in line with best practice guidelines, pruning or felling of all 'Low' bat potential trees should be carried out using 'soft felling' techniques, and then left on the ground for 48 hours. The ecological mitigation measures for the clearance of the site as set out within the ecological surveys can be secured by planning conditions.

In light of the above findings, and subject to conditions to implement the mitigation measure identified within the ecological surveys and a condition relating to the eradication of Japanese knotweed, the proposed development would not result in any significant ecological impacts and would therefore accord with UDP Policy EV2.

Drainage

The application has been accompanied by a Drainage Strategy. In terms of surface water drainage, the existing watercourse is proposed to be culverted and diverted along the new road alignment, much of the watercourse is currently culverted and this will allow for an upgrade to the culvert and will facilitate future access for maintenance should the need arise.

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Surface water from the development is proposed to be discharged to the watercourse via an attenuation system. The onsite watercourse network discharges to what appears to be Dwr Cymru Welsh Water (DCWW) apparatus in the pavement and highway, although the existing connection point has not been fully confirmed. The Council's drainage officer considers that conditions can be imposed to ensure the provision of an appropriately designed drainage system that has full regard to the existing site situation. This should ensure the development would not result the hydraulic overloading of the public sewerage system, should protect the health and safety of existing residents and should ensure no pollution of or detriment to the water environment.

Foul water would be discharged to the mains system and DCWW have confirmed foul flows from the proposed development can be accommodated within the public foul sewerage system. DCWW have offered no objection subject to a condition requiring that no surface water or land drainage shall connect with the public sewerage network.

Subject to conditions, therefore, it is considered the proposal would accord with UDP Policies EV33 and EV35.

Land Instability

The application site is partially located within a development high risk area for former coal mine workings. The application has been accompanied by a Geotechnical & Geo-Environmental Site Investigation Report. The report identifies there are mine entries on or near the site which pose a risk to both public safety and the stability of the proposed development. The report recommends intrusive site investigation works should be undertaken in order to establish the exact situation regarding the mine entries. Having regard to the recommendations within the Site Investigation Report the Coal Authority has recommended a condition requiring further site investigation works prior to commencement of development and in the event that the site investigations confirm the need for remedial works to treat the mine entry to ensure the safety and stability of the proposed development, conditions should also be imposed to ensure that any remedial works identified by the site investigation are undertaken prior to commencement of the development.

Subject to conditions, therefore, the development has had regard to potentially unstable land at the site and the development is therefore considered to be in accordance with UDP Policy EV39.

Land Contamination

Historically the site has been occupied by a series of buildings including, most recently, the Pines Country Club. The site investigation undertook leachate testing which found some levels of lead, zinc and polycyclic aromatic hydrocarbons (PAH) above their relevant EQS (environmental quality standard) guidelines. According to the report capping is to consist of the proposed buildings and hard standings. Garden and landscaped areas will be capped with 600mm of suitable clean imported subsoil/topsoil material. The Council's Pollution Control division is satisfied with the proposed remediation and this can be secured by condition. Subject to a condition therefore it is considered that the development has given full regard to land contamination at the site and would therefore accord with UDP Policy EV38.

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Section 106 Contribution Requests

HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations, which can enhance the quality of the development and enable proposals to go ahead which might otherwise be refused. Any proposed obligation must be: necessary, relevant to planning, directly related to the development, fair and reasonable in scale and kind to the proposed development and reasonable in all other respects.

In terms of open space/play provision, of the 28 units proposed, 18 units would be one bed flats, only 10 units would therefore potentially be occupied by families with children. In view of this low number, there is considered to be insufficient justification to request a financial contribution for upgrades to local play facilities. The Parks Department has not requested a financial contribution in this instance.

For the same reason and having regard to existing and projected capacity at local schools, there is not considered to be justification for financial contributions to local schools. The Education Department have not requested a financial contribution in this instance.

The Council's Housing officer has requested that a minimum of 30% affordable housing provision should be sought. The scheme will provide 28 new dwellings comprising 100% affordable housing on the site and will therefore exceed the provision required under UDP Policy H3. Notwithstanding this it will still be necessary to secure a Policy compliant 30% on site affordable housing provision for the lifetime of the development and this can be secured through a S106 planning obligation.

As indicated above, highways have requested £66,000 for upgrade works for safer routes to schools. This was also a requirement of the previous planning permission on the site for a new food store. There is still a need for highway upgrade works on what is a busy school route. Following discussions the applicant has agreed to fully fund the upgrade works and this can be secured by a S106 planning obligation.

As previously indicated the S106 agreement would also seek to secure the permanent cessation of the residential use of 690 Llangyfelach Road.

Other Matters

Concerns have been raised that the proposal would result in additional pollution from vehicles entering the site. The site is not within an defined Air Quality Management Area within the UDP as such there are no significant existing air quality issue at this time. Whilst the development will result in increased vehicle movements to and from the site, these would not be significant, given the relatively small size of the shops and the vast majority of customers would likely be drawn from the locality and would likely travel by foot or bike. There may also be an element of passing trade, however, these vehicles would already be passing the site and would not therefore significantly increase localised air pollution. On this basis and having regard to the scale of the development, concerns relating to local air quality carry little weight in the consideration of this planning application.

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Concerns have been raised in letters of objection that the sale of alcohol from the commercial units could result in anti-social behaviour in the area. The behaviour of individuals or groups is outside of planning controls. The units may serve alcohol and it will be the responsibility of the management of the retail premises to ensure that the sale of alcohol at the premises is undertaken in accordance with the relevant legislation and guidelines. This is not a planning matter.

Concerns have been raised relating to where construction workers would park. This would need to be agreed with the Highway Authority through the submission of a Construction Management Plan. An informative note will be included reminding the developer to contact the Highway Authority to discuss the provision of this information.

Concerns have been raised that betting shops and fast food outlets should not occupy the commercial units. The application details indicate that two A1 retail shops are proposed and the application has been considered on this basis. Should planning permission be granted, a further planning application would be required for a change of use of the units to a betting shop or fast food outlet. As this is outside the consideration of this application such concerns are given little weight.

Concerns have been raised that the traffic from the proposed development would have a detrimental impact on the community hall opposite the site. These concerns are considered to carry little weight. The supporting information confirms that the proposal would be acceptable from a highway safety perspective. Moreover, the provision of further housing and local shops may serve to enhance the local community and could increase the use of the public hall.

Conclusion

The proposal is for the re-development of this vacant brownfield site to provide a 100% affordable housing scheme with 28 new dwellings in a sustainable location and would provide two new shops to serve the local community. The development is considered to provide an appropriate design response in an area of mixed character that would have an acceptable impact on the character and appearance of the area. Moreover, the development would not result in any significant residential amenity impacts to neighbouring properties and is considered to be acceptable in parking and highway safety terms. Matters relating to ecology, land stability, land contamination and drainage have been given full consideration and, subject to conditions and the signing of a S106 agreement the development is considered to be acceptable in all respects. 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. For the above reasons, the proposal is considered to be in accordance with UDP policies and SPG and is accordingly recommended for approval.

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RECOMMENDATION

APPROVE subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of:

- A financial contribution of £66,000 to be used towards road safety/traffic calming in the area including the installation of a new pedestrian crossing across Llangyfelach Road.
- Not less than 30% of housing units on the site shall be affordable housing and shall be retained as such for the lifetime of the development.
- The cessation of the residential use at No. 690 Llangyfelach Road.
- Section 106 Management and Monitoring Fee - costs incurred against the management of the obligation based on 20% of the planning fee = £2,584.00

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 AS10, HC2, EV1 and HC17 of the City and County of Swansea Unitary Development Plan (November 2008).

- 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.13.65(0)002 REV C (Site Location & Site Plan), HG.13.65(0)063 REV B (Existing and Proposed Site Sections), HG.13.65(0)101 REV A (Plots 1 & 2 Ground Floor Plans), HG.13.65(0)103 REV A (Plots 1 & 2 Elevations), HG.13.65(0)104 REV A (Plots 1 & 2 Sections), HG.13.65(0)301 REV A (5 & 6 Ground Floor Plans), HG.13.65(0)302 REV A (5 & 6 First Floor Plans), HG.13.65(0)303 (Plots 5 & 6 Elevations), HG.13.65(0)304 REV A (Plots 5 & 6 Sections), HG.13.65(0)401 REV B (Plots 7 & 8 Ground and First Floor Plans), HG.13.65(0)501 REV A (Plot 9 Ground and First Floor Plans) HG.13.65(0)502 (Plot 9 Elevations), HG.13.65(0)503 REV A (Plot 9 Sections and Attic Plan), HG.13.65(0)55 REV B (Retail & Apartments Ground Floor Plan), HG.13.65(0)56 REV B (Retail & Apartments First Floor Plan) HG.13.65(0)57 REV B (Retail & Apartments Second Floor Plan), HG.13.65(0)58 REV C (Retail Apartments Elevations & Sections), HG.13.65(0)601 REV A (Plot 10 Ground and First Floor Plans), HG.13.65(0)602 (Plot 10 Elevations), HG.13.65(0)603 REV A (Plots 10 Sections and Attic Plan), received 1st December 2017. HG13.65(0) 102B (Plot 1 & 2 First Floor Plans), received 13th December 2017. HG.13.65 (0) 201 B (Plots 3 & 4 Ground Floor Plans), HG.13.65 203 B (Plots 3 & 4 Elevations), HG.13.65 (0) 204 B (Plots 3 & 4 Sections), received 24th January 2018. HG.13.65 (0) 402 C (Plots 7 & 8 Elevations), HG.13.65 (0) 50 T (Proposed Site Layout), HG.13.65 (0) 64 A (Proposed Site Sections), TDA.2359.01 (Detailed Soft Landscaping Proposals), received 26th January 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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3 Prior to the commencement of development, the following must have taken place to address the risk posed to the development from former coal mining features:

- a) A scheme for intrusive site investigations shall be submitted to the Local Planning Authority for approval.
- b) The approved scheme shall be undertaken and the findings of the investigation shall be reported to the Local Planning Authority for approval.
- c) A scheme of remedial works shall, where identified as necessary under b), shall be submitted to the Local Planning Authority for approval.
- d) The implementation of the works identified within c) and the submission of a validation report to the Local Planning Authority for approval to confirm the works, as approved, have been undertaken.

Reason: To ensure the can be made safe and stable for the proposed development.

4 No development shall take place until a detailed scheme for the eradication of Japanese Knotweed, including timescales, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

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

5 The landscaping of the site shall be provided in accordance with the details indicated on plan no. TDA.2359.01 Rev A (Details Soft Landscaping Proposals). 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 buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of providing a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the 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.

6 Notwithstanding the details indicated on plan no. TDA.2359.01 (Details Soft Landscaping Proposals), details of the planting and guarding around the trees and shrubs shall be submitted to and approved in writing by the Local Planning Authority prior to the planting of any trees or shrubs approved under condition 5. The landscaping scheme shall be carried out in accordance with the approved details.

Reason: In the interests of providing a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the 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.

7 A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of any of the dwellings on the site. The landscape management plan shall be carried out as approved for the lifetime of the development.

Reason: In the interest of protecting visual amenity and the qualities of the area.

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- 8 Prior to the construction of the dwellings hereby approved details of the materials to be used in the construction of the external surfaces of the development, including the retaining walls for the commercial car park, 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 a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 9 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.
- details of discharge to the onsite watercourse at a rate no greater than 10l/s
- confirmation by way of a CCTV/Trace Survey illustrating the existing and proposed culvert connection points offsite

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 as approved for the lifetime of the development. Other than that approved no further surface water or land drainage shall be allowed to connect to the public sewerage system.

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.

- 10 Prior to any superstructure works commencing, the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of an acoustic screen along part of the southern boundary as indicated on Plan No. HG.13.65 (0) 50 T (Proposed Site Layout). The boundary treatment shall be completed as approved before the development hereby approved is occupied and shall thereafter be retained as such for the lifetime of the development.

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

- 11 The site shall be remediated in accordance with the Mitigation and Remedial Measures set out within Section 7.3 of the Geotechnical & Geo-Environmental Site Investigation Report prepared by Terrafirma.

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

- 12 If, during the course of development, contamination not previously identified is found to be present at the site no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a detailed strategy for dealing with said contamination.

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

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- 13 No development approved by this permission shall be commenced until a pollution prevention management plan 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. The development shall be implemented in accordance with the approved management plan.

Reason: In the interests of pollution prevention and to protect the environment.

- 14 The tree protection measures, as indicated within the Arboricultural Report prepared by ArbTS shall be put in place prior to the commencement of any clearance works or development and shall be retained as approved throughout the construction phase of the development.

Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape and biodiversity of the site and surrounding area.

- 15 The clearance of vegetation at the site shall be in accordance with the methodologies provided at Sections 5.4 and 5.5 of the 'Extended Phase 1 Habitat Survey' prepared by Soltysbrewster Ecology save for the felling of any trees at the site which shall also be in accordance with the method statement provided in Section 5.3 of the 'Extended Phase 1 Habitat Survey' prepared by Soltysbrewster Ecology and, in relation to the horse chestnut T742, in accordance with the method statement provided in Section 4.3 of the 'Climbing Inspection of Tree with Regard to Potential for use by Bats' prepared by Clarke Webb Ecology Limited.

Reason: To ensure the method of vegetation clearance has regard to the potential for reptiles and birds to be at the site and to ensure the felling has regard to the potential for bats to be within the trees.

- 16 Prior to the commencement of any superstructure works on the three storey block, construction details for the residential flats within the block, the construction details shall meet the requirements for external wall construction, roof construction, window construction and ventilation as advised within the Noise Impact Assessment prepared by Acoustic Consultants Ltd. 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 protect the residential amenity of the future occupiers of the development.

- 17 Prior to the beneficial use commencing a scheme for the proposed plant serving the commercial uses to the local planning authority to ensure that the plant noise rating level, L_{Ar}, Tr, including any character correction shall not exceed the following (as set out within the Noise Impact Assessment prepared by Acoustic Consultants Ltd):

46dB L_{Ar}, Tr 07:00 - 19:00

39dB L_{Ar}, Tr 19:00 - 23:00

27dB L_{Ar}, Tr 23:00 - 07:00

shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To ensure plant noise would not be detrimental to the living conditions of existing or proposed residents.

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- 18 Prior to the beneficial use commencing for the commercial units, a Delivery Operation Noise Management Plan which shall have regard to the mitigation proposals set out within the Noise Impact Assessment prepared by Acoustic Consultants Ltd. shall be submitted to and approved in writing by the Local Planning Authority. The development shall at all times be operated in accordance with the approved noise management plan.
Reason: To ensure deliveries would not be detrimental to the living conditions of existing or proposed residents.
- 19 Customers are not permitted on the retail premises outside the hours of 07:00am to 10:00pm on any day. Deliveries to the commercial units shall only take place between the hours of 08:00am and 10:00pm on any day.
Reason: To protect the amenities of the occupiers of nearby dwelling houses.
- 20 The larger (342sqm) retail unit hereby approved shall be occupied as a single supermarket food store only.
Reason: Unrestricted A1 retail floorspace in this out of centre local would be detrimental to the vitality, viability and attractiveness of local shopping centres including the city centre.
- 21 No superstructure works 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.
Reason: To ensure the roads are maintained to a satisfactory standard in the interests of highway safety.
- 22 The parking areas as indicated on Plan No. HG.13.65 (0) 50 T (Proposed Site Layout) shall be laid out in accordance with the approved plans (including the requirement to provide and retain visitor spaces as indicated) and shall be retained for the parking of vehicles only in associated with the development hereby approved for the lifetime of the development.
Reason: To provide satisfactory parking provision to serve the development in the interests of highway safety.
- 23 Prior to any superstructure works commencing on the development hereby approved the following further details shall be submitted to and approved in writing by the Local Planning Authority.
- Bin and bike storage details for the commercial units
 - Plan, elevation and cross section drawings for the proposed shopfronts at a scale of 1:50
- The development shall be completed in accordance with the approved details and shall be retained as approved for the lifetime of the development.
- Reason: To ensure the details are satisfactory in the interests of visual amenity.

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24 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.

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: AS1 (New Development Proposals), AS2 (Design and Layout), AS6 (Parking), AS10 (Traffic Management and Highway Safety), EC4 (New Retail Development), EC6 (Local Shopping Centres and Neighbourhood Facilities), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV30 (Trees, Woodland and Hedgerow Protection), EV33 (Sewage Disposal), EV35 (Surface Water Run-Off), EV38 (Contaminated Land), EV39 (Land Instability), EV40 (Air, Noise and Light Pollution), HC2 (Urban Infill Development), HC3 (Affordable Housing), HC17 (Planning Obligations), HC24 (Play Areas/Public Open Space).

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

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

3 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by 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.

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- 4 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.

- 5 The new bellmouth accesses and associated new footway and pedestrian crossings on Llangyfelach Road will need to be constructed to Highways Authority Standards and Specification under a Section 278 Agreement with the Highways Authority.

- 6 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.

- 7 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

- 8 Note 3 - Retaining Wall Informative

Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height.

Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.

- 9 All front boundaries to be kept below 1m in the interests of visibility.

- 10 Any topsoil [natural or manufactured], or subsoil, to be imported shall be assessed for chemical or other potential contaminants in accordance with the relevant Codes of Practice and Guidance Notes relating to soil importation.

- 11 We note the proposed onsite watercourse diversionary works to enable the development, please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses.

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Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues. The survey needed for Condition 4 will also be needed for the Land Drainage Act consent application to pick up all and any existing watercourse structures to ascertain whether there is any retaining structures/weirs etc. which may affect the current and proposed flow regimes.

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ITEM 2 (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).

SITE HISTORY

| App Number | Proposal | Status | Decision Date |
|-------------------|--|---------------|----------------------|
| 2017/2360/OUT | Detached dwelling (outline) | PDE | |
| 2008/1309 | Detached dwelling with detached garage | REF | 06.08.2008 |
| 2007/1169 | Detached dwelling | REF | 11.09.2007 |

RESPONSE TO CONSULTATIONS

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

TWO LETTERS OF OBJECTION has been submitted, the comments of which are outlined below;

This application for outline planning permission is very bare of details with regard to the proposed building, though with the limited information it contains, it is obvious that the design of the build will not be sympathetic, unstated and unannounced in blending in with the existing neighbouring properties. It will stand out as a wedged-in new build.

A Planning Statement was attached to the submitted planning application, apart from the many errors, the Planning Statement quoted 'cheery picked' paragraphs from Planning Policy Wales (9th Edition) (Nov 2016). The quoted paragraph, 9.2.22 states that 'sensitive filling in of small gaps or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable'. However, the stated proposed new property, a dormer style bungalow, does not seem to be either affordable or for local need.

One of the reasons that contributed to the refusal of the previous application was traffic and that issue is suggested, now to be of greater importance than it previously was. The volume of traffic using Cefn Styllle has grown quite significantly in the years since the previous planning application was refused. It should be noted that while the local speed limits on Cefn Styllle Road is 30 mph, the actual mean speed of vehicles using the road is closer to 40 mph, so any design elements of the proposed property that have used 30 mph as a factor, are very much, meaningless.

The proposed soakaway for the disposal of surface water would add yet another problem to a road which already has difficulty with excess water drainage.

The proposed dwelling will certainly be seen from the road and public footpath and its siting at this position will be considered to be unsympathetic, again marring the beauty of what is an attractive rural setting.

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ITEM 2 (CONT'D)

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A letter has also been received from the applicant, the comments of which are repeated below;

In response to the objection from Miss P James. At this moment the entrance and exit mentioned as a concern is used daily by ourselves, and the traffic at any given time is of no inconvenience. I would like to draw your attention to the fact that the proposed dwelling will NOT require another exit/entrance, as it will be using the existing entrance as is used daily.

The alteration would be that Number 44 will be using their already existing entrance/exit in Llwynmawr Lane, as they have the choice of both at the moment.

With reference to the outline planning application, I note the term used as "plonked " in the landscape . We aim to keep the proposed dwelling in character and symmetry with the existing dwellings.

Rights of Way Officer - The public footpath Lluchwr 47 runs adjacent to the site. This must be protected

Welsh Water - Standard condition and informatives recommended

Gowerton Community Council - No objection to this initial outline application.

Drainage Officer -

We have reviewed the submitted application and based on the information included must recommend that it be withdrawn or deferred. The application has not included any information on how the development will be drained, presuming soakaways are intended as there does not appear to be any other option, the results of infiltration tests carried out in strict accordance with BRE Digest 365 2016 are required, however Penclawdd is an area where infiltration drainage is very difficult to achieve due to the clayey soil type.

APPRAISAL

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

Outline planning permission is sought for the construction of a detached dwelling at land which is part of 44 Cefn Style Road. All matters except for access and layout are reserved for future consideration. The scale parameters relating to the proposed building are 5.2 - 6.2m (height).

Cefn Style Road is located within the open countryside as defined by the Unitary Development Plan's Proposals Map and is some 0.8km from the western edge of Gowerton. The site currently forms part of a residential curtilage serving 44 Cefn Style Road. The proposed dwelling will be served by means of the existing access from Cefn Style Road (although this will be widened). The proposals along show the provision of a footway along the site's frontage with Cefn Style Road.

44 Cefn Style Road and its remaining curtilage will use the existing access off Llwynmawr Lane.

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ITEM 2 (CONT'D)

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History

Two planning applications for detached dwellings at the site (2007/1169 and 2008/1309) have previously been refused consent. The 2007/1169 application was dismissed at appeal due to issues relating to lack of parking provision and incidental implications on highway safety.

The second application (2008/1309) was refused due to the development constituting unjustified development within the open countryside where no relevant justification had been demonstrated, the development was considered to result in ribbon development along this rural lane which would represent sporadic form of urbanising development that would detract from the open countryside. The application was also considered to represent a precedent for the consideration of other proposals of a similar nature and the dwelling due to its form and design was considered to introduce an incongruous building. The second application was not subject to an appeal.

Main Issues

The main issues to be considered are the impact of the proposed residential development on this site and the surrounding landscape and environment having regard to the prevailing policies of the Unitary Development Plan and national planning policy guidance, which seek to protect the countryside from inappropriate urban encroachment, and conserve and enhance the character and quality of the countryside. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

Principle of Development

The application site is located within a row of dwellings situated along Cefn Styfle Road, identified on the UDP's Proposals Map as falling outside the defined settlement limits of nearby Gowerton and Penclawdd, and hence is within the countryside. Policy EV22 of the UDP dictates that the countryside will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural, environment and agricultural and recreational value through the control of development. Within the countryside, Policy EV20 of the UDP allows for new dwellings providing the dwelling is required to accommodate a full time worker employed in agriculture, forestry or an appropriate use to serve the rural economy who needs to live on the premises rather than a nearby settlement and there is no alternative existing dwelling available in nearby settlements.

However, it should be noted that Planning Policy Wales states in para 9.2.22 the following;

"Many parts of the countryside have isolated groups of dwellings. Sensitive filling in of small gaps, or minor extensions to such groups, in particular for affordable housing to meet local need, may be acceptable, but much depends upon the character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages."

It also states within para 9.3.2 of PPW that;

"Significant incremental expansion of housing in rural settlements and small towns should be avoided where this is likely to result in unacceptable expansion of travel demand to urban centres and where travel needs are unlikely to be well served by public transport."

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It is accepted that the proposal is contrary to Policy EV20 as it relates to the proposed erection of a new dwelling within the designated countryside which is not to be occupied by an agricultural, forestry or rural enterprise worker. The application was consequently advertised as a 'departure' application for this reason.

However, it is considered that notwithstanding the proposal being contrary to UDP Policy EV20, the proposal does comply with para 9.2.22 of PPW. The proposal is considered to represent a sensitive filling in of this small gap of this section of Cefn Styfle Road without detracting from the character of the area or the local pattern of development. It is also considered that the site - being only 0.8km from the western edge of Gowerton - has easy and close access to Gowerton and the various services that it provides, and hence is considered to be in a sustainable location. This issue is discussed in more detail later in the 'Sustainability' section of this report.

A recent appeal relating to the erection of a dwelling on land at 14 Cefn Styfle Road (2016/3620/OUT) is also of relevance and a material planning consideration in the determination of this application. The circumstances of that proposal - insofar as they relate to the principle of development - are very similar to the application subject of this report.

14 Cefn Styfle Road is only some 170m from the application site, also falls within the open countryside but also constitutes an infill plot within a largely built-up frontage. In allowing the appeal relating to 14 Cefn Styfle Road, the appeal Inspector took the view that as the proposal complied with 9.2.22 of PPW, it should be allowed.

Consequently, given that it is considered that the proposal complies with 9.2.22 of PPW and given the appeal decision relating to 14 Cefn Styfle Road, it is considered to be futile to attempt to resist the principle of the proposal on the grounds that it is a technical departure from the UDP.

Visual Amenity

Given the site is surrounded by residential dwellings and that the development would form part of a much wider residential frontage, it is considered that a suitably designed dwelling would be visually acceptable in this location. Having regard to the established pattern of development within the area it is considered that the proposed dwelling could be designed to represent a sensitive form of infill development.

The layout of the dwelling proposed is considered to be acceptable and does not result in either a cramped or overintensive form of development. The dwelling is also not considered to cause any issues in terms of any harmful impact on the existing building line. Therefore, subject to the design of the proposed dwelling being considered at reserved matters stage, no material harm would be caused to the character and appearance of the countryside and as such the proposals would not be considered to conflict with Policy EV22 of the Unitary Development Plan.

Residential Amenity

In terms of overbearance and overshadowing, the dwelling is not considered to cause any issues given its sympathetic siting relative to the neighbouring properties.

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In terms of overlooking, the details with regards to the fenestration positioning will need to be submitted as part of any reserved matters application relating to appearance. The issue of overlooking would be considered in detail at that point.

Sustainability

The site is located within relatively close proximity of the village of Gowerton which has numerous public and commercial facilities. Furthermore, it is located within a short walk of a frequent bus service to Gowerton that provides for a connection to a nationwide rail service and is also located within a short distance from a principal cycle route into Swansea. Therefore, on this basis it is not considered that the site represents an unsustainable location, having regard to the proximity of day to day facilities and services as well as available modes of transport. Therefore, the proposed site is considered to be within reasonable distance of a nearby urban centre and as such complies with national planning policy. These benefits were also highlighted by the Inspector in relation to the appeal for the land adjacent to No.14 Cefn Styfle Road.

Drainage

The Council's Drainage Officer has requested that infiltration tests are carried out to assess the potential of soakaways being suitable to serve the proposal, prior to the determination of the application. However, it is considered that this matter can be adequately addressed by means of a suitably worded planning condition.

The Council's Drainage Officer objected to the 2016/3620/OUT application (relating to 14 Cefn Styfle Road, discussed above) on drainage grounds, which formed a reason for the reason of that application. However, in allowing the 2016/3620/OUT appeal, the Inspector stated in his decision notice that there had been no cogent evidence provided by the Drainage Officer to support such an objection, and hence he saw no reason why the matter could not be dealt with by means of the imposition of a suitably worded planning condition.

Given this context and the similarities between the current proposal and the proposal at 14 Cefn Styfle Road, it would be considered to be futile and unreasonable to request infiltration tests to be submitted prior to the determination of the application. Standard drainage conditions are however recommended.

Highway Considerations

The Head of Transportation and Engineering has raised no highway objection to the proposal subject to;

1. The construction of a widened vehicular crossing to Highway Authority Specification.
2. The provision of adequate drainage facilities within the site to ensure that surface water does not flow out onto the highway.
3. The formation of a formal footway along the Cefn Styfle Road boundary to Highway Authority Standards and Specification.
4. Adequate parking and turning within the curtilage to allow access/egress in a forward gear
5. The front boundary (along Cefn Styfle Road) to be kept below 1m in the interests of highway safety.

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The proposal shows the creation of a widened access onto Cefn Styfle Road which is considered to be acceptable. These works will require the developer to also get the necessary consents from the Highways Dept. Issues relating to site drainage and the provision of a section of footway (already shown on the submitted drawings) will be addressed by means of adequately worded conditions. The layout drawings are considered to show that the proposed site layout makes adequate provision for both site parking and vehicular parking. Details of future boundary treatments will be addressed by means of a condition.

In summary, the highway network serving the site is considered to be acceptable to serve the proposed dwelling, as are the proposed access and parking arrangements.

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 nature conservation.

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

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

Water Quality

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

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

As the consents in question have already been subject to a full assessment (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

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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).

Response to Objection Letters

The points of objection relating to the impact of the proposal on visual and residential amenity are addressed above within the main context of the report.

Whilst it is acknowledged that the agent has included a paragraph from Planning Policy Wales which refers to affordable housing and housing for local need, it is not stated anywhere within the supporting documentation that the proposals are for affordable housing or local need purposes. Therefore, it is considered that this paragraph has just been included to emphasis a wider point.

The points of highway and drainage related objections are addressed above.

Conclusion

Therefore, whilst it is noted that there is a conflict between the proposed dwelling and the approach to dwellings in the countryside set within the adopted Unitary Development Plan, it is considered that the proposed development is justified having regard to the provisions of national policy. Given the minor nature of development relative to the wider residential frontage as well as the sustainability credentials of the scheme, it is considered that the development would represent an acceptable infill development in this instance. The following recommendation is therefore made.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 Details of the appearance, landscaping, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.

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- 7 Prior to the construction of the dwellinghouse a plan indicating the positions, heights, design, materials and type of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed as approved before the dwelling hereby approved is occupied and shall thereafter be retained as such.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 8 Prior to the beneficial occupation of the dwelling hereby approved, the proposed section of footway to be provided along Cefn Styfle Road (as shown on the approved drawing) shall be fully constructed in accordance with details to be first submitted to and agreed in writing by the Local Planning Authority. This section of new footway shall be retained as such thereafter.
Reason: In the interests of pedestrian/highway safety.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any order revoking or amending that order), Class B of Part 1 of Schedule 2 shall not apply.
Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times.

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: Policies EV1, EV2, EV20 and EV22 of the Unitary Development Plan.
- 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 applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

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ITEM 2 (CONT'D)

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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.

- 4 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email networkmanagement@swansea.gov.uk or telephone 01792 636091.
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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 - 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 - 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)

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 - EC2 - SA1 Swansea Waterfront

Development within the SA1 Swansea Waterfront defined area shall accord with specific criteria. (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 - 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)

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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 - 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)

SITE HISTORY

| App Number | Proposal | Status | Decision Date |
|---------------|---|--------|---------------|
| 2017/2511/FUL | Construction of 25 residential units (16 three storey townhouses houses, a three storey block of 6 apartments and 3 'flats over garages') with associated access, parking, refuse / cycle storage and landscaping works | PDE | |

Pre-application Consultation Report

The Welsh Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to be accompanied by a pre-application consultation report (PAC). The submitted PAC report has outlined the pre-application consultations undertaken including contacting interested parties and the provision of the information on a website.

RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. ONE LETTER OF OBJECTION / COMMENT was received making the following comments:

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ITEM 3 (CONT'D)

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1. The intended use of the steps / pathway could result in a potential risk to the security of that side of our fence as it has in the past been a point of entry for intruders before it was blocked off.
2. Is the development considered as private, social housing or a combination and to what degree?
3. The adjacent Cambrian Boat Sales operates a crane and other plant on the site. They can be in operation between 0800 and 1700 up to six days a week and potentially on occasions on Sundays as well although it is unusual that they would run all day and there are concerns that potential purchasers / occupiers may take it to complain about noise from the site affecting the operation of the boat yard.

ONE LETTER OF SUPPORT making the following comments:

1. It is wonderful to see properties intended for this area that have reasonable gardens to give families a realistically usable amount of outdoor space. It's vital for good health, especially with homes sized for families with children, that there is outdoor space and for anyone with young children, balconies and terraces just cannot safely serve this purpose.

Dwr Cymru Welsh Water - foul flows only from the proposed development can be accommodated within the public sewerage system. We also acknowledge that the development would propose to dispose of surface water flows into a private sewerage network which was installed by Welsh Government and discharges to the nearby docks. We offer no objection to these proposals.

Natural Resources Wales -

Land Contamination - as highlighted within our pre-application consultation response we have significant concerns with the proposed development in respect of land contamination. We recommend that you should only grant planning permission subject to the inclusion of appropriate conditions. We note that there are historical land uses, which may have caused pollution on the site and although, a preliminary risk assessment has been provided and a site investigation has been undertaken, we consider that the risk from piling has not been recognised and needs further consideration.

Pollution Prevention

The biggest risk from a pollution viewpoint, occurs during construction. The developer should therefore plan the works carefully, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). Best practice would be for the developer to produce a method statement detailing all necessary pollution prevention measures for the construction phase of the development.

Glamorgan Gwent Archaeological Trust - The proposal will require archaeological mitigation.

Our information shows that there are a number of archaeological features recorded from historic mapping, which archaeological work nearby has shown to be extant and buried. These are primarily industrial, and include the Tennant Canal, associated post-medieval settlement, activity relating to the Prince of Wales Dock, and other features of earlier date which include a buried peat shelf of likely Bronze Age date.

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The impact on the buried archaeology will require mitigation and the likely causes of impact will be works for foundations and services installation including sewer provision. We therefore recommend that a condition should be attached to any consent to ensure appropriate mitigation.

The applicant should be required to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of work would be an archaeological watching brief during any ground disturbing work, including geotechnical and test pitting, identifying any elements of the proposals which may also need to be hand-dug by archaeologists, which will also ensure that a targeted programme of work can be facilitated, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

Designing Out Crime Officer - makes a number of observations for the Secured by Design (SBD) Award to be made for this development, which it is required to achieve to meet the Development Quality Requirements (DQR) for social housing.

Council's Drainage Engineer - has no objection to the proposals and recommends a surface water drainage condition to ensure an appropriately designed scheme is constructed.

Council's Pollution Control Officer -

Contaminated Land:

Agree with the submitted Geo-Environmental and Geo-Technical Assessment for the capping of external areas as remediation for the elevated concentrations; this layer would be a minimum of 600mm of clean soil with a suitable geotextile membrane at the base of the cover layer.

Hazardous Ground Gas Assessment:

Given the content of the Addendum Report, a condition should be imposed for gas protection for the buildings on site in accordance with BS8485:2015.

Highway Authority Observations -

Highways were consulted as part of the PAC process (Ref:2017/0960/PRE) and the following comments made which have not been actioned by the developer. As such I am not in a position to support the development as the pedestrian provision is poor. Comments made at that time have partially been taken into consideration.

The principle of a residential use has already been established at the site under the outline application for the development of SA1. In terms of layout it is considered that the flats are still not well served in terms of pedestrian accessibility as the sole access is through the car park. The parking is clumped together and again would I foresee difficulty for pedestrians or anyone with a pram/wheelchair to negotiate through the parking area to access the dwellings.

The layout is such that we would not adopt it. Details should be provided as to the proposed maintenance agreements / private management company.

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Access to the pedestrian link on the adjacent site needs more detailing as it not clear how this is linked and this link is relied on to get sufficient numbers to allow the parking standards to be reduced? Further explanation of how this will work. It is also not clear as to the destination of the pedestrian link shown on the east side of the site?

I would suggest that the bin store and cycle storage are wholly inadequate for the level of development proposed. This should be looked at again.

I cannot see any reference to boundary treatments but the site plan should be annotated to show that the boundary wall on Langdon Road should be a maximum of 1m in the interests of visibility. Visibility at the main access is acceptable and the parking levels are appropriate, visitor spaces will need to be clearly marked out. Main access to the site will need to be implemented under a section 278 agreement with the Highway Authority and the construction method statement will be requested by condition.

Description

The application seeks full planning permission for residential development of 25 units comprising of 16 three storey town houses along the Langdon Road frontage, a three storey block of 6 apartments and 3 two storey 'flats over garages' to the rear with associated vehicular and pedestrian access, car parking, landscaping and associated works at SA1 Swansea Waterfront, Swansea. The site is located between the northern side of Langdon Road and Fabian Way and comprises land incorporated within Plot E3b of the SA1 Swansea Waterfront Masterplan. The adjoining site to the west on Plot E2 / E3a is currently under construction for a residential development with the Cambrian Boat Yard located to the east.

The application site is a cleared site and has been regraded to form a development platform with a site area of 0.50 hectares. The graded site has a general fall of approx. 2 metres from the rear down onto Langdon Road and the level change across the site would be absorbed across the site, whilst the site is also slightly elevated above the frontage onto Fabian Way (approx. 2 metres) and the existing retaining wall structure at the back edge of the highway will be retained. The existing redundant underpass structure and abutments along the eastern boundary will be removed and the land regraded to form a landscaped area. There is an existing Dwr Cymru Welsh Asset (combined Trunk sewer) which runs along the eastern boundary (underneath the underpass) which requires a 9 metre easement.

The general layout concept has been designed to respond to the form of recent built and approved developments along the southern and northern sides of Langdon Road with the provision of frontage development to Langdon Road with a central access around a communal courtyard with the rear elevation of the apartments to the rear looking over Fabian Way. In this respect the scale, form and layout is similar to that approved on the adjacent plot - E2 /E3a. The site will have a vehicular access point from the existing access road off Langdon Road. As indicated the townhouses are designed to provide a strong street frontage to Langdon Road with the apartments to the rear accessed from the communal courtyard. The respective blocks will look over a central courtyard car parking area with centrally placed refuse and recycling facilities. The primary materials would comprise of facing brickwork, grey aluminium windows and slate roof tiles. A total of 51 car parking spaces (general per two per dwelling with 1 per flat) are proposed including 10 visitor spaces. Full details of the application are as per the accompanying plans and design and access statement.

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Main Issues

The main issues for consideration in this instance relate to whether the proposed development at this location, having regard to the prevailing Development Plan Policies, is an acceptable form of residential development in terms of the layout, design and visual impact of the proposal. In addition, consideration is given to the impact of the proposed development on the character, appearance and relationship to the surrounding area, including residential amenity. Other considerations include affordable housing, highway safety, drainage, ground contamination and archaeology.

Development Plan Policy

The outline planning permission under Ref:2002/1000 for the mixed use development at SA1 Swansea Waterfront established the principles of the development through the Development Framework and Land Use Masterplan. A significant proportion of the SA1 Swansea Waterfront infrastructures together with a significant number of buildings have been completed in accordance with the original outline planning permission. The permission was varied under ref:2008/0996 which essentially sought to allow changes for the timing of the programme of phasing, for a review of the approved Land Use Masterplan and the Design and Development Framework to take place at appropriate intervals and also to allow for a revision to be made to the total development capacities for SA1 and for the capacity levels to be set by an addendum Environmental Statement. Condition 2 of the Section 73 permission indicates that the development shall accord with the SA1 Swansea Waterfront Masterplan presented as Figure A2.1 within the Addendum Environmental Statement (April, 2010) and that any departures from the Masterplan will be considered on its merits having specific regard to the provisions of UDP EC2 and other related policy. UDP Policy EC2 provides further support for the principle of a major redevelopment area at SA1 for a mixed employment and residential development together with supporting leisure, tourism, community uses and ancillary services.

The SA1 Masterplan was amended further under the more recent Section 73 application approved under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart. The area of greatest change would be centred around the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter. This area will incorporate the majority of the University's facilities with a range of complimentary uses. It should be noted, however, that this proposed 2015 masterplan seeks only to change those parts of the 2010 masterplan that have been acquired by UWTSD in order to deliver the 'Innovation Quarter'. The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref:2008/0996.

The approved Swansea Waterfront masterplan (Figure A2.1) indicates that Plot E3b is allocated for residential purposes and is therefore acceptable in principle in land use and the scale of the three storey townhouses along the Langdon Road frontage would be appropriate in general scale and massing terms. Moreover, the site is part of the housing land allocation in SA1 Swansea Waterfront under for Policy HC1.

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Affordable Housing

The need for affordable housing is a material planning consideration and UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/ accessibility terms and where this is not ruled out by exceptional development costs. The Council's Planning Obligations Supplementary Planning Guidance (SPG) augments Policy HC3 and provides clarification on use, expectations and procedures and indicates that the Council will normally expect that 25 - 30% of all dwellings will be affordable housing.

However, in respect to the SA1 Swansea Waterfront mixed use development area, the Section 106 Planning Obligation completed in August, 2003 under the original outline planning permission 2002/1000 requires a phased programme of affordable housing up to a total of 10% of the total number of residential units within the Development. The completed residential development to date has been in accordance with this requirement, albeit the approved developments have not all incorporated a planning restriction to this effect and have been reliant on the Registered Social Landlords (RSL) developments to meet this requirement. This has been a deliberate policy objective in order to allow the private market housing to achieve a higher design quality.

It is considered appropriate that this current proposal makes a 10% affordable housing provision in accordance with the SA1 Swansea Waterfront Section 106 Planning Obligation requirement rather than the Council's Planning Obligations Supplementary Planning Guidance (SPG) which would normally expect that 25 - 30% of all dwellings will be affordable housing. This position would be consistent with the decision to provide 10% affordable housing on the adjacent development plots, namely on Plots D8 / E1 (ref:2015/0030), the approved development on Plot E2 / E3a (Ref:2015/1107) and Plot D7 (ref:2016/0692). Securing a 10% affordable housing provision would contribute to the delivery of the phased programme of the overall affordable housing provision within the SA1 development and would accord with the aspirations of Policy HC3 which seeks to negotiate the inclusion of an appropriate element of affordable housing and it is appropriate that this is tied to the planning permission via a Section 106 Planning Obligation.

Urban Design

In considering the specifics of the scheme, Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design whilst Policy EV2 states that the siting of new development should give preference to the use of previously developed land over greenfield sites and should have regard to the physical character and topography of the site and surroundings by meeting specified criteria relating to siting and location.

Within the context of the overall development, the proposal further strengthens the approach to this eastern area of SA1 providing contemporary sustainable models of family housing. The general layout concept comprising two parallel blocks with a primary frontage onto Langdon Road around a central parking courtyard is welcomed. The scale of development will create a sense of enclosure to the courtyard, at the same time as providing natural surveillance of the parking areas whilst providing an element of frontage when viewed from Fabian Way.

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The three storey scale of the development frontage is appropriate to the context of the overall SA1 development, whilst creating a strong frontage onto Langdon Road which is enlivened by front doors and double height windows. The townhouses would be set back off Langdon Road with modest front gardens with the front boundary treatment consisting of a low level (1000mm) black galvanised steel railings which will provide a clear definition between public and private ownership. This approach would strengthen Langdon Road as an active residential street with a domestic character as opposed to the more formal and commercial character which can be found at the western end. The rear northern boundary would be enclosed with an 1800mm high living 'green wall' mesh enclosure on top of the existing retaining wall structure.

The design of the access road will avoid extensive areas of tarmac with grey concrete setts to the central turning area in order to visually reduce the perception of a car dominated environment, with the use of appropriate concrete sett paving to the car parking areas around the periphery of the courtyard. The precise material and detailing can be secured and control through suitable planning conditions.

The proposed palette of materials consisting of predominantly brick would be in line with the wider SA1 development, and would provide a sense of place in keeping with the 'dockland' character whilst responding to the contemporary nature of the wider SA1 development. The elevations indicate the provision of sections of brick patterning detailing throughout the scheme in order to add relief and enliven the elevations and again the precise palette of materials and detailing can be addressed via a planning condition. Overall, the design of the development is appropriate to its context and would provide a good mix of building forms with well-articulated elements.

Further relevant criteria of Policy EV1 is that new development does not result in a significant detrimental impact on local amenity in terms of visual impact, loss of light or privacy, disturbance and traffic movements. In this respect it is considered that the size and design of the development proposed would not unacceptably impact on any existing residential development within SA1. Moreover it is considered that the approved SA1 Masterplan provides sufficient comfort that the current proposal can be successfully integrated into the scheme as a whole without undue detriment to future occupants. In terms of future occupants within the development itself, it is considered that that the design and layout is such that the proposal would result in a good standard of residential amenity. Overall the proposed development is considered to be of an acceptable standard of design that would fulfil the design objectives for sustainability, sense of place and community. The contemporary design approach is well-suited to its SA1 context. Having regard to the foregoing, it is considered that proposal is in accordance with the requirements of UDP Policy EV1.

Furthermore, as per the provisions of Policy EV2 the site utilises previously developed land and the nature of the development is such that it would not result in conflict with the criteria forming part of that policy.

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Policy EV3 of the UDP requires new development proposals to provide access and facilities for all; provide satisfactory parking in accordance with Council adopted design standards; contribute to a high quality public realm by improving pedestrian linkages with adjoining spaces and attractions and be accessible to pedestrians, cyclists and users of public transport. In this respect the Design and Access Statement confirms that the development will be designed using inclusive design principles to provide ease of access for all and will be in full compliance with Part M of the Building Regulations. Langdon Road is generally level, whilst levels within the site have been set to ensure that gradients are acceptable for wheelchair use without the need for ramps. The proposed development is sustainably located close to the centre of Swansea on a brownfield site and is well linked by shared cycle and pedestrian routes. Whilst the primary pedestrian access will be obtained from the access from Langdon Road, a secondary pedestrian access will be provided along the eastern boundary through a landscaped area. A designated pedestrian access extends along the rear of the townhouses between the garden areas and the parking bays allowing for convenient access for residents. The proposal is therefore considered to be in accordance with the requirements of Policy EV3.

Policy EV4 of the UDP relates to public realm. In this respect, the proposed active residential use for Langdon Road is considered to provide a good degree of active frontage to that key area of public realm. The proposal is therefore considered to be in accordance with the provisions of Policy EV4 of the UDP. As stated, a condition is however recommended to provide appropriate control of the precise design of the hard/soft landscaping scheme and means of enclosing the site, as well as all other aspects of the development's interface with adjoining areas of public realm.

Noise Assessment

A noise monitoring survey has been carried out to assess the impact of noise on the proposed residential occupants. The baseline monitoring was assessed against background traffic noise from Fabian Way and also against the operations of the adjacent boatyard. It is concluded that the background noise would have a low impact subject to the proposed dwellings being designed to so as to minimise ingress from noise so that acceptable acoustic conditions can be achieved, through external wall / roof construction. The windows on all elevations can be openable but designed to be sealed airtight double glazed units. Therefore, in terms of environmental noise, acceptable conditions can be achieved within the dwellings on the site with suitable mitigation measures, when assessed in accordance with the relevant planning guidance (TAN 11 - Noise).

Highway Safety / Transportation

As indicated above, the development will be served with a single vehicular access off the service road from Langdon Road and the Highway Authority indicates that adequate visibility will be provided. The site is also well served by public transport (from Fabian Way) and access would also be available to the local and national cycle network. The development will provide a total of 51 car parking spaces with each townhouse allocated 2 spaces and 1 per flat, with a provision of 10 visitor parking spaces. This is considered to be an appropriate level of parking provision in the context of the Council's car parking standards, the site's sustainable location and the likely car ownership levels across the development as a whole.

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The Highway Authority indicates that whilst the internal road layout is acceptable in safety terms it is not suitable for adoption and is therefore likely to remain privately maintained. In the response received concerns are raised in relation to pedestrian accessibility on the internal roads. Whilst the issues raised relate to whether or not the site would be suitable for adoption the planning application presented clearly shows that the southern units will be served via pedestrian links and the site will also benefit from an additional pedestrian link to the east. The submitted visuals (Design and Access Statement - pages 24 and 26) help demonstrate that the layout of the site which will be appropriate in planning terms by striking a balance between the need to provide parking and suitable pedestrian and outdoor spaces. It will be appropriate to impose a condition in order to ensure satisfactory management and maintenance of the non-adoptable areas of the site. Additional concerns were raised in relation to the bin and cycle storage being inadequate for the level of development proposed. The applicant has submitted a floor plan indicating the provision of bin storage and details within the application showing that the area would house 14 x 1100 litre bins and 4 x 360 litre bins which the applicant states exceeds the requirements set out by the Refuse and Recycling Department (for 10 x 1100 litre bins and 3 x 360 litre bins). In connection with cycle storage the applicant outlines that the store has been provided for the six apartments only given that the FOGs and houses have provision for cycle storage within the demise of the properties.

Having regard to the site's proximity to the City Centre, its accessibility by a range of transport modes and the provision made to encourage pedestrian and cycle access/use, it is considered that the proposal satisfactorily accords with UDP Policies AS1 (new development proposals), AS2 (design and layout), AS5 (walking and cycling) and AS6 (parking) and is therefore acceptable in relation to its impacts upon highway safety.

Drainage and Flood Risk

The submitted engineering and drainage layouts indicate the provision of the adoptable foul and surface water sewers and connections onto Langdon Road. This indicates that the application site is fully serviced with a foul drainage connection on Langdon Road. The surface water will be connected to the existing SA1 infrastructure which discharges into the Prince of Wales Dock. Subject to the imposition of appropriate drainage conditions, it is considered that the proposal would be in accordance with the requirements of UDP Policies EV33 (sewage disposal), EV34 (protection of controlled waters) and EV35 (surface water run-off). The wider SA1 Flood Consequences Assessment indicates that the extreme flood event for the 1 in 1000 (0.1%) is 6.82m. The existing site survey indicates that the existing ground levels along the site frontage are approx.8.0m and the ffl of the townhouses would therefore be set above this and as such there is no flood risk across the site.

Ground Contamination

Policy EV38 indicates that development proposals on land where there is a risk from contamination 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 water, or the natural and historic environment. A Geo-environmental & Geotechnical Assessment together with a Hazardous Ground Gas Assessment have been submitted with the application.

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There are known land remediation issues across the site and Natural Resources Wales and Council Pollution Control Officer recommend that an intrusive site investigation should be undertaken and ground gas protection and this can be addressed through suitable conditions. Additionally, conditions are recommended relating to the requirements for a Construction Method Statement to be implemented.

Archaeology

Glamorgan Gwent Archaeological Trust has advised that the proposal will require archaeological investigation. A condition should be attached to ensure that the programme of work would be an archaeological watching brief, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed.

Conclusion

In conclusion it is considered that the proposed development is acceptable when assessed against the provisions of the Unitary Development Plan policy, adopted Supplementary Planning Guidance and the approved Design and Development Framework for SA1. There are considered to be no additional issues arising from the provisions of the Human Rights Act and approval is therefore recommended.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the 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 Applicant entering into a Section 106 Obligation to provide 10 % (3 units) of the total number of residential units within the development as affordable housing. The units are to be offered to the nominated RSL / Council in respect of Intermediate Housing Units at no more than 70% ACG / or in respect of Social Rented Units at no more than 42% ACG. The phasing of the development must not allow more than 50 % occupation of the market housing units until such time as the affordable homes have been completed.

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 policy HC3 of the City and County of Swansea Unitary Development Plan (November 2008).

and subject to the following conditions:

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- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act. 1990.

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

Proposed Site Plan - 90000 Rev C; Location Plan - 90001; Site Plan - Surface Treatment - 90002 Rev C; Existing Site Plan - 90004 Rev A; Street Elevation - 9010 Rev A; Proposed Drainage Layout - 003 Rev P2; Housing Layout Proposal - 01001 Rev 2; FOG Layout - 01100 Rev 2; Apartment Layout -01300 Rev 1; West Housing Layout - 01001 Rev 3; East Housing Layout - 01500 Rev 3; Individual FOG Elevations - 02100; Double FOG Elevations ½ - 02100 Rev 1; Double FOG Elevations 2/2 - 02101 Rev 1; Apartment Elevations - 2300 Rev 1; West Housing Elevations 1 / 2 - 2400 Rev 1; West Housing Elevations 2 / 2 - 2401 Rev 1; East Housing Elevation 1 / 3 - 2500 Rev 1; East Housing Elevation 2 / 3 - 2501 Rev 1; East Housing Elevation 3 / 3 - 2502 Rev 1; Site Sections - 03000 Rev A; Detailed Soft Landscaping Proposals - TDA.2342.01 & Tree Adjacent Hard Landscaping - TDA.2342.02 - plans received 29 November, 2017.

Site Plan Boundary Treatment - 90003 Rev D; FOG Layouts - 01100 Rev 3; Apartment Layout - 1300 Rev 2; Apartment Elevations - 02300 Rev 2; Bin Store Layout 01101 & View 1 from Fabian Way - amended / additional plans received 9 January, 2018

Reason: To define the extent of the permission granted.

- 3 Notwithstanding the details shown on any approved plan, samples of all external finishes, including windows and doors and the precise pattern and distribution of the external finishes shall be submitted to and approved by the Local Planning Authority in writing prior to the development of superstructure works. The development shall be implemented in accordance with the approved details. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works.

Reason: In the interests of visual amenity.

- 4 Prior to the commencement of super structure works, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- o Typical window unit within its opening;
- o Typical external door within its opening;
- o Curtain Walling;
- o A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed;
- o Details of the location, extent, design and finish of all visible external ventilation;
- o Entrance Canopies;
- o Balconies / balustrades (including timber partitions);
- o Rainwater goods.

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- o Aluminium fin detail to FOG house type
- o Patterned Brick or other approved detail

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

Reason: In the interests of visual amenity.

- 5 Notwithstanding the details shown on the Site Plan Boundary Treatment (drg. No. 90003 Rev D), the precise design, extent and height of all means of enclosure within and around the development shall be submitted to and approved in writing by the Local Planning Authority. The means of enclosure shall be built in accordance with the approved details and retained thereafter to serve the development.

Reason: In the interests of visual amenity and general amenity.

- 6 Notwithstanding the details shown on any approved plans, no superstructure works shall take place without the prior written approval of the Local Planning Authority of a scheme for the hard and soft landscaping of the site. The scheme shall include details of all external lighting, any external structures (including the bin stores) and the external surfacing to vehicular and pedestrian circulation and car parking areas within the communal areas and shall be carried out within 12 months from the completion of the development. Any trees or shrubs planted in accordance with this condition which are removed, die, become seriously diseased within 5 years of planting shall be replaced by trees or shrubs of similar size and species to those originally required to be planted.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

- 7 The proposed parking areas hereby approved as 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 dwellinghouse; 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.

- 8 No development shall commence until details of existing ground levels and proposed finished ground and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.

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9 Prior to the commencement of 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 the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

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

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

3. 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: It is considered that the controlled waters at the site are of high environmental sensitivity, being a Secondary Aquifer and contamination is known / suspected at the site due to its previous industrial uses.

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

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

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

11 Prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works, and including verification sampling of the imported soil, 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.

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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 controlled waters 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.

- 12 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 site 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.

- 13 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.

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.

- 14 No development shall take place until confirmation that the Characteristic Situation CS-3 requirements for gas protection shall be utilised for the buildings on site in accordance with BS8485:2015.

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

- 15 Prior to commencement 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 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 for neighbouring premises and in order to assess potential for pollution of controlled waters from inappropriate methods of piling.

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- 16 Prior to the commencement of the development, including any demolition and site clearance works, a Construction Method Statement (CMS) 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 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;
 - 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.

- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no developments under the provisions of Schedule 2, Part 1, Classes A, B, C, D, E, F, G & H and Part 2, Classes A, B, and C shall be carried out without the benefit of planning permission.

Reason: The development hereby approved is such that the Council wish to retain control over any future development being permitted in order to ensure that a satisfactory form of development is achieved at all times in the interests of visual and residential amenity.

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

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

- 19 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved in writing by the Local Planning Authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme and a detailed report on the archaeological work, as required by the condition, shall be submitted to and approved in writing by the Local Planning Authority within six months of the completion of the archaeological fieldwork.

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.

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APPLICATION NO:

2017/2511/FUL

- 20 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site 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. 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.
- 21 Notwithstanding the details indicated in the application, no part of the development hereby approved shall be occupied until the road layout of the internal site access road including car parking, street lighting and the vehicular access spur into the development, have been submitted to and approved in writing by the Local Planning Authority. The road and parking layout shall be completed in accordance with the approved plans.
Reason: In the interests of highway / pedestrian safety and visual amenity.
- 22 Prior to the occupation of any part of the development, the proposed arrangements for the future management and maintenance of the proposed internal site access road, car parking areas, circulation areas and areas of communal space / landscaping within the development shall be submitted to and approved by the Local Planning Authority. The management and maintenance scheme shall be implemented in accordance with the approved scheme.
Reason: In order to ensure that the non-adoptable areas within the development are satisfactorily managed and maintained.

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, EV33, EV34, EV35, EV36, EV38, EV40, EC2, HC1, HC3, HC17, AS1, AS2, AS5 & AS6).
-



Report of the Head of Planning & City Regeneration

Planning Committee – 6 February, 2018

Public Open Space – SA1, Swansea Waterfront

1.0 Background

- 1.1 The Section 106 Agreement dated 19 August, 2003 (ref:2002/1000), entered into between the Council of the City and County of Swansea and the former Welsh Development Agency (predecessor to the Welsh Ministers), requires (at clause 6 of the Third Schedule):

The provision of five Children's Play Areas to equate to a standard of 0.8 hectares per 1000 persons of populations within the Development or agreed equivalent within the Development and the future maintenance of the same by way of a commuted sum to be agreed with the Council as part of the Reserved Matters (such approval not to be unreasonably withheld or delayed) in accordance with Condition 1. Before the occupation of the final unit on the Development the Developer shall transfer and dedicate to the Council the said Children's Play Areas in perpetuity without any encumbrances and at a nil consideration.

- 1.2 The Welsh Government (Welsh Ministers) would now like to conclude this matter, and as an alternative to the Welsh Government designing, laying out and providing these public open spaces, the Welsh Government has instead offered to:

- To dedicate at nil cost three identified areas of proposed public open space to the Council
- To make a payment to the Council for an appropriate sum of money to be used by the Council for the purposes of designing, laying out and maintaining the three areas of public open space.

2.0 Context

- 2.1 The development of the SA1 Swansea Waterfront area has been a key element in the Council's Strategy for the regeneration of Swansea as a vibrant and distinctive Waterfront City. A robust and comprehensive policy context for considering proposals within the SA1 development area is set out within the Port Tawe Swansea Docks SPG (Sept. 2002), which was augmented by the Outline Planning Permission (Ref: 2002/1000) and the approved Design and Development Framework (August 2004 Version 5) and the Masterplan contained therein established the comprehensive land use and urban design guidance for the purpose of considering planning applications and reserved matters applications.

- 2.2 The outline planning permission has been implemented and there has been significant development within the area which has been supported by a large investment in the site's infrastructure. In terms of public open space / public realm provision, this has resulted in the following:

- Technium Square incorporating the Merchant's Seamen's War Memorial;

- Ice House Square – adjacent to the Sailbridge;
- Market Square – adjacent to the Premier Inn / Waterfront Restaurant; and
- Provision of the 6m wide public walkway around Prince of Wales Dock

2.3 Since the original permission was granted, due to the success of the development and market changes led to pressure to alter the proposed land use mix and a Section 73 permission was granted in 2010 (Ref: 2008/0996) which revised the approved Land Use Masterplan (Figure A2.1) which has been used to guide development since then. In terms of the provision of the public open space, the following changes are relevant:

- The reduction in plot densities at the eastern end of the site along Langdon Road to provide residential / townhouses with gardens are now proposed on plots D9, D10, E4 & E5;
- The relocation of the largest area of open space from the north of Langdon Road to the south of the road.
- A new area of open space is now provided between plots E5 and E6.

2.4 The SA1 Masterplan was amended further under the more recent Section 73 application approved under ref: 2015/1584 which sought to reflect the ambitions of University of Wales Trinity St David to deliver the Innovation Quarter with the University at its heart. The area of greatest change would be centred on the southern end of SA1 'The Peninsula' originally referred to as the Leisure Quarter. This area will incorporate the majority of the University's facilities with a range of complimentary uses. It should be noted, however, that this proposed 2015 masterplan seeks only to change those parts of the 2010 masterplan that have been acquired by UWTSD in order to deliver the 'Innovation Quarter'. The development of the remaining plots within SA1, which are predominantly owned by Welsh Government, will continue to be controlled by the existing approved Design and Development Framework and Masterplan under ref:2008/0996.

3.0 Policy Context

3.1 Swansea Unitary Development Plan Policy HC17 states that where appropriate, the Council will enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. The Council will expect developers to make contributions towards:

- Improvements to infrastructure, services or community facilities,
- Mitigating measures made necessary by a development, and
- Other social, economic or environmental investment to address reasonable identified needs.

Provisions should be fairly and reasonably related in scale and kind to the individual development.

3.2 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The legal tests for when planning obligations can be used are set out in regulation 122 and 123 of the Community Infrastructure Levy Regulations 2010. The tests are:

- necessary to make the development acceptable in planning terms;

- directly related to the development; and
- fairly and reasonably related in scale and kind to the development

3.3 UDP Policy HC24 requires all new housing development, where the level and nature of open space provision in the locality is inadequate to meet the needs of the future occupiers of the development proposed and the existing population in the locality, to make provision for areas of open space within the site at appropriate locations or contribute towards the provision of existing off-site facilities. In order to satisfy the requirements of the above policy, areas of open space should be provided in accordance with the National Playing Fields Association Standard. Developers will be required to make appropriate arrangements for the management of these areas and commuted sums for such maintenance would be secured through Section 106 Agreements.

4.0 Appraisal

4.1 Clause 5 of the Section 106 Agreement requires *the provision of five Children's Play Areas to equate to a standard of 0.8 hectares per 1000 persons of populations within the Development or agreed equivalent*. The Planning Obligations SPG indicates that in respect to areas of open space should be provided in accordance with the Fields in Trust (FIT, formerly known as National Playing Fields Association) 'Six Acre Standard' for outdoor playing space which requires 2.4 hectares per 1000 population for public recreation and open space. The provision should be well related to the housing that it is intended to serve with the exact form and type dependent upon the nature and size of the development and the needs of the residents.

4.2 The FIT standard of 2.4 hectares per 1000 population represents the minimum scale of provision that will be sought throughout urban Swansea and can be broken down as follows:

- Formal Play Space (Neighbourhood Area of Play – NEAP: 1.6 ha per 1000 population;
- Children's Equipped Area (Local Area for Play – LAP: 0.3 ha per 1000 per population;
- Informal / Casual Play Space (Local Equipped Area for Play – LEAP 0.5 per population.

4.3 The Council's Open Space Assessment for the St Thomas Ward (which includes the SA1 Swansea Waterfront area) highlights that there is existing standard of only 1.876 per 1000 population and in particular, that the SA1 Swansea Waterfront area is entirely deficient in FIT provision. There is therefore a clear continued justification for the Children's Play Area provision.

4.4 In consultation with the Head of Culture and Leisure, there is considered no merit in providing five play areas as stated in the original Section 106 Agreement, as this would place a significant additional burden on parks maintenance and moreover, there would be no derived benefit from having a number of smaller Locally Equipped Areas for Play (LEAP's) in such close proximity to one another. It is therefore proposed to amalgamate the provision into one significantly larger Neighbourhood Equipped Area for Play (NEAP) to cater for the provision in the whole of the SA1 development area, whilst also serving the wider Swansea Community.

4.5 Within the SA1 development area, three areas of public open space have been identified for the provision of public realm/ children play area to be offered to Swansea Council for the purposes of designing, laying out and maintaining the three areas of public open space and for which Welsh Government have agreed a financial cost of £1 million which is the agreed equivalent of the *provision of five Children's Play Areas* of the capital cost of laying out the public open space / NEAP together with the future maintenance and design costs. In addition, as part of the land transfer agreement, Welsh Government will undertake the site preparation of the three identified areas.

5.0 Conclusion

5.1 In order to expedite matters, it has been agreed with Welsh Government that in lieu of the existing Section 106 Planning Obligation for the provision of the children's play area that a new Section 106 Planning Obligation is entered into for the provision of the public open space together with the financial contribution for the children's play area under sections 106A and 106B of the Town and Country Act 1990 (as amended).

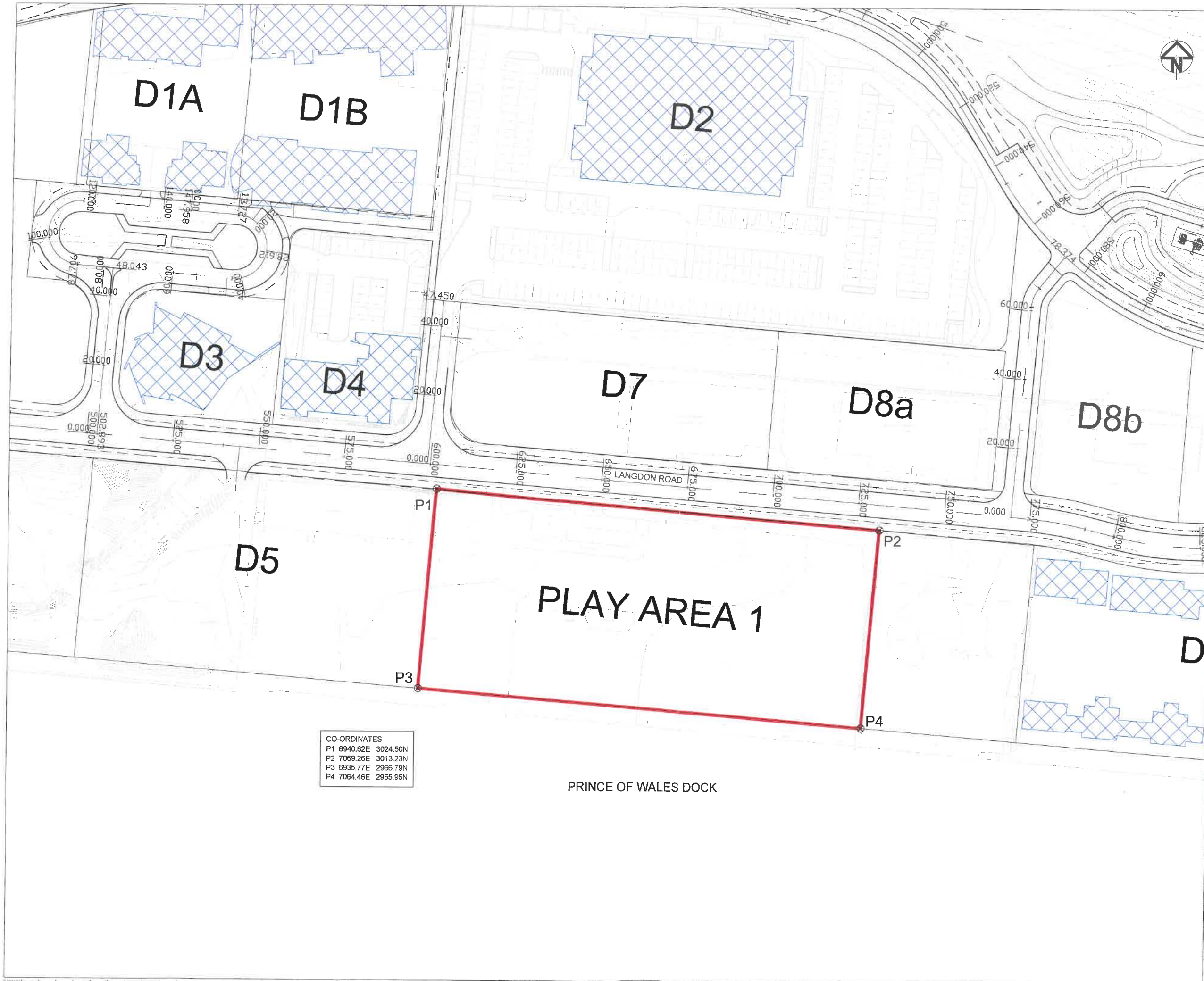
6.0 Recommendation

6.1 It is recommended that the a new Section 106 Planning Obligation be entered into to provide the public realm / public open space together with a children's play area on the three identified areas within the SA1 Swansea Development area subject to the receipt of the financial payment from Welsh Government to the sum of £1,000,000.00 to cover the design, laying out and future maintenance costs of the provision.

6.2 That the approach cited above be agreed by Planning Committee and delegated powers be given to the Head of Planning and City Regeneration to agree the details of the Section 106 Planning Obligation with Welsh Government.

Contact Officer: David Owen
Date of 30/01/18
Production:

Extension No: 5747
Document Name: Public Open Space – SA1,
Swansea Waterfront



KEY
— SITE BOUNDARY



| Rev | Date | Description | Drawn | Check | Approv |
|-----|----------|-------------|-------|-------|--------|
| P01 | 10-08-17 | FIRST ISSUE | PW | LB | SAO |

Client
 WELSH GOVERNMENT

PROJECT:
 SA1
 SWANSEA WATERFRONT

| | |
|---------------------------|---|
| Site | Client |
| SA1 Waterfront Swansea | Welsh Government Economy, Science & Transport Main Avenue, Treforest Estate Pontypridd, Cardiff. CF37 5YR Phone |

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|--|---|

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TITLE:
 PLAY AREA 1
 RED LINE BOUNDARY

| | | | | | |
|-------------------|-------------|-----------------|-------------|------|-------------|
| Designed | P. WILLIAMS | Drawn | P. WILLIAMS | Date | AUGUST 2017 |
| Checked | L. BURGESS | Approved | SA. DAVIES | Date | AUGUST 2017 |
| Scale: | 1:500 | Datum: | ACD | | |
| Original Size: | A1 | Grid: | OS | | |
| Suitability Code: | S2 | Project Number: | UA006032 | | |

Suitability Description:
PRELIMINARY

| | |
|---|------------------|
| Drawing Number: SA1-ARC-XX-130-DRG-CE-0100 | Revision: P01 |
|---|------------------|

CO-ORDINATES

| | | |
|----|----------|----------|
| P1 | 6940.82E | 3024.50N |
| P2 | 7069.26E | 3013.23N |
| P3 | 6935.77E | 2966.79N |
| P4 | 7064.46E | 2955.95N |

PRINCE OF WALES DOCK



KEY
SITE BOUNDARY

PLAY AREA 2

CO-ORDINATES
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P2 6577.01E 2831.73N
P3 6528.59E 2805.68N
P4 6573.83E 2793.87N

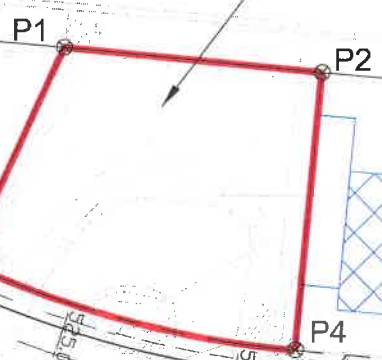
B4

B7

B5

B13

KINGS ROAD



| Rev | Date | Description | Drawn | Check | Approv |
|-----|----------|-------------|-------|-------|--------|
| P01 | 10-08-17 | FIRST ISSUE | | | |

Client
WELSH GOVERNMENT

PROJECT:
SA1
SWANSEA
WATERFRONT

| Site | Client |
|---------------------------|--|
| SA1 Waterfront Swansea | Welsh Government Economy, Science & Transport Main Avenue Treforest Estate Pontypridd, Cardiff. CF37 5YR Phone |

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TITLE:
PLAY AREA 2
RED LINE BOUNDARY

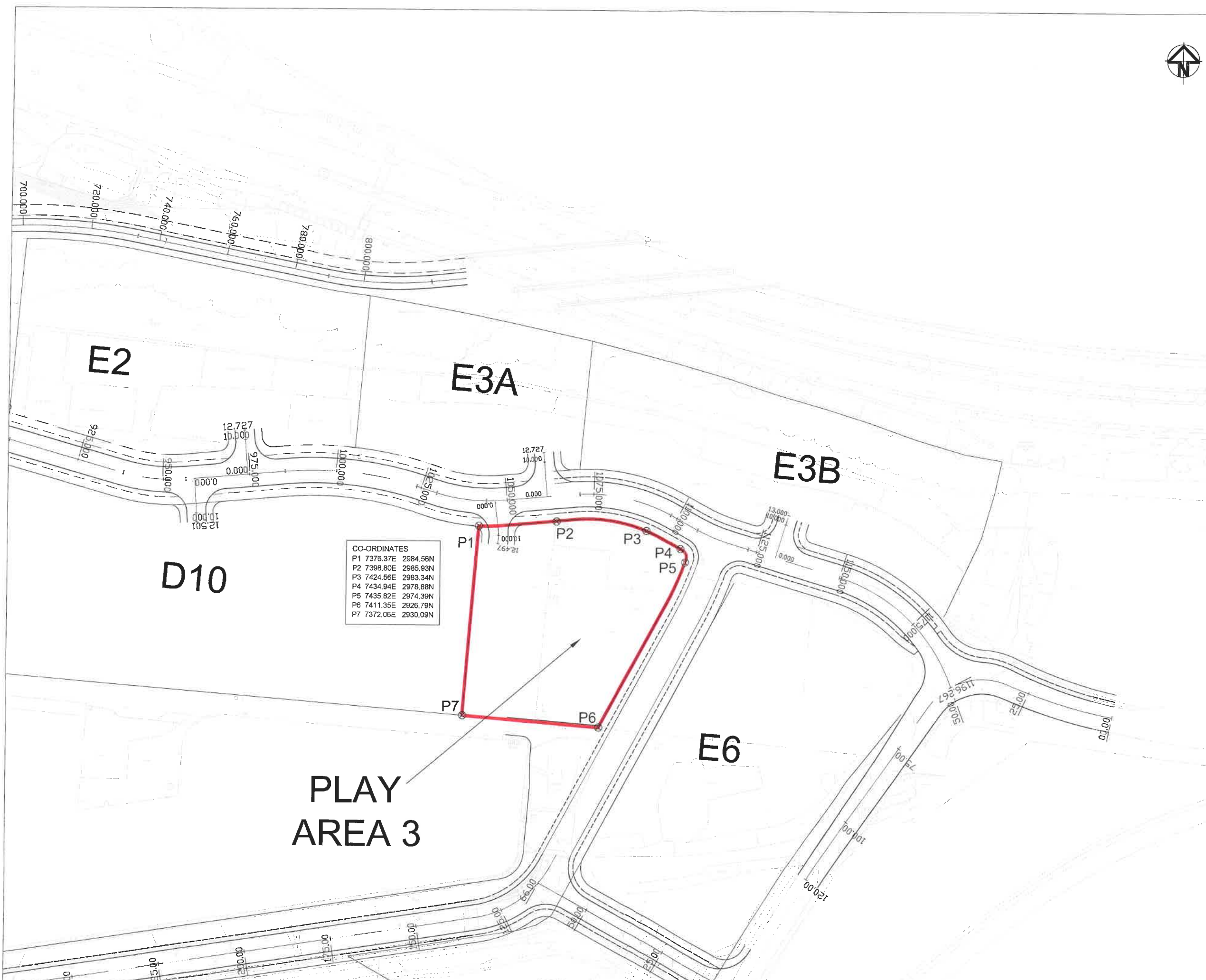
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|-------------------|-------------|-----------------|----------|-------------|
| Designed | P. WILLIAMS | Signet | DATE | AUGUST 2017 |
| Drawn | P. WILLIAMS | Signet | DATE | AUGUST 2017 |
| Checked | L. BURGESS | Signet | DATE | AUGUST 2017 |
| Approved | SA. DAVIES | Signet | DATE | AUGUST 2017 |
| Scale: | 1:500 | Datum: | AOD | |
| Original Size: | A1 | Grid: | OS | |
| Suitability Code: | S2 | Project Number: | UARC0032 | |

Suitability Description:
PRELIMINARY

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|-----------------|----------------------------|-----------|-----|
| Drawing Number: | SA1-ARC-XX-130-DRG-CE-0104 | Revision: | P01 |
|-----------------|----------------------------|-----------|-----|



KEY
SITE BOUNDARY



| CO-ORDINATES | |
|--------------|-------------------|
| P1 | 7376.37E 2984.56N |
| P2 | 7398.80E 2985.93N |
| P3 | 7424.56E 2983.34N |
| P4 | 7434.94E 2978.88N |
| P5 | 7435.82E 2974.39N |
| P6 | 7411.35E 2926.79N |
| P7 | 7372.06E 2930.09N |

PLAY
AREA 3

| | | | | | | |
|-----|---------|---------|-------|-------|---------|----------|
| Rev | 1/02/17 | Revised | Issue | Drawn | Checked | Approved |
|-----|---------|---------|-------|-------|---------|----------|

Client
WELSH GOVERNMENT

PROJECT:
SA1
SWANSEA
WATERFRONT

Llywodraeth Cymru
Welsh Government

| Site | Client |
|---------------------------|--|
| SA1 Waterfront Swansea | Welsh Government Economy, Science & Transport Main Avenue Treforest Estate Pontypridd, Cardiff, CF37 5YR Phone |

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TITLE:
PLAY AREA 3
RED LINE BOUNDARY

| Design | Drawn | Checked | Approved | Date |
|-------------|-------------|------------|-----------|-------------|
| P. WILLIAMS | P. WILLIAMS | L. BURGESS | SA DAVIES | AUGUST 2017 |

Scale: 1:500 Datum: AOD
Original Size: A1 Grid: OS
Suitability Code: S2 Project Number: UA00832

Suitability Description:
PRELIMINARY

Drawing Number:
SA1-ARC-XX-130-DRG-CE-0108

Revision:
PC1