



## 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, 5 February 2019

**Time:** 2.00 pm

**Chair:** Councillor Paul Lloyd

#### Membership:

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

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#### Agenda

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|----------|---|-----------------|
| <b>1</b> | <b>Apologies for Absence.</b>   |                 |
| <b>2</b> | <b>Disclosures of Personal and Prejudicial Interests.</b><br><a href="http://www.swansea.gov.uk/disclosuresofinterests">www.swansea.gov.uk/disclosuresofinterests</a> |                 |
| <b>3</b> | <b>Minutes.</b><br>To approve & sign the Minutes of the previous meeting(s) as a correct record.  | <b>1 - 5</b>    |
| <b>4</b> | <b>Items for Deferral/Withdrawal.</b>   |                 |
| <b>5</b> | <b>Confirmation of TPO653 Land at Clos Coed Collings and Ffordd Olchfa.</b>   | <b>6 - 24</b>   |
| <b>6</b> | <b>Determination of Planning Applications under the Town &amp; Country Planning Act 1990.</b>   | <b>25 - 102</b> |

**Next Meeting:** Tuesday, 5 March 2019 at 2.00 pm

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

**Huw Evans**  
**Head of Democratic Services**  
**Tuesday, 29 January 2019**

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**Contact: Democratic Services - 636923**

# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 8 January 2019 at 2.00 pm

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

**Councillor(s)**

C Anderson  
M B Lewis  
A H Stevens  
T M White

**Councillor(s)**

P M Black  
R D Lewis  
D W W Thomas

**Councillor(s)**

L S Gibbard  
P B Smith  
L J Tyler-Lloyd

**Apologies for Absence**

Councillor(s): M H Jones

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#### 45 Disclosures of Personal and Prejudicial Interests.

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

#### 46 Minutes.

**Resolved** that the Minutes of the Planning Committee held on 4 December 2018 be approved and signed as a correct record.

#### 47 Items for Deferral/Withdrawal.

None.

#### 48 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** that: -

1) the undermentioned planning applications **Be Approved** subject to the conditions in the report and/or indicated below(#):

**#(Item 1) – Planning Application 2018/2001/FUL - Redevelopment of the site to provide five detached dwellings, and two pairs of semi-detached dwellings with one pair of garages serving plots 1 and 2 and two detached garages**

**serving plots 4 and 5 with associated access, parking and landscaping at the Greyhound Inn, Llanrhidian, Swansea**

A visual presentation was provided.

Janice Williams (objector), Carey Knox (applicant's representative) & Phil Baxter (agent) addressed the Committee.

Report updated as follows:

Late correspondence/comments received from the Head of Transportation & Engineering in respect of revised plans and 'swept path analysis' drawings. Whilst the Head of Transportation and Engineering are now satisfied that the swept path analysis drawings demonstrate that cars can turn within the site, the other points of objection still stand for the reasons outlined in the report.

Application approved subject to the completion of a Section 106 Planning Obligation.

**#(Item 3) – Planning Application 2018/1932/FUL - Demolition of existing buildings and re-development of site to provide 31 residential units as associated works at Land at Cambrian Yard, Cambrian Place, Pontarddulais, Swansea**

A visual presentation was provided.

Phil Baxter (agent) addressed the Committee.

Councillor P Downing (Local Member) addressed the Committee and spoke against the application purely on highway safety grounds.

Report updated as follows:

Additional conditions added as follows:-

16. No development shall be commenced until full engineering, street lighting and constructional details of the road have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details.

Reason: In the interests of highway safety

17. 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 in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interests of highways safety.

Application approved subject to the completion of a Section 106 Planning Obligation.

**#(Item 4) – Planning Application 2018/1894/RES - Construction of 99 dwellings along with associated access, parking, landscaping, open space and engineering works (Reserved Matters application for the details of access, appearance, landscaping, layout and scale pursuant to outline planning permission 2017/1451/OUT details pursuant to Conditions 6 (Japanese Knotweed), granted 10th August 2018) and submission of 7 (drainage), 11 (on-site culverts), 12 (auto-track), 13 (site intrusive investigations for mine entries), 15 (historic environment mitigation), 27 (tree protection), 28 (boundary treatment) and 29 (wildlife habitat protection plan) of outline planning permission 2017/1451/OUT at Former Cefn Gorwydd Colliery, Gowerton, Swansea**

A visual presentation was provided.

Phil Baxter (agent) addressed the Committee.

Councillor S M Jones (Local Member) addressed the Committee and spoke against the application.

Report updated as follows:

26 late letters of objection & 1 late letter of support reported.

Late letter of further objection from Councillor S M Jones reported.

Amended site layout plan received – ref:2271-101 Rev L

**#(Item 5) – Planning Application 2018/2354/FUL - Change of use from residential (Class C3) to 5 bedroom HMO for 5 people (Class C4) at 112 Rhyddings Terrace, Brynmill, Swansea**

A visual presentation was provided.

Robert Wilson (applicant) addressed the Committee.

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

Report updated as follows:

1 late letter of objection reported.

**#(Item 6) – Planning Application 2018/2392/FUL - Change of use from residential (Class C3) to a 3 bedroom HMO (Class C4) at Lundy Cottage, 1A Bay View Terrace, Brynmill, Swansea**

A visual presentation was provided.

Alan Short (objector) addressed the Committee.

Councillor I E Mann (Local Member) addressed the Committee and spoke against the application.

Report updated as follows:

Late letter from applicant responding to issues raised by objectors reported.

**#(Item 7) – Planning Application 2018/2471/FUL - Change of use from mixed use retail (Class A1) on ground floor and first and second floor flat (Class C3) to a 5 bedroom HMO for up to 6 residents (Class C4), single storey rear extension and fenestration alterations to front elevation at 3 Humphrey Street, Swansea**

A visual presentation was provided.

Councillor I E Mann (Local Member) addressed the Committee and spoke against the application.

2) the undermentioned planning application **Be Referred to Welsh Government** with a recommendation of approval subject to the conditions outlined in the report, and to the completion of a Section 106 Planning Obligation:

**#(Item 2) – Planning Application 2017/1822/OUT - Outline planning application (with all matters reserved apart from strategic access junctions) for residential led mixed use development, to be developed in phases, including: Ground preparation works as necessary, including the regrading of site levels, up to 1950 no. dwellings (Use Class C3, including affordable homes) of which 1160 no. units would be developed within the LDP Plan period, the creation of a link road, local centre provision of a primary school, community facilities, Public Open Space including facilities for children, and areas of landscaping (including sustainable drainage systems), outdoor sports provision including playing pitches, associated services, infrastructure and engineering works including new vehicular access, improvements to the existing highway network, new roads, footpaths / cycleways, and ancillary works at Land West of Llangyfelach Road, Tirdeunaw, Swansea**

A visual presentation was provided.

Martin Smith (objector), Geraint John (agent), Simon Gray (applicant) & Robert Bowen (planning consultant for Mynyddbach Chapel) addressed the Committee.

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

Report updated as follows:

Late comments from NRW reported indicating no objections subject to conditions being attached to any consent.

Planning Obligations: Trigger point for the completion of the Spine Street to be included within the S106 agreement along with provision to secure future link to A48.

Condition 1 amended to refer to amended phasing plan received on 2 January 2019. The unit numbers for phases 1b and 1c have been amended and the ecology mitigation area is now included in phase 2e.

1. For the avoidance of doubt, where reference is made to a phase of development in any condition, this refers to 1 of the 14 phases (Phase 0 – Phase 5A) indicated on

the "Phasing Plan (January 2019)" received on 2 January 2019. The development shall be undertaken in accordance with this phasing plan.

The meeting ended at 4.55 pm

**Chair**



## Report of the Head of Planning and City Regeneration

### Planning Committee - 5 February 2019

#### **Provisional Tree Preservation Order TPO 653 - Land at Clos Coed Collings and Ffordd Olchfa (2018)**

**To consider the confirmation, as a full Order, of the provisional Tree Preservation Order 653, Land at Clos Coed Collings and Ffordd Olchfa (2018)**

**Recommendation:**

**That the Tree Preservation Order Land at: Clos Coed Collings and Ffordd Olchfa (2018), be confirmed with the location of C5 altered in Schedule One to "Front of 70 Ffordd Yr Olchfa"**

**For Decision**

#### **1. Introduction**

- 1.1 The provisional Order was served on 7<sup>th</sup> August 2018.
- 1.2 The order was made following the developer making enquiries about pruning trees on site that had some protection from the imposed planning conditions.
- 1.3 Trees retained in the development as well as those planted as part of the approved landscaping scheme are protected by this order as they were judged to contribute to the local visual amenity.

#### **2. Objections and representations**

- 2.1 Four letters expressing objections have been received within the minimum required consultation period. No letters of support have been received.
- 2.2 The objections received are summarised below:

1. 9 Clos Coed Collings:

The Occupier objects to the Liquidambar tree (C9) being protected for the following reasons:

- It is in an enclosed private garden and does not provide significant local amenity.
- The development is surrounded by woodland and they do not agree that the trees are under threat.
- To the objectors knowledge no trees were removed from this area prior to construction.
- The tree is likely to cause boundary disputes.
- Liquidambar is not a suitable species for that location.

- Liquidambar has aggressive roots
- Previous experience of TPOs prevented them from purchasing a property.

2. 25 Clos Coed Collings:

The Occupier objects to the maple tree (C25) For the following reasons:

- It will shade their front room.
- The tree prevents the objector from extending their drive.
- The roots will damage the drive.

3. 72 Ffordd Yr Olchfa:

The Occupier objects to the inclusion of maple trees C5, C6 and Liquidambar C10 for the following reasons:

- These trees are very recently planted and therefore have no historical/regional significance for neither this development nor the local area.
- None of these trees are endangered neither do they contain habitats for protected or endangered species.
- This area in the west of Swansea is an already very green, leafy suburb. There are already an abundance of trees in the surroundings and green spaces are plentiful. We do not see the need to preserve these trees under a TPO.
- C10 cannot be of benefit to the community as it cannot be seen from the main street. It is in a back garden.
- When at full size, there is potential for C10 to overhang our property and cutting back will no longer be a straight forward matter.
- When mature, these deciduous trees (C5, C6 and C10) will be of a significant size and this brings related implications:
  - a. The roots could cause structural damage to surrounding properties and drainage systems.
  - b. The many leaves from C5 will fall directly onto our drive. This is a health and safety issue as it will create a slippery surface on the driveway. Our 2 small children use the driveway as a play area during the winter months so this will need to be kept free of hazards.
  - c. The branches from C5 could overhang our driveway thus causing damage to our vehicles.
  - d. The leaves from C10 will fall into our rear garden. This will create additional tasks in terms of clearing the leaves from the grass or seeding for new grass if the leaves are left in situ through the autumn and winter months.
  - e. These trees will take light.
- Trees C5 and C6 will cause the render on the front of our property to discolour. This will have financial implications for us to maintain the appearance to the front of the house.
- Every single tree under this TPO that is on the front of a property has potential to be a danger to the public in terms of leaves shedding onto the pavements.
- The relevant homeowners should be able to make decisions regarding trees on their land without the need to contact or gain consent from the local authority.

4. 11 Clos Coed Collings:

The Occupier objects to the Liquidambar tree (C10) For the following reasons:

- It does not form part of the street scene at the front of the property and is not visible from a public place



- 2.3 A representation was made highlighting an error in Schedule One. C5 Maple should be placed (as per map) in Front of 70 Ffordd Yr Olchfa and not "Front of 68 Ffordd Yr Olchfa" as described.

### **3 Appraisal**

#### Objections

- 3.1 9 Clos Coed Collings. It is agreed that at present there are limited views of tree C9 limiting its visual amenity value. However, as the tree matures it will become more visible.
- 3.2 Although the development site is surrounded by woodland, the protected trees have been planted in mitigation of loss of others as well as for the creation of 'place'.
- 3.3 The TPO on the tree would help prevent neighbour disputes about overhanging branches as permission to prune the tree would require permission from the Council.
- 3.4 The species was chosen by a landscape architect and judged to be suitable for that location.
- 3.5 It is not known what is meant by 'aggressive roots'.
- 3.6 Although the objector has decided not to purchase a property that had a TPO tree this is not the view of all and trees can be seen as an asset.
- 3.7 25 Clos Coed Collings. The trees were planted by the developers as part of the approved landscaping scheme. This scheme should have taken into account the proximity of structures, soil type and depth of foundations as detailed in the National House Building Council guidance notes (NHBC 4.2). In addition to the design of the scheme, if the trees start to cause damage an application to remove them is likely to be successful and can be made by the occupier without charge.
- 3.6 The purpose of the TPO is to ensure trees planted in the approved scheme mature in order to mitigate trees removed during construction and for the creation of 'place'. The removal of the tree to create additional parking will detract from the designed planting scheme and approved plans.
- 3.7 72 Ffordd Yr Olchfa. Tree preservation orders are not to protect trees for historical or biodiversity significance. Their role is to protect local visual amenity.
- 3.8 Although the development site is surrounded by woodland, the protected trees have been planted in mitigation of loss of others as well as for the creation of 'place'.
- 3.9 It is agreed that at present there are limited views of tree C9 limiting its visual amenity value. However, as the tree matures it will become more visible.
- 3.10 The trees were planted by the developers as part of the approved landscaping scheme. This scheme should have taken into account the proximity of structures, soil type and depth of foundations as detailed in the National House

Building Council guidance notes (NHBC 4.2). In addition to the design of the scheme, if the trees start to cause damage an application to remove them is likely to be successful.

- 3.11 Fallen leaves can be a minor problem for a short period during autumn. They can be easily cleared without too much effort. Removing trees to prevent leaf fall is not a sustainable position.
- 3.12 Overhanging branches can be cut back following a tree works application; there is no reason why damage to cars should occur.
- 3.13 The position of trees C5 and C6 should not significantly shade the property. The species was chosen by a landscape architect and judged to be suitable for that location.
- 3.14 The imposition of the TPO allows the Council to have some control on tree cover and will ensure they are not removed for reasons of minor inconvenience.
- 3.15 11 Clos Coed Collings. It is agreed that at present there are limited views of tree C9 limiting its visual amenity value. However, as the tree matures it will become more visible.

#### Representations

- 3.16 The error is noted and the location description of C5 should be: "Front of 70 Ffordd Yr Olchfa".

#### Summary

- 3.17 At present trees C9 and C10 have limited visual amenity value, however their importance in the landscape will increase as they mature.
- 3.18 Tree C25 is part of the approved scheme and contributes to the visual amenity. Parking provision was considered during the planning process and this area was considered being suitable for tree planting.
- 3.19 Trees C5 and C6 contribute to the local visual amenity and the minor inconvenience of fallen leaves is not reason enough for the trees to be removed.
- 3.20 No objections have been made to the inclusion of the other trees in the order.

#### **4. Recommendation**

That the Tree Preservation Order: Land at: Clos Coed Collings and Ffordd Olchfa (2018), be confirmed with the location description of C5 is altered Schedule One to "Front of 70 Ffordd Yr Olchfa".

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

**Town and Country Planning Act 1990  
Town and Country Planning (Trees) Regulations 1999**

**TPO 653 Land at: Clos Coed Collings and Ffordd Yr Olchfa, Sketty, Swansea.  
(2018)**

**The COUNCIL OF THE CITY AND COUNTY OF SWANSEA**

in exercise of the powers conferred on them by sections 198 and 201<sup>(a)</sup> of the Town and Country Planning Act 1990<sup>(b)</sup> hereby make the following Order—

**Citation**

1. This Order may be cited as, Land at: Clos Coed Collings and Ffordd Yr Olchfa, Sketty, Swansea. (2018)

**Interpretation**

2. In this Order “the authority” means the Council of the City and County of Swansea and unless the context otherwise requires, any reference in this Order to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990.

**Application of section 201**

3. The authority hereby direct that section 201 (provisional tree preservation orders)<sup>(c)</sup> shall apply to this Order and, accordingly, this Order shall take effect provisionally on

.....*7<sup>th</sup> August 2018*.....

**Prohibited acts in relation to trees**

4. Without prejudice to subsections (6) and (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners), and subject to article 5, no person shall—

- (a) cut down, top, lop, uproot, wilfully damage or wilfully destroy; or
- (b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in Schedule 1 to this Order or comprised in a group of trees or in a woodland so specified, except with the consent of the authority and, where such consent is given subject to conditions, in accordance with those conditions.

**Exemptions**

- 5.—(1) Nothing in article 4 shall prevent—

- (a) the cutting down, topping, lopping or uprooting of a tree by or at the request of a statutory undertaker, where the land on which the tree is situated is operational land<sup>(d)</sup> of the statutory undertaker and the work is necessary—
  - (i) in the interests of the safe operation of the undertaking;
  - (ii) in connection with the inspection, repair or renewal of any sewers, mains, pipes, cables or other apparatus of the statutory undertaker; or
  - (iii) to enable the statutory undertaker to carry out development permitted by or under the Town and Country Planning (General Permitted Development) Order 1995;

(a) 1991 c.59, see section 72

(b) 1989 c.29.

(c) 1986 c.31.

- (aa) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable the implementation of an order made or confirmed under paragraph 8(1) or paragraph 15(1) of Schedule 1 to the Highways Act 1980 (procedures for making or confirming certain orders and schemes);
- (ab) the cutting down, topping, lopping or uprooting of a tree where that work is urgently necessary for national security purposes;
- (b) the cutting down, topping, lopping or uprooting of a tree cultivated for the production of fruit in the course of a business or trade where such work is in the interests of that business or trade;
- (c) the pruning, in accordance with good horticultural practice, of any tree cultivated for the production of fruit;
- (d) the cutting down, topping, lopping or uprooting of a tree where that work is required to enable a person to implement a planning permission (other than an outline planning permission or, without prejudice to paragraph (a)(iii), a permission granted by or under the Town and Country Planning (General Permitted Development) Order 1995) granted on an application under Part III of the Act, or deemed to have been granted (whether for the purposes of that Part or otherwise);
- (e) the cutting down, topping, lopping or uprooting of a tree by or at the request of the Environment Agency to enable the Agency to carry out development permitted by or under the Town and Country Planning (General Permitted Development Order) 1995;
- (f) the cutting down, topping, lopping or uprooting of a tree by or at the request of a drainage body where that tree interferes, or is likely to interfere, with the exercise of any of the functions of that body in relation to the maintenance, improvement or construction of watercourses or of drainage works, and for this purpose “drainage body” and “drainage” have the same meanings as in the Land Drainage Act 1991<sup>(a)</sup>; or
- (g) without prejudice to section 198(6)(b), the felling or lopping of a tree or the cutting back of its roots by or at the request of, or in accordance with a notice served by, a licence holder under paragraph 9 of Schedule 4 to the Electricity Act 1989<sup>(b)</sup>.

(2) In paragraph (1), “statutory undertaker” means any of the following—

- a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking, or any undertaking for the supply of hydraulic power,
- a relevant airport operator (within the meaning of Part V of the Airports Act 1986)<sup>(c)</sup>,
- the holder of a licence under section 6 of the Electricity Act 1989,

(a) 1991 c.59, see section 72

(b) 1989 c.29.

(c) 1986 c.31.

- a gas transporter,
- the holder of a licence under section 7 of the Telecommunications Act 1984<sup>(d)</sup> to whom the telecommunications code (within the meaning of that Act) is applied,
- a water or sewerage undertaker,
- the Civil Aviation Authority, a body acting on behalf of that authority or a person who holds a licence under Chapter I of Part I of the Transport Act 2000,
- a universal postal service provider in connection with the provision of a universal postal service.

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### **Application of provisions of the Town and Country Planning Act 1990**

7.—(1) The provisions of the Town and Country Planning Act 1990 relating to registers, applications, permissions and appeals mentioned in column (1) of Part I of Schedule 2 to this Order shall have effect, in relation to consents under this Order and applications for such consent, subject to the adaptations and modifications mentioned in column (2).

(2) The provisions referred to in paragraph (1), as so adapted and modified, are set out in Part II of that Schedule.

### **Directions as to replanting**

8.—(1) Where consent is granted under this Order for the felling in the course of forestry operations of any part of a woodland area, the authority may give to the owner of the land on which that part is situated (“the relevant land”) a direction in writing specifying the manner in which and the time within which he shall replant the relevant land.

(2) Where a direction is given under paragraph (1) and trees on the relevant land are felled (pursuant to the consent), the owner of that land shall replant it in accordance with the direction.

(3) A direction under paragraph (1) may include requirements as to—

- (a) species;
- (b) number of trees per hectare;
- (c) the preparation of the relevant land prior to the replanting; and
- (d) the erection of fencing necessary for the protection of the newly planted trees.

### **Compensation**

9.—(1) If, on a claim under this article, a person establishes that loss or damage has been caused or incurred in consequence of—

- (a) the refusal of any consent required under this Order; or

- (b) the grant of any such consent subject to conditions,

he shall, subject to paragraphs (3) and (4), be entitled to compensation from the authority.

(2) No claim, other than a claim made under paragraph (3), may be made under this article—

- (a) if more than 12 months have elapsed since the date of the authority's decision or, where such a decision is the subject of an appeal to the Secretary of State, the date of the final determination of the appeal; or
- (b) if the amount in respect of which the claim would otherwise have been made is less than £500.

(3) Where the authority refuse consent under this Order for the felling in the course of forestry operations of any part of a woodland area, they shall not be required to pay compensation to any person other than the owner of the land; and such compensation shall be limited to an amount equal to any depreciation in the value of the trees which is attributable to deterioration in the quality of the timber in consequence of the refusal.

(4) In any other case, no compensation shall be payable to a person—

- (a) for loss of development value or other diminution in the value of the land;
- (b) for loss or damage which, having regard to the application and the documents and particulars accompanying it, was not reasonably foreseeable when consent was refused or was granted subject to conditions;
- (c) for loss or damage reasonably foreseeable by that person and attributable to his failure to take reasonable steps to avert the loss or damage or to mitigate its extent; or
- (d) for costs incurred in appealing to the Secretary of State against the refusal of any consent required under this Order or the grant of any such consent subject to conditions.

(5) Subsections (3) to (5) of section 11 (terms of compensation on refusal of licence) of the Forestry Act 1967 shall apply to the assessment of compensation under paragraph (3) as it applies to the assessment of compensation where a felling licence is refused under section 10 (application for felling licence and decision of Commissioners thereon) of that Act as if for any reference to a felling licence there were substituted a reference to a consent required under this Order and for the reference to the Commissioners there were substituted a reference to the authority.

(6) In this article—

“development value” means an increase in value attributable to the prospect of development; and, in relation to any land, the development of it shall include the clearing of it; and

“owner” has the meaning given to it by section 34 of the Forestry Act 1967.

**[Application to trees to be planted pursuant to a condition**

**[10.]** In relation to the tree[s] identified in the first column of Schedule 1 by the letter “C”, being [a tree] [trees] to be planted pursuant to a condition (being a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees)), this Order takes effect as from the time when [that tree is planted] [those trees are planted].]

Dated this 7<sup>th</sup> .....[day] of August 2018 .....[insert month and year]

*[if the Council's Standing Orders require the sealing of such documents:]*

The Common Seal of the City and County of Swansea Council  
was hereunto affixed in the presence of -

*[if the Council's Standing Orders do not require the sealing of such documents:]*

Signed on behalf of the City and County of Swansea Council

  
.....  
Authorised by the Council to sign in that behalf]

**[CONFIRMATION OF ORDER**

This Order was confirmed by the City and County of Swansea Council without modification on the ..... day of .....20....

OR

[This Order was confirmed by the City and County of Swansea Council subject to the modifications indicated

by.....

.....

.....

.....

..... [state how indicated], on the ..... day of .....20....

.....  
Authorised by the Council to sign in that behalf]

**[DECISION NOT TO CONFIRM ORDER**

[A decision not to confirm this Order was taken by City and County of Swansea Council on the ..... day of .....[insert month and year]]

.....  
Authorised by the Council to sign in that behalf]

**[VARIATION OF ORDER**

[This Order was varied by the City and County of Swansea Council on the ..... day of .....[insert month and year] under the reference number..... [insert reference number of the variation order]]

.....  
Authorised by the Council to sign in that behalf]

**[REVOCATION OF ORDER**

[This Order was revoked by the City and County of Swansea Council on the ..... day of .....[insert month and year] under the reference number..... [insert reference number of the revocation order]]

.....  
Authorised by the Council to sign in that behalf]



**SCHEDULE 1****SPECIFICATION OF TREES****Trees specified individually**  
(encircled in black on the map)

Reference on map	Description	Situation
T1	Pine	Between 16 & 18 Clos Coed Collings
T2	Oak	Front of 82 & 84 Ffordd Yr Olchfa
C3	Liquid amber	1 Clos Coed Collings
C4	Maple	Front of 68 Ffordd Yr Olchfa
C5	Maple	Front of 68 Ffordd Yr Olchfa
C6	Maple	Front of 74 Ffordd Yr Olchfa
C7	Maple	Front of 78 Ffordd Yr Olchfa
C8	Liquid amber	Rear of 7 Clos Coed Collings
C9	Liquid amber	Rear of 9 Clos Coed Collings
C10	Liquid amber	Rear of 11 Clos Coed Collings
C11	Liquid amber	Rear of 13 Clos Coed Collings
C12	Liquid amber	Rear of 15 Clos Coed Collings
C13	Birch	Front of 3 Clos Coed Collings
C14	Birch	Side of 3 Clos Coed Collings
C15	Birch	Side of 12 Clos Coed Collings
C16	Birch	Front of 14 Clos Coed Collings
C17	Birch	Front of 16 Clos Coed Collings
C18	Birch	Front of 11 Clos Coed Collings
C19	Birch	Front of 13 Clos Coed Collings
C20	Birch	Front of 15 Clos Coed Collings
C21	Birch	Front of 18 Clos Coed Collings
C22	Birch	Front of 20 Clos Coed Collings
C23	Liquid amber	Front of 21/23 Clos Coed Collings
C24	Maple	Front of 23/25 Clos Coed Collings
C25	Maple	Front of 25 Clos Coed Collings
C26	Maple	Side of 27 Clos Coed Collings
C27	Maple	Side of 27 Clos Coed Collings

**Trees specified by reference to an area**  
(within a dotted black line on the map)

Reference on map	Description	Situation
NONE		

**Groups of trees**

(within a broken black line on the map)

Reference on map	Description	Situation
NONE		

**Woodlands**

(within a continuous black line on the map)

Reference on map	Description	Situation
NONE		

## SCHEDULE 2

### PART I PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990 APPLIED WITH ADAPTATIONS OR MODIFICATIONS

Provision of the Town and Country Planning Act 1990	Adaptation or Modification
Section 69 (registers)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) omit—</p> <p style="padding-left: 80px;">“, in such manner as may be prescribed by a development order,”</p> <p style="padding-left: 80px;">“such” in the second place where it appears, and</p> <p style="padding-left: 80px;">“as may be so prescribed”; and</p> <p style="padding-left: 40px;">(ii) substitute “matters relevant to tree preservation orders made by the authority” for “applications for planning permission”.</p> <p>(b) In subsection (2)—</p> <p style="padding-left: 40px;">(i) after “contain” insert “, as regards each such order”; and</p> <p style="padding-left: 40px;">(ii) for paragraphs (a) and (b) substitute—</p> <p style="padding-left: 80px;">“(a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and</p> <p style="padding-left: 80px;">(b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.”.</p> <p>(c) Omit subsections (3) and (4) (as required by section 198(4)).</p>
Section 70 (determination of applications: general considerations)	<p>(a) In subsection (1)—</p> <p style="padding-left: 40px;">(i) substitute—</p> <p style="padding-left: 80px;">“Subject to subsections (1A) and (1B), where” for “Where”;</p>

	<p>“the authority” for “a local planning authority”;</p> <p>“consent under a tree preservation order” for “planning permission” where those words first appear; and</p> <p>“consent under the order” for “planning permission” in both of the other places where those words appear;</p> <p>(ii) after “think fit”, insert—</p> <p>“(including conditions limiting the duration of the consent or requiring the replacement of trees)”;</p> <p>(iii) omit “subject to sections 91 and 92,”.</p> <p>(b) After subsection (1) insert—</p> <p>“(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.</p> <p>(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).”.</p> <p>(c) Omit subsections (2) and (3).</p>
<p>Section 75 (effect of planning permission)</p>	<p>(a) In subsection (1) substitute—</p> <p>(i) “Any” for the words from “Without” to “any”;</p> <p>(ii) “consent under a tree preservation order” for “planning permission to develop land”;</p> <p>(iii) “the consent” for “the permission”; and</p> <p>(iv) “the land to which the order relates” for “the land”.</p> <p>(b) Omit subsections (2) and (3).</p>
<p>Section 78 (right to appeal against planning decisions)</p>	<p>(a) In subsection (1) substitute—</p> <p>(i) “the authority” for “a local planning authority”;</p>

<p>and failure to take such decisions)</p>	<p>(ii) “consent under a tree preservation order” for “planning permission” in the first place where those words appear;</p> <p>(iii) “consent under such an order” for “planning permission” in the second place where those words appear;</p> <p>(iv) for paragraph (c) substitute—</p> <p>“(c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or</p> <p>(d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority.”.</p> <p>(b) Omit subsection (2).</p> <p>(c) In subsection (3) for “served within such time and in such manner as may be prescribed by a development order.” substitute—</p> <p>“in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—</p> <p>(a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority’s decision or direction or within such longer period as the Secretary of State may allow;</p> <p>(b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.”.</p> <p>(d) For subsection (4), substitute—</p> <p>“(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).”.</p>
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	<p>(e) For subsection (5), substitute—</p> <p>“(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.”.</p>
Section 79 (determination of appeals)	<p>(a) In subsections (1) and (2), substitute “the authority” for “the local planning authority”.</p> <p>(b) Omit subsection (3).</p> <p>(c) In subsection (4), substitute—</p> <ul style="list-style-type: none"> <li>(i) “section 70(1), (1A) and (1B)” for “sections 70, 72(1) and (5), 73 and 73A and Part I of Schedule 5”;</li> <li>(ii) “consent under a tree preservation order” for “planning permission”; and</li> <li>(iii) “the authority,” for “the local planning authority and a development order may apply, with or without modifications, to such an appeal any requirements imposed by a development order by virtue of sections 65 or 71.”.</li> </ul> <p>(d) Omit subsections (6) and (6A).</p> <p>(e) In subsection (7), omit the words after “section 78”.</p>

PART II  
PROVISIONS OF THE TOWN AND COUNTRY PLANNING ACT 1990,  
AS ADAPTED AND MODIFIED BY PART I

The following provisions of the Town and Country Planning Act 1990, as adapted and modified by Part I of this Schedule, apply in relation to consents, and applications for consent, under this Order.

**Section 69**

(1) Every local planning authority shall keep a register containing information with respect to matters relevant to tree preservation orders made by the authority.

(2) The register shall contain, as regards each such order—

- (a) details of every application under the order and of the authority’s decision (if any) in relation to each such application, and
- (b) a statement as to the subject-matter of every appeal under the order and of the date and nature of the Secretary of State’s determination of it.

.....

(5) Every register kept under this section shall be available for inspection by the public at all reasonable hours.

**Section 70**

(1) Subject to subsections (1A) and (1B), where an application is made to the authority for consent under a tree preservation order—

- (a) they may grant consent under the order, either unconditionally or subject to such conditions as they think fit (including conditions limiting the duration of the consent or requiring the replacement of trees); or
- (b) they may refuse consent under the order.

(1A) Where an application relates to an area of woodland, the authority shall grant consent so far as accords with the practice of good forestry, unless they are satisfied that the granting of consent would fail to secure the maintenance of the special character of the woodland or the woodland character of the area.

(1B) Where the authority grant consent for the felling of trees in a woodland area they shall not impose conditions requiring replacement where such felling is carried out in the course of forestry operations (but may give directions for securing replanting).

.....

**Section 75**

Any grant of consent under a tree preservation order shall (except in so far as the consent otherwise provides) enure for the benefit of the land to which the order relates and of all persons for the time being interested in it.

**Section 78**

(1) Where the authority—

- (a) refuse an application for consent under a tree preservation order or grant it subject to conditions;
- (b) refuse an application for any consent, agreement or approval of that authority required by a condition imposed on a grant of consent under such an order or grant it subject to conditions;
- (c) give a direction under a tree preservation order, or refuse an application for any consent, agreement or approval of that authority required by such a direction; or
- (d) fail to determine any such application as is referred to in paragraphs (a) to (c) within the period of 8 weeks beginning with the date on which the application was received by the authority,

the applicant may by notice appeal to the Secretary of State.

.....

(3) Any appeal under this section shall be made by notice in writing addressed to the Secretary of State, specifying the grounds on which the appeal is made; and such notice shall be served—

- (a) in respect of a matter mentioned in any of paragraphs (a) to (c) of subsection (1), within the period of 28 days from the receipt of notification of the authority's decision or direction or within such longer period as the Secretary of State may allow;
- (b) in respect of such a failure as is mentioned in paragraph (d) of that subsection, at any time after the expiration of the period mentioned in that paragraph, but if the authority have informed the applicant that the application has been refused, or granted subject to conditions, before an appeal has been made, an appeal may only be made against that refusal or grant.

(4) The appellant shall serve on the authority a copy of the notice mentioned in subsection (3).

(5) For the purposes of the application of section 79(1), in relation to an appeal made under subsection (1)(d), it shall be assumed that the authority decided to refuse the application in question.

.....

**Section 79**

(1) On an appeal under section 78 the Secretary of State may—

- (a) allow or dismiss the appeal, or
- (b) reverse or vary any part of the decision of the authority (whether the appeal relates to that part of it or not),

and may deal with the application as if it had been made to him in the first instance.

(2) Before determining an appeal under section 78 the Secretary of State shall, if either the appellant or the authority so wish, give each of them an opportunity of appearing before and being heard by a person appointed by the Secretary of State for the purpose.

.....

(4) Subject to subsection (2), the provisions of section 70(1), (1A) and (1B) shall apply, with any necessary modifications, in relation to an appeal to the Secretary of State under section 78 as they apply in relation to an application for consent under a tree preservation order which falls to be determined by the authority.

(5) The decision of the Secretary of State on such an appeal shall be final.

.....

(7) Schedule 6 applies to appeals under section 78.





# Agenda Item 6

City and County of Swansea  
Dinas a Sir Abertawe

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

DATE: 5<sup>th</sup> February 2019

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

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

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



## TWO STAGE VOTING

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

The first vote is taken on the officer recommendation.

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

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

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

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

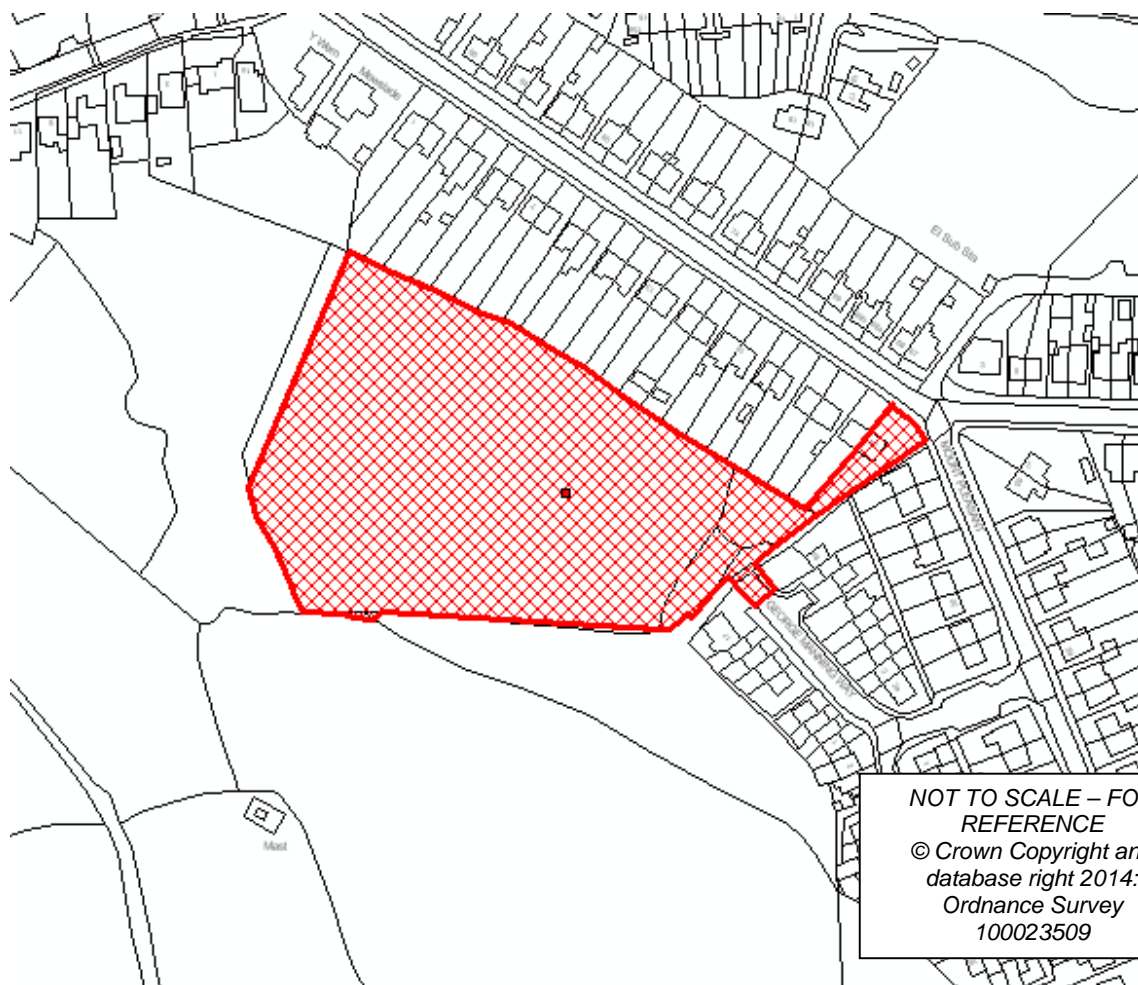
Where Members are unable to reach agreement on reasons for refusal or appropriate conditions as detailed above, Members should resolve to defer the application for further consultation and receipt of appropriate planning and legal advice.

## CONTENTS

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
1	2017/2709/FUL	Land Off, George Manning Way, Gowerton, Swansea, <b>Erection of 41 dwelling units (100% Affordable Housing) - comprising 31 houses, 2 pairs of semi-detached bungalows, and 8 apartments with landscaping, access, parking, and associated works.(Amended plans and additional information)</b>	Approve
2	2018/2368/FUL	Campion Gardens Nursing And Residential Home, Mayals Road, Clyne Common, Mayals, Swansea, SA3 3JB <b>Two assisted living bungalows</b>	Approve
3	2018/2705/FUL	9 Brynmill Crescent, Brynmill, Swansea, SA2 0AL <b>Change of use from a 2 bedroom flat and 5 bedroom HMO (ClassC3/C4) to an 8 Bedroom HMO</b>	Approve

## Planning Committee – 5<sup>th</sup> February 2019

<b>Item 1</b>	<b>Application Number:</b>	2017/2709/FUL
	<b>Ward:</b>	Gowerton - Area 2
<b>Location:</b>	Land Off, George Manning Way, Gowerton, Swansea,	
<b>Proposal:</b>	Erection of 41 dwelling units (100% Affordable Housing) - comprising 31 houses, 2 pairs of semi-detached bungalows, and 8 apartments with landscaping, access, parking, and associated works.(Amended plans and additional information)	
<b>Applicant:</b>	Coastal Housing Group	



**Background Information**

**Policies**

UDP - EV1 - Design  
 New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

## Planning Committee – 5<sup>th</sup> February 2019

### Item 1 (Cont'd)

Application Number:

2017/2709/FUL

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

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

#### UDP - EV12 - Lanes and Public Paths

The character of lanes and public paths that contribute to the amenity, natural and historical qualities of an area will be protected. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV18 - Local Needs Affordable Housing

In exceptional circumstance permission maybe granted for the development of small local needs affordable housing sites within and adjoining settlements. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV22 - Countryside General Policy

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

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

#### UDP - EV23 - Green Wedges

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

#### UDP - EV24 - Greenspace System

Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (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)

## Planning Committee – 5<sup>th</sup> February 2019

### Item 1 (Cont'd)

Application Number:

2017/2709/FUL

#### UDP - EV33 - Sewage Disposal

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

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

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

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

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

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

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

#### UDP - 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 - HC3 - Affordable Housing

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

#### UDP - HC17 - Planning Obligations

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

#### UDP - HC24 - Play Areas/Public Open Space

Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS1 - New Development Proposals

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

#### UDP - AS2 - Design and Layout

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

#### UDP - AS6 - Parking/Accessibility

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

## Planning Committee – 5<sup>th</sup> February 2019

Item 1 (Cont'd)

Application Number:

2017/2709/FUL

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
2016/3079/PRE	(Pre-application)	MIXPRE	19.12.2016
2017/2709/FUL	Residential development Erection of 41 dwelling units (100% Affordable Housing) - comprising 31 houses, 2 pairs of semi-detached bungalows, and 8 apartments with landscaping, access, parking, and associated works.(Amended plans and additional information)	PDE	

### RESPONSE TO CONSULTATIONS

The application was advertised by way of a number of site notices being displayed within the vicinity of the site and a press notice. Forty-two nearby properties were also directly consulted.

FORTY TWO (42) LETTERS OF OBJECTIONS and ONE LETTER OF SUPPORT have been received which raise the following (summarised) material planning concerns / comments;

### Objections

- o Insufficient infrastructure of the village.
- o Roads are already extremely congested. This development will lead to increased traffic.
- o Schools, dentists and doctors are oversubscribed.
- o Impacts upon the local drainage system, which is overflowing and has burst water pipes.
- o This will cause disruption and will be intolerable; with the noise, mess, heavy vehicles etc.
- o Poor to non-existent water supply.
- o The loss of fields and trees will impact on the wildlife.
- o The trees should be protected.
- o The field has a natural spring and the above fields drain into the streams.
- o There will be no green areas left for our children to play.
- o Gowerton will not be a village anymore. We will merge with the neighbouring areas and the community will be lost for ever.
- o The land being considered is open countryside and outside the boundary of the village of Gowerton and adjacent to ancient woodland.
- o This development is in addition to the recent approval of the planning application off Gorwydd Road.
- o Surface water run-off is also an issue during heavy rains with rainwater forcing up manhole covers at the bottom of Mount Pleasant Road.



## Planning Committee – 5<sup>th</sup> February 2019

Item 1 (Cont'd)

Application Number:

2017/2709/FUL

- o Building housing, hard-standings and non-permeable road ways will make the rain water flooding due to runoff even worse.
- o The current access roads, leading to and including Mount Pleasant and Park Road are in a poor state of repair and both roads are down to single lane traffic due to parking issues on one side of the road. Adding additional road traffic is going exacerbate the issue.
- o Extra traffic will present a risk to children who currently play and ride bicycles around George Manning Way, as this is currently a no through road and effectively a pedestrian area during the school holidays.
- o The Highway Safety review conducted by Coastal Housing does not take into account any traffic accidents that have not been reported to the local police - numerous minor traffic incidents on George Manning Way that do not require a police presence, yet are related to the amount of traffic, lack of road markings and the single lane nature of Mount Pleasant and Park Road.
- o Additional traffic noise and disturbance that the new housing development would make to the existing residents.
- o The loss of habitat and green areas around George Manning Way. This will harm the existing wildlife, including hedgehogs, bats, numerous mammals and birds.
- o The sewerage works are at capacity.
- o This has to be looked at in its entirety. 100 dwellings off Gorwydd Road, the proposal under the LDP for more than 850 houses North of Gowerton Railway station and a further 30 dwellings opposite Gowerton Rugby Club.
- o The tree survey conducted by Coastal Housing does not appear to reflect reality. The document refers to numerous trees that have been marked with metal, plastic or painted numbers. None of the trees in the planning area have been marked. It appears the Tree Survey was done in a totally different area south-west of Pen Y Dre and not north-east of George Manning Way.
- o The plan also appears to show the access road to encroach on privately owned property and Council owned land.
- o This area is full of coal pits and mineshafts. The land was at one time used for agricultural opportunities.
- o Coastal Housing have stated about the bus service up Mount Pleasant. There is NO bus service up here and hasn't been for a long time now.
- o I urge those considering this application to give more weight to the views of local residents, which are based on reality and long experience rather than brief surveys which can be misleading in practice.
- o Destruction to trees and countryside which help remove carbon emissions. I have to ask the question do our opinions really count?
- o I object as we will lose our privacy to the back of our houses.
- o Impacts upon air pollution.

### Support

I think it will benefit people in this area, as it will be affordable to local, single parent families who want to stay in Gowerton.

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Item 1 (Cont'd)

Application Number:

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### Ward Councillor - Sue Jones

Could you please register my great concern regarding the above application. The land being considered is open countryside and outside the boundary of the village of Gowerton. This development on top of the recent approval of the planning application off Gorwydd Road adds to the concern of the inadequate infrastructure of the village, traffic, doctor surgery appointment concerns, school place capacity and protecting our environment.

### Gowerton Community Council

i) Access extremely limited. The traffic plan itself does not sufficiently address access around the proposed site for emergency vehicles etc. The added traffic in the area will also exacerbate the ongoing traffic/parking issues in the area.

ii) Area is long standing and identified by the City and County of Swansea as agricultural land. The area represents one of the few of this type areas in the village and these areas need to be protected for future generations. It is ineffective to identify this land as agricultural to protect it for the future, and then use it for residential use. The long-term sustainability of the area must be addressed.

iii) Infrastructure - sewerage system unsuitable. There would be added volume due to the proposal. The current systems cannot deal with what is already in place, further proposals of development would be untenable.

iv) Development takes away natural drainage exacerbating existing overloaded drains/sewers.

v) Area already experiencing overcrowding issues with schools, traffic and surgery facilities. This is an issue already and must be addressed prior to adding to this problem.

### Natural Resources Wales

#### Initial Comments

NRW have significant concerns with the proposed development as currently submitted. Further survey information is required in relation to bats and dormouse, both of which are European Protected Species. Without this information, NRW cannot assess the impacts of the proposals on bats or dormouse and cannot advise your Authority further until this information is provided.

#### *Protected Species*

We note the submission of the document entitled; 'Land off George Manning Way, Gowerton: Ecological Appraisal', dated November 2017, by WYG Limited. This document identified habitats and trees on site with the potential to support both dormouse and bats. As a consequence, recommendations for further surveys, in accordance with best practice guidelines, are made in Sections 5.3.2 and 5.3.4 of the above report relating to bats and dormouse. In our statutory pre-application response to the above proposal, dated 14 December 2017, NRW highlighted and supported the recommendations for further surveys and also advised that the applicant contact the Local Authority Planning Ecologist.

## Planning Committee – 5<sup>th</sup> February 2019

Item 1 (Cont'd)

Application Number:

2017/2709/FUL

In the document entitled; 'Land off George Manning Way, Gowerton - Pre-Application Consultation Report (PAC)', dated December 2017, by WYG Limited, Section 4.1.6 notes the comments made by NRW. However, Section 4.1.7 merely states that: 'Coastal Housing acknowledges the advice which will be duly considered during the development process, within the context of material considerations and appropriate timescales.' Regrettably, no further survey information has been provided with the current application. Therefore, without the recommended survey information, NRW are currently not able to assess the likely impacts of the proposals on bats or dormouse. We continue to advise that the surveys recommended by the above Ecological Assessment are provided in support of the application.

### *Legislation and Policy*

As you are aware, bats and dormouse are European Protected Species (EPS) and protected by The Conservation of Habitats and Species Regulations 2017 (as amended) (The Habs Regs). Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) requires public bodies in exercise of their functions, to have regard to and, in respect of enactments relating to nature conservation to secure compliance with the requirements of the 1992 'Habitats' Directive (92/43/EEC).

Where an EPS is present, and a development proposal is likely to contravene the protection afforded to it, a development may only proceed under a licence issued by Natural Resources Wales as the appropriate authority responsible for issuing licences under Section 53 of the above Regulations. This licence can only be issued for the purposes of: 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.' Furthermore, the licence can only be issued by NRW on condition that there is 'no satisfactory alternative', and that 'the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.' These requirements are translated into planning policy through Planning Policy Wales (PPW) January 2016, sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, as advised in PPW, your authority should therefore ensure the three tests for derogation are satisfied when considering development proposals where a European protected species is present.

### Further comments

*Amended / additional information was submitted by the applicant.*

NRW have significant concerns with the proposed development as currently submitted. Further information and clarification is required in relation to the Bat and Dormouse surveys which have been carried out. Without this information, NRW cannot assess the impacts of the proposals on European Protected Species (EPS) and cannot advise your Authority further until this information is provided.

## Planning Committee – 5<sup>th</sup> February 2019

Item 1 (Cont'd)

Application Number:

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### *Protected Species*

We note the submission of the new documents entitled; Bat Survey Report October 2018, by WYG Limited. Hazel Dormouse Survey Report September 2018, by WYG Limited. Reptile Survey Report September 2018, by WYG Limited. Along with the previous document entitled; Ecological Appraisal WYG Limited.

Having assessed the further survey information which has been submitted, we consider that there is a lack of detail within both the Bat and Dormouse reports, which prevent us from being able to fully assess the impacts on the Favourable Conservation Status (FCA) of the species

We require clarification of the following matters:

Further information as to exactly which trees are to be felled within the red-line site boundary. We would also wish to be provided with additional detail on the trees (i.e. photographs, descriptions of trees and potential features). We note from the Bat Survey Report that an aerial inspection was undertaken. However, no mention has been made to the use of an endoscope to inspect the features that were assessed as having potential to support bats. Therefore, we require confirmation as to whether endoscope surveys were carried out? If an endoscope was not utilised, then the reasons and justifications for this should be provided. We also note that Section 5.1 - Summary of Results of the Bat Survey Report, states that there is potential for a (small) soprano pipistrelle, noctule and Myotis sp. day roost to be present.

Furthermore, Section 5.1 also states that roosting in T71, or within trees within the surrounding woodland cannot be ruled out. Therefore, additional clarification is needed as to whether this tree (T71) is a bat roost. Any potential bat roost must require a licence for works to be undertaken and suitable mitigation must be provided. We also require additional information with regards to the Dormouse Survey, including, but not limited to, details such as: the precise location of the dormouse nest tubes, photographs and plans which highlight their location, along with clarification of how many were installed within the woodland, and how many were located within the scrub. Details of the condition and how many of the boxes remained in place at the end of the survey period, should also be provided.

### *Legislation and Policy*

As you are aware, bats and dormouse are European Protected Species (EPS) and protected by The Conservation of Habitats and Species Regulations 2017 (as amended) (The Habs Regs). Regulation 9 of the Conservation of Habitats and Species Regulations 2017 (as amended) requires public bodies in exercise of their functions, to have regard to and, in respect of enactments relating to nature conservation to secure compliance with the requirements of the 1992 'Habitats' Directive (92/43/EEC).

Where an EPS is present, and a development proposal is likely to contravene the protection afforded to it, a development may only proceed under a licence issued by Natural Resources Wales as the appropriate authority responsible for issuing licences under Section 53 of the above regulations. This licence can only be issued for the purposes of preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature, and beneficial consequences of primary importance for the environment.

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Furthermore, the licence can only be issued by NRW on condition that there is no satisfactory alternative, and that the development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range. These requirements are translated into planning policy through Planning Policy Wales (PPW) January 2016, sections 5.5.11 and 5.5.12, and Technical Advice Note (TAN) 5, Nature Conservation and Planning September 2009. To avoid developments with planning permission subsequently not being granted derogations in relation to European Protected Species, as advised in PPW, your Authority should therefore ensure the three tests for derogation are satisfied when considering development proposals where a European Protected Species is present.

### Final NRW Comments

*Amended / additional information was submitted by the applicant*

We recommend that you should only grant planning permission if you attach the following condition. This condition would address significant concerns that we have identified, and we would not object provided you attach it to any planning permission your Authority are minded to grant.

Condition: The scheme will be implemented in line with the Mitigation Measures and Recommendations made in Sections 5.3 and 6.0 of the document entitled; Land off George Manning Way, Gowerton. Bat Survey Report. Coastal Housing Group (Ref: A098541) dated October 2018, by WYG.

### *Ecology and Protected Species*

We welcome the submission of the new document entitled 'Letter from Chrispian Snell and Sean Flynn (for, and on behalf of WYG) to Lucy Kelly, of City and County of Swansea dated 14 November 2018'.

Along with the previous documents which have been provided in support of the application, such as: Land off George Manning Way, Gowerton. Bat Survey Report. Coastal Housing Group (Ref: A098541), dated October 2018, by WYG, Land off George Manning Way, Gowerton. Hazel Dormouse Survey Report (Ref: A098541), dated September 2018, by WYG, and; "Land off George Manning Way, Gowerton: Ecological Appraisal 2, dated November 2017, by WYG Limited.

Based on the information provided above, and subject to the implementation of the Mitigation and Recommendations made within Section 5.3 and Section 6.0 of the Bat Survey Report, as part of any permission your Authority is minded to grant, we would not object to the proposed development.

We also advise that you consult with your Authority's Planning Ecologist to discuss and agree the proposed enhancement measures suggested in Section 5.5 of the document entitled "Land off George Manning Way, Gowerton: Ecological Appraisal" dated November 2017 by WYG Limited.

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### *Foul Water Disposal and Memorandum of Understanding*

As you will be aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Loughor WFD water body. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward. Protection of the water environment is a material planning consideration and the Local Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality. We note that it is intended to dispose of foul water to the main sewerage system, which is our preferred and most sustainable method of foul water disposal. Please note that we would oppose any alternative proposal for a non-mains drainage system at this location.

We strongly recommend that you consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution. We would also remind you that the Local Authority must accord with the terms and content of the agreed MOU, that foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment. For larger scale developments such as this, bespoke solutions will be necessary, depending on the size and location of the particular development. We recommend that applications such as this are discussed with the Technical Advisors Group.

The agreed relevant details must also be recorded on the Local Authority's register of compensatory surface water disposal.

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

### *Landscape*

The site is approximately 2.5km from the edge of the AONB at Fairwood Common. Given the distance, intervening topography and vegetation, we do not consider that the proposal will have any visual impact on the AONB.

We agree with the findings of the Landscape and Visual Appraisal (submitted as part of the statutory pre-application consultation), that the proposals are not likely to have significant adverse effects on the wider landscape.

However, impacts on the site may be significant due to the urbanising effect of built development and loss of mature trees. The site is enclosed in a strong framework of trees, hedgerows and woodland, with an area classified as Ancient Semi-Natural Woodland (ASNW) located adjacent to the western boundary. In line with guidance and Policy EV30, we recommend that a minimum 15m buffer is maintained, as advised in Section 5.2 of the Ecological Appraisal report (dated November 2017), by WYG Limited.

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### *Pollution Prevention*

As you will be aware, there can be no deterioration of water bodies under the Water Framework Directive. Therefore, given the scale of the proposed development it is vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of controlled waters (surface and ground) is assured.

As best practice, we would advise that the developer should produce a site-specific Construction Environment Management (CEMP) / Pollution Prevention Plan (PPP) with particular reference given to the protection of the surrounding land & water environments. Provision of a specific Silt Management Plan, should also be considered. Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/businesssectors/planning-and-development/our-role-in-planning-and-development/our-role-inplanning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

### **Dwr Cymru / Welsh Water (DCWW)**

#### *Sewerage*

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We would advise that the content of our consultation response (Ref: PPA0002635) has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, prepared by WYG, insofar as foul flows from the proposed development can be accommodated within the public sewerage system in principle.

Notwithstanding this, the proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area. A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters.

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Dwr Cymru Welsh Water (DCWW) is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal. Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals.

In addition, the PAC report acknowledges it will be necessary for the developer to fund the undertaking of a hydraulic modelling assessment on the water supply network in order to establish what would be required to serve the site with an adequate water supply. Accordingly, if you are minded to grant Planning Consent for the above development, we would request that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

### *Conditions*

1 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made between manhole reference number SS58958821 and SS58958822 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

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

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

3 No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to upgrade the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.



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### Coal Authority

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted.

### Glamorgan Gwent Archaeological Trust (GGAT)

The proposal will require archaeological mitigation. Our information shows that there are archaeological features recorded from historic mapping, which may be extant and include buried remains. These are a well, within the development area at the northern edge, shown on all the 19th century historic maps and a coal pit and shaft adjoining the eastern boundary and just outside it. Wells often had areas around them that included stone covers, areas that were hard surfaced for access and often included separate heads for human and animal access. The mining buildings are marked as outside the development area, although areas of other activity and tipping may have encroached into the development area. The extent of such activity was not always marked on maps.

The proposed development may encounter archaeological remains and these will require mitigation. Therefore, in order to mitigate the impact of the development on the archaeological resource, we recommend that a condition, requiring an archaeological watching brief to be conducted during the groundworks for the development, should be attached to any planning consent granted in respect to the current application. This should include all ground breaking activities including works for foundations and for the provision of services. This recommendation is made following the guidance given in Planning Policy Wales 2016 (Edition 9) Section 6.5.8 with additional advice being provided in TAN24, section 4.14. It is suggested that the condition should be worded in a manner similar to model condition 22 given in Welsh Government Circular 016/2014:

*No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.*

*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*

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

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

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### Head of Transport and Engineering

#### *Background Information*

The site was the subject of a pre-app enquiry reference 2016/3079/pre. A Transport Note was also submitted which summarised conversations that the Agent had had with Swansea Highways. The Highways response was non-committal and suggested that there were gaps in the pedestrian provision and also that road safety measures were required. A PAC (Pre-Application Consultation) followed in 2017 and at this point it was requested that a Transport Statement would be required to quantify movements.

From the PAC it was shown that Traffic movements are estimated at 25 vehicular trips in the morning peak and 23 vehicular trips in the afternoon peak hour and this takes into account the sites accessibility and mixture of units. The site will also forecast to generate pedestrian, cycling, car sharing and public transport trips. In terms of car movements the site is considered adequate but under the SPG on section 106 agreements a contribution will be sought towards enhancements to walking/cycling/and public transport access. For 41 units at this site (reduced from the 44 previously shown) then this equates to £44,499. The money will be used to enhance road safety measures and accessibility for pedestrians/cyclists and access to public transport - i) the upgrade of the existing pedestrian crossing to the school on Park Road, and ii) the upgrade of the existing PROW linking the site to Park Road.

#### *Current Planning Application*

The current planning application is for a full planning application for 41 units with associated access parking and associated works.

The site is accessed off the current end of George Manning Way and there is an existing Public Right of way that connects the site by a shorter pedestrian access route to Mount Pleasant/Park Road. There is a requirement that this be enhanced as the site otherwise is relatively remote from the exiting local amenities and access to public transport. This application was supported by a Transport Statement prepared by WYG on behalf of the applicant.

#### *Layout and Parking*

Advice has been given previously regarding the geometry that would be required for the internal roads to be adopted. The layout internally is considered to be acceptable and there is a 5.5m carriageway and a 2.0m footways on each side shown. The Section 38 Agreement would be subject to the drainage proposals being acceptable. The revised layout (version G) shows that a shared surface private area is now shown at the end of the site. This element would not be considered for adoption (as has been previously advised). The attenuation tank has been relocated and no longer forms part of the highway. It is likely that the road in the main would be suitable for adoption subject to detailed design.

Main access to the site is gained by extending an existing cul-de-sac to form an elongated cul-de-sac. It was demonstrated that the traffic movements could be accommodated within the existing infrastructure. A secondary pedestrian access is being maintained in the form of an existing PROW which links to the main road and provides a more direct link to the local amenities and schools.

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Concerns have been raised regarding the security of this PROW and the possibility of blocking it off. It is considered to be an important link and rather than shut it off a contribution will be sought to improve the accessibility and security of the link by upgrading it. There will also be a requirement to contribute towards creating a raised plateau at the existing pedestrian crossing point that crosses Park Road and links Gowerton Comprehensive to the bus stops of Park Road.

### *Conclusions*

The Transport Assessment document submitted with this planning application demonstrated that the car traffic could be accommodated within the existing infrastructure. However to encourage non-car modes of transport then the contribution has been agreed to provide money under a Section 106 agreement to improve the PROW and upgrade the existing pedestrian crossing across Park Road linking to the school to a plateau.

### *Recommendations*

I recommend that no highway objections are raised to the proposed reserved matters application subject to:

1. The front boundary walls being kept below 1m in the interests of visibility.
2. The applicant entering into a Section 278 Agreement with the Highway Authority to provide the new access into the site
3. 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].
4. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.
5. The developer to enter into Section 106 agreement to make a payment of £44,499 prior to beneficial occupation of any of the units to pay for i) the upgrade of the existing pedestrian crossing to the school on Park Road, and ii) the upgrade of the existing PROW linking the site to Park Road in accordance with details to be submitted for approval to the LPA.

### **Placemaking and Heritage Team**

The layout is logical with dwellings fronting onto the main highway with a strong building line and corner turning units which present 2 windowed facades on their public elevations. The dwellings at plots 17 & 18 present an angled orientation at the bend in the main highway which provides a deflected building termination to the long vista along this highway and adds townscape interest and quality to this. The scheme presents 2 spurs which act as secondary highways and end with a shared surface treatment with a less engineered appearance.

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This approach is appropriate to step down the highway's hierarchy from the main access street to the side street and then the shared surface treatment areas and this gives greater legibility to the scheme. Given the edge of settlement location of the scheme and the lack of through routes within the scheme, the level of traffic within the scheme should be low serving only the development itself.

As such the introduction of shared space areas serving a maximum of 5 dwellings each at the end of the cul-de-sacs within the scheme is considered appropriate, given the very low levels of traffic and vehicle speeds within these areas, and these areas will help to provide more pedestrian friendly spaces in line with the Placemaking objectives of Planning Policy Wales as well as the Swansea Residential Design Guide SPG.

The scheme incorporates a mixture of side drives and frontage parking with the latter broken up with intermediate planting (grass and trees) and this is considered an appropriate response to minimise the visual impact of parked vehicles within the scheme. Publicly visible boundaries are to be finished as walls which helps to improve the visual quality of the scheme.

It is noted that the proposals will upgrade the existing pedestrian access which connects the Mount Pleasant and this is welcomed to provide a more walkable development and convenient access for pedestrians and cyclists to the nearby bus stop and convenience shop.

The red line site area includes an area of undeveloped land to the north which includes a number of mature trees which could act as a pleasant recreation area for the development and wider area. The most recent iteration of the scheme provides a dedicated footpath to this area to allow its use and this is welcomed in design terms.

In summary the proposals provide for a housing layout which is both logical and well-structured which provides a mixture of appropriate house types and a parking strategy which helps to minimise the impact of parked cars. The introduction of the shared surface areas, the recreation area to the north of the development and the upgrading of the existing footpath from the development to Mount Pleasant also help to maximise the opportunities for pedestrian and cyclist use and will help to create a sense of Place within the development. As such the proposals are supported in design terms.

### **Tree Officer**

#### Initial Comments

None of the trees present on site are protected by TPO or by virtue of being in a conservation area. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

A tree survey has been supplied that has categorised the trees on site and shown their positions on a site plan. The survey is not in accordance with BS5837:2012 and the categorisation of trees is not consistent with the guidance in the Standard. In several cases, trees have been categorised as U where they do not qualify under that category. However, the survey does provide an overview of the tree stock.

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The first site layout had a very poor relationship to the retained trees, this has been improved with the amended layout, drawing number A101. However the layout does not include the tree constraints so the finer relationship to the trees cannot be assessed. A development of this size and with the proximity to important trees requires an arboricultural impact assessment to be submitted so the sustainability of the juxtaposition of development to the trees can be assessed. Trees around the access are generally in poor condition and the categorisation of these are accurate. However the oak T73 is under categorised and it is not clear if this tree is to be retained or removed.

### Further Tree Officer Comments

#### *Revised information was submitted*

All of the trees present on site and adjacent to are protected by TPO 648 that was confirmed by Committee on 06/11/18. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development, adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

A tree survey has been supplied that has categorised the trees on site and shown their positions on a site plan. The survey is not in accordance with BS5837:2012 and the categorisation of trees is not consistent with the guidance in the Standard. In several cases, trees have been categorised as U where they do not qualify under that category. However, the survey does provide an overview of the tree stock.

The latest site layout, A200 Rev D, is accompanied by an Arboricultural Impact Assessment (AIA). The AIA does not look at the impacts on local amenity. The removal of category A trees T54 and T56 along with the removal of category B groups G59 and G62 will have a large impact and leave the southern boundary devoid of trees. The AIA plan understates the impact of the removal of these two groups, representing them as simple lines where the canopy extents of the category U trees are clearly shown.

The impacts are not readily visible on this plan, with none of the groups or trees proposed to be removed to facilitate the development represented clearly.

The removal of trees T71, T73 and T75 is not objected to as their removal makes sense as it will join the new development to the old, however, the loss of category B tree T69 will be exacerbated by the removal of these trees.

The AIA also does not look at the impacts of pruning, in fact the AIA does not specify what pruning will be required. Section 4 of the AIA is a generic statement that the consultant uses in many of his reports.

Section 5 of the AIA is incorrect. The consultant states, "There are no conflicts between the proposed layout and the RPAs of trees to be retained." In his AIA plan as well as the drainage strategy, the foul drainage is shown passing through an area of retained trees.

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The layout has an unacceptable impact on trees along the southern boundary and in the neighbouring land. A reduction in density is probably required to adequately retain the better quality trees. A solution to the drainage impacting on the adjacent trees also needs to be found. Trees T69, T54, T56, G59 and G62 should be retained due to their quality and subsequent categorisation.

### Further Tree Officer Comments

*Revised information was submitted*

I am objecting to the proposals as the impacts on trees located on 3rd party ownership has not been considered. These impacts are likely to lead to the loss of good quality trees. In addition, the proposed layout does not retain two category A trees and provides no suitable mitigation.

### Further Tree Officer Comments

*Revised information was submitted*

The applicants have not quantified what the impacts to the trees are, the AIA and TPP do not identify the conflict despite using a base drawing showing the intended drainage route. Therefore due to the lack of detail we must assume that they will remove the trees not on their land. The removal of these trees will require mitigation if as indicated in 2.9.73 below their removal is unavoidable. The removal of these two trees (as well as others) therefore require 'appropriate' replacement trees, it is up to the applicant to show mitigation is possible. The indicative tree planting in the development would need to be small species and are not considered appropriate mitigation.

### Final Tree Officer Comments

*Revised information was submitted*

The updated arboricultural impact assessment now identifies impacts on the trees related to the proposed foul water route. These impacts include the removal of T7; this has been downgraded from category B to category C due to work on it undertaken by the Council's Tree Team. The removal of this tree is acceptable in planning terms, however, its loss will need to be mitigated as it is on Council owned land. Replacement can be conditioned as this area is included in the red line.

Further to my previous concerns, the layout has been modified and now retains one of the category A trees on the southern boundary that was previously identified for removal along with one other of this category. The position of the adjacent proposed dwellings will allow the retention of this tree in the long term and is a reasonable compromise if suitable mitigation tree planting is provided.

The draft tree protection plan appears to be suitable if the layout is approved, this will need to be accompanied by an arboricultural method statement.

Please could you append the following conditions in the event of approval:

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

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

2 No development shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) earthworks showing existing and proposed finished levels or contours;
- iii) means of enclosure and retaining structures;
- iv) other vehicle and pedestrian access and circulation areas;
- v) hard surfacing materials;
- vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- vi) water features.

Soft landscape works shall include [planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

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

### Ecology Officer

#### Initial comments

The site is a field just outside the settlement boundary for Gowerton. It appears to have been left unmanaged for a number of years, allowing scrub to encroach into the semi-improved grassland. A large number of mature broadleaved trees are located around the boundary. Immediately to the west is an area of ancient woodland. The scheme involves felling a number of the trees and all of the scrub to create sufficient space within the centre.

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### *Protected Species*

The Ecological Appraisal (EA) found the site to be suitable for a number of protected species, and recommended further surveys for reptiles, bats, badger and dormouse. Surveys should be conducted following the survey methodology described in section 5.3 of the EA.

### *On-Site Trees*

The CCS Tree Officer has indicated that the submitted Tree Report is not of a sufficient standard, lacking clarity as to precisely which trees are to be felled. It should be amended / reproduced to include all trees to be felled, including for ancillary works such as drainage. This information must be used to inform the bat tree survey.

### *Ancient Woodland*

In line with Swansea UDP policy EV30 and LDP policy ER 11, a development-free buffer of 15m should be provided around the ancient woodland.

### *Drainage*

The drainage strategy states that a site on Park Road will be used to satisfy the MoU.

### *Documents Required*

A Protected Species Report will be required prior to determination, and an Ecological Management Plan (EMP) should be conditioned and submitted to the LPA for approval prior to the commencement of work on-site. This should include all recommendations within the EA and Protected Species Report for pre-construction (e.g. vegetation removal, badger check), construction (e.g. protective fencing) and post-construction (e.g. habitat enhancements). The precise content of the EMP should be agreed between the LPA ecologist and appointed consultant at a later date. A condition should be added to ensure that the EMP is enacted under the supervision of an ecologist.

### Final Ecology Officer Comments

*Further Documents Submitted by the applicant - Ecological Appraisal (WYG, November 2017) and Protected Species Report*

The site is a field just outside the settlement boundary for Gowerton. It appears to have been left unmanaged for a number of years, allowing scrub to encroach into the semi-improved grassland. A large number of mature broadleaved trees are located around the boundary. Immediately to the west is an area of ancient woodland. The scheme involves felling a number of the trees and all of the scrub to create sufficient space within the centre.

### *Protected Species*

The Ecological Appraisal (EA) found the site to be suitable for a number of protected species, and recommended further surveys for reptiles, bats, badger and dormouse. Surveys should be conducted following the survey methodology described in section 5.3 of the EA.



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The information included with the WYG letter dated the 14th November addresses previous concerns about the survey reports. Therefore they should be used to inform the Ecological Management Plan which will be required via a condition,

### *On-Site Trees*

The updated tree information submitted in early January 2019 addressed the concerns that were expressed previously, clarifying which trees will be retained and how they will be protected during construction. Any concerns relating to bats roosting in the trees to be removed were addressed in the letter from the consultant ecologist.

### *Ancient Woodland*

In line with Swansea UDP policy EV30 and LDP policy ER 11, a development-free buffer of 15m should be provided around the ancient woodland.

### *Drainage*

Sufficient information is required to assess any potential impacts on the Carmarthen Bay and Estuaries European Marine Site.

### *Derogation*

As no European Protected Species were found during the surveys, the derogation tests suggested in the first two NRW responses are not required. The final NRW response was written after the surveys results had been submitted, and as such all previous concerns have been addressed.

### *Condition*

I envisaged a single, comprehensive Ecological Management Plan to cover all protected species from pre-construction to post-construction. This should include the condition requested by NRW. I'd suggest:

Prior to the commencement of development on site, an Ecological Management Plan (EMP) shall be submitted to, and approved in writing by, the local planning authority. This should include all recommendations for mitigation and enhancement within the Ecological Appraisal and each protected species report (bats, reptiles and dormouse), with attention drawn to sections 5.3 and 6.0 of the Bat Survey Report. The EMP shall span the pre-construction (e.g. vegetation removal, badger check), construction (e.g. protective fencing) and post-construction (e.g. habitat enhancement) phases. The approved EMP shall then be enacted under the supervision of a suitably qualified ecologist and the condition discharged via a brief written summary from said ecologist.

Reason - To ensure that the development complies with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and the Environment (Wales) Act 2016.

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### Drainage Officer

#### Initial Comments

We have no objection in principle to the proposed development however the Drainage Strategy (DS) as submitted raises several queries that require further information and possible consideration.

Section 2.4 describes an active watercourse/land drainage system conveying water to a larger culverted system to the rear of an unidentified dwelling, we have no information on the culverted system and would expect further investigation of it to ascertain route, condition, capacity, ownership (where possible) and discharge/connection points to be included within the strategy to provide a full picture of the proposals and possible effects or benefits to existing property.

We can also not ascertain how the on-site drainage ditches are to be treated, it appears as if they will be filled in/culverted. We would like to have further information on this element and how they are to be incorporated into the masterplan.

We note that material is to be imported from the cross sections provided to create a development plateau, the importation of material different to local characteristics and change in slopes could create changes in run-off behaviour towards the downslope properties. Has this been considered?

In regards to Section 4.3.1 Surface Water Removal the DS refers to an existing scheme which was originally developed for the Former TA Centre site. Any extra areas removed as a result of any scheme are banked to the Authority's register for the benefit of all development within the Gowerton catchment and cannot be 'banked' or used in the manner suggested here unless the removal hierarchy is followed i.e. the developer must undertake investigations in the catchment to identify schemes, only if no options are available is the register able to be accessed.

#### Final comments

##### *Revised drainage strategy documents submitted by the applicant*

We have reviewed the revised Drainage Strategy, dated June 2018, ref V-C8532.00-RepC01-R2 based on that report and other supporting information we offer the following comments.

There is anecdotal evidence from some of the comments from consultees / residents that there are flooding issues with regards to the receiving watercourse, however it is unclear who the riparian owner is. The surveys undertaken on the culvert indicate that it requires cleansing to remove some debris in the line which would be the responsibility of the riparian owner who under common law is required to accept flows from upstream irrespective of quantity and quality. The cleansing will improve the flow characteristics and capacity of the culvert.

The Drainage Strategy acknowledges the catchment issue however there is no duty on the applicant to resolve it by undertaking off-site improvement works, however the design submitted endeavours to offer improvements by holding back more of the flow and volume via an appropriately design drainage scheme for all storm durations up to and including 1 in 100 year critical storm including a 30% allowance for climate change.

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### *Surface Water Removal Scheme*

Section 4.3.1. of the Drainage Strategy highlights a previous surface water removal scheme that was undertaken to enable 2016/1046 (Land at TA Centre, Park Road, Gorseinon), also developed by the applicant. That scheme removed 1225 square metres of impermeable highway from the combined and redirected it to the existing highway drain and culvert. 2016/1046 effectively took up 333sqmts, while this development, 2017/2709/FUL, takes a further 369sqmts and still leaving 523sqmts unused.

The design details for the scheme can be found in the revised Drainage Strategy, dated June 2018, ref V-C8532.00-RepC01-R2, Appendix D, dwg Sk-05 Rev B dated 19.10.16.

Accordingly we recommend the following conditions are appended to any permissions given:

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

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

2 The site shall not discharge at any rate greater than 5l/s as stated in the revised Drainage Strategy, dated June 2018, ref V-C8532.00-RepC01-R2.

Reason: To ensure that the existing greenfield runoff regime is maintained and prevent increased flood risk downstream land/property owners.

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 3: To prevent inappropriate development on site that may affect the receiving watercourse and create or exacerbate any existing flood risk.

### Informatives

The on-site watercourses must remain open and undisturbed. Furthermore be aware that the Authority's prior written consent under the Land Drainage Act 1991 (as amended) is required for any works that have the potential to affect the flow in any watercourses, ditch or stream irrespective of any other permissions given.

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Schedule 3, Flood and Water Management Act 2010

We would also highlight that from the 7 January 2019 any development proposals of 100m<sup>2</sup> and above will also require permission from the SuDS Approval Body under Schedule 3 of the Flood and Water Management Act 2010 and any designs must comply with what are currently the "Recommended non-statutory standards for sustainable drainage (SuDS) in Wales - designing, constructing, operating and maintaining surface water drainage systems". This permission will be required irrespective of any other permissions given, prior to any development commencing and may affect the development able to be achieved on site.

In response to the detailed objection letters regarding drainage, manholes, and flooding, with regard to the water courses, flooding of manholes / drain covers, surface water discharge, and detailed technical concerns regarding drainage, the watercourses in question already receive surface water from the site unrestricted in quantity and quality via surface flows and it cannot be disputed in land drainage law that it is the land owners responsibility to both receive and pass on these flows including managing any debris.

In response to the objector's technical comments, the culvert system has been surveyed as part of the development which did identify that the culvert does require minor cleansing but this is the responsibility of the landowners to undertake as part of their riparian responsibilities. The Drainage Strategy clearly demonstrates that a viable and achievable scheme can be delivered on site. The site is proposing to discharge to the watercourse network via a hydrobrake at 5l/s while slowing down the water volumes generated by the development. The discharge rate is fixed for all return periods up to and including 1% probability events including 30% allowance for climate change. This is substantially less than current rates and therefore offers significant flood risk benefits to the receiving catchment in accordance with TAN15 and the forthcoming Statutory SuDS Standards. Section 4.2.2.5 that the objector refers to has unfortunately been taken out of context, as it is quite correct that no surface water system can be constructed to deal with all possible events and it is accepted that when drainage capacity is exceeded, excess flows will follow above ground pathways. The development will manage this through flood flow pathways which would be designed/highlighted to convey overland flows to suitable areas of open space.

In addition, with regard to comments regarding degradation of such systems, it is the responsibility of the system owners, in this case Coastal Housing and their successors, to maintain the drainage scheme as approved, which is proposed to be secured by condition. Coastal Housing - to ensure that the system does not degrade - will have to follow the manufacturers recommendations with respect to inspections and maintenance. Depending on the type of tanked system used, maintenance can be very minimal with silts etc. simply passing through the system. In regards to the size of the system proposed it is highlighted that this is only proof of concept at this stage and at detailed design the size of the system is likely to be optimised as part of the applicant's discharge of conditions.

All flows from the system will be controlled by a valve that operates automatically in response to changes in hydraulic head, as shown on the insert on the objector's response. All surface lines connect at the control chamber which will manage and control the flows from the contributing areas on site in accordance with TAN15 requirements in standard industry guidance.

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In regards to the receiving watercourses to the rear of Mewslade and that surround the site that are owned by the objector, as they are claiming ownership of the land under riparian common law they are also owner of the watercourse where it is within their land and responsible for removing any fly tipped material from the watercourse/ditch and land and accepting all any flows from the catchment undiminished in quality and quantity.

The photo image of a manhole surcharging isn't part of the network being proposed to receive a formal connecting from the site drainage but is according to information available to the Authority part of the DCWW surface water system at Mount Pleasant. Issues surrounding it being surcharged should be directed to DCWW. This is supported by CCTV/trace of the receiving watercourse network which shows the route and condition of the watercourse which runs through The Mount before discharging to an open watercourse. If the objector has any additional information on the routing of the receiving network such as site surveys or plans showing chamber locations, that can be checked the Authority would be interested in receiving them and their management/maintenance and inspection plans by the riparian owner to aid in resolving any flooding issues. As mentioned previously any disagreements between the developer and the objector over land ownership the Authority would not comment or become involved as that is a private matter and subject to private agreements outside of the planning realm.

### Housing Enabling Officer

In response to the consultee letter regarding Land Off George Manning Way, Gowerton, I can confirm we support the provision of 100% Affordable Housing (58% ACG), which are DQR complaint, social rented tenure. We support the proposed mix of units, comprising 31 houses, 2 pairs of semi-detached bungalows, and 8 apartments.

The highest affordable need within Swansea is for social rented housing. This site falls within the Greater North West Zone. The Local Housing Market Assessment indicates a need for affordable housing within this zone. This site is on the boundary of the Gower and Gower Fringe Zone, the highest need in both zones is for affordable housing.

Looking at local Ward level, this site is within the Gowerton Ward, the overall average age profile of the ward compares closely with the Swansea average. The most common age bracket is 35-59, there is also a high proportion of 55+ and those aged between 0-15 and 10-19 years. The household composition within the ward shows there is a higher than average representation of married couple households but a significantly lower representation of one person households, when compared regionally. The current stock profile in the area shows semi-detached houses as the highest property type, with a lack of flatted accommodation which is in line with the household composition.

The Council has social housing stock within the Gowerton Ward. There is demand for these properties, but a low turnover of tenancies, supporting the need for social rented accommodation. Looking at income levels and affordability within the Gowerton Ward a large percentage of first time buyers and owner occupiers are priced out of the current housing market within this ward.

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Taking into account the age profile, current stock, income and affordability with the Gowerton Ward, there is a need for both family type housing and smaller units. There is a need for intermediate sale tenure and social rented tenure to meet need.

The Former Cefn Gorwydd Colliery site is a mixed tenure site that offers various housing options. The site will include open market units as well as affordable units and these will not be restricted to local residents. This provision of affordable housing on this site goes towards meeting housing need but will not fulfil it in its entirety.

The Housing Service is supporting the George Manning Way Site as it provides a mix of all units sizes and types, including bungalows which will be 100% affordable social rented tenure to meet local need.

### Education Officer

#### Initial Comments

Education request a Developer's Contribution from this proposed development for full Developer's Contribution for EM primary and the full developers contribution for English Medium (EM) secondary provision due to the issues highlighted with the primary and secondary schools, with no developers contribution requested for Welsh Medium (WM) primary and secondary provision or Post 16 provision

#### *Primary*

English Medium: The English Medium catchment school (Gowerton Primary) has no capacity (-12 spaces/-3.47%) in 2018. With the pupils generated from this development (9 primary pupils), it would then put the school in an 'over capacity' situation. Therefore the full generated amount of £93,348.00 plus indexation, to be utilised towards facilitating increased capacity at Gowerton Primary school.

Welsh Medium : Although there is a deficiency in spaces available at YGG Login Fach, £10,372.00 is not deemed sufficient enough to support any infrastructure to provide additional places (1 pupil). Therefore on this occasion, there is no request for a contribution for YGG Login Fach from this development.

#### *Secondary*

English Medium: The English Medium catchment school (Gowerton Comprehensive) has current capacity (102 spaces / 8.55%) in 2018. The pupils generated from this development would be 6 pupils. The capacity is predicted to be 54 spaces / 4.5% by 2024. As such the full generated amount of £95,088.00 plus indexation towards Gowerton Comprehensive.

Welsh Medium: Although there is a deficiency in spaces available at Y Gwyr, £15,848 is not deemed sufficient enough to support any infrastructure to provide additional places (1 pupil). Therefore on this occasion, there is no request for a contribution for Y Gwyr from this development.

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### Final Education Comments

Planning Officers queried the requested education contribution, as it is considered that as there is current capacity on Gowerton Comprehensive comprising 102 spaces / 8.5% which is predicted to fall to 54 spaces/4.5% by 2024, it is considered that there is sufficient capacity to accommodate the 6 EM pupils generated by this development.

The Education Officers final response is;

"Whilst on paper it may seem that these pupils can easily be absorbed into the EM Secondary school, limited surplus capacity means that the school has reduced flexibility, which impacts on the delivery of the curriculum. There are also suitability and condition issues at this school. There has also been an increase in this year's admission applications, which will impact on the existing and projected unfilled places. We stand by the request as we do feel this is justified in light of the information above."

### **Pollution Control Officer**

I have no objection to the application subject to conditions.

### **APPRAISAL**

This application is being reported to Planning Committee for determination due to the size of the development.

Full Planning permission is sought for the construction of 41 residential units (comprising 6 x 1 bed flats, 2 x 2 bed flats, 6 x 2 bed houses, 25 x 3 bed houses and 2 x 2 bed bungalows) on land off George Manning Way, Gowerton. The residential dwellings are proposed to be 100% affordable housing, and will be managed by Coastal Housing Association.

The access to the site is proposed to be from George Manning Way, at the end of the existing cul-de-sac adjacent to the existing public right of way (PROW). There are a number of existing protected trees adjacent to the entrance to the site.

The application site comprises a field measuring approximately 1.4ha which slopes downwards from south to north. The northern boundary of the application site is located adjacent to the rear boundary of Nos. 1-23 Mount Pleasant. To the east the application site is bounded by two properties in George Manning Way and a public footpath. To the north, the site is bounded by existing hedgerows with fields beyond. To the west, the site is bound by existing hedgerows and an area of ancient woodland.

The site is currently designated as 'Green Wedge' and open countryside within the Unitary Development Plan 2008.

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### Main Issues

The main issues for consideration with regard to this application relate to the principle of residential development on this site, impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests.

### Policy Context

#### Local Policies

Policies EV1, EV2, EV3, EV12, EV18, EV20, EV22, EV23, EV24, EV30, EV33, EV34, EV35, EV40, HC3, HC17, HC24, AS1, AS2, AS6 and AS10 of the Unitary Development Plan 2008 are relevant to the determination of this application. The following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety, and The Protection of Trees on Development Sites. There are no overriding issues for consideration under the provisions of the Human Rights Act.

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019.

Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) edition 10 at para. 1.17 emphasises that the legislation secures a presumption in favour of sustainable development in accordance with the development plan, unless material considerations indicate otherwise. The principles of sustainable development are defined in the Well-being of Future Generations Act. Paragraph 1.21 of PPW states that up-to-date development plans are the basis of the planning system and that these set the context for rational and consistent decision making, where they have been prepared in accordance with up to date national planning policies. The Plan-led system underpins the delivery of sustainable places and development proposals must seek to deliver development that addresses the national sustainable placemaking outcomes, as defined within PPW 10 (chapter 2).

The examination of what is necessary within a development plan to deliver sustainable development manifestly occurs through the production of new planning policies and their supporting evidence base. The LDP replacement is what is anticipated by PPW and other national guidance to be the appropriate review process for time expired Plans. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption.



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This reflects the fact that Planning Inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspectors publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit concluded on December 14<sup>th</sup> 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019.

The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include;

PS 1 In order to deliver sustainable places and strategically manage the spatial growth of the County, the delivery of new homes, jobs, infrastructure and community facilities must comply with the Plan's sustainable settlement strategy, which requires that development is directed to the most sustainable locations within the defined settlement boundaries of the urban area and Key Villages and inappropriate development in the countryside is resisted.

PS 2 Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

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

PS 3 The Plan provides for the development of up to 17,645 homes to promote the creation and enhancement of sustainable communities and meet the housing requirement of 15,600 dwellings for the Plan period. The Sustainable Housing Strategy is based on:

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Creating new neighbourhoods at Strategic Development Areas within, and on the edge of, established settlements; Allocating Non-Strategic Housing Sites within, and on the edge of, established settlements; Supporting windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land; and Allocating exception sites in Gower and Gower Fringe that will deliver high proportions of affordable housing and homes that provide for an identified local need. In all areas outside defined settlement boundaries there will be a presumption against inappropriate housing development.

IO 1 Development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal. ....Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable, which will include addressing any identified deficiencies in provision or capacity directly related to the proposal. ....

H 2 Provision will be made to deliver a minimum 3,518 affordable homes over the Plan period through setting targets for on-site provision of affordable housing (Policy H3); allocating Local Needs Housing Exception Sites (Policy H5); and providing a policy framework for determining 100% affordable housing rural exceptions sites (Policy H5A).

H 5A Residential proposals on sites within or adjoining existing settlements where 100% of the proposed dwellings are for Affordable Housing for Local Needs will only be permitted where:

- i. The site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement;
- ii. The site is in a sustainable location having reasonable access to at least a basic range of services;
- iii. It is of a size, scale and design compatible with affordable dwelling standards and available to low or moderate income groups;
- iv. There are binding agreements in place to ensure that the initial affordability benefits will be retained in perpetuity for all successive occupiers who meet the Council's occupancy criteria;
- v. It is demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality; and
- vi. There is no loss of land of important recreational, amenity or natural heritage value.

Market housing will not be permitted on 100% affordable housing rural exception sites. The proposed affordable housing should meet the needs of local people in perpetuity, which will be tied to the planning consent by means of a legal agreement.

SI 1 Health inequalities will be reduced and healthy lifestyles encouraged by ensuring that development proposals reflect the spatial distribution of need for primary and secondary healthcare provision, ensuring such proposals are accessible by non-car modes and have the potential to be shared by different service providers; create sustainable places that accord with the principles of Placemaking; are supported by appropriate social infrastructure and community facilities, with good interconnectivity between places and land uses; maintain and/or enhance the extent, quality and connectivity of the Active Travel and green infrastructure networks; and do not result in significant risk to life, human health or well-being, particularly in respect of air, noise, light, water or land pollution.

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SI 8 Development must be designed to promote safe and secure communities and minimise the opportunity for crime.

ER 2 Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network, and where appropriate: create new interconnected areas of green infrastructure between the proposed site and the existing strategic network; fill gaps in the existing network to improve connectivity; and/or in instances where loss of green infrastructure is unavoidable, provide mitigation and compensation for the lost assets.

ER 8 Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where the need for development outweighs the nature conservation importance of the site; the developer demonstrates that there is no satisfactory alternative location for the development which avoids nature conservation impacts; any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall nature conservation value of the area. Where this is not feasible, compensation measures designed to conserve, enhance, manage and, where appropriate, restore natural habitats and species must be provided.

ER 11 Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development will not normally be permitted that would result in: fragmentation or loss of Ancient Woodland; The loss of an Ancient or Veteran tree; Ground damage, loss of understorey or ground disturbance to an area of Ancient Woodland or Ancient or Veteran Tree's root protection area; A reduction in the area of other semi natural habitats adjoining Ancient Woodland; Significant alteration to the land use adjoining the Ancient Woodland; An increase in the likely exposure of Ancient Woodland, Ancient or Veteran Tree to air, water or light pollution from the surrounding area; Alteration of the hydrology in a way that might impact on Ancient Woodland, Ancient or Veteran Trees; Destruction of important connecting habitats relating to Ancient Woodland; Destruction of Plantations on Ancient Woodland Sites (PAWS); and/or Development in close proximity to within 15m of Ancient Woodland and Ancient and Veteran trees.

CV 2 Presumption against development in the countryside, except where it is for specified uses, including affordable housing to meet local need at acceptable and sustainable locations within or adjoining settlements, or as minor extensions to small groups of dwellings in the countryside.

T 1 Development must be supported by appropriate transport measures and infrastructure, depending on the nature, scale and siting of the proposal.

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T 2 Development must take opportunities to enhance walking and cycling access by incorporating within the site, and/or making financial contributions towards the delivery off-site. Developments must not have a significant adverse impact on Public Rights of Way or existing routes identified by the Active Travel (Wales) Act (2013)'s Swansea Integrated Network Map and should be designed.

T 5 All proposals must ensure that the design of development, together with any supporting transport measures and infrastructure: Maximises the accessibility of the site via public transport and Active Travel; Provides suitable facilities and a safe, attractive environment for pedestrians, cyclists and other non-motorised modes of transport; Allows for the safe, efficient and effective movement of vehicles, inclusive of service vehicles; Minimises vehicle speeds where appropriate; Considers the place and movement of any transport infrastructure in line with Streets Hierarchy and User Hierarchy concepts to ensure appropriately designed transport infrastructure; Does not encourage extraneous traffic unless there is a specific strategic need for an access route through the area; Does not give rise to any significant adverse effect on the natural heritage, and the historic and cultural environment is preserved and enhanced; Maintains the character of rural lanes and public paths; Complies with the principles of accessibility Access For All; Accords with standards of good practice, including the Active Travel Act Design Standards; and Considers, and responds to, the findings of any relevant Travel Plan and/or Transport Assessment.

T 6 Proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles.

RP 3 Development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for floodplain capacity. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 9 Development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

EU 4 Development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure which does not form part of the utility provider's improvement programme will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

The relevant LDP Policies that apply to this scheme are broadly consistent with the objectives of the UDP Policies cited above. Consequently, as the LDP Policies do not materially affect the way that the proposals are evaluated, the scheme is primarily considered having regard to UDP Policies and the Council's Places to Live: Residential Design Guide.

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### National Planning Policy

The following guidance is of relevance:

*Planning Policy Wales (PPW) 10, 2018 - paragraphs:*

3.56 Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing. All new development should be of a scale and design that respects the character of the surrounding area.

4.2.26 Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents. All other types of housing are referred to as 'market housing', that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local authority. It is recognised that some schemes may provide for staircasing to full ownership and where this is the case there must be secure arrangements in place to ensure the recycling of capital receipts to provide replacement affordable housing.

4.2.34 The provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community. Where such policies are considered appropriate it should be made clear that the release of small housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms. The affordable housing provided on exception sites should meet the needs of local people in perpetuity.

### **Policy Appraisal**

Having regard to the UDP settlement boundaries, the site is located outside of the urban area boundary in open countryside. In terms of the emerging LDP (Deposit LDP 2016 and associated Matters Arising Changes 2018), the settlement of Gowerton remains within the Urban Settlement Boundary. The application site is located outside of the LDP settlement boundary in open countryside. As such the principle of the site being within the countryside but adjoining the settlement is unchanged between extant and emerging Development Plans.

The site is located in an area designated in the UDP as a Green Wedge. UDP Policy EV23 defines appropriate development within the Green Wedge and includes affordable housing for local needs (criterion vi) under Policy EV18. Following a review of the UDP Green Wedges, it has been concluded that for the LDP the further designation of a Green Wedge to prevent settlement coalescence is not necessary at this location, and other Plan Policies will control development in the countryside. In any event, Planning Policy Wales Edition 10 (para 3.71) has confirmed that affordable housing exception schemes are no longer acceptable developments within a Green Wedge.

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With regard to the proposal to provide 100% affordable housing on the site, UDP Policy EV18 allows for permission to be granted in exceptional circumstances for 100% affordable housing within and adjoining settlements. The amplification clarifies that the Policy refers primarily to proposals at village locations to help sustain local communities, where no satisfactory alternative arrangements can be made to meet identified needs and is for small site proposals.

However, Policy EV18 does not preclude exceptional development adjoining urban areas where the criteria of Policy EV18 can be met. In particular, to meet the requirements of EV18(i) the applicant will need to evidence that there is a proven need for affordable housing in the locality. It is noted that the Design and Access Statement refers to the need identified in the LHMA for the Greater North West Zone of 800 affordable homes for the period 2020 to 2025.

The agent has commented that the Council's Housing Enabling Officer has advised that the site lies at the boundary of the Gower and Gower Fringe Zone, where the highest housing need in both zones is for affordable housing. The agent has also been informed that the Council's housing stock in the Gowerton Ward has a low turnover of tenancies which supports the need for social rented accommodation in this locality. Furthermore, the agent makes the point that the 34 affordable units being provided within the Cefn Gorwydd Colliery site will be insufficient to meet the identified need for affordable units in the locality.

LDP Policy H5 A: 100% Exception Sites (as proposed for amendment by MAC (Matters Arising Changes) Ref 181), in conjunction with Policy CV2: Development in the Countryside (as proposed for amendment by MAC 255), allow exceptional consideration of 100% Affordable Housing for Local Needs on un-allocated sites within or adjoining settlements, subject to criteria being met, including but not limited to size, satisfactory scale in keeping with surrounding area, logical extension of the existing settlement boundary, being in accordance with the Plan's strategy of creating sustainable communities, and again demonstration that there are no satisfactory alternative arrangements to meet this Local Need within the locality.

The proposal is considered to be a reasonable rounding-off, of an appropriate scale on the edge of Gowerton which is a sustainable location having access to the recently upgraded Gowerton station and being within walking distance of bus and cycle routes, and having good access to local services and facilities. It is noted that the Design and Access Statement includes a section setting out the sustainability of Gowerton as a location for affordable housing. This is welcomed and is an important informative to help provide justification as to whether exceptional circumstances apply for granting permission outside the settlement boundary.

In order to meet the criteria of both UDP Policy EV18 and emerging LDP policy H5 A, the proposal must provide affordable housing for local needs in perpetuity. A legal agreement and/or conditions will be required to secure this. It is noted that the Design and Access Statement sets out Coastal Housing Group's commitment to build and manage the affordable homes, and that a legal agreement is the preferred mechanism to ensure that the units delivered are retained as affordable units. This commitment is welcomed and demonstrates satisfactorily how the criteria of the policy relating to perpetuity will be met.

Whilst it is accepted that the Cefn Gorwydd Colliery site proposes a total of 34 affordable units, it is not considered that there is any satisfactory alternative site capable of providing 44 affordable units.

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Councillors should note that the LDP does not allocate any residential development within Gowerton, other than the Cefn Gorwydd Colliery site which already has planning permission.

The proposal is for 100% affordable housing for local needs, adjacent to the urban settlement boundary, in the locality of Gowerton. The existing UDP, the emerging LDP, and national planning policy allow for permission to be granted for 100% affordable housing within and adjoining settlements, subject to the LPA being satisfied that specific criteria are met to justify the proposal being an exception to the restrictions that would otherwise apply for market housing in the open countryside. Should it be concluded that the criteria have indeed been met, and having regard to the analysis in the paragraphs above, the scheme can be considered an acceptable proposal for 100% Affordable Housing for Local Needs.

### **Visual Amenity / Design Principles**

The proposal has been the subject of significant negotiations during the application process (as per the Placemaking and Heritage Team comments section of this report) to ensure that the density, layout and design of the development has sufficient regard for its location and the placemaking principles in the SPG - A Design Guide for Residential Development, UDP Policies and the emerging LDP Policy PS2 - Placemaking and Place Management.

In visual terms, the layout and density of the proposed development is considered to be appropriate for the area and does not result in an over-development of the site. The proposal includes a mix of 1 and 2 bed flats, 2 and 3 bed houses, and 2 bed bungalows. The proposed mix of single and two storey buildings, will be in keeping with the character and appearance of the surrounding area. The houses will be a mix of detached and semi-detached dwellings. The northern section of the site will be utilised as 'informal open space' which will be accessible via a new path from the access road, adjacent to Plots 40/41. The level of open space provision being made within the scheme is also acceptable.

The proposed elevations of the houses and flats have a traditional appearance which include pitched roofs and bay windows. The materials for the proposed houses and flats would be mix of grey, red and buff bricks, blue black roof tiles, white upvc windows, off-white render to bay windows and Portland colour stone to the window headers and cills. The design and general appearance of the dwellings is considered to be acceptable.

The boundary treatments include screen walls to public facing garden boundaries and timber fences between gardens, although the precise details have not been submitted with the application (they will be secured via a condition). In addition, the existing fence to the side of No 24 Mount Pleasant, adjacent to the public foot path, will be replaced with a new fence, the details of which will be secured via a condition.

The proposal is considered to represent a satisfactory form of development in terms of its impact upon the character and appearance of the area, and the layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of Policies EV1, EV2 and EV18 of the UDP and the SPG - Places to Live: Residential Design Guide, and the emerging LDP Placemaking Policies PS 2 and H 5A.

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### Residential Amenity

In terms of residential amenity impacts, the proposed houses are located between 16 - 43m from the boundary with the rear gardens of the existing houses in Mount Pleasant, (which all have rear gardens in excess of 25m). There would therefore be no material residential impacts in term of overlooking, overbearance or overshadowing impacts on the existing dwellings within Mount Pleasant. Furthermore, it is not considered that the proposed dwellings would impinge undue levels of noise and disturbance upon existing neighbouring occupiers.

The layout of the proposed development ensures that all separation distances for back to back relationships accord with (and exceed) the minimum separation distances set out in the SPG - Places to Live: Residential Design Guide. All of the plots would have an acceptably sized rear garden.

In terms of the residential amenity of existing and future occupiers, the application is considered to be acceptable and would accord with the provisions of Policy EV1 of the UDP, SPG - Places to Live: Residential Design Guide, and the emerging LDP Placemaking Policy PS2.

### Transportation and Highway Safety

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect on the local highway network as detailed in the 'Response to Consultations' section of this report.

A Transport Statement was submitted with the application which shows that the additional movements generated by the development can be incorporated into the existing traffic flows with some minor infrastructure works being required.

The layout of the new development shows that the internal roads have at least one footway together with a 5.5m carriageway which would allow for two way flow and safe pedestrian passage. Swept path analysis has been provided to demonstrate that refuse and emergency vehicles can enter/turn and leave the site in a forward gear. Parking provision within the site complies with the Council's parking standards.

A Section 106 agreement contribution of £44,499 has been agreed to pay for i) the upgrade of the existing pedestrian crossing to the school on Park Road, and ii) the upgrade of the existing PROW linking the site to Park Road.

As such, subject to the imposition of appropriate conditions, the proposal is considered acceptable in highway safety terms and complies with Policies EV1, AS2 and AS5 of the Swansea UDP (2008) and the emerging Local Development Plan Policies PS2 and T2.

### Trees

An updated Arboricultural Impact Assessment was submitted during the processing of the application. The Tree Officer has raised no objections to the application as detailed in the 'Final Comments' of the Council's Tree Officer comments (above).



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As such, it is considered that the proposed development has an acceptable impact on trees, subject to the imposition of appropriate conditions. The application is considered to be acceptable in this regard and accords with the provisions of Policy EV30 of the Swansea UDP (2008) and the emerging Local Development Plan Policy ER11.

### Ecology

The Ecology Officer and NRW have raised no objections to the application subject to conditions as detailed in the comments in the Ecology Officer and NRW observations section of this report.

No protected species (including badgers, dormice, bats, or reptiles) would be detrimentally affected by the proposed development and as such, the application is considered to be acceptable in ecology terms, subject to the use of conditions.

### Affordable Housing

The highest affordable need within Swansea is for social rented housing. The Council's Local Housing Market Assessment indicates a need for affordable housing within the Greater North West Zone. The site is on the boundary of the Gower and Gower Fringe Zone. The highest need in both zones is for affordable housing. It is considered that the 100% affordable housing provision within the application is acceptable and should be welcomed. The Affordable Housing units will be DQR complaint, social rented tenure and will comprise, 31 houses, 2 pairs of semi-detached bungalows, and 8 flats

The Council's Housing Service is supporting The George Manning Way Site as it provides a mix of all units sizes and types, including bungalows which will be 100% affordable social rented tenure to meet local needs.

As such, it is considered that the proposed affordable housing provision is acceptable.

### Education

The projected pupil numbers generated by the proposed development of 41 dwellings (having regard to the calculations contained within the Planning Obligations SPG) are as follows:

Primary: 10 (9 English and 1 Welsh Medium)

Secondary: 7 (6 English and 1 Welsh Medium)

With regard to the primary school places, the English Medium catchment school (Gowerton Primary) has no current capacity (-12 spaces / -3.47%) in 2018. With the pupils generated from this development (9 primary pupils), it would then put the school in an 'over capacity' situation. Therefore, a financial contribution of £93,348.00 plus indexation will be required, to be utilised towards facilitating increased capacity at Gowerton Primary School. This will be secured by means of a S106 agreement.

With regard to the Welsh Medium primary school, although there is a deficiency in spaces available at YGG Login Fach, £10,372.00 is not deemed sufficient by the Council's Education Officer to support any infrastructure to provide additional places (1 pupil). Therefore on this occasion, there is no request for a contribution for YGG Login Fach from this development.

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The Council's Education Officer has also advised that £15,848 is not deemed sufficient to support any infrastructure at Y Gwyr, even though this Welsh secondary school has a deficiency of spaces. Therefore, no request for a financial contribution towards Y Gwyr is made.

With regard to English secondary school places, Gowerton Comprehensive School has current capacity of 102 spaces. This is predicted to fall to 54 spaces by 2014. The development will generate 6 English secondary pupils. Notwithstanding both the existing and projected capacity at Gowerton Comprehensive School, the Education Officer has nevertheless made a financial request of £95,088 (plus indexation). Given the capacity at the school, this request has been challenged by Planning Officers.

In response, the Education Officer has stated that, *whilst on paper it may seem that these pupils can easily be absorbed into the EM Secondary School, limited surplus capacity means that the school has reduced flexibility, which impacts on the delivery of the curriculum. There are also suitability and condition issues at this school. There has also been an increase in this year's admission applications, which will impact on the existing and projected unfilled places. We stand by the request as we do feel this is justified in light of the information above.*

However, Circular 13/97 - Planning Obligations, specifically states (para B12) that "the extent of what is sought or offered is fairly and reasonably related in scale and kind to the proposed development" and "that developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies". That responsibility lies with the Council/school.

S106 monies can only be requested for new capacity within schools, where the school does not have current or projected capacity to accommodate the new children from the development. There is clearly both current and projected capacity within Gowerton Comprehensive, and certainly sufficient capacity to accommodate the 6 pupils generated by this development. As such, it is considered that a financial contribution towards Gowerton Comprehensive cannot be justified.

### Drainage

There are no objections raised to the application by statutory consultees on drainage grounds, providing conditions are added relating to the comprehensive and integrated drainage of the site with regard to surface water and land drainage and sustainable drainage (SUDS), and the removal of permitted development allowances.

Dwr Cymru / Welsh Water (DCWW) have confirmed that they raise no objection to the application subject to conditions relating to a drainage scheme for the disposal of foul, surface and land water, and that only foul water from the development site shall be allowed discharge to the public sewerage system within the foul water public sewer at manholes ref: SS58958821 and SS58958822, and the submission of a scheme for compensatory surface water removal.

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### *Land and Surface Water and Drainage Network*

Emerging LDP policy EU 4 - Public Utilities and New Developments states within the amplification of the policy that, DCWW has confirmed that following completion of improvement schemes as part of their ongoing asset management programme, sufficient capacity is available at Swansea Bay WwTW and Gowerton WwTW to accommodate the scale of growth proposed in LDP allocations over the Plan period. Development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure which does not form part of the utility provider's improvement programme will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

It is noted that Welsh Water has requested the imposition of a condition that requires the applicant to undertake a scheme of surface water removal from the local sewer system, in order to provide capacity for the foul water waste generated by the proposed dwellings.

The applicant/developer is not proposing to provide a new off-site surface water compensation scheme in order to facilitate the proposed development. Instead, the submitted Drainage Strategy highlights a previous surface water removal scheme that was undertaken by the applicant to enable a different residential development to take place (planning permission 2016/1046 refers - Land at TA Centre, Park Road, Gorseinon).

That scheme removed a surface water run-off area of 1225 square metres (of impermeable highway) from the combined sewer system and redirected it to the existing highway drain and culvert. The foul water flows generated by the development subject of the 2016/1046 planning permission effectively used the equivalent of 333 sq m (of the 1225 sw m) of the surface water run-off capacity created by the compensation scheme.

The applicant therefore argues that the compensation scheme that they carried out has provided capacity to not only serve the 2016/1046 planning permission, but also the development subject of this report (369 sq m). In summary, if the already implemented surface water compensation scheme is relied upon, there would still be a surplus capacity of 523 sq m remaining. Consequently, it would be unreasonable to require the applicant to carry out a further compensation scheme, when the recently completed scheme is able to meet the requirements of the development. Therefore the condition requested by Welsh water is not imposed.

The arrangements for surface water drainage have been submitted and have been considered by the Council's Drainage Officer and NRW. Surface water from the roofs, hard surfaces and roads will be discharged via an attenuation pond at greenfield rates.

The details provided are considered to be satisfactory in principle, but it is considered necessary, if planning permission were to be granted, to secure further details of the drainage arrangements via conditions, prior to the commencement of development on site, to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents. On the basis of the information submitted to date, it is considered that there are no overriding reasons to warrant a refusal of permission on drainage grounds alone.

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Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and are in accordance with the provisions of Policies EV33, EV34, EV35 and EV36 of the Unitary Development Plan and Emerging LDP Policy EU4.

### Archaeology

Gwent Glamorgan Archaeological Trust (GGAT) have raised no objection to the application but have noted that the proposal will require archaeological mitigation, as there are archaeological features recorded from historic mapping, which may be extant and include buried remains. As such a condition is recommended requiring a professionally qualified archaeologist be present during any excavations and a watching brief be submitted to and approved by the Local Planning Authority.

### Land Stability

The Coal Authority have confirmed that the site is not located within a defined Development High Risk Area and the site is not located with an identified area of land instability under policy EV39 of the UDP. Consequently, it is not considered that there are any land stability issues relating to the proposed development.

### Contaminated Land

A Phase 1 Desk Study report was submitted with the application which highlights the requirement for further testing to take place.

Pollution Control Officers and NRW raise no objection to the application subject to a condition requiring detailed measures to be undertaken as part of a Phase 2 Detailed Investigation in order to investigate the presence of land contamination.

### Welsh Language

The Welsh Language Impact Assessment indicates that at the time of the 2011 Census, 13.2% of the residents of the Gowerton Ward could speak Welsh. At a County level, this figure is 11.4% (19% nationally). It is anticipated that the majority of the new occupiers of the development would be drawn from throughout the City & County of Swansea and therefore is it reasonable to adopt the Swansea wide proportion of Welsh speakers (11.4%) that may be introduced into the Ward as a result of the development. Based on the census figures of residents per household, it is anticipated that 98 new residents would reside within the development and the number of Welsh speakers would be approximately 11.

As a result, the development is unlikely to lead to a loss in Welsh speaking households. The mix of units, which has been based on a local market assessment would ensure that the dwellings do not favour/discriminate against one particular age group. The housing mix would help cater for people of different ages and economic status, with different lifestyles and levels of independence. Due to the nature of the scheme (residential), it is not considered that the proposals would lead to greater economic diversity resulting in in-migration of non-Welsh speakers or increased competition for Welsh speaking businesses. It is considered unlikely that the development would force the local Welsh speaking community to leave the area.

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The proposed development would generate 10 children of primary school age, 7 children of secondary school age. As a result of the number of pupils generated by the development, it is considered unlikely that the proposal would alter the balance between Welsh speaking and non-Welsh speaking pupils/students.

### Responses to Objections

Issues relating to the impact of the development on the local infrastructure, increase in traffic, parking, access, the existing road network, principle of development, the Local Development Plan (LDP), overdevelopment of the site, impacts on residential amenity, privacy, loss of green wedge, impacts upon schools, sewerage, drainage, flooding, open space, the character of the area, impacts on trees/ecology habitats, pollution, old coal mine workings / land stability, contaminated land and noise, are addressed in the report above.

With regard to the concerns regarding water supply, Welsh Water / Dwr Cymru have requested that a condition be added requiring the development to submit full details of a potable water scheme to serve the site prior to the commencement of development.

With regard to the other issues contained within the list of objection points (bus services, the capacity of the local doctors, pharmacies and dentist surgeries, policing and house values, land ownership, children using this private land as a play area), these issues are not material planning considerations and so do not form a reason for the refusal of the application.

### Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, this application is considered to be acceptable and comply with the provisions of Policies EV1, EV2, EV3, EV12, EV18, EV20, EV22, EV23, EV24, EV30, EV33, EV34, EV35, EV40, HC3, HC17, HC24, AS1, AS2, AS6 and AS10 of the Unitary Development Plan (2008), the SPG - Places to Live: Residential Design Guide, Parking Standards and The Protection of Trees on Development Sites SPG, and the emerging LDP Policies PS1 PS2, PS3, ER1, ER2, IO1, H2, H5A, SI1, SI8, ER2, ER8, ER11, CV2, T1, T2, T5, T6, RP3, RP9 and EU4.

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

### RECOMMENDATION:

**APPROVE** subject to the following conditions and the applicant entering in to a S106 Planning Obligation to provide S106 Planning Obligation to provide:

- o **41 affordable housing units (100%) on the site comprising 100% social rented tenure provided at 58% ACG and DQR compliant.**

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- o **Maintenance and Management plans for the retained trees, new trees and planting, existing hedgerows, opens spaces, and sustainable urban drainage system (SUDS) (including soakaways, attenuation tanks and pumping station) to be submitted and implemented prior to the occupation of the 1st residential unit.**
  - o **Highways contribution of £44,499 to pay for;**
- i) the upgrade of the existing pedestrian crossing to the school on Park Road, and  
ii) the upgrade of the existing PROW linking the site to Park Road.

**Monies to be paid prior to the occupation of the 1st residential unit.**

- o **Education contribution of £93,348.00 plus indexation, to be utilised towards facilitating increased capacity at Gowerton Primary. 50% of the education contribution (plus indexation) on the commencement of construction of the first housing unit, and the second 50% on the occupation of the 25th housing unit.**
- o **A Management and Monitoring fee of £3,340 (based on 20% of the fee for the planning application)**
- o **The Council's legal fees of £1000 relating to the preparation of the S106 agreement.**

### Conditions

- 1 The development hereby permitted shall begin not later than 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:
  - A100 REV A -SITE LOCATION PLAN
  - A207 REV A - TYPE 6
  - A208 - TYPE 7
  - A209 - TYPE 8
  - A210 - TYPE 9
  - Received 20th June 2018
  
  - A205 A- TYPE 4
  - A206A A - TYPE 5A
  - A211 A - TYPE 10 AND 11
  - Received 23rd June 2018
  
  - A202 REV B - TYPE 1
  - A203 REV B - TYPE 2
  - A204 REV B - TYPE 3
  - A206B REV A - TYPE 5B
  - A225 REV B - SITE SECTIONS
  - Received 18th October 2018

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A200 REV G - PROPOSED SITE LAYOUT  
A201 REV G - SITE OVERVIEW PLAN  
A098541-SPA02 REV E - SWEPT PATH ANALYSIS ESTATE CAR  
A098541-SPA03 REV E - SWEPT PATH ANALYSIS LARGE REFUSE VEHICLE  
Received 14th January 2019

3034-WSP-C-DR-10 Rev P02 - PROPOSED ENGINEERING SITE PLAN  
Received 23rd January 2019

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

- 3 No development shall commence until full details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.

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

- 4 Prior to the commencement of development on site, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 5 No development shall be commenced until full engineering, drainage, street lighting and constructional details of the proposed highways have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Reason : In the interests of highway safety.

- 6 No development or site clearance works shall commence until the Local Planning Authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No development or site clearance works shall commence until the Local Planning Authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the Local Planning Authority within two months of the archaeological fieldwork being completed.

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

- 7 Prior to the commencement of development on site, the following details shall be submitted to and approved in writing by the Local Planning Authority.

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Phase 2 Detailed Investigation of Land Contamination. This shall;

Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater. Provide for a more detailed investigation (Human Health Risk Assessment) of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1 (submitted as part of the planning application).

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

Phase 3: Remediation Strategy Options Appraisal. This shall;

Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report - On completion of the remediation works, a validation/verification report shall be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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

- 8 Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made between manhole reference number SS58958821 and SS58958822 as indicated on the extract of the Sewerage Network Plan attached to this decision notice. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 9 No development shall take place until a potable water scheme to serve the proposed dwellings have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate whether or not the existing water supply network can suitably accommodate the proposed development. If it cannot, a scheme to upgrade the existing public water supply network in order to accommodate the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The approved scheme shall be carried out in full, prior to any of the dwellings hereby approved being occupied and shall be remain as such in perpetuity.  
Reason: To ensure the site is served by a suitable potable water supply.
- 10 Prior to the commencement of development on site, an Ecological Management Plan (EMP) shall be submitted to, an approved in writing by, the local planning authority.



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The EMP should include all of the recommendations for mitigation and enhancement contained within the Ecological Appraisal (Nov 2017), Bat Survey Report (Oct 2018), Hazel Dormouse Report (Sep 2018) and Reptile Survey Report (Sep 2018) submitted in and each protected species report (bats, reptiles and dormouse), with attention drawn to sections 5.3 and 6.0 of the Bat Survey Report.

The EMP shall address the pre-construction (e.g. vegetation removal, badger check), construction (e.g. protective fencing) and post-construction (e.g. habitat enhancement) phases of the development.

The mitigation and enhancement measures contained within the approved EMP shall then be enacted under the supervision of a suitably qualified ecologist.

Reason - To ensure that the development complies with the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended) and the Environment (Wales) Act 2016.

- 11 No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan (PPP) has been submitted to, and approved in writing by the Local Planning Authority. The approved document shall be adhered to throughout the construction period, and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. As a minimum the plan should include the following points.
- a) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
  - b) How each of those watercourses and pathways will be protected from site run off during construction.
  - c) How the water quality of the watercourses will be monitored and recorded.
  - d) How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
  - e) Storage facilities for all fuels, oils and chemicals.
  - f) Construction of compounds, car parks, offices, etc.
  - g) Details of the nature, type and quantity of materials to be imported on to the site.
  - h) Measures for dealing with any contaminated material (demolition waste or excavated waste).
  - i) Identification of any buried services, such as foul sewers, so that they are protected.
  - j) Details of emergency contacts, for example Natural Resources Wales hotline 0800 807 060.
  - k) Demolition/Construction programme and timetable
  - l) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
  - m) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
  - n) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
  - o) Proposed working hours;
  - p) Principal Contractor details, which will include a nominated contact for complaints;

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- q) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM)
- r) Details of on site dust mitigation measures having regard to BPM;
- s) Details of on site noise mitigation measures having regard to BPM;
- t) Details of waste management arrangements (including any proposed crushing/screening operations);
- u) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

Reason: To ensure the protection of the surrounding land and water environment and to ensure that waste materials are managed efficiently.

- 12 No development approved by this permission shall be commenced until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The construction phase of the development shall be carried out in accordance with the details/measures contained within the approved Site Waste Management Plan.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

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

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

- 14 The site shall not discharge at any rate greater than 5l/s as stated in the revised Drainage Strategy, dated June 2018, ref V-C8532.00-RepC01-R2.

Reason : To ensure that the existing greenfield runoff regime is maintained and prevent increased flood risk downstream land/property owners.

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

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development, and also in the interests of highway visibility.

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16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D and E of Part 1 of Schedule 2, shall not apply.  
Reason: To prevent inappropriate development on site that may affect the receiving watercourse and create or exacerbate any existing flood risk and in the interests of visual amenity and the amenities of neighbouring occupiers.

17 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan and Arboricultural Method Statement, in accordance with 'BS5837:2012 Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The plan shall include: the specification and positioning of temporary tree protective fencing, areas of ground protection, no-dig construction and excavation within Root Protection Areas where required. The approved tree protection fencing shall be erected prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the approved documents.  
Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

18 No development shall take place until details of both hard and soft landscape works (including the retained open space to the north of the site) have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- i) A statement setting out the design objectives and how these will be delivered;
- ii) Earthworks showing existing and proposed finished levels or contours;
- iii) Retaining structures;
- iv) Other vehicle and pedestrian access and circulation areas;
- v) Hard surfacing materials;
- vi) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and
- vi) Any water features.

Soft landscape works shall include planting plans, written specifications (including cultivation and other operations associated with plant and grass establishment), schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate and implementation programme (including phasing of work where relevant).

The landscaping works shall be carried out in accordance with the approved details during the first planting season following the completion of the development.

Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

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

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

- 20 Prior to the commencement of development on site, full details of the proposed boundary treatments for each curtilage and replacement fencing to be erected adjacent to the Public Right Of Way and 24 Mount Pleasant, shall be submitted to and approved in writing by the Local Planning Authority.

Before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling shall be completed in accordance with the approved details.

The approved replacement fencing along the Public Right Of Way and 24 Mount Pleasant shall be installed prior to the first occupation of any of the dwellings hereby approved.

Reason: In the interest of visual amenity and residential amenity.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV12, EV18, EV20, EV22, EV23, EV24, EV30, EV33, EV34, EV35, EV40, HC3, HC17, HC24, AS1, AS2, AS6 and AS10

- 2 In relation to land contamination, the applicant is advised to note the following :  
Development of Land Affected by Contamination: A Guide for Developers 2 - [http://www.swansea.gov.uk/media/pdfwithtranslation/q/3/WLGAEAW\\_Guide\\_for\\_Developers\\_rev\\_2012.pdf](http://www.swansea.gov.uk/media/pdfwithtranslation/q/3/WLGAEAW_Guide_for_Developers_rev_2012.pdf)

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

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

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

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- 4 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
  - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 5 Development Low Risk Area - Standing Advice  
The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
- Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)
- 6 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 7 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment, no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.
- 8 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](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.
- 9 Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.
- 10 The applicant is advised that to discharge condition 4 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
- 11 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.

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### 12 1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. 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.

### 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 3 Dust Control

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations

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

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

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The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

- 14 The onsite watercourses must remain open and undisturbed, furthermore be aware that the Authority's prior written consent under the Land Drainage Act 1991 (as amended) is required for any works that have the potential to affect the flow in any watercourses, ditch or stream irrespective of any other permissions given.

Schedule 3, Flood and Water Management Act 2010

We would also highlight that from the 7 January 2019 any development proposals of 100m<sup>2</sup> and above will also require permission from the SuDS Approval Body under Schedule 3 of the Flood and Water Management Act 2010 and any designs must comply with what are currently the "Recommended non-statutory standards for sustainable drainage (SuDS) in Wales - designing, constructing, operating and maintaining surface water drainage systems", this permission will be required irrespective of any other permissions given, prior to any development commencing and may affect the development able to be achieved on site.

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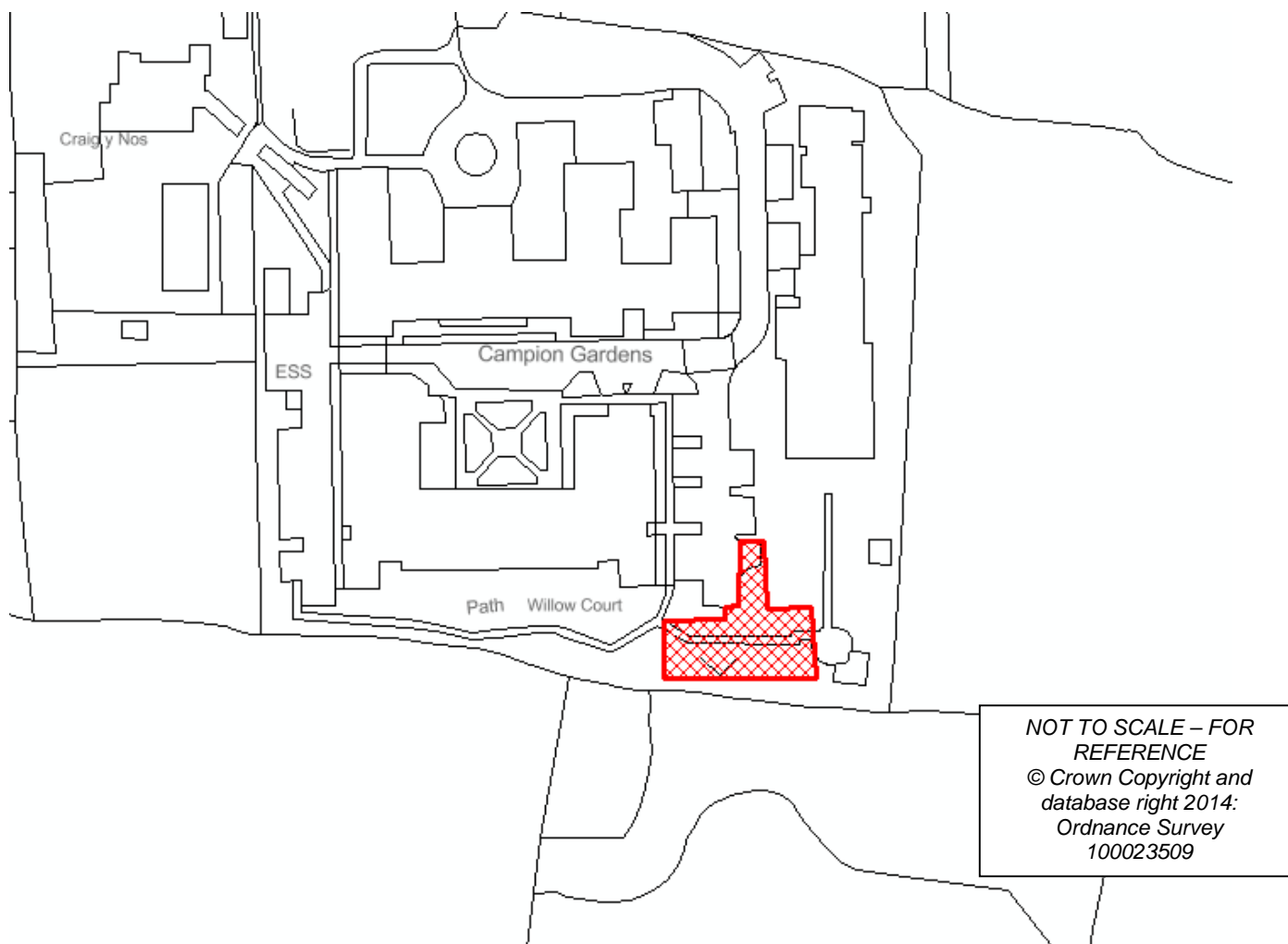
## Planning Committee – 5<sup>th</sup> February 2019

Item 2    Application Number:                      2018/2368/FUL  
    Ward:    Bishopston - Area 2

Location:                      **Campion Gardens Nursing And Residential Home , Mayals Road , Clyne  
Common, Mayals, Swansea, SA3 3JB**

Proposal:                      **Two assisted living bungalows**

Applicant:                      **Mr A Ramsey Williams Campion Gardens**



### **Background Information**

#### **Policies**

UDP - EV20 - New Dwellings in the Countryside

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



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#### 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 - EV22 - Countryside General Policy

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

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

#### UDP - EV23 - Green Wedges

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

#### Site History

App Number	Proposal	Status	Decision Date
2017/1149/FUL	Replacement windows and front dormer	APP	12.09.2017
2017/1393/S73	Variation of condition 1 of planning permission 2011/1278 for the demolition of outbuildings, single storey detached building and flat roof extension and construction of 2 no. three storey side extensions to provide 68 additional care home bedrooms and associated facilities granted 4th July 2012 to allow an additional 5 year period to start the development.	APP	07.09.2017

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2018/2368/FUL	Two assisted living bungalows	PDE
A00/0876	CONVERSION OF EXISTING DINING-ROOM, GUEST DINING-ROOM AND LOUNGE TO A RESTAURANT FACILITY (CLASS A3) IN ASSOCIATION WITH NURSING/RESIDENTIAL HOME	APP 25.07.2000
2016/1421	Single storey kitchen extension and conservatory area	APP 07.09.2016
2012/0779	Rear conservatory	APP 21.08.2012
2011/1278	Demolition of outbuildings, single storey detached building and flat roof extension and construction of 2 no. three storey side extensions to provide 68 additional care home bedrooms and associated facilities	APP 06.07.2012
2010/1181	Replacement window with additional glazed panel to south facing elevation at 2nd floor level	APP 30.09.2010
2009/1032	One double sided freestanding for sale sign for a temporary period of nine months	REF 19.11.2009

### RESPONSE TO CONSULTATION

Neighbours: The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by a neighbour notification letter sent to the neighbouring Craig y Nos property and through the display of a site notice. The application was also advertised in the local press as a departure from the development plan. No response has been received to this publicity exercise.

Head of Transportation and Engineering - Parking facilities are being provided within the established development for two assisted living bungalows. There are no highway objections.

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### APPRAISAL

#### Introduction

This application is presented to Committee for determination as the proposed development is contrary to Policy EV20 of the UDP and a recommendation of approval is being made.

#### Proposed Development

Full planning permission is sought for the construction of two assisted living bungalows at Campion Gardens Nursing and Residential Home.

The Campion Gardens residential nursing home is a prominent building situated on the southern side of the B4436 which has commanding views over Clyne Common and adjoins the designated boundary of the Gower Area of Outstanding Natural Beauty. It lies within an area defined as Green Wedge under Policy EV23 of the City and County of Swansea Unitary Development Plan (UDP). The site is also designated as open countryside by the UDP Proposals Map.

Campion Gardens Retirement Village currently provides an array of services to suit different people at different stages in their later lives, including assisted living retirement apartments at Willow Court, residential care home at Campion Gardens, care hotel short stay home at the Manor House Hotel and day care services.

The proposed bungalows would be sited within the south-west corner of the complex, which is currently utilised as a garden area for residents. The proposed bungalows would have a maximum footprint of 12.5m (width) by 8.65m (depth) with a mono-pitched roof with an overall maximum height of 4.1. Each bungalow comprises two bedrooms (one double with en-suite and a single bedroom) and open plan living accommodation. The proposed external materials would give the proposed bungalows a contemporary appearance comprising of horizontal timber cladding, stone and render walls, profiled aluminium roof and anthracite grey windows. The proposed bungalows would offer people the same level facility as those who live in assisted living apartments at Willow Court, but would prefer to live in a more conventional setting.

#### Policy Context

The main issues for consideration with regard to this application are whether the proposal represents an appropriate form of development within the open countryside and a Green Wedge, the impact on visual and residential amenity and highway safety, having regard to UDP Policies EV1, EV2, EV20, EV22 and EV23 and the Gower AONB Design Guide. It is not considered that the provisions of the Human Rights Act raise any other overriding considerations.

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan.

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This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) edition 10 at section 1.17 emphasises that the legislation secures a presumption in favour of sustainable development in accordance with the development plan, unless material considerations indicate otherwise. The principles of sustainable development are defined in the Well-being of Future Generations Act. Paragraph 1.21 of PPW states that up-to-date development plans are the basis of the planning system and that these set the context for rational and consistent decision making, where they have been prepared in accordance with up to date national planning policies. The Plan-led system underpins the delivery of sustainable places and development proposals must seek to deliver development that addresses the national sustainable placemaking outcomes, as defined within PPW 10 (chapter 2).

The examination of what is necessary within a development plan to deliver sustainable development manifestly occurs through the production of new planning policies and their supporting evidence base. The LDP replacement is what is anticipated by PPW and other national guidance to be the appropriate review process for time expired Plans. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit concluded on December 14th 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include Policies PS2 (Placemaking and Place Management) and CV2 (Development in the Countryside) which are broadly consistent with the objectives of the UDP Policies cited above. The application site will no longer be designated as Green Wedge in the LDP.

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There is no specific LDP policy relating to residential development in the countryside within the LDP. Consequently, as the emerging LDP Policies are not materially different from the existing UDP Policies, the scheme is considered having regard to UDP Policies.

### Planning Considerations

The site lies outside the settlement limits of Bishopston, as identified on the UDP Proposals Map and thus lies within the open countryside (as explained above). The site also lies within an area defined as Green Wedge (West Cross/Newton).

Residential development at this countryside location must be assessed against Policies EV20 (new dwellings in the countryside) and EV22 (countryside general policy) of the UDP. Policy EV20 restricts new residential development in the countryside to that where the dwellings are required to accommodate full-time workers solely or primarily employed in agriculture, forestry or an appropriate use to serve the rural economy who needs to live on the premises rather than in a nearby settlement, or where is no alternative existing dwelling available in nearby settlements. This is to restrict development in the countryside, thus protecting the character, appearance, landscape and ecological features of remaining countryside from new further urbanising development. Policy EV23 (Green Wedges) seeks to ensure that within such areas development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. It also lists specific purposes that constitute appropriate development.

It is accepted that the proposed dwellings are contrary to Policy EV20. However the proposed dwellings are sited within the grounds of an existing and established residential care home. Therefore whilst it is recognised that the site is classed as open countryside within the UDP and the emerging LDP, it is not considered that the proposed development will impinge on the open character of the general countryside. The development is fully contained within the residential care home complex. As such, it is not considered that the proposal represents an unjustified encroachment into the open countryside, rather it provides a consolidation and rationalisation of the existing offer provided by the care home. Furthermore, the perimeters of the site are enclosed with mature hedgerows and trees. This boundary treatment, coupled with the siting of the development to the rear of the site would provide substantial screening to the proposed development. Furthermore, given the modest scale of the proposed bungalows, it is considered that the proposal would not have an adverse impact on the character and appearance of the surrounding open countryside.

It is not considered - given the context of the site - that the proposed dwelling will impinge on the openness and character of the Green Wedge. Furthermore it is noted that the site will not be designated as part of a Green Wedge within the LDP.

Given the principle of the development is acceptable at this location, regard must be had to the visual impact of the development and its relationship with the surrounding built form. The proposed development is unlikely to be visible from the B4436 due to its siting at the rear of the site which would be concealed by the existing buildings within the complex and mature hedgerows and trees along the site boundaries. The site is fairly self contained, and has only one neighbour to which it relates, that of the former Craig Y Nos School. It is considered that the scale, form, design and palette of materials of the proposed dwellings would have an acceptable impact upon the existing nursing home complex.

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With this in mind, therefore, it is considered that they are satisfactory in terms of their relationship with the host building and the surrounding built form.

With regard to the impact on residential amenity, the proposed development is an adequate separation distance from surrounding residential properties to ensure that the proposal would not result in a significant detrimental impact on nearby occupiers in terms of an overbearing, overshadowing or overlooking impact. Furthermore, the siting and modest scale of the proposed development would ensure that the proposal would not unacceptably detract from the residential amenities of the existing occupiers that reside at the nursing home complex.

Given that the Head of Transportation and Engineering raises no objection to the proposal, the application is considered to be acceptable in highway safety terms.

In conclusion, it is considered that the proposal represents an acceptable form of development, and would not have an unacceptable impact upon the openness and rural character of the open countryside or Green Wedge. The proposal would therefore be in accordance with the provisions of UDP Policies EV1, EV2, and an acceptable departure from the Policy EV20. In addition, it is considered the proposal would not raise any significant visual, residential amenity nor any highway safety concerns. 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 WBFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

### **RECOMMENDATION:**

**APPROVE** subject to the following conditions:

- 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: Site Location Plan, Existing and Proposed Block Plans (10.191.01A) received 26th November 2018. Planning Drawing - Bungalow 1 (10.191.02) and Planning Drawing - Bungalow 1 (10.191.03), received 6th November 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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- 4 Notwithstanding the details shown on the drawings hereby approved, no development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.  
Reason: In the interests of visual amenity.

### Informatives

- 1 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV22 and EV23.
- 3 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com)

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

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

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## Planning Committee – 5<sup>th</sup> February 2019

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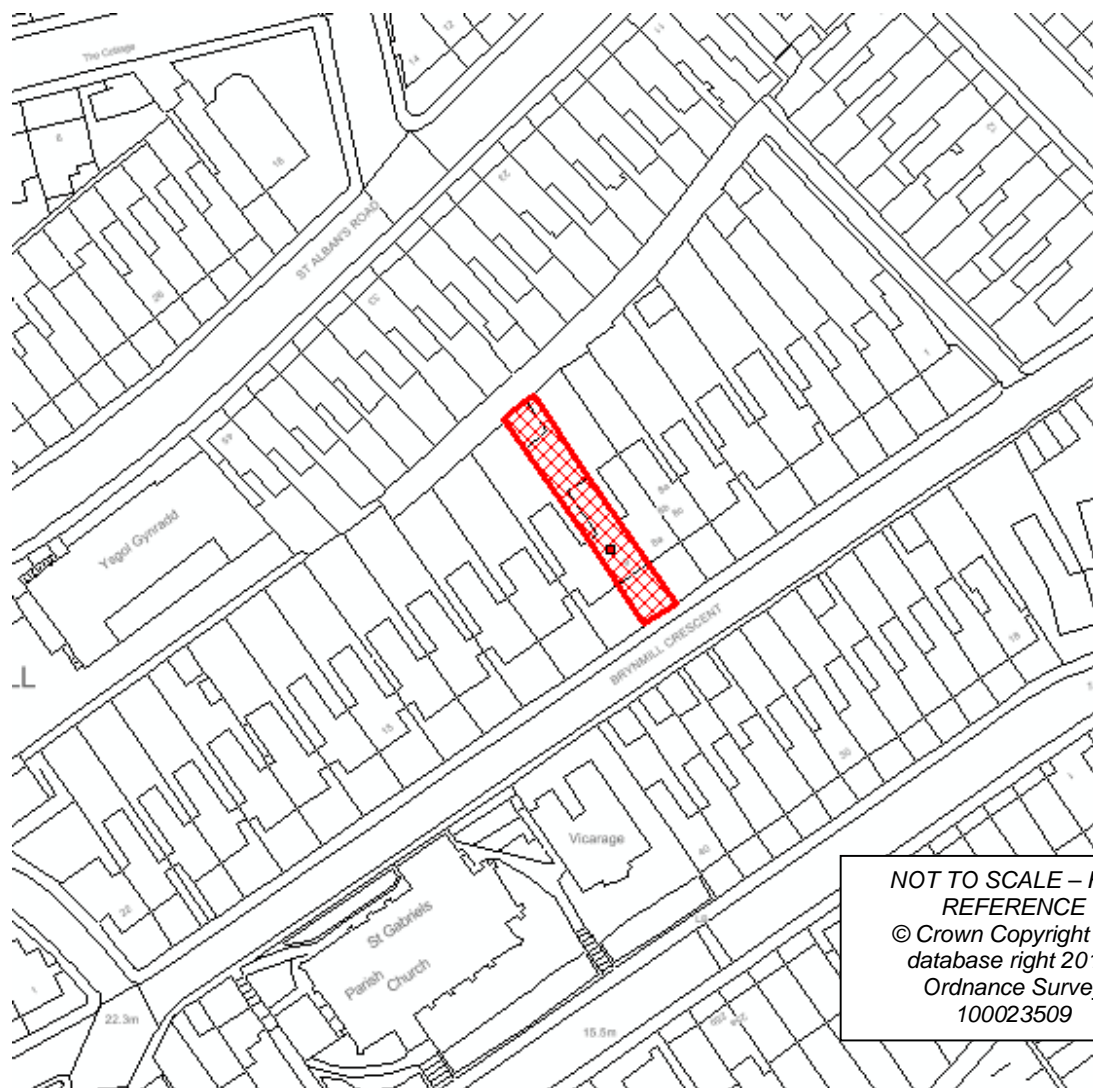
Ward:

Uplands - Bay Area

Location: 9 Brynmill Crescent, Brynmill, Swansea, SA2 0AL

Proposal: Change of use from a 2 bedroom flat and 5 bedroom HMO (ClassC3/C4) to an 8 Bedroom HMO

Applicant: Swan Letting Ltd. Swan Letting Ltd



### **Background Information**

#### **Policies**

UDP - EV1 - Design

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



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

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

#### UDP - AS6 - Parking/Accessibility

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

#### UDP - HC5 - Houses in Multiple Occupation

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

### Site History

App Number	Proposal	Status	Decision Date
2017/2302/FUL	Change of use of first and second floor of property from one 5 bedroom maisonette to two no. 2 bedroom flats and creation of 2 car parking spaces to the rear	APP	17.01.2018
2018/1717/FUL	Change of use from a 1 bedroom flat and 5 bedroom HMO flat (Class C4) to 12 Bedroom HMO (sui generis), addition of one rooflight to front elevation and one rooflight to rear elevation and provision of one additional off road parking space	REF	25.09.2018
2018/2705/FUL	Change of use from a 2 bedroom flat and 5 bedroom HMO (ClassC3/C4) to an 8 Bedroom HMO	PDE	
91/1423	CONVERSION OF HOUSE IN MULTIPLE OCCUPATION INTO GROUND FLOOR FLAT AND MAISONETTE	APP	26.02.1992

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### APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

### Response to Consultations

**Public Response** - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to No.10 Brynmill Crescent on 28th December 2018. A site notice was also posted within the vicinity of the application site on 28th December 2018. One letter of comment was received asking when would the renovation be carried out.

One petition of objection has been received comprising 40 signatures.

*"We the undersigned object to the above planning application on the following grounds:*

- 1. It will add to the existing percentage and therefore capacity levels of HMOs in the area.*
- 2. It will affect the general amenity of the area and lead to an already harmful over-concentration of HMOs in the area.*
- 3. The application is contrary to the aims of The Future Generations Act 2015 Planning Policy WALES 2015 (to promote and provide mixed use tenure and sustainable communities)".*

### Highway Authority

#### Original Response

The Authority's Highway Officer has made the following comments on the application:

The site plan shows that there is already one parking space to the rear and the proposed plan shows that this increases by one space to two. Access to these spaces is via a narrow rear lane.

Parking controls are in operation in the area including 'resident parking bays' on Brynmill Crescent itself. This is an indicator of existing parking pressures in the area.

In line with the parking standards there is a requirement for every bedroom over six bedrooms to be supported by one additional car parking space, in this instance this would equate to three spaces whereas only one new space is being provided.

The nature of the terraced streets and lack of off street parking provision is such that the on street parking is in high demand. A small area is shown to the rear as being a suitable space for cycle storage but this is located up a flight of stairs and is not adequate to house 9 bicycles (as would be required for the 9 bedroom HMO)

The proposed development does not comply with the Parking Standards (which are adopted SPG) and as such it is considered that the development would be detrimental to highway safety due to an increase in indiscriminate parking as a result of inadequate car parking being provided within the curtilage. Whilst each case is considered on its merits it is felt that a precedent could be set which would ultimately make similar developments elsewhere harder to resist.

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I recommend that this application be refused as failure to provide adequate car parking within the curtilage is considered to be detrimental to highway safety, and would place increased pressure on the efficiency of the residents parking bays.

### Amendment

It was noted that one of the proposed bedrooms was served by a side elevation first floor window that would not provide sufficient light or outlook for the future occupant. The agent was notified of this concern and that of the Highway Officer, and provided amended plans removing the aforementioned bedroom and replacing it with an additional bathroom. As the overall nature of the proposal has not changed and the impact has been reduced by the removal of the bedroom, a full re-consultation was not considered necessary. The application has duly been considered as proposing an 8 bedroom HMO.

### Amended Highway Authority Response

The description has been amended from nine to eight and also the original situation has been increased from a one bedroom flat to a 2 bedroom flat.

The net impact is thus reduced to a change of use from seven bedrooms to 8 bedrooms and not six bedrooms to nine bedrooms (as was originally considered). In line with the parking standards then one additional car parking space would be required and this is being provided in the works to the rear of the property whereby the single parking space is being extended to provide two car parking spaces.

The cycle storage has not been demonstrated that it is capable to house sufficient bicycles but a suitable condition can be added to approve the details prior to beneficial occupation.

In summary therefore the revised scheme now complies with the parking standards based on the amended description.

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

1. The proposed parking layout being laid out in accordance with the approved plans prior to beneficial occupation of the HMO, and maintained as such thereafter.
2. Cycle parking in accordance with details to be submitted for approval to the LPA shall be laid out prior to beneficial occupation of the HMO and maintained as such thereafter.

### Welsh Water

The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following advisory note:

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

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### Description

Full planning permission is sought for the change of use from a 2 bedroom flat and 5 bedroom HMO (ClassC3/C4) to an 8 Bedroom HMO with associated car parking at No.9 Brynmill Crescent, Brynmill.

The application property is a three storey end of terrace currently used as a dwelling house with 6 bedrooms. The proposal includes the creation of an additional parking space to the rear garden.

### Policy and Procedural Matters

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it.

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Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, the emerging LDP contains a specific policy relating to HMO applications - Policy H9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and submitted for Examination. This re-write of the policy followed receipt of the Ministers of the Welsh Government (through the Cabinet Secretary for Energy, Planning and Rural Affairs) letter, sent to all Local Authorities in Wales in February 2018. The Ministerial correspondence emphasised that LPAs need to: 'Put in place robust local evidenced based policies in their LDP against which planning applications for HMOs can be assessed', and that, 'LPAs must not delegate the criteria for decisions on planning applications to SPG'. The LDP Examination Inspectors clearly articulated to the Council that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H9 of the Deposit LDP to be amended such that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy. The policy was amended on that basis and significant additional detail was included within it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants Litchfields on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the following elements in particular were integrated into the amended LDP Policy H9:

- A two tier approach that defines a HMO Management Area on the LDP Proposals Map (within which HMOs are limited to 25% of all residential properties), and a threshold of 10% to apply elsewhere
- A 'radius approach' being applied within a 50m distance of the proposal, to determine levels of concentration
- A 'no sandwiching' approach to avoid properties being isolated between two HMOs
- A specific protection for 'small streets' that are characteristic of some parts of Swansea, and

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- Sufficient flexibility in the case of exceptional circumstances, or overriding material considerations, where these demonstrably outweigh any concerns regarding harmful concentration or intensification

### Principle of Use

The application property is divided into two flats, one in Class C3 and the other C4 HMO. This would therefore remain in residential use and its principle is considered to be acceptable as set out by Policy HC5 of the Unitary Development Plan. Regard shall be given therefore to the assessment criteria listed in the policy which relate to material planning considerations including residential amenity, concentrations of HMOs, visual amenity, highway safety and refuse storage arrangements.

The criteria of Policy HC5 are as follows:

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

Policy H9 of the Emerging Local Development Plan, as set out in above paragraphs, sets out further tests to be passed in relation to the principle of allowing HMOs within communities. It specifically states:

*"Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where,*

- i. within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs,*
- ii. outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs,*
- iii. the development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties*
- iv. the property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes, and*
- v. there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance*

*HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.*

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*HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification. "*

Assessment of the key issues set out in relevant policy is undertaken below:

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

On the basis of the information provided, it is acknowledged that the proposal results in an increase of one bedroom to be provided within the whole property to create a single eight bedroom HMO. The property has historically been in use as 2 flats, one two bedroom and a 5 bedroom HMO, and has a licence to operate as such. The property is large and of a scale that would be capable of providing the proposed level of accommodation. It is not considered that the use of the premises for up to 8 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house, or indeed as the historic use of the property as two residential units.

As such, the use of the property as a 8 bedroom HMO is not considered to result in an increase in noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the Swansea UDP.

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

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

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

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It is noted that the property currently holds a licence for a 5 bedroom HMO and is on the Swansea HMO register. The proposed conversion of the property to a sui generis 8 bedroom HMO would not therefore have any demonstrable impact in terms of the concentration of units within the local area. There is one existing HMO within the planning unit and the result of approval of this application would be one HMO unit within the planning unit. On this basis, whilst the number of potential occupants would increase, this in itself is not considered to result in a harmful concentration or intensification of HMOs in this area and therefore complies with the principles of Policy HC5 criterion (i). Furthermore whilst the scheme is within the 'Management Area' as defined within the Emerging LDP Policy H9, it would not result in an increase in numbers or percentage of HMOs within the area and accordingly would be acceptable in that respect subject to consideration of other material planning considerations.

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

The proposal includes the installation of a covered and secure bicycle storage unit and an increase to the parking area to the rear of the property. It is not considered that these would result in any unacceptable harmful visual impacts on the host property or character of the wider area.

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

The Authority Parking Standards SPG requires that HMO properties have 3 spaces for up to 6 bedrooms with each additional bedroom requiring an additional space. The proposal would therefore require that there be a total of 5 onsite spaces and given that 2 are proposed this would result in a shortfall of 3 spaces

The existing 2 bedroom flat and 5 bedroom HMO currently results in a shortfall of 4 spaces on site and this forms a material fall back position. Similarly the extant planning permission to allow the first floor and second floor to be converted to two 2 bedroom flats with retention of the ground floor flat which was also to contain 2 bedrooms and included two parking spaces would result in a shortfall of 4 onsite parking spaces.

The Highway Authority raised initial concern with the original scheme for a 9 bedroom HMO, however, subsequently removed their objection for the current scheme subject to a condition requiring additional details of the cycle parking and the proposed parking being layout out prior to beneficial occupation of the HMO.

It is noted that the site is within walking distance of the Uplands district centre, major bus routes and has an area designated for bicycle storage. On balance of parking demands from the use it can be noted that the property is in a sustainable location, encourages sustainable transport through storage of bicycles and would technically reduce the demand for onsite parking, as per the Parking Standards SPG requirements having regard to the fallback positions. Therefore it is considered that the proposal would have an acceptable impact on parking and highway safety subject to the imposition of conditions to secure the parking area and provide full details of the cycle storage to ensure capacity of the facility for a minimum of 8 bicycles.



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### Appropriate refuse storage arrangements can be provided

Details of bin storage facilities, by way of 240 Litre bins for general and recyclable refuse, have been provided with floor plans showing siting to the side of the rear wing of the property. Retention of the facilities can be secured through an appropriate planning condition.

### Response to objectors

The issues raised in respect of high concentration of HMOs is addressed in the above report. It is also considered that the application adheres to the aims of The Future Generations Act 2015 and Planning Policy Wales (Edition 10, December 2018).

### **Material Planning Appeal Decisions**

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs. These appeals principally covered matters relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG Parking Standards.

#### 22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

*This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated "I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable. However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"*

#### The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available.

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Whilst acknowledging the increase in number of people that could lead to increased activity stated *"even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice"*. The sustainable location of the site was noted by the inspector stating it *"is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities."* The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

### 4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated *"Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists"*. On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated *"I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality"*.

### 8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for up to 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking. The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community. She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"...* *"the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit.

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The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

### 105. Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."*

### 96 King Edwards Avenue - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated *"whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area. The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."*

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57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated *"The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."*

124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated *"Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."* The appeal was allowed.

26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated *"whether or not a proposal is harmful depends on planning judgement"*. He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building.

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Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from an HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: *"whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users"*. The appeal was allowed.

199 St Helens Avenue, Brynmill - APP/B6855/A/18/3200196 - 2018/0161/FUL - 22 January 2018

This appeal related to a proposal for a 6 person HMO and the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The inspector made similar conclusions as to the cases at No. 57 and 124 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns over increased parking pressures the inspector stated *"Much of the street is the subject of permit holders only parking restrictions. The area lies in a sustainable location where many services are within easy walking distance with good public transport to others."* The appeal was allowed.

30 St Albans Road, Brynmill - APP/B6855/A/18/3208762 - 2018/0954/FUL - 22 August 2018

This appeal related to a proposal for a 5 person HMO and again the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The Inspector did give consideration to the evidence base of the not yet adopted HMO SPG and the recommended 25% maximum threshold for HMOs in Brynmill. However the Inspector concluded that *"as the SPG has not been adopted, I give little weight to the suggested thresholds."* Whilst it was acknowledged that there is a potential impact from incremental and cumulative high concentrations of HMOs in a local area, it was concluded that *"the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses."* Furthermore it was not considered that there would be a significant adverse effect on the local community in regard to anti-social behaviour, litter, refuse or parking. The appeal was allowed.

6 Lewis Street, St Thomas - APP/B6855/A/18/3210181 - 23 November 2018

The appeal related to a proposal for a 5 bedroom HMO for 5 people and the inspector considered that the main issue was whether the development conflicted with local policy designed to secure and maintain safe and sustainable communities. The inspector quoted the existing policy (HC5) and also noted that the Council had produced, but not yet adopted, supplementary planning guidance designed to aid the application of Policy HC5. Whilst noting this the inspector gave little weight to the SPG. In terms of the use the inspector stated "I acknowledge that the appeal property could be suitable for family use.

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However, the proposed HMO use would be a residential one and it would not, to my mind, significantly affect the character of the area nor have any significant effect on the number of family homes in the area given that HMOs are a responsive and flexible part of the range of housing provision necessary to meet the needs of individuals". The inspector did not consider that the level of activity generated by a five person HMO would be so significantly different from a large family so as to cause significant harm to residential amenity. The inspector noted the sustainable location of the site and did not disagree with the conclusion reached by the Highway Authority in relation to trip generation/car parking. In conclusion the inspector stated "I conclude on the main issue that, although the Council's objectives of maintaining a balanced community and a range of housing choice are sound, there is no cogent evidence that the appeal proposal would unacceptably harm the living conditions of local residents or the sustainability of the wider community." Conditions were imposed to limit the number of residents, remove permitted development rights relating to future extension and secure details of cycle and refuse storage. The appeal was allowed.

### Conclusion

It is considered here that whilst an enlarged HMO will be created at the property it would not result in a new HMO given that one already exists at the address. Accordingly there would be no overconcentration or intensification of HMOs in the wider area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety having regard for the provisions of Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan and relevant policies contained within the Emerging Local Development Plan.

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

### RECOMMENDATION

#### **APPROVE subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: 12.18.9B.D2 REV B site location & block plans, bicycle & refuse storage details received on 21st December 2018. 12.18.9B.D1 REV D existing & proposed floor plans received 17th January 2019.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 Notwithstanding the details of the proposed refuse and cycle storage facilities as indicated on 12.18.9B.D2 REV B site location & block plans, bicycle & refuse storage details received on 21st December 2018 full details of these facilities to demonstrate appropriate capacity for the storage of a minimum of 8 bicycles shall be submitted to and approved in writing by the Local Planning Authority. The facilities shall be made available for the beneficial use of the residents and shall thereafter be retained and not used for any other purpose.  
Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers.
- 4 The two parking spaces, as set out on approved drawing 12.18.9B.D1 REV D, shall be provided on site prior to first beneficial use of the approved HMO and the spaces shall thereafter be retained and not used for any other purpose.  
Reason: In the interests of highway safety.

### 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, EV40, AS6 and HC5.
- 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 planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.
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