



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 March 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

Agenda

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| 1 | Apologies for Absence. | |
| 2 | Disclosures of Personal and Prejudicial Interests.
www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Minutes.
To approve & sign the Minutes of the previous meeting(s) as a correct record. | 1 - 3 |
| 4 | Items for Deferral/Withdrawal. | |
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Next Meeting: Tuesday, 2 April 2019 at 2.00 pm

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

Huw Evans
Head of Democratic Services
Wednesday, 27 February 2019

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Council Chamber, Guildhall, Swansea

Tuesday, 5 February 2019 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

C Anderson
M H Jones
A H Stevens

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 B Lewis and T M White

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

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

Councillor D W W Thomas – Personal – Minute No.53 – Item 2 – 2018/2368/FUL – Sister is a resident at Campion Gardens.

50 **Minutes.**

Resolved that the Minutes of the Planning Committee held on 8 January 2019 be approved and signed as a correct record.

51 **Items for Deferral/Withdrawal.**

None.

52 **Confirmation of TPO653 Land at Clos Coed Collings and Ffordd Olchfa.**

The Head of Planning & City Regeneration presented a report which sought consideration as a full order, the provisional TPO 653 at Land at Clos Coed Collings and Ffordd Olchfa, Sketty.

The background to the making of the provisional order and the representations received regarding the proposals were outlined and detailed in the report.

The timelines in respect of making the provisional order were outlined to the Committee.

Paul Jones spoke against the proposals to grant the order in relation to a tree in his rear garden.

Resolved that the TPO 653 at 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”, with the omission of trees C9 and C10.

53 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 2017/2709/FUL - 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) at Land Off, George Manning Way, Gowerton, Swansea

A visual presentation was provided.

Jon Hurley (agent), Alex Williams (local resident), and Shelley Adams (objector) addressed the committee.

Council S M Jones (Local Member) addressed the committee and spoke against the application.

Report updated as follows:

The second paragraph of page 65 erroneously states that “This is predicted to fall to 54 spaces by 2014.”

This should read “This is predicted to fall to 54 spaces by 2024.”

One late letter of objection reported.

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

#(Item 2) – Planning Application 2018/2368/FUL - Two assisted living bungalows at Campion Gardens Nursing And Residential Home, Mayals Road, Clyne Common, Mayals, Swansea

A visual presentation was provided.

Report updated as follows:

Additional condition to be added to recommendation as follows;

The two bungalows hereby approved shall only be occupied as assisted living bungalows in conjunction with the Campion Gardens Nursing and Residential Home complex.

Reason: To clearly define the scope of this planning permission and to ensure that the bungalows are not used as unrestricted market housing in this open countryside location.

(Item 3) – Planning Application 2018/2705/FUL - Change of use from a 2 bedroom flat and 5 bedroom HMO (ClassC3/C4) to an 8 Bedroom HMO at 9 Brynmill Crescent, Brynmill, Swansea

A visual presentation was provided.

Matthew Gray (agent) addressed the committee.

The meeting ended at 3.21 pm

Chair

Agenda Item 5

City and County of Swansea
Dinas a Sir Abertawe

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

DATE: 5th March 2019

Bay Area Team Leader Liam Jones - 635735	Area 1 Team Leader: Ian Davies - 635714	Area 2 Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llangyfelach Llansamlet Mawr Morrison 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.



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	2018/1001/RES	Land Off Brithwen Road, Waunarlwydd, Swansea, SA5 4QX Construction of 36 residential units - comprising 17 linked terraced dwellings, 5 pairs of semi-detached dwellings, 1 detached dwelling and 8 flats in 2, two storey blocks and associated works (details of the appearance, landscaping, layout and scale), and details of conditions 9 (drainage), 11 (Landscaping, trees and Japanese Knotweed), 15 (boundary treatment), and 18 (tree retention and protection), pursuant to outline planning permission 2008/0512 granted 8th November 2017)	Approve
2	2018/1014/FUL	Land Formerly Known As The Gardens And Rear Of 188 St Teilo Street, Pontarddulais, Swansea, SA4 8LQ Construction of 20 no. detached dwellings, garages and associated access and landscape works, and demolition of No. 188 St Teilo Street	Approve
3	2018/2508/FUL	Land Off Rhydypany Road &, Mynydd Gelli Wastad Road, Morriston, Swansea Construction of 20 affordable residential dwellings with associated access and landscaping works	Approve
4	2018/2540/FUL	Land North Of, Rhodfa Fadog, Cwmrhydyceirw, Swansea Demolition of the existing building on site and construction of residential development comprising 40 affordable apartments, 3 no. retail units, associated parking, landscaping and ancillary works	Approve
5	2018/2646/FUL	Lesliedale Farm , Port Eynon, Swansea, SA3 1NJ Replacement detached dwelling	Approve
6	2018/2280/FUL	Land At Lon Brynawel , Llansamlet, Swansea Construction of 16 affordable residential dwellings with associated access, parking, landscaping and ancillary works	Approve

ITEM	APP. NO.	SITE LOCATION	OFFICER REC.
7	2018/2671/S73	Former Civic Centre Site, Penllergaer, Swansea, SA4 9GH Construction of 80 no. residential units with associated access and landscaping (removal of condition 9 (European Protected Species) of planning permission 2017/0986/FUL granted 30th May 2018)	Approve

Item 1 (Cont'd)

Application Number:

2018/1001/RES

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 - 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 - EV25 - Sites of International Importance

Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV30 - Trees, Woodland and Hedgerow Protection

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

UDP - EV33 - Sewage Disposal

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

UDP - EV34 - Protection of Controlled Waters

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - EV36 - Development and Flood Risk

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

UDP - HC1 - Housing Sites

Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)

Item 1 (Cont'd)

Application Number:

2018/1001/RES

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 - 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 - AS3 - Public Rights of Way

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

UDP - AS6 - Parking/Accessibility

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

UDP - AS10 - Traffic Management and Highway Safety

Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

Site History

App Number	Proposal	Status	Decision Date
2018/2105/NMA	Non-Material Amendment to Planning Permission 2008/0512 granted 8th November 2017 to allow alterations to the wording of condition 8 (travel plan) from the 'submission within 12 months of the permission' to 'prior to occupation of the 1st dwelling' ; condition 13 (pollution method statement) to include 'excluding tree clearance works'; and condition 20 (CPMP) to include 'excluding tree clearance works'.	APP	25.10.2018

Item 1 (Cont'd)	Application Number:	2018/1001/RES
2008/0512	Residential development (outline)	S106 08.11.2017

RESPONSE TO CONSULTATIONS

The application was advertised by way of two site notices and eight nearby properties were directly consulted.

TWENTY FIVE letters of objection and a PETITION OF OBJECTION containing 74 signatures has been received which raise the following concerns:

- o The site has a main sewer running through it.
- o Waunarlyydd school is at its capacity, as is Gowerton doctors surgery.
- o Massive impact locally especially for the school, who will have to cater for an increase in numbers.
- o It is very difficult for residents to get out and get into the area as the roads are blocked, cars are double parked and it is surprising that we have not had a major incident as yet.
- o Waunarlyydd is already a congested area without adding more houses, making it an even more dangerous area for children to play. As you must be aware there are already many parking issues without adding more problems.
- o Concerned at the increased traffic flow along Brithwen Road and increased use of the junction on to Swansea Road.
- o 36 new houses is very excessive. Also, this area is a nice walking area off the cycle track and has a nice woodland area which will be spoilt.
- o We live at 96 Brithwen Road, and are surprised we did not receive a letter from yourselves regarding this application. Our property is a mere 15m away from the boundary of the proposed development and we feel we should have received direct correspondence, and not find out via a site posted notice (that can be and are often removed).
- o The site is within the NRW flood-map for potential flooding. If properties are built on this land the floodplain capacity is decreased; this could increase flooding potential onto adjacent properties. There is a large increase in hard surface, which would increase run off into the existing brook. The drainage design does not seem to allow for any climate change.
- o Highway drainage is shown discharging directly into the stream with no interceptors or attenuation, which could result in flooding and pollution. There does not appear to be any measures to incorporate SUDS into the design. There is no reference to land drainage, or to manage the existing run off from Greenways. We are aware that the Gowerton Sewage Farm is at capacity, so how can this accommodation be serviced?.
- o Some of the trees identified for removal are oak, and under a TPO. One of these trees was requested to be removed by the owner when building 94 Brithwen Road, but was refused by the planning department at the time. We see no need for removal of the trees on the lane towards Mill Farm. Some trees are mature Elm, and due to shortages of mature Elms due to disease, we would suggest they should not be removing them.
- o There is an abundance of wildlife in the area. We have seen bats, dormice, water voles, kingfisher, heron, fish, foxes, amphibians and snakes, either in our garden or the adjacent woods. The ecologist report dismisses the presence of otters as there is a footpath used by local dog walkers. The extent of footpath adjacent to the river is minimal compared to the extent of the river.

Item 1 (Cont'd)

Application Number:

2018/1001/RES

- o The building line for Brithwen Road (including when building 94 and 96 which was strictly enforced) seems to have been ignored.
- o The land itself is totally boggy and we do not feel that drainage is going to be sufficient enough to take the amount of water away, hence it will affect our drainage and sewage system.
- o Surely the brownfield sites locally are more suitable for this number of homes considering the Brithwen Road estate has about 300 houses with only one way in and out.
- o Will there be a play area for the children? At the moment our end of Brithwen Road is so quiet that children are able to play on the road but with the added traffic that won't be possible anymore.
- o With the planning for over 100 houses likely to be approved less than half a mile away on Gorwydd Road I don't see this project as necessary. I strongly believe that both this and the Gorwydd Road proposals will both be approved to satisfy the Council's needs for additional housing (not to mention the extra council tax et al!) and that absolutely nothing will be done to improve the issues mentioned above.
- o There can be no doubt that the proposed development fails to comply with the Planning Policy Wales for Mandatory Sustainable Building Standards, namely 1. The proposed development does not respect the current local character and does not establish a sense of place and community and in this case, its design, style of housing and density is certainly inappropriate to the current surrounding area. 2. By way of either poor design or for economical reasons, the proposed development also fails to grasp opportunities to enhance the character, quality and function of the current immediate surrounding area. Therefore the proposed development should not be accepted as this will have a detrimental effect on the existing communities. (TAN 12 , 2009)
- o The proposed development fails to comply with TAN 5: Nature Conservation. There is a total failure in the need to contribute to protecting and enhancing biodiversity conservation. Various species of wildlife will be displaced or lost entirely. The proposed felling of large mature trees around the entrance is excessive and I believe unnecessary and does not follow the high standards regards tree preservation that were imposed by Swansea Council Planning on previous private developers neighbouring this site.
- o This development would have great implications on my family's privacy. Originally Liberty Homes was granted outline permission for 24 detached houses, so when it had changed developers and had gone back to the Planning Department the Council should have consulted the householders around this development before giving outline planning permission.
- o The housing proposed i.e. Terraced Housing and flats would not be appropriate to this area as all the properties adjacent to this development are Detached! Building flats in a residential detached area would be very inappropriate.
- o I am particularly concerned with the density of housing proposed. The overcrowding does not allow the residents any privacy or quality of life.
- o It is nonsense to say that public transport links are good. Two buses per hour during the day are not sufficiently convenient to wean people from their cars.
- o Density - there are no known grounds to depart from the UDP (HC1-127) which allocates this site for up to 30 houses only. Thirty six properties with their car parking spaces is considered by us to be an overdevelopment.
- o As for the local schools, Login Fach has classes of 35+ and is unable to accept any more children from the catchment area and Waunarlywydd Primary is also over subscribed.

Item 1 (Cont'd)

Application Number:

2018/1001/RES

- o The nearest park is on Victoria Road which is on a very fast busy main road and most of the children in the Brithwen play out on the roads with bikes, scooters etc. which will be made even more dangerous with extra traffic.
- o I note that the Welsh Assembly Government has now issued further guidance on SUDs in their Sustainable Drainage Newsletter, and I would hope that Pobl would take their comments on board. The SUDs approach contributes to the realisation of the well-being goals within the framework of the Future Generations (Wales) Act, particularly: a prosperous Wales, a resilient Wales, a healthier Wales, a Wales of cohesive communities, a globally responsible Wales. The current drawings make no reference or allowance for any SUDs principles.

Amended plans were submitted showing amendments to the layout of the proposal: -

- (i) the replacement of the houses at plots 1-3 with a two storey building containing 4 x 1 bedroom flats with associated parking, cycle parking and bin store, and
- (ii) the replacement of the 2 pairs of semi-detached houses at plots 33-36 with one pair of semi-detached houses and one detached house.

The neighbouring occupiers and initial objectors were re-consulted (10 days) and site notices were displayed close to the site.

Due to this report being written prior to the re-consultation expiry date, any additional objections / comments received in response to the re-consultation exercise will be reported to Committee via an update sheet.

Natural Resources Wales (NRW)

We leave the discharge of the above conditions to the discretion of your Authority, however we wish to make the following comments.

The ecological information submitted in support of the original application was carried out in 2007/2008, by Pyrce Consultant Ecologists. We note that updated information has been submitted in the form of the report entitled; 'Land off Brithwen Road, Waunarwydd: Preliminary Ecological Appraisal', dated 13 February 2017, by Soltys Brewstrer Ltd. Along with the document entitled; ' Arboricultural Report, dated 27 April 2018, by Arborial Technical Services.

The updated Ecological Appraisal states that site conditions are generally consistent with those recorded in 2008. We also note that the Ecological Appraisal states that most of site is woodland with hazel, alder, willow and scrub, including significant quantities of bramble. The site is also adjacent to other wooded areas and has good connectivity to the wider landscape. As your Authority will be aware, there are dormouse records to the north of this site, but despite this and the on-site habitat, no assessment for dormice has been made as part of the Ecological Appraisal.

Therefore, we recommend that you seek the advice of your Authority's Planning Ecologist to determine if additional surveys are needed. If so, in accordance with Technical Advice Note 5: Nature Conservation and planning (paragraph 6.2.2), protected species survey may be required.

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Application Number:

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Any assessment / survey should be carried out in accordance with current best practice guidance. If any survey undertaken finds that protected species are present at the site, then we would be happy to provide additional comments, if further advice from us was required. We support the recommendations laid down in Section 4.0 and Section 5.0 of the Preliminary Ecological Appraisal, along with the proposal that; pruning or felling of 'low' bat roost potential trees should be carried out using 'soft felling' techniques, and then left on the ground for 48 hours; in line with standard best practice guidance.

Welsh Water / Dwr Cymru (DCWW)

Initial Comments

Firstly, we acknowledge that outline planning permission 2008/0512 was recently granted on 8th November 2017 subject to condition 2 which requires the submission of an application for approval of reserved matters within 3 years of the date of consent and condition 9, the submission of a drainage scheme prior to commencement of development. Dwr Cymru Welsh Water (DCWW) were consulted on the outline application and by response, dated 29th April 2008, recommended a condition in reference to a public sewer crossing the development site as well as the aforementioned drainage scheme. Our records indicate no further consultations were received following this letter of response. For reference, please find enclosed our Statutory Public Sewer Record and the approximate position of the 600mm combined public sewer crossing this proposed development site; we remind that DCWW requires access to its apparatus at all times in order to carry out maintenance and repairs, in accordance with the Water Industry Act 1991. As part of this latest application for approval of reserved matters (Ref: 2018/1001/RES) we acknowledge receipt of a 'Site Layout' (Drawing No. 2251-01 Rev A), with reference to "Existing sewer to be retained", and it appears the proposed development would be situated outside the protection zone of the 600mm combined public sewer, measured 3 metres either side of the centreline. The application is also accompanied by an 'Engineering Appraisal - Drainage' (Drawing No. WAUN/500-2 Rev. A) which indicates proposals for disposal of foul water into the public sewer and discharge of surface water flows into the adjacent watercourse and is considered acceptable in principle. However, we would advise that the proposed development is located in an area which has the potential to discharge into national and international designated waters whereby the Memorandum of Understanding (MoU) requirements apply. In this instance, it appears no details have been submitted for compensatory surface water removal in compliance with the MoU requirements.

Therefore, whilst we have no objection to the application for approval of reserved matters in principle, we are unable to recommend discharge of condition 9 until such time as a strategy for surface water removal, delivering sufficient compensation for the foul flows, has been submitted to the Local Planning Authority in accordance with the MoU requirements. On receipt of these details DCWW must be reconsulted and in the meantime, we recommend this application is held in abeyance.

Final Comments

In response to the above comments, further information was sent to DCWW and the following response received.

Item 1 (Cont'd)

Application Number:

2018/1001/RES

As per our recent consultation response (Ref: PLA0035254), please accept this e-mail as confirmation we offer no objection to the application for approval of reserved matters (Ref: 2018/1001/RES).

Head of Transportation and Engineering

Initial Comments

This application follows on from a previous application 2008/0512 and more recently a pre-application enquiry. These have been considered in the formulation of the response to this application. The proposals comprise 36 dwellings, which appears to be slightly fewer than the pre-application schedule. The mix of housing includes 4 one bed apartments, 13 two bedrooms house and 19 three bedroom houses. This again is varied from the pre-application enquiry.

The pre-application response set out that there did not appear to be safe access proposed with regards to the required visibility. It was requested that this was improved. The current proposals do not show the visibility splays on the junction layout, this will need to be provided. An area of concern is the sightline to the right (south). We would want to ensure that the splays did not require what would become third party land, i.e. any land inside the visibility envelope would need to be dedicated or suitably protected.

It is not known whether the scaling of the drawing is slightly off as attempts to measure geometries seems to provide slight variations of what would be expected. Therefore the following sets out the required dimensions that will need to be applied. The access road will be required to be provided at 5.5 metres. Footways will be provided at a minimum width of 2.0 on both sides of the carriageway.

Parking spaces will be required to be provided in accordance with the supplementary planning guidance relating to parking standards. Car parking spaces should be 2.6 metres by 4.8 metres where there are no boundaries or walls; in that case a further margin would be required. Driveways are required to be provided at 3.2 metres width to enable movement and adequate use of the parking space. There are instances where the above do not seem to have been provided. Visitor parking has not been addressed in the submissions.

Properties 33, 36 and 2 are close to the access junction, however the parking provision for these plots is removed, in some cases considered too far to be useful. This would serve to encourage parking on the footways outside of the property to the detriment of the access route. This and the three driveways clustered (32, 36 and 33) should be reconsidered.

The bend into the site from the access junction is a near right angle, it would be required that a swept path analysis should be undertaken to ensure that the manoeuvre can be completed without risk of collision given that the forward visibility would be limited by property 33. The swept path should include a private car and refuse vehicle passing each other.

The first section of development road layout shown in grey that could be considered appropriate for adoption, this has decreased in size from the previous layout. The remaining section shown as shared surface will need to be maintained privately through a management company or similar.

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The access to the parking courts appears to be provided at a width of 4.5 metres this was set out as the minimum required and will need to be provided.

The turning area at the extent of the internal access road should be assessed with a swept path analysis. The refuse collection strategy for this area of the development should be set out so that it is known whether the refuse vehicle will need to use the turning head.

A longitudinal section through the access road was requested at the pre-application stage. This was in order to ensure that maximum gradients are not exceeded (irrespective of the road being adopted or otherwise). This will need to be provided in addition to the further work set out above.

As before a construction method statement will be required to be secured by condition together with the normal highway related conditions relating to levels, construction, boundary treatments and a travel plan etc.

Land ownership should be clarified and shown on plans for how the access will join the adopted and un-adopted highway. Similarly the footpath shown near property 24 could be understood to cross third party land, further information is required.

The nearest bus stops are located on Swansea Road which is a busy commuter route. A section 106 contribution of around £10,000 towards the provision road safety enhancements on Swansea Road was secured within the outline planning permission.

Further comments

In response to the above comments, amended and additional layout plans were submitted and the following revised comments received.

The access visibility slays have now been shown on the proposed layout. The splays have been shown as 2.4 metres by 43 metres to the left (north) and 2.4 metres by 25 metres to the right (south). The splay to the left is in accordance with the requirement for a 30 mph speed restriction. The splay to the right appears to have been provided in accordance with the requirement for 20 mph. The route to the south becomes a lane serving a limited number of properties, the character of the route is likely to result in slow speeds approaching the location of the proposed junction. There is also further visibility available to the right for vehicles waiting than that shown. The visibility splays are therefore accepted and the concern lies in ensuring that the land which is located within the splay to the right, adjacent plot 1 is kept clear for the purpose of safe visibility. The land should be dedicated or protected; without this the access proposals would be unacceptable.

The scale of the drawing has been confirmed by the agent.

The applicant's agent has confirmed that driveways will all be provided to a width of 3.2 metres. The agent also advised that the Urban Design team has encouraged visitor parking to take place on the carriageway.

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Application Number:

2018/1001/RES

The layout has been revised with parking placed alongside plot 36, this brings concerns on the proximity of reversing manoeuvres into the junction. Plots 1 and 36 access directly onto the raised junction and at the entrance to the development. It would be advised that the parking and plots are re-orientated to where they would most likely be used and to discourage parking adjacent plots on the access approach or on the footway. There should be no driveways accessed/exit from into the junction.

Further information has been provided which includes swept path analysis and forward visibility details. On consideration of the information provided, it is our opinion that this bend is not adequate and would not be supported. The forward visibility is shown as achieved through the residential plot, something that could not be controlled in the future, we would not accept visibility over third party land. Notwithstanding this, the swept path of the bend does not show vehicles passing each other, as they could not within the design shown. Furthermore large vehicles would need the full bend to turn, this would not be possible if cars are parked on either or both sides of the carriageway. Parking on the carriageway is likely to occur given the design which shows distantly allocated parking and visitor parking consigned to the carriageway.

Further discussions internally suggest that the extent of adoption in this current layout may only extend to the back of the raised junction.

It has been confirmed that the access to the parking courts will be provided at a width of 4.5 metres.

The swept paths for a refuse vehicle have been provided and these rely on the absence of parked cars in order for the vehicle to manoeuvre into the turning area adequately. The turning area itself could be used without cars parking within it. The design of the layout has made attempts to design out parking within the turning head by locating allocated parking at each head. This is therefore acceptable.

A refuse strategy has not been submitted.

The information provided suggests that the maximum gradient would be 1 in 30 or 3.33%. This would be acceptable.

The construction management plan is secured via a condition on the outline application.

Clarification has been provided that the footpath will link into the adjacent footpath and bridleway.

Final Highway Comments

In response to the above comments, amended and additional layout plans were submitted and the following revised comments received.

Previous concerns regarding the parking area for plots 1-4 have now been resolved with changes to bin storage location and removal of the proposed tree, and the south-westerly green area has been reduced in size. Whilst I could not see swept paths specifically at this location, it is my opinion that there is sufficient room for turning.

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Previous concerns regarding the parking arrangements for some of the plots have been addressed and there are now no instances of three bays of parking (across) for three properties.

Previous concerns regarding the rear of plots 10-12 have been overcome with the changes to the accommodation schedule i.e. there are now apartments proposed at this location and less parking massed together.

Previous concerns regarding three across parking spaces have been overcome as this has now been successfully designed out.

I have also reviewed the swept path assessments that have been submitted for the site access, internal road and turning area. In general, as I have advised previously the sharp bend does create an issue for larger vehicles turning, which will be compounded by any residential parking at this location. However through the revisions we have now secured adequate forward visibility and have improved the likelihood of residents using their allocated parking, therefore this has become more acceptable. The turning area does have some slight body overhang into areas that could be regarded as for pedestrian use. Although the shared surface proposal would create an environment where road users should be more aware and cautious of each other.

The site can be accessed by refuse vehicle without the need to cross into the opposite oncoming lane of the new development. On exit a refuse vehicle would need to cross the centre line. On consideration, this is likely to be acceptable given that the vehicle would have to give way to oncoming traffic and in anticipation of the likely low level of traffic that would be travelling north to south on this route.

Cycle parking is to be provided in accordance with the SPG and the storage details for the apartments are welcomed.

The entrance route into the development works better in terms of the location of the driveways and parking related to the plots. The access to the flats parking, instead of individual plots also helps in rationalising the number of driveways and their proximity to the relative dwellings. The additional work and justification has improved it in terms of safety. The key item to note is that the likely extent of adoption will be the access junction, including the raised surface, thereby resulting in the majority of the site being retained in private ownership and management.

In summary, the proposed masterplan layout is now more acceptable to the Highway Authority than previous iterations.

Placemaking and Heritage Observations

Initial Comments

The overall layout, is broadly in accordance with the final revision submitted at pre-app stage, comprising 36 dwellings made up of a mixture of pairs of semi's, a block of four flats and terraces of three and four dwellings.

In terms of the proposed LAP, there is no objection to the proposed location. The LAP includes wicksteed balance and stepping logs, a 1.2m high grass mound and small rockspace play area with bench - this approach to 'natural play' is welcomed.

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The parking arrangement to plots 16-19 remains tight, the four frontage parking bays should be broken up with planting.

The parking arrangement for plots 33 & 36 remains contrived - there should be logical routes from car to front door. Given the location of the plot at the entrance to the site, this approach is not desirable.

The rear parking courtyard for plots 4-7 are sufficiently overlooked by dual aspect dwellings. However, the arrangement to the rear of plots 9-13 is poor with no direct overlooking and hereby an overall lack of natural surveillance to this area. This arrangement is not acceptable.

The location of existing TPO trees along the north-east boundary, are likely to give rise to overshadowing to the rear gardens of a number of plots, in particular plots 26, 27 and 36.

The rear access along a narrow path to the entrance to first floor flats (plots 9-12) is not acceptable.

Plots 1 and 36 form the 'gateway' to the development - the current arrangement provides no engagement with Brithwen Road which is wholly unacceptable. The elevations need to be amended to show double fronted dwellings in this prominent location which actively engage with both Brithwen Road and the new route into the site.

Plot 24 has a blank elevation facing towards the proposed pedestrian link - this is not acceptable and meaningful windows should be included. This unit must be 'double fronted' to provide adequate overlooking/natural surveillance.

Plot 25 needs a first floor side window included.

Plot 33 needs additional windows facing the public realm.

Plot 13 needs meaningful side elevation windows.

To conclude, the site layout is generally supported however, as highlighted at pre-app stage, the above points need further consideration/clarification in order for the scheme to be supported from a design and placemaking perspective.

Final Comments

In response to the above comments, an amended layout plans was submitted and the following revised comments received.

The Placemaking & Heritage Officer has confirmed that the final layout is acceptable, and that all previous concerns have now been addressed.

Drainage Officer

Initial Comments

Based on the details submitted, we are unable to approve the proposed means of surface water management as there are a number of elements which require further consideration.

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Further comments

In response to the above comments, an updated Drainage Strategy report was submitted and the following revised comments received.

We have reviewed the updated Drainage Strategy and some queries remain outstanding.

Dwg Waun/500-2 also indicates an unrestricted flow from surrounding existing roads via a new dedicated highway line but does not define the contributing catchment. In the absence of any supporting information this is not acceptable as the existing roads already have a system in place although the discharge point is unknown, which may go elsewhere, the catchment and existing discharge point must be established via a CCTV survey before we would consider this element of the scheme. We would also highlight that the lower part of Brithwen Road and Greenways are private roads and the consent of the landowners will be required at the present time. Section 3.6 references existing highway drainage discharges to channels on site. It would be useful if this was mapped out as some of the roads in the vicinity are adopted and these details will be required by the Highways Dept for future maintenance.

The included Causeway calculations only appear to have been done for durations up to 1440mins we would be looking for the full range of storms to be assessed due to the issues we have in this area surrounding uncontrolled surface water run-off from existing systems.

Final Comments

In response to the above comments, updated drainage simulation results were submitted and the following revised comments received.

We have reviewed the updated drainage simulation results in conjunction with the amended Drainage Strategy, and I confirm it is acceptable. Accordingly, we can recommend the discharge of condition 9.

Tree Officer

Initial comments

Several trees and tree groups around the site are protected by tree preservation order 109 served and confirmed in 1980. Under Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The outline planning consent has established the precedent for development on the site and as such the removal of the internal re-growth and trees around the entrance were presumably considered at the time of that application. Their removal is therefore inevitable. The arboricultural impact assessment does not discuss the impacts of the development on trees along the western boundary that are to be retained in the development. In particular, tree 506, category B, is shown to be pruned and construction and access is within its RPA. The tree protection plan does not provide protection in this area or document the required pruning.

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The incursion of the RPA of tree 504 also is not discussed but is of less concern due to the species and category of tree. The trees around the remaining site are well protected by the tree protection plan. Alterations to the layout or demonstration of how 506 can be protected during construction is required to receive positive comments.

Final comments

In response to the above comments, an updated Arboricultural report was submitted and the following revised comments received.

The revised Arboricultural report has addressed my previous concerns, and as such it is now acceptable.

Landscape Officer

Initial Comments

The landscape plan generally proposes suitable species in suitable locations. However the detail is lacking to be able to discharge the condition. The plan also shows planting beds up against the walls of the dwellings. It is expected that a path will be required around the buildings to allow maintenance.

Detail required:

- o Plant quality
- o Ground preparation
- o Planting methods
- o Root barriers
- o Tree staking
- o Mulching
- o Maintenance

It is also noted that there is a discrepancy between the landscape plan and the arboricultural report (planting in buffer strip). It is also noted that there are no hard landscaping details.

Further Comments

In response to the above comments, an updated Landscape plan report was submitted and the following revised comments received.

The updated landscape plan is acceptable, however the applicant needs to supply details of tree planting - details of staking / guying and root deflectors.

Final Comments

In response to the above comments, an additional tree pit construction detail plan was submitted and the following revised comments received.

The additional information is sufficient and the landscaping scheme is considered to be acceptable.

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Housing Enabling Officer

I can confirm that Pobl have proposed an affordable, grant funded scheme. The outline permission included a S106 for 15% affordable housing - the layout shows that all of the proposed dwellings will be 100% affordable housing units which is considered to be acceptable

Ecology Officer

Initial Comments

Dormouse *Muscardinus Avellanarius* has been recorded north of this site. Broadly speaking there is habitat connectivity between the site and the record. Therefore there is potential for the species to be present on the site. Dormouse is fully protection under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). The Preliminary Ecological Appraisal undertaken by Saltysbrewster does not include an assessment of dormouse at the site. Therefore in accordance with Technical Advice Note 5: Nature Conservation and planning (paragraph 6.2.2) a protected species survey for dormouse is required to properly assess the application. Please therefore request a dormouse survey of the site. The survey should be in accordance with current best practice and the Conservation of Dormouse Handbook 2nd edition

Final Comments

In response to the above comments, additional ecological information from Saltybrewster was submitted and the following revised comments received.

In light of the information received from Saltysbrewster, and the input from the former Ecology Officer at the time, as long as the original informative remains relevant, this should suffice.

Japanese Knotweed Officer

The submitted details are acceptable. The Knotweed condition can be discharged.

APPRIASAL

This application seeks approval for the 'reserved matters' details (appearance, landscaping, layout and scale) for the construction of 36 residential units - comprising 17 linked terraced dwellings, 5 pairs of semi-detached dwellings, 1 detached and 8 flats in 2, two storey blocks and associated works, pursuant to outline planning permission 2008/0512 granted 8th November 2017. The 'access' was approved as part of the outline permission.

The application also includes details in relation to the following conditions of the outline consent: 9 (drainage), 11 (Landscaping, trees and Japanese Knotweed), 15 (boundary treatment), and 18 (tree retention and protection).

The application is being reported to Committee for decision as the proposal relates to a development exceeding 20 dwellings.

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The site is allocated for residential development via Policy HC1 (127) of the Unitary Development Plan. This 1.06 hectare greenfield site currently comprises an irregular shaped parcel of land located on the western side of Brithwen Road, in close proximity to established housing areas to the north and east, and the site abuts two relatively new dwellings to the south of the application site (on part of the original allocated site for housing at Brithwen Road). The western boundary of the site is defined by the river, Gors Fawr, with countryside designated as Green Wedge on the opposite side of the river.

The site is accessed from Brithwen Road at its junction with Greenways, which contains residential dwellings. Waunarlwydd Primary School is also accessed from Brithwen Road, approximately 250m to the north of the application site.

Outline planning permission has already been granted for the development of the site for residential development (reference 2008/0512).

As part of that permission, a Section 106 Agreement was signed which included;

- i) The provision of 15% Affordable Housing (to DQR standards), with an ACG of 42% which shall be "pepper potted" throughout the site and will include a range of house types and mix of affordable housing to include social rent and intermediate rent and sale such as low cost home ownership (to be determined/negotiated) and shall not be used other than for affordable housing in accordance with a phasing scheme to be agreed with the Local Planning Authority.
- ii) Prior to beneficial use of the site commencing, the provision of road safety enhancements shall be undertaken on Swansea Road - a contribution of £10,000 towards new signage and road markings.

This reserved matters application shows the detailed layout of the site with a new access road into the site being located off Brithwen Road as approved under the outline consent.

The UDP allocation for this site indicates an estimate of 30 units which is based on the former planning history and is not a defined number for this site. This current application is for 36 residential units. Whilst the number of residential units is higher than the UDP estimate, it is considered to be an acceptable level of development for this site in terms of its density and impacts. This is discussed further in the following paragraphs.

All of the dwellings will be affordable housing (100%).

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of the appearance, landscaping, layout and scale of the proposed residential development on the site, and the associated details of conditions, 9 (drainage), 11 (Landscaping, trees and Japanese Knotweed), 15 (boundary treatment) and 18 (tree retention and protection), in terms of the impacts upon the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, and impacts on environmental interests.

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Policy Context

Policies EV1, EV2, EV3, EV22, EV23, EV24, EV25, EV30, EV33, EV34, EV35, EV36, HC1, HC3, HC17, AS1, AS2, AS3, AS6 and AS10 of the Unitary Development Plan 2008 (UDP) are relevant to the determination of this application as is the Supplementary Planning Guidance (SPG) - Places to Live: Residential Design Guide.

Planning Policy Wales (PPW) Edition 10 at para. 1.17 highlights that legislation states a presumption in favour of sustainable development in accordance with the extant, adopted 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 goes on to state that it is up-to-date development plans that form the basis of the planning system, since it is up to date Plans that set the context for rational and consistent decision making where they have been prepared in accordance with the latest national planning policies. A replacement LDP is what is anticipated by PPW and related guidance to be the appropriate review process for time expired Plans.

The Swansea UDP was 'time expired' on the 31st December 2016 and at the time of writing this report was scheduled to be replaced by the Swansea Local Development Plan (LDP) at a public meeting of the Council on the 28th February 2019. This follows the recent publication of the Inspectors' Final Report on the Examination into the LDP. The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary tests of soundness. The Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the LDP policies and proposals will realistically be delivered.

The Swansea LDP is clearly at such an advanced stage in the process, and there is now certainty regarding the Plan's content. Therefore, notwithstanding that the statutory starting point for decisions is the extant UDP (having regard to PPW and Section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired and the very advanced stage of the LDP it is appropriate in this case to determine the application having regard to the replacement development plan and national guidance, as well as the prevailing UDP.

In the case of this particular proposal, the following LDP policies are relevant:

PS2 - Placemaking and Place Management - Development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

ER1 - Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

ER2 - Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted.

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Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multifunctional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER11 - Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted. Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

T1 - Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2 - Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy

T5 - Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

The relevant LDP policies that apply to this scheme are broadly consistent with the objectives of the UDP Policies cited above.

Visual Amenity

The proposal has been the subject of significant negotiations via the pre-application process and during the course of the assessment of the reserved matters application to ensure that the density, layout and design of the development has sufficient regard to its location within an established residential area.

The proposed development is to be accessed from Brithwen Road, as approved under the outline application.

The development takes a simple form, with one single road leading into the site with dwellings fronting the road to either side. The road then turns through a 90 degree bend and opens up into a wider shared surface with dwellings fronting on to it. At the northern end of the site, there is a pedestrian path which connects the site to Hillbrook Close and the existing bridleway / path which runs along the north and east perimeter of the site.

The site boundary is drawn up to and adjacent to the bridleway, but does not physically encroach onto it, apart from a very small area of dual use where the new highway would enter the site. As such there would be no direct impact on this bridleway. There are no current proposals being considered to divert this bridleway.

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A Local Area of Play (LAP) is also located at the northern end of the site which is ideally located to serve the new and existing residents of the area. The LAP includes wicksteed balance and stepping logs, a 1.2m high grass mound and small rockspace play area with bench - this approach to 'natural play' is welcomed. The LAP is well overlooked from plots 20-25 which all face towards the LAP.

The development takes the form of 28, two storey houses and 8 flats (within two, two storey blocks), with 5 semi-detached pairs, three small terraces of 3 dwellings and two small terraces of 4 dwellings, and one detached house. All of the dwellings would have a traditional design with front to rear pitched roofs, a simple form of fenestration and canopies over the front doors. All of the corner dwellings would have side windows to add to the visual interest of the estate and to allow for natural surveillance. All of the public facing boundaries would be screen walls, and the gardens and rear boundaries would be 1.8m high hit and miss timber fencing. Each residential dwelling would have its own off-street car parking spaces (2 spaces for the 2 bed houses, and 3 spaces for the 3 bed houses). The eight, one bedroom flats would have one space per flat within two small parking courts, which also includes bin storage and cycle storage areas.

It is noted that the surrounding residential dwellings comprises of a mix of detached and semi-detached houses and dormer bungalows built in the latter half of the twentieth century. The proposed development does include a number of small terraces, which assists in achieving the recommended density of between 30-40 dwellings per hectare as specified at para 7.3 of the SPG - Places to Live: Residential Design Guide. The proposed density of this site is 36 dwellings per hectare. The small terraces are well distributed throughout the site and as such are considered to be an acceptable addition to the built form of the area.

With regard to the initial concerns raised by the Placemaking and Heritage Officer, the concerns have been overcome via the submission of the amended plans.

The amended plans now illustrate a site layout which is now supported from a placemaking perspective.

The proposed details of appearance, landscaping, layout and scale are considered to be acceptable in terms of their impacts upon the visual appearance of the streetscene and would not cause an unacceptable visual impact in the local area.

The proposal is therefore considered to represent a satisfactory form of development in terms of its impacts upon the character and appearance of the area, and the layout and design of the development would create a good quality and distinctive streetscape which would accord with the provisions of Policies EV1 and EV2 of the UDP and Policy PS2 of the emerging LDP, and the SPG - Places to Live: Residential Design Guide.

Residential Amenity

In terms of residential amenity impacts, the majority of the existing residential houses are located to the north and east of the application site, which are sufficiently separated from the application site to prevent material residential amenity impacts in terms of overlooking, overbearing or overshadowing impacts on the existing dwellings.

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No. 94 Brithwen Road is located to the south of the application site and has its side elevation facing towards the application site, and as such, there would be no material residential amenity impacts on that dwelling in terms of overlooking, overbearing or overshadowing impacts.

The layout of the proposed development ensures that all separation distances for back to back relationships accord with (and exceed) the minimum separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have a standard 10m separation distance where first floor windows overlook neighbouring private amenity space. All of the plots would have an acceptably sized private rear garden. In terms of the residential amenity of the existing and future occupiers, the application is considered to be acceptable and would accord with the provisions of Policy EV1 of the UDP, Policy PS2 of the emerging LDP, and the SPG - Places to Live: Residential Design Guide.

Parking and Access

The site benefits from outline consent, including the access, for residential development with access off Brithwen Road. Under that outline application, it was considered that the residential development of the site could be accommodated in terms of vehicular movements. Within the outline permission, the Highways Officer was satisfied that: (a) the standard of Brithwen Road is sufficient to accommodate this relatively small increase in use, and that the proposed access layout would not prejudice highway safety, and (b) that improvements at the proposed junction of Brithwen Road and Swansea Road would increase safety by controlling and slowing down traffic movements. A section 106 agreement was included within the outline which included a sum of £10,000 for the purpose of undertaking local highway improvements (new signage and road markings).

The internal road is considered to be acceptable in terms of its layout and highway safety. The levels of parking are considered to be acceptable at two/three spaces per dwelling. Visitor parking has not been included but given the internal road layout some informal parking could be accommodated on street if required. The Head of Transport and Engineering considers that the proposed layout and parking levels are acceptable.

Ecology

The main ecological issues presented by the development were addressed during the determination of the outline planning permission. However, concerns were raised during the processing of this reserved matters application regarding the potential impacts upon dormice. Further information was submitted by the applicant regarding dormice, which confirmed that it is highly unlikely that dormice are present on the site, and as such the Council's Ecology Officer has confirmed that the application is acceptable in ecology terms. The original informative (relating to European Protected Species) forming part of the parent outline planning consent remains relevant with regard to advice relating to protected species.

Conditions of the Outline Permission

Drainage

Condition 9 of the outline permission stated;

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

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

Following a series of negotiations, the submitted Drainage Strategy is considered to be acceptable and therefore the requirements of this condition have been met and as such the condition can be 'discharged'.

Landscaping, trees and Japanese Knotweed

Condition 11 of the outline permission stated;

A landscaping scheme for the site shall be submitted as part of the reserved matters and the approved scheme shall meet the following requirements:-

- i) A detailed tree survey and arboricultural impact assessment to British Standard 5837:2012 Trees in relation to design, demolition and construction. Recommendations. The work must be carried out by an experienced and qualified Arboriculturalist. All tree survey plans must be accurate, scalable with tree positions and canopy spreads precisely plotted.
- ii) Further details of the proposed planting and use of native species where possible.
- iii) Further details of the retention and planting in the protected 7m berm alongside the main river, Gors Fawr.
- iv) Further details of a programme for the clearing/removal of alien species such as Japanese Knotweed, etc.

No part of the trees or hedges shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of occupation of the first house, or the date of planting (whichever applies), other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. The approved scheme shall be carried out either as an integral part of the development and/or no later than the first planting season following completion.

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

Following negotiations, the revised landscape plan, which includes the planting layout, detail of the positions and numbers of the plants and specification for planting is considered to be acceptable.

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The submitted site report and management plan for the control and eradication of the Japanese Knotweed is also considered to be acceptable.

Therefore the requirements of the condition have been met and as such the condition can be discharged.

Boundary treatments

Condition 15 of the outline permission stated;

Before the development hereby approved is occupied the means of enclosing the boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity

The means of enclosing the boundaries of the site and the individual dwellings include:

- o 1.8m brick screen walls to all public facing boundaries.
- o 1.8m 'hit & miss' timber fencing for the rear garden areas.
- o 1.2m high black painted 'estate' railings to the LAP and connecting public foot path.
- o 0.6m high timber knee rail to the rear of the parking areas adjacent to the retained riparian corridor.

The boundary treatments are considered to be acceptable and therefore the requirements of the condition have been met and as such the condition can be discharged.

Tree Retention and Protection

Condition 18 of the outline permission stated;

No development shall commence on site until a scheme for the retention and protection of trees to British Standard 5837:2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include protection of trees in the 7m protected berm along the river bank. It shall include full details on all works that impact on the original ground conditions within the root protection areas, as detailed in BS5837:2012 and in particular details of protective fencing, ground protection & construction method, required tree surgery operations, service trenching position and any changes in ground level within the root protection areas of all retained trees. No development shall take place except in complete accordance with the approved scheme, and not before the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.

Reason: To ensure the protection of retained trees and the 7m protected berm on site during construction works.

A number of trees are proposed to be removed to facilitate the new access into the site. The amended Arboricultural Report is considered to be acceptable and therefore the requirements of the condition have been met and as such the condition can be discharged.

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Responses to Objections

Issues relating to the principle of development, density, drainage, traffic, parking provision, trees, ecology, access, highway safety, overlooking / loss of privacy, have been addressed in the previous paragraphs.

With regard to concerns regarding the building line, the development is considered to be appropriately designed, in accordance with urban design and placemaking principles.

With regard to the existing sewer which crosses the site, the development will not encroach within the 3m buffer area. DCWW have confirmed that the layout is acceptable in this regard.

With regard to the consultation of the planning application, the consultation exercise was carried out in accordance with the statutory requirements.

With regard to flooding, the developable area of the site is located outside the flood zone. A 7m buffer (the riparian corridor) is maintained between Gors Brook and the proposed new houses.

With regard to impacts upon the local school, this was considered during the outline planning application where it was resolved that there was sufficient capacity in the local schools to accommodate any new pupils from the new development.

With regard to the impacts upon the doctor's surgery, this is not a material planning consideration and so do not form a reason for refusal of the application.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the details of the appearance, landscaping, layout and scale of the proposed development are considered to be acceptable as are the details submitted in relation to Conditions 9, 11, 15, and 18 pursuant of outline planning permission 2008/0512.

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

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2251-100 REV A - SITE LOCATION PLAN and ELCOT JAPANESE KNOTWEED SURVEY, received 1st May 2018.

LANDSCAPE SPECIFICATION MANAGEMENT PLAN (CONDITION 11), received 4th July 2018.

WAUN-501A - Proposed ROAD SECTION, received 20 July 2018.

TDA.2284.02 - TREE PIT CONSTRUCTION DETAIL (CONDITION 11), received on 28 August 2018.

DRAINAGE SIMULATION RESULTS (CONDITION 9), received 3 September 2018.

2251 - 200 - 06B REV B ELEVATIONS HOUSE TYPE 851 - 3 BED
2251 - 200 - 07A REV A PLANS HOUSE TYPE 211 - 1 BED
2251 - 200 - 08A REV A ELEVATIONS HOUSE TYPE 211 - 1 BED
2251 - 200 - 14B REV B BLOCK 2 FLOOR PLANS - PLOTS 5-7
2251 - 200 - 15A REV A BLOCK 2 ELEVATIONS - PLOTS 5-7
2251 - 200 - 16B REV B BLOCK 2 ELEVATIONS 2 - PLOTS 5-7
2251 - 200 - 17A REV B BLOCK 3 FLOOR PLANS - PLOTS 14-16
2251 - 200 - 18A REV A BLOCK 3 ELEVATIONS - PLOTS 14 -16
2251 - 200 - 19A REV A BLOCK 3 ELEVATIONS 2 - PLOTS 14-16
2251 - 200 - 20A REV A BLOCK 4 FLOOR PLANS - PLOTS 31-33
2251 - 200 - 21A REV A BLOCK 4 ELEVATIONS - PLOTS 31 -33
2251 - 200 - 22A REV A BLOCK 4 ELEVATIONS 2 - PLOTS 31 - 33
2251 - 200 - 23A REV A BLOCK 5 FLOOR PLANS - PLOTS 17 - 20
2251 - 200 - 24B REV B BLOCK 5 ELEVATIONS - PLOTS 17 - 20
2251 - 200 - 25B REV B BLOCK 5 ELEVATIONS 2 - PLOTS 17 - 20
2251 - 200 - 26A REV A BLOCK 6 FLOOR PLANS - PLOTS 21 - 24
2251 - 200 - 27A REV A BLOCK 6 ELEVATIONS - PLOTS 21 - 24
2251 - 200 - 28A REV A BLOCK 6 ELEVATIONS 2 - PLOTS 21 - 24
2251 - 200 - 32 PLANS HOUSE TYPE 211 - 1 BED
2251 - 200 - 33 ELEVATIONS HOUSE TYPE 211 - 1 BED
2251-650-1 REV B SWEPT PATH ASSESSMENT - 1 OF 2
2251-650-2 REV B SWEPT PATH ASSESSMENT - 2 OF 2
2251-650-3 REV B SWEPT PATH ASSESSMENT - PLOT 33
2251-650-4 REV A SWEPT PATH ASSESSMENT - PLOT 33
2251 - 200 - 30 BIN STORE DETAILS
2251 - 200 - 31 CYCLE STORE DETAILS
TDA.2284.01 REV D DETAILED SOFT LANDSCAPE PROPOSALS (CONDITION 11)
ARBORICULTURAL REPORT (CONDITION 18)
DRAINAGE STRATEGY (incl plan 2251/500-2 Rev D) - Engineering Appraisal Drainage (CONDITION 9),
received 14 FEB 2019.

2251 - 200 - 04B REV B PLANS HOUSE TYPE 851 - 3BED
2251 - 200 - 38 PLANS HOUSE TYPE 851 PLOTS 27 & 28 - 3 BED
2251 - 200 - 39 ELEVATIONS HOUSE TYPE 851 PLOTS 27 & 28 - 3 BED
2251 - 200 - 36 PLANS HOUSE TYPE 851 PLOTS 34 & 35 - 3 BED

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2251 - 200 - 37 ELEVATIONS HOUSE TYPE 764 & 851 PLOTS 34 & 35 - 3 BED
2251 - 200 - 34 PLANS HOUSE TYPE 851 PLOT 36 - 3 BED
2251- 200 - 35 ELEVATIONS HOUSE TYPE 851 PLOT 36 - 3 BED
2251- 200 - 01A REV A PLANS HOUSE TYPE 764 - 3 BED

2251 - 200 - 02A REV A ELEVATIONS HOUSE TYPE 764 - 2 BED.
2251- 200 - 05D REV DELEVATIONS HOUSE TYPE 851 - 3 BED
2251 - 200 - 04B REV B PLANS HOUSE TYPE 851 - 3 BED.
2251 - 200 - 40A REV A PLANS HOUSE TYPE 851 - 3 BED.
2251 - 102D REV D EXTERNAL WORKS LAYOUT BOUNDARY TREATMENT
(CONDITION 15),
received 15 FEB 2019.

2251-101 REV GSITE LAYOUT PLAN, received 18th Feb 2019

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

Informatives

- 1 Notwithstanding the details shown on the submitted plans, the external materials are not agreed as part of this application. As such, the applicant is advised to submit a separate Discharge of Condition application for condition 16 (external materials) of the outline permission 2008/0512.
 - 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, EV3, EV22, EV23, EV24, EV25, EV30, EV33, EV34, EV35, EV36, HC1, HC3, HC17, AS1, AS2, AS3, AS6 and AS10
 - 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

Item 2 (Cont'd)

Application Number:

2018/1014/FUL

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 - AS6 - Parking/Accessibility

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

UDP - HC2 - Urban Infill Housing

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

UDP - 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 - EV30 - Trees, Woodland and Hedgerow Protection

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

UDP - 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)

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**Site History
App Number**

Proposal

Status

Decision Date

2018/1014/FUL

Construction of 20 no. detached dwellings, garages and associated access and landscape works, and demolition of No. 188 St Teilo Street

PDE

2015/0419

Residential development (Pre-Application)

PREMIX

10.07.2015

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the local press and 24 individual properties were consulted. FOUR LETTERS OF OBJECTION have been received, which are summarised as follows:

1. Concerns over access and traffic.
2. Concerns over impact upon local schools and surgeries.
3. Concerns about overbearing physical impact on plots 17 and 18.
4. Drainage concerns.
5. Impact upon wildlife.
6. We already have limited trees and green space.
7. Concerns over impact on local amenities.
8. Would like a tree screen to protect our view.

Ms Tonia Antoniazzi MP – Objects as follows:

As the Member of Parliament for Gower I would like to raise an objection on behalf of my constituent who have raised their concerns.

This site is on a main road which is currently a heavily congested route into Pontarddulais. Adding another junction at 188 St Teilo street to allow access into the proposed development will only add to existing problems with traffic build up on St. Teilo street leading into the one way system. The proposed access road will also be opposite a bus stop which in itself could lead to accidents and yet again more build up of traffic. Schools and local surgeries are already struggling with the volume of residents in Pontarddulais, adding a further 20 homes most of which are 3 to 4 bed dwellings will only have more of a detrimental effect on the already struggling community.

There are already current issues with drainage in Wyndham Close and the proposed development will not help with this. There are also concerns that the site is a natural habitat to bats and the resulting construction would result in these habitats being destroyed.

Natural Resources Wales – Comments as follows:

We have significant concerns with the proposed development as submitted.

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We recommend that you should only grant planning permission if the scheme can meet the following requirements relating to European Protected Species. We would object if the scheme does not meet these requirements.

Requirement

Further surveys of the above site to determine the presence of bats a European protected species.

We note that a scoping bat survey report has been submitted in support of the above application (194 St Teilo Street, Pontarddulais, Swansea prepared by I & G Ecology January 2018) has identified there is a low moderate potential for bats to be using the site. The report recommends further surveys to determine whether bats (European Protected Species) are using the site and whether a European Protected Species Licence will be required.

The survey should be carried out in accordance with 'Bat Surveys; Good Practice Guidelines 3rd Edition' published by the Bat Conservation Trust 2016.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (March 2015) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-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.

Ecologist Comments –

Reptiles and Amphibians

The site is suitable for reptiles and terrestrial phase amphibians; one slow-worm was found on-site during the survey, confirming their presence. Therefore a reptile/amphibian survey should be conducted immediately, and completed by the end of September.

Bats

Three of the buildings were assessed as having low or low-moderate potential for roosting bats, therefore emergence/re-entry counts will be required. These should also be completed by the end of September.

Invasive Species

It is believed that Japanese knotweed is not present within 7m of the boundary, therefore it does not need to be considered. But montbretia (*Crococsmia × crocosmiiflora*) has been recorded on-site. A method statement for its treatment/disposal will be required. This can be conditioned.

The Coal Authority - The Coal Authority concurs with the recommendations of the Geoenvironmental Site Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

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

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

The Coal Authority therefore has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Dwr Cymru Welsh Water –

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 acknowledge that the content of our consultation response (Ref: PPA0002876) has been included within the accompanying Pre-Application Consultation (PAC) Report, prepared by JCR Planning, and refers to our comments in respect of the surface water drainage strategy. However, whereas our response acknowledged receipt of an accompanying Drainage Strategy Report (Ref: 7334) it would appear this document has not been updated as part of this latest planning application submission. In reference to our pre-application consultation response (Ref: PPA0002876), we remind that the developer is required to explore all surface water drainage options and in the event these are fully exhausted, any proposed communication to the public sewerage system should be made to the surface water sewer only.

In addition, the response advised that foul flows can be accommodated within the public sewerage system, albeit our assessment was provided on the basis of proposals for demolition of existing properties at No. 188 St Teilo Street and 'The Gardens Bungalow'. By virtue of demolition a compensatory amount of surface water flows from No. 188, fronting onto the combined sewer in St Teilo Street, would be removed from the public sewerage system and therefore generate betterment as well as offset the anticipated foul flows from this development of 20 dwellings.

Notwithstanding this, the Drainage Strategy Report (Ref: 7334) fails to confirm the historic drainage arrangements of existing properties and for this reason, if you are minded to grant Planning Consent, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

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Condition

No development shall commence until a drainage strategy for the site has been submitted to and approved in writing by the local planning authority. The strategy shall include a scheme providing for disposal of foul, surface and land water and demonstrate the drainage arrangements of existing properties to be demolished, including details of surface water flows proposed for removal from the public sewerage system. If necessary a scheme to upgrade the existing public sewerage system in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter the strategy shall be implemented in accordance with the approved details prior to the occupation of the development and no surface water 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.

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.

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

SEWAGE TREATMENT

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

Notwithstanding this, the Drainage Strategy Report (Ref: 7334) fails to confirm the historic drainage arrangements of existing properties and for this reason, if you are minded to grant Planning Consent, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No development shall commence until a drainage strategy for the site has been submitted to and approved in writing by the local planning authority. The strategy shall include a scheme providing for disposal of foul, surface and land water and demonstrate the drainage arrangements of existing properties to be demolished, including details of surface water flows proposed for removal from the public sewerage system.

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If necessary a scheme to upgrade the existing public sewerage system in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter the strategy shall be implemented in accordance with the approved details prior to the occupation of the development and no surface water 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.

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.

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

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

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

Drainage Officer –

We note that the proposed drainage strategy purports to discharge surface water to a combined sewer in St Teilo Street at 5l/s, as this is a DCWW asset they will need to confirm acceptance of the proposed flows/volumes and the connection. Subject to that acceptance we would agree with the DCWW condition recommendation in their response dated 28/06/2018, ref PLA0035127. Add SAB condition.

Designing Out Crime Officer – Comments regarding designing out crime.

Ecologist (Original Comments) –

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Reptiles and Amphibians

The site is suitable for reptiles and terrestrial phase amphibians; one slow-worm was found on-site during the survey, confirming their presence. Therefore a reptile/amphibian survey should be conducted immediately, and completed by the end of September.

Bats

Three of the buildings were assessed as having low or low-moderate potential for roosting bats, therefore emergence/re-entry counts will be required. These should also be completed by the end of September.

Invasive Species

It is believed that Japanese knotweed is not present within 7m of the boundary, therefore it does not need to be considered. But montbretia (*Crocsmia × crocosmiiflora*) has been recorded on-site. A method statement for its treatment/disposal will be required. This can be conditioned.

Further Ecology Comments (following receipt of an additional reptile survey work and emergence survey) –

Documents Reviewed

Phase 1 Habitat Survey, ESP Environmental Ltd (23 October 2017)

Bat Survey Report, I&G Ecological Consulting (30/09/2018)

Reptile Survey and Mitigation Report, I&G Ecological Consulting (November 2018) Montbretia Management Plan, I&G Ecological Consulting (November 2018)

Bats

A Preliminary Roost Assessment was undertaken on 26th January 2018, followed by two dusk surveys (23/06/2018, 29/07/2018) and one dawn survey (07/07/2018). No evidence was found of bats in any of the buildings, and none was seen emerging or re-entering the buildings. No licence or timing restrictions are required, so the demolition can take place at any time. To ensure compliance with section 6 of the Environment (Wales) Act 2016, section 4.2 and Appendix 5 of the Bat Report should be made conditional to any consent.

Reptiles

A single slow-worm was seen during the phase 1 survey, and a full reptile survey recommended. This was conducted during September and October 2018. A small population of common lizards was found, but no slow-worms.

All native reptiles are protected under the Wildlife and Countryside Act 1981 (as amended). To ensure that the reptile population is protected during construction, sections 6 and 7 of the Reptile Report should be conditioned. All recommendations within sections 6 and 7 should be undertaken and supervised by a suitably qualified ecologist, who will then write a brief summary to discharge the condition.

Invasive Species

The Montbretia Management Plan is appropriate for the site and should be conditioned.

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Placemaking and Heritage Officer –

Comments as follows:

The application site is formed of an irregular shaped parcel of land comprising no. 188 St Teilo Street and associated buildings, measuring approx. 0.66 ha. The site is landlocked with residential development to the north, east and west and a local bowls and tennis club located to the south.

This proposal needs the Residential DG to be applied, which focuses on new developments of 10 or more homes, as this is underpinned by the proactive placemaking planning approach.

Neighbourhoods

The proposal displays a permeable layout with access to the site from the north off St Teilo Street with the existing pavement being extended into the site to provide links/connections to the wider locality. The site is located along the local bus route (St Teilo Street). Ysgol Gynradd, Pontarddulais Primary and Pontarddulais Comprehensive School are each located within 650m of the site. These distances are acceptable to encourage walking/cycling trips rather than car reliance. A Tesco superstore and the main local shopping area of Pontarddulais are located approx. 500m to the north west of the site.

Density

The layout is broadly in line with that submitted at pre-application stage, albeit with a reduction in units from 24 to 20, resulting in an acceptable density of circa 30 dwelling per ha. The proposed layout is acceptable taking into account the irregular shape and contrived edges of the site and is broadly in line with the principles set out in the Residential DG.

Connections

In terms of connections, a new pedestrian/cycle path is proposed to link the site to the wider locality to the south-east via the bowls/tennis club. Plot 11 has windows directly overlooking this proposed route and a condition should be imposed to ensure it is well lit/safe.

Open Space

No public space is shown on the indicative layout although it is noted that there are several play spaces in close proximity, including tennis courts, and large playing fields/equipped park to the south of the site which will be accessed via the proposed pedestrian/cycle link. Given the lack of open space proposed within the site, this new link to the existing surrounding open space is important to secure.

Streets as Places, Buildings & Parking

On accessing the site from the north, the curved route lends itself to reducing vehicular speeds through the site. The combination of two storey dwellings and bungalows is appropriate in this location taking into account the local context. The proposed dwellings 'turn the corner' and offer a good level of engagement with the public realm through double-fronted elevations where appropriate. As noted in the pre-app response, plot 1 forms a prominent, corner unit with frontages onto both St Teilo Street and the access road into the site. This dwelling is shown to be double-fronted hereby engaging with both public elevations (fenestration amendments required, detailed below).

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The same applies to plot 11, which includes windows directly overlooking the streetscene and proposed pedestrian link to ensure good levels of natural surveillance. The overall approach throughout the site provides a good level of active frontage and engagement with the public realm.

The layout has not been annotated to show affordable dwellings - these will need to be seamlessly integrated into the overall development, and be indistinguishable from market housing. The Housing Officer should be consulted to ensure they are content with the concentration of AH units.

An element of shared space has been incorporated into the scheme which is welcomed. Further consideration should be given to the southern section of the site which could also incorporate a greater element of shared surface rather than the overly engineered turning head. This may also free up some space to allow the poor parking arrangement to plots 10 and 14 whereby the parking spaces are directly in front of plots 9 and 13. This needs further consideration. The remainder of the parking arrangements are broadly acceptable, with a majority of parking located behind the building line.

Privacy & amenity

The plot sizes vary considerably throughout the site. On the basis that existing perimeter hedgerow/trees are to be retained along the southern boundary, consideration should be given to the resultant overshadowing in terms of the rear garden sizes to these plots. A full assessment of separation distances should be made by the case officer.

Quality and Character

The proposal comprises a simple material palette comprising red brick / render and grey roof tiling/slates which is acceptable. In terms of elevations, the window arrangement to house type 825 (plots 1, 2, 5 & 11) is wholly unacceptable. Whilst including windows onto both public elevations, the inclusion of a 'blind window' to the front elevation and odd window arrangement to the 'side elevation' needs to be reconsidered.

In terms of boundaries, any boundary abutting the public realm must be high quality and robust for form a feature - close boarded fencing will not be acceptable.

Placemaking and Heritage comments (following receipt of amended plans) -

The layout changes and house design amendments overcome the previous concerns raised and as such the scheme is considered acceptable.

Education –

the request for a Developer's Contribution from this proposed development are:

Primary: the full generated amount plus indexation of £41,488 for the English medium primary school (Pontarddulais), also the full generated amount plus indexation of £20,744.00 for the Welsh medium primary school (YGG Bryniago).

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Secondary: the full generated amount plus indexation of £47,544 for the English medium Secondary school (Pontarddulais). The WM secondary contribution is deemed too low to be effective in increasing/improving the capacity at the school, therefore no contribution for WM secondary is requested on this occasion. There will be no request for a contribution towards post 16 provision.

Tree Officer Initial Comments – Objects:

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

The application is accompanied by a Tree Survey, this is not in accordance with the British Standard and is inadequate to identify the impacts of the development on the adjacent trees and vice versa.

For this reason I object to the proposals.

Tree Officer additional comments –

The tree survey now shows the trees to the south of the site. These trees are semi mature specimens of approximately 12 metres in height. The 'report' states that the trees are 11-13 metres away from the proposed dwellings. Considering their current and attainable heights along with the fact they are on higher ground, the trees will severely shade the gardens of plots 11 and 14.

Plot 14 is shown with a conservatory, this will be in darkness for most of the day. Although the trees are owned by the Council, who will be able to control cutting of the trees to some extent, this ownership is somewhat a double edged sword. Future residents will put pressure on the Council to cut the trees. The layout is not ideal for the reasons stated above. The problems could be addressed by a reduction in density of the site and moving these plots away from the trees.

Tree Officer Further comments (following amended layout removing the conservatory from Plot 14) –

The plots along the southern boundary will be shaded by the trees off site. This is exacerbated by the topography. Removal of the illustrated conservatory would improve the potential conflicts and could be maintained if PD rights are removed. Whilst still not ideal this modification reduces the most unsuitable aspect shown on the drawings.

Highways Observations –

The site redline boundary encompasses gardens and a cluster of old outworn buildings. The proposals seek to redevelop the site together with number 188 St Teilo Street to provide 20 new detached residential dwellings.

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The site sits within a predominantly residential area with existing dwellings bordering the red line plan on all sides. The site sits behind properties which front onto the A48 St Teilo Street in Pontarddulais. The site was previously the subject of a pre-application enquiry, this proposed 24 dwellings.

The previous advice given was that, given the limited information provided if the applicant was to pursue the development, the following would be required:

1. A Transport Statement
2. Swept path tracking analysis to show that emergency vehicles/refuse vehicles can enter and leave the site in a forward gear.
3. Parking in accordance with the CCS Parking Standards
4. Details of the access showing that the required visibility splays can be achieved.
5. Details of either a private management company or the option to have the internal road adopted under a section 38 with the Highways Authority.

The applicant has submitted a Transport Statement (TS) and this has been reviewed as part of the consultation response process. The TS confirms that they are a number of local facilities nearby, within cycling and walking distance and opportunities to access public transport. The site is reasonably well located in terms of sustainable travel choice.

The planning report confirms that the design will comply with the code of practise for the Rights of Access. The submitted layout masterplan and the TS both include the site access proposals. As set out in the requirements in the pre-application response, the site access has been shown with the required visibility splays for the 20 mph speed on St Teilos Street. The proposed removal of property number 188 appears to serve to allow adequate visibility to be provided.

The site access within the TS and that within the masterplan are different. The TS report and access plan confirm footways will be provided on both sides of the access and through the development. The masterplan only shows a footway on the southern side of the carriageway. The TS confirms the proposed width of footways will be 1.8 metres. It is required that footways are provided at a minimum width of 2.0 metres on both sides of the access and throughout the internal route.

As before, swept path analyses will be required at the site access travelling through the development, using the turning area and exiting the proposed junction. This should be done for all turning movements using refuse vehicles, fire tender and removal vehicles to demonstrate the adequacy of the access and turning area.

The layout plan appears to accord with the parking standards adopted as supplementary planning guidance. The provision of one space per bedroom, at a maximum of three spaces has been achieved. It is noted that this includes garages as a parking space. It should be noted that garages may only be counted as parking spaces if they have clear internal dimensions, as suggested by Manual for Streets, for a single garage of 6m x 3m. All properties with a garage must also have a 6m long driveway which has a width of not less than 3.6m. Given that the garages are required in order to comply with parking standards conditions will be put in place for them to be retained for purposes ancillary in perpetuity and not converted in order to protect parking provision.

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The turning area appears to be designed in a way that parking is unlikely to occur in the turning heads, given that it provides access to private parking. The requirement is now to demonstrate that it could accommodate larger vehicles turning through the use of a swept path analysis. A trip rate analysis and multimodal impact has been presented with the TS, the results are in the realms of what would generally be expected and any concerns regarding resultant vehicular trip rates are balanced by the reduction of number 188.

There would be no objection in principal to the proposals, subject to the satisfaction of the additional information requested on the access, parking, footway design and swept path analysis. The dimensions of the garages can be secured by condition.

Highways Observations (on amended plans) –

I note that the footways are now extended throughout the site and that the widths are 2.0 metres, this is a welcomed update. The question would be, has this affected the proposed road width? Subject to the parking requirements set out in our previous response and the receipt of the requested swept path assessments, there are no issues to raise at present.

Further Highways observations (on further amended plans and swept path analysis plan) –

Land Formerly Known As The Gardens And Rear Of 188 St Teilo Street Pontarddulais

A response has been given to this application noting no objection in principal subject to the satisfaction of the additional information requested on the access, parking, footway design and swept path analysis. The dimensions of the garages can be secured by condition.

The applicant has confirmed that 2m footways will be provided on both sides of the access and through the site.

Swept path analysis has been provided and demonstrates that servicing and emergency vehicles can enter and exit the site in a forward gear.

A Section 106 contribution will be required to add a pedestrian crossing phase across Alltiago Road at the nearby traffic signal junction, to improve pedestrian access to the local school, this will require a contribution of £15k.

Highways recommends no objections to the proposals subject the conditions below:

1. 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.

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.

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In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work. Please e-mail networkmanagement@swansea.gov.uk

2. Garages shall have minimum internal dimensions of 3m x 6m, and permitted development rights shall be removed.

Reason: In the interest of highway safety

3. All front boundary treatments shall be less than 1m in height.

Reason: in the interests of visibility

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

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

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

5. 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].

Note1: The Developer must contact the Highway Management Group , The City and County of Swansea, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact networkmanagement@swansea.gov.uk.

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Note 2: The applicant is advised that to discharge condition 5 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

APPRAISAL

Full planning permission is sought for the construction of 20 dwellings on land to the rear of 188 St.Teilo Street, Pontarddulais, formerly known as The Garden. The proposal involves the demolition of no.188 itself to facilitate access to the land to the rear and also the demolition of the unoccupied “The Garden” house on the main site.

The scheme proposes a mixture of dwellings which would consist of 9 x two storey 3 bedroomed dwellings (4 x house type 825 and 5 x house type 975) 3 x two storey 4 bedroomed dwellings (house type 1150) and 8 x bungalows (6 x house type 850 and 1 x house type 880).

House type 825 would measure approximately – 8.6m x 5.5m with an eaves height of 4.8m and an overall height of 7.4m

House type 975 would measure approximately – 8.6m x 6.4m with an eaves height of 4.8m and an overall height of 7.3m

House type 1150 would measure approximately – 9.3m x 6.8m with an eaves height of 4.8m and an overall height of 7.7m

House type 850 would measure approximately – 10.2m x 9.4m with an eaves height of 2.5m and an overall height of 5.2m

House type 880 would measure approximately – 11.8m x 9m with an eaves height of 2.5m and an overall height of 5.2m

House type 847 would measure approximately – 9.9m x 9.5m with an eaves height of 2.5m and an overall height of 5.2m

Plots 16, 17, 18, 19 and 20 would have rear conservatories which would measure 3.1m x 3.3m, have an eaves height of 2.4m and an overall height of 3.3m.

11 of the houses would be red brick and 9 would be rendered. 18 of the plots would have garages, of which 4 would be doubles to share between plots and 14 would be built individually. The single garages would measure 6m x 3.2m and have a maximum pitched roof height of 3.6m. The double garages would measure 6.3m x 6m with a pitched roof height of 4.5m. One set of double garages opposite Plot 10 and 11 will have a hipped roof and the single garage serving plot 14 will also be hipped.

The application site is a windfall site within the urban area and has quite a limited planning history which consists of several pre-application enquiries but no previous formal planning applications.

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The site measures approximately 0.76ha and would be accessed from St. Teilo Street and backs onto Glasfryn Road to the north west, Wyndham Close to the west and Coed Bach Park to the south.

The main issues to be considered therefore is the impact of the proposal as submitted on the visual and residential amenities of the area and highway safety having regard to the requirements of Policies EV1, EV2, EV3, EV33, EV34, EV35, EV30, AS6, HC17 and HC2 of the City and County of Swansea's Unitary Development Plan 2008 and the adopted SPG entitled Residential Design Guide.

Policies EV1, EV2 and EV3 are overarching policies which refer to developments complying with good design criteria and layout with preference being given to developments being carried out on previously developed land and are accessible. These Policies also refer to any proposal not having any undue impact in terms of visual or residential amenity or highway safety. Policy AS6 refers to developments being assessed against maximum parking standards to ensure that the proposed scheme provide appropriate levels of car parking. Policy HC2 refers specifically to infill development within the urban area being supported subject to meeting the requirements of the specified criteria. Policies EV33, EV34 and EV35 refer to the surface water and drainage issues on site and EV30 refers to trees, woodlands and hedgerows. HC17 refers to criteria for Planning Obligations.

Updated Position on Local Development Plan status

Planning Policy Wales (PPW) Edition 10 at para. 1.17 highlights that legislation states a presumption in favour of sustainable development in accordance with the extant, adopted 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 goes on to state that it is up-to-date development plans that form the basis of the planning system, since it is up to date Plans that set the context for rational and consistent decision making where they have been prepared in accordance with the latest national planning policies. A replacement LDP is what is anticipated by PPW and related guidance to be the appropriate review process for time expired Plans.

The Swansea UDP was 'time expired' on the 31st December 2016 and is soon to be replaced by the Swansea Local Development Plan (LDP). Adoption of the LDP is scheduled to be resolved by Members at a public meeting of Full Council on the 28th February. This follows the recent publication of the Inspectors' Final Report on the Examination into the LDP. The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary tests of soundness. The Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the LDP policies and proposals will realistically be delivered.

The Swansea LDP is clearly at such an advanced stage in the process, and there is now certainty regarding the Plan's content.

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Therefore, notwithstanding that the statutory starting point for decisions is the extant UDP (having regard to PPW and Section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired and the very advanced stage of the LDP it is appropriate in this case to determine the application having regard to the replacement development plan and national guidance, as well as the prevailing UDP.

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

Policy PS2 (Placemaking and Place Management)– development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

T6 (Parking) - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

ER11 (Trees, Hedgerows and Development) - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

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

RP3 (Water pollution and the protection of Water Resources)- development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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RP4 (Avoidance of flood risk) - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

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

The content of the emerging LDP policies in general reflects the aims of the UDP policies in relation to this application.

Visual Amenity

With regards to visual amenity, the layout, scale and design of the dwellings is in keeping with those in situ within the surrounding area. The area around the application has a mixture of dwellings of differing styles and designs and as such the proposed development conforms with this mixture. The proposal is therefore considered to comply with Policies EV1, EV2 and HC2 of the UDP and PS2 of the emerging LDP. The layout of the site ensures ample off street parking and residential amenity space to ensure that the scheme would not result in an overdevelopment of the site or a cramped form of development.

Residential amenity

With regards to residential amenity, the proposed layout of the site respects the recognised distances between dwellings to ensure that future occupiers will not experience direct overlooking resulting in loss of privacy, loss of light or overbearing physical impact. The internal arrangements of the dwellings allows for an ample amount of living space that complies with acceptable space standards.

The distance between the nearest dwellings in St. Teilo Street is 16m to no.186 and 7m to no.190. Taking into account the designs and features of these properties, these distances are sufficient to ensure that they would not result in overbearing physical impact. The elevation facing no.190 has no windows and the front to side distance of 16m to no.186 also ensures that no unacceptable loss of privacy would be caused.

The Council's tree officer raised concerns that the dwelling on plot 14 would be overshadowed by trees and that there may be pressure on the Authority to have these felled to improve their living conditions. Whilst it is acknowledged that the existing trees, which are outside of the application site and the applicant's control, may result in a degree of overshadowing, it is not considered that this would be so unacceptable as to warrant a redraw of the entire layout or a refusal on this basis.

Notwithstanding this, the applicant has removed the conservatory on plot 14 and to this end, the Council's Tree Officer is content that this will improve the situation on site and does not now object to the scheme providing the permitted development rights are removed for plots 11-14. A condition to the effect is recommended.

With regards to the impact upon the surrounding properties in St. Teilo Street and Wyndham Close, the distances exceed the recognised acceptable distances between dwellings and as such these occupiers would not experience any unacceptable impact in terms of loss of light, privacy or overbearing physical impact.

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The Placemaking and Heritage Officer raised concerns that the design of House Type 825 was unacceptable and that there were concerns over the parking layout on plots 10 and 14. A subsequent amended layout plan was submitted moving the garages further away from the dwellings in question, changing the design of their garage roofs and amending the design of House Type 825. To this end, the changes proposed are considered acceptable to the Placemaking and Design Officer and no objection is now raised to the proposal.

Education Contribution

The Education Section has requested a contribution of £41,488 plus indexation for the English medium primary school (Pontarddulais), £20,744.00 plus indexation for the Welsh medium primary school (YGG Bryniago) and £47,544 plus indexation for the English medium Secondary school (Pontarddulais). The applicant has agreed to pay the amount suggested and as such it is recommended that a Section 106 agreement be undertaken to secure this contribution.

Drainage

The Council's Drainage Officer has raised no objection to the proposal subject to the imposition of the conditions suggested by Dwr Cymru Welsh Water.

Ecology –

The Council's Ecologist raised concerns that the surveys provided on the site were not sufficient and requested that further bat emergence surveys were undertaken as well as surveys for reptiles and other protected species. Following the submission of an additional Phase 2 Habitat Survey, the required emergence surveys, a reptile survey report and a Montbretia Management Plan, the Council's Ecologist withdrew the previous concerns subject to the proposal being undertaken in accordance with the recommendations of the submitted reports. A condition to this effect is therefore recommended.

Access and Highways

The Head and Transportation and Engineering raises no highway objection to the proposal subject to conditions relating to the submission of engineering details of the streets, a construction method statement and details of future management and maintenance of the streets. Conditions to these effects are recommended. A Section 106 contribution of £15,000 towards a new pedestrian crossing phase across Alltiago Road at the nearby traffic signal junction, to improve pedestrian access to the local school is also requested.

Another condition is recommended relating to front boundaries being maintained at 1m or less. As any means of enclosure fronting a highway would need the express grant of planning permission for a height above 1m, a condition to this effect is not considered necessary.

A condition requiring the internal dimensions of the garages to be a minimum of 3m x 6m is also recommended. The current single internal dimension is 5.76m x 2.94m. The layout of the site dictates that this minor change could be accommodated without compromising the overall integrity of the site or creating any additional problems and as such, it is recommended that a condition to require this change be imposed.

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Burry Inlet Habitat Regulations Assessment

Introduction

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

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

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

Water Quality

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

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

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

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

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Other Possible Effects on CBEEMS features

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

CONCLUSION

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

Response to consultations

The issues raised by the public and statutory consultees have been addressed above in the main body of the report.

Conclusion

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

In conclusion, and having regards to all material planning considerations, including the Human Rights Act, on balance, the proposal is considered an acceptable form of development at this location that would not unduly impact upon the visual amenities of the area, the residential amenities of surrounding properties or highway safety. Approval is therefore recommended subject to the signing of a Section 106 agreement for the specified Education contribution and the following conditions:

RECOMMENDATION

APPROVE subject to the following conditions and the applicant entering into a S106 Planning Obligation in respect of the contributions listed below:

- An education contribution of £41,488 plus indexation for the English medium primary school (Pontarddulais), £20,744.00 plus indexation for the Welsh medium primary school (YGG Bryniago) and £47,544 plus indexation for the English medium Secondary school (Pontarddulais).

- A highways contribution of £15,000 to add a pedestrian crossing phase across Alltiago Road at the nearby traffic signal junction.

- 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.

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- 2 The development shall be carried out in accordance with the following approved plans and documents: SC01 screening details fence, SC02 screening details timber rail fence, LOC01 site location plan received 2nd May 2018, HT975/02A house type 975 plots 7 and 10 part render plans and elevations, HT975/01A plots 6, 8 and 9 plans and elevations, HT880/01A bungalow 880 plot 3 plans and elevations, HT850/01B house type 850 plan and elevations, CONV/01 conservatory details received 15th May 2018, HT1150/01B house type 1150 plots 12 and 13, HT1150/01B house type 1150 plot 4, HT847/01B proposed bungalow plot 20 received 26th October 2018, HT 825/01B house type 825 received 11th January 2019, PL01G tracking plan received 13th February 2019, GA02A single garage plans, GA01A double garage details 14th February 2019, PL01J layout plan received 19th February 2019, HT850/03 house type 850 plot 16, HT850/02B house type 850 plot 14 received 19th February 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of development, an Intrusive Site Investigation Report, to properly assess the ground conditions and potential risks posed to the development by past coal mining activity, shall be submitted to and approved in writing by the Local Planning Authority. The Report shall identify any remedial works necessary to make the proposal safe and an implementation timetable for the remedial works. Any remedial works identified in the Report shall be undertaken in accordance with the approved details and timetable.
Reason: To ensure the safety and stability of the proposed development.
- 4 No development shall commence until a drainage strategy for the site has been submitted to and approved in writing by the local planning authority. The strategy shall include a scheme providing for disposal of foul, surface and land water and demonstrate the drainage arrangements of existing properties to be demolished, including details of surface water flows proposed for removal from the public sewerage system. If necessary a scheme to upgrade the existing public sewerage system in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter the strategy shall be implemented in accordance with the approved details prior to the occupation of the development and no surface water 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.
- 5 No development or demolition shall commence, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;

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- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

- 6 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.
Reason: In the interests of highway safety to ensure the streets are managed and maintained appropriately for the lifetime of the permission.
- 7 No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed not 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.
Reason: In the interests of highway safety.
- 8 Notwithstanding the details on the submitted plans, no development shall take place until an amended elevation and floor plan showing the internal dimensions of the proposed garages being 3m x 6m has been submitted to and approved in writing by the Local Planning Authority. The garages shall be constructed in accordance with the approved plans and retained for the parking of vehicles at all times.
Reason: In the interests of highway safety and access.
- 9 Notwithstanding the provisions of schedule 2, part 1, class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions shall be erected to the rear of Plots 11-14.
Reason: Due to the proximity of trees on the rear boundary, the Local Planning Authority wishes to retain control over development in the interests of the residential amenity of future occupiers.
- 10 The scheme shall be undertaken in accordance with the details included in Section 4.2 and Appendix 5 of the Bat Survey Report received on 7th January 2019, Sections 6 and 7 of the Reptile report received on 13th November 2018 and the Montbretia management Plan received on 13th November 2018.
Reason: To ensure compliance with section 6 of the Environment (Wales) Act 2016, to ensure that the reptile population is protected during construction and for the avoidance of doubt.

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, AS6, HC2, EV33, EV34, EV35, EV30, HC17 of the UDP 2008 and PS2, T6, ER11, EU2, RP3, RP4, IO1 of the LDP 2019.

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

3 Flood and Water Management Act 2010 Requirements.
From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m² or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

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

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with the Welsh Ministers mandatory National Standards for sustainable drainage (SuDS).

Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule. For further information on the legislation, please go to the Schedule 3 of the Flood and Water Management Act 2010.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m² are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

- o Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- o Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- o The SAB also has powers of inspection and enforcement
- o And uses discretionary powers to offer non-statutory pre-application advice

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m² or more of construction area you must also seek SAB approval alongside planning approval. You will not be allowed to start construction until the 2 permissions are granted.

Existing sites and developments with planning permission granted or deemed to be granted (whether or not subject to any conditions as to a reserved matter) or for which a valid application has been received but not determined by 7 January 2019, will not be required to apply for SAB approval.

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However, SAB approval will still be required if the planning permission was granted subject to a condition as to a reserved matter and an application for approval of the reserved matter is not made before 7 January 2020.

Some exemptions will apply:

- o Construction work which does not require planning permission is excepted from the requirement for SAB approval, the exception does not apply where the construction covers an area of 100m² or more.
- o Whether or not planning permission is required, construction work involving the construction of a single dwelling house, or other type of construction, which covers an area of land of less than 100m², is excepted from the requirement for approval.

How do I seek SAB approval?

a) SAB pre-application not linked with LPA pre-application process

The SAB will offer a chargeable pre-application service to discuss in detail your site's drainage requirements and what needs to be submitted with your application. This service will be separate from the planning pre-application service so early engagement between yourself and relevant services will need to take. This will ensure suitability of proposed SuDS design in line with national standards and adequate site layout. This service will be valuable to developers to help limit delays and reduce costs in the long term.

b) SAB pre-application merged with LPA pre-application process

The SAB will offer a chargeable pre-application service to discuss in detail your site's drainage and what needs to be submitted with your application. This service will be offered with the planning pre-application advice should you wish to receive it. This will ensure suitability of proposed SuDS design in line with national standards and adequate site layout. This service will be valuable to developers to help limit delays and reduce costs in the long term.

Full applications must be submitted to the SAB for validation and must be accompanied by:

- o a plan specifying the construction area and the extent of the drainage system;
- o information on how the construction work will comply with the SuDS Standards;
- o information requested in the application form checklist;
- o the appropriate application fee.

The SAB will have 7 weeks to determine applications other than those requiring an Environmental Impact Assessment, in which case it has 12 weeks.

- 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.

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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.

- 5 The proposed development is crossed by a trunk/distribution watermain, the approximate position being shown on the attached plan. Dwr Cymru Welsh Water as Statutory Undertaker has statutory powers to access our apparatus at all times. I enclose our Conditions for Development near Watermain(s). It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.
 - 6 The Developer must contact the Highway Management Group , The City and County of Swansea, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work. Please contact networkmanagement@swansea.gov.uk.
 - 7 The applicant is advised that to discharge condition 5 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.
 - 8 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.
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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 - 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 - EV30 - Trees, Woodland and Hedgerow Protection

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

UDP - EV33 - Sewage Disposal

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

UDP - EV34 - Protection of Controlled Waters

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

UDP - EV35 - Surface Water Run-Off

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

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

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

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)

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UDP - HC18 - Leisure Facilities and Areas

New leisure facilities will be permitted at suitable locations within the urban area subject to compliance with a defined list of criteria including proven need, no harm being caused to vitality and viability of city centre and district shopping centres, passing the sequential test, acceptable access and car parking, and capacity of the local highway network. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS1 - New Development Proposals

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

UDP - AS2 - Design and Layout

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

UDP - AS6 - Parking/Accessibility

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

Site History

App Number	Proposal	Status	Decision Date
2016/1435	Construction of 13 dwellings, new vehicular access off Mynydd Gelli Wastad Road, hard and soft landscaping and associated works	DECLIN	26.07.2016
2015/1581	Construction of 13 dwellings, new vehicular access off Mynydd Gelli Wastad Road, hard and soft landscaping and associated works	REF	29.10.2015

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press and six individual properties were consulted. TEN LETTERS OF OBJECTION have been received, which are summarised as follows:

1. It is unclear whether the decision will be based on the UDP or LDP policies.
2. If the UDP policies then the decision made by the Welsh Assembly must be honoured on the protection of the green wedge basis
3. It is contrary to LDP Policies CV2 and PS2.
4. There are inadequate surface drains
5. The hardstandings will be inadequate creating undesirable street parking.
6. Hospital rescue helicopters pass directly over this land at low level.

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7. The rear of the proposed properties facing Rhydypany Road are out of character with the existing front facing Pantlasau houses.
8. The development is inappropriate, does not satisfy local authority policies and has no exceptional circumstances to allow its approval.
9. The site exit is contentious and egress from Rhydypany Road is already difficult due to the number of cars parked opposite its junction.
10. The land has green wedge status.
11. Insufficient time has been made available for residents in the area to properly address the impact of the development upon their own properties.
12. I object to more traffic in the area.
13. The location is not well afforded by local amenities.
14. The flooding appraisal does not take into account of existing flooding problems and will exacerbate the existing problem.
15. The provision of affordable housing should not be used as an excuse to override all prevailing constraints.
16. We do not agree that the development will not be overbearing or appear uncharacteristic to the area.
17. The development will have a negative effect on our neighbourhood, privacy and property value.
18. The development will bring an overburden to road access, drainage and services without introducing any complimentary features to the area.

Abertawe Bro Morgannwg University Health Board - A Letter of objection from Abertawe Bro Morgannwg University Health Board raises similar concerns to those indicated above but also states:

“The proposal could prejudice the allocation of the Morryston Hospital site. Until finer details of the development of the Morryston hospital site are available, it is considered that the proposal would prejudice and possibly sterilise, the development of this allocated site (of which the Council notes its regional significance and wider role with the Swansea Bay City Deal).

Llangyfelach Community Council – I list below the Council’s

OBJECTIONS to this proposed development of the construction of 20 affordable residential dwellings with associated access & landscape works:-

- (1). In the current UDP, the existing site is a green wedge in the countryside & in the draft LDP would be considered as development in the countryside & as such would be contrary to these policies.
- (2). To gain access to the proposed development, several mature trees would have to be felled, from a row of such trees fronting Mynydd Gelli Wastad Road. In addition it would require the removal of an existing hedge & several trees, running from the back boundary of “Penrhiw” Rhydypany Road, across the site, to the rear boundary of “Cwrtnewydd” Mynydd Gelli Wastad Road which would further help to ruin this green wedge & the residential amenity of the adjoining properties.
- (3). The proposed development is too large for the size of the site.
- (4). The car parking arrangements for some of the proposed houses, on the site, are inappropriate e.g. Plot 3 car parking provision is too far away from this plot, being adjacent to the car parking provision for Plot 1, similarly the provision of car parking for Plot 17.

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(5). The proposed access/exit from this site is on to the very busy road of Mynydd Gelli Wastad, very near to Morrison Hospital, the major strategic hospital serving the Swansea area & West Wales region. This development, if granted, would further exacerbate the volume of traffic to Mynydd Gelli Wastad Road which has seen the volume of traffic to & from Morrison Hospital increase substantially each year.

(6). The site is subject to surface water which drains onto the adjoining roads.

(7). The site's foul sewerage would have to be discharged to the Gowerton Sewerage Works which at present has little or no spare capacity for additional sewerage; especially bearing in mind the existing large sites for which planning permission has been granted or are in the process of being granted planning permission in the North & North West of Swansea.

Natural Resources Wales – 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 the planning permission.

Condition: Submission and agreement of a Construction Environment Management Plan.

Construction Environmental Management Plan (CEMP)

The biggest risk from a pollution viewpoint, occurs during construction. The developer should therefore plan the works carefully, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). There appears to be a small watercourse or ditch on site.

We therefore advise that a condition should be attached to any planning permission your Authority may grant to produce a site-specific Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development.

The method statement should identify the following as a minimum:

- Storage facilities for all fuels, oils and chemicals.
- Details on any water features on the site and how they will be protected.
- Full details of how any watercourses will be crossed or confirmation that this is not applicable.
- Any sources of pollution (including silt), potential pathways for that pollution to watercourses within the vicinity of the site and appropriate pollution control measures to be implemented on site.
- Details of the nature, type and quantity of materials to be imported on to the site.
- Measures for dealing with any contaminated material (demolition waste or excavated waste).
- Details on waste types that will be produced and how they will be managed.
- Details on any invasive species on site and how they will be managed.
- Identification of any buried services, such as foul sewers, so that they are protected.

The Method Statement should then be efficiently communicated to all contractors and subcontractors (for example, via toolbox talks) and any deficiencies rectified immediately.

Ecology

We note from the Extended Phase 1 Habitat Survey and Bat Survey Report Update (2018) by TerrAqua, dated August 2018 that bat surveys were carried out on the vegetation on site, and following emergence surveys, a mature oak tree (T33) was found to support a common pipistrelle day roost. The tree line along the western boundary of the site was also favoured by a number of bats as feeding areas. We welcome the recommendations set out in section 7 of the report, which include lighting considerations and retention of the habitats on site.

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We welcome the submission of the Landscape and Tree Constraints Plan (933/PA/01B), by MD Landscape Architects, dated 28-07-15. The plan appears to be mostly in accordance with the recommendations set out in section 7 of the ecology report, which includes retention of the hedgerows and tree lines (including retaining tree 33), and their protection from light spill from the development to retain the dark and hedge buffer in the corner boundary of the site, which we welcome.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2016 (as amended). Where bats are present, and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the proposed development is unlikely to give rise to the need for a licence application, as tree T33 is retained as part of the development. As stated in section 6 required on the identified tree, a licence from NRW will be required ahead of any works commencing.

Council's Ecologist –

Comments as follows:

Please include the following informative:

A bat roost is present within a tree referred to as T33. A derogation licence from Natural Resources Wales will be required for the development prior to commencement.

Please condition the following:

Recommendations set out in Section 7. Of the Land at Rhyd Y Pandy, Morriston, Swansea, Extended Phase 1 Habitat Survey and Bat Survey Report Update (2018) must be undertaken ahead of and during the construction phase as appropriate. Details of lighting plans for the site must be submitted to the Authority for approval.

Additional note.

No measures for ecological enhancement have been submitted for the proposal. Measures for ecological enhancement must now be submitted to the Local Planning Authority for prior approval for the following reasons:

Draft Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section Paragraph 5.42 states that 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement.' In addition, individual development proposals must take into account the need to:

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- * promote the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- * ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- * ensure statutorily designated sites are properly protected and managed;
- * safeguard protected species; and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil; and
- * seek enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Note provides advice about how the land use planning system should contribute towards protecting and enhancing biodiversity and geological conservation. It should be read in conjunction with Planning Policy Wales.

TAN 5 confirms that under Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006, every public authority has a duty to “have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. Paragraph 2.1 of Tan 5 also states that the town and country planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1);

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks and bird boxes (for particularly swifts, sparrows, starling and other species) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and log piles to provide habitats for reptiles, amphibians and other species would also be desirable, together with hedgehog friendly fencing. Tree planting along the site boundary of native species of local provenance is also desirable.

Dwr Cymru Welsh Water – Comments as follows:

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 note that our consultation response (Ref: PPA0003537) is included at Appendix 8 of the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning, which acknowledges proposals to separate and dispose foul and surface water flows to the public sewerage system.

Accordingly, having regard to the submitted ‘Flood Consequences Assessment and Drainage Strategy Report’ and accompanying ‘Engineering Layout (Drawing No. 1000 Rev. A), we offer no objection in principle and request that the following Condition and Advisory Notes are included, if minded to grant planning consent, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water assets:

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Condition

Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 5 l/s.

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

Advisory Notes

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

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

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus.

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

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

WATER SUPPLY

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

South Wales Police Designing Out Crime Officer – General comments and observations regarding safety and security.

Education Officer - Education request the full developer's contribution for the English medium primary school (Ynystawe). There is no request for contributions for the English medium secondary school (Morrison Comprehensive), due to the number of unfilled places.

There is no request for a developer's contribution towards Education in respect of the Welsh medium primary school (YGG Gellionnen) or the Welsh medium secondary school (YG Bryntawe) due to either the current number of unfilled places (in the primary) and the low impact of this development on pupil numbers (for secondary). Any contributions for the WM secondary school (based on SPG calculations) are deemed too low to make any positive impact on the buildings.

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Primary: the full generated amount of £51,860.00 plus indexation towards Ynystawe primary school.

Secondary: No contributions requested.

Knotweed Officer – Requests Japanese Knotweed condition.

Tree Officer (Initial Comments) –

Insufficient information to give substantive comments.

Some of the trees located along the western boundary of the site are protected by TPO122 made in 1982. 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.

In addition to the protected trees there are good quality trees on the other boundaries. One B category tree is proposed to be removed to facilitate the development as well as other lower value trees within the site.

Tree Survey

The Consultant uses an incorrect method of measuring the diameter of multi-stemmed trees; this makes the root protection area for these trees unreliable. Correct measurement of the trees is required so the impacts can be assessed correctly.

The arboricultural consultant questions pre-app comments made by the Tree Officer about the incorrect categorisation of T8. His further description of the tree only proves that his categorisation is incorrect. The criteria for category U used in BS5837 is as follows:

1. Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning)
2. Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline
3. Trees infected with pathogens of significance to the health and/or safety of other trees nearby, or very low quality trees suppressing adjacent trees of better quality

This tree clearly does not fall into this category. The removal of this tree is not required for the development to be completed but its removal would not be resisted as it would correctly be categorised as C.

Arboricultural Impact Assessment (AIA)

In section 5 of the AIA the Consultant states that in most instances the incursions are slight and should not adversely impact on the health and stability of trees to be retained, one would assume therefore, that there are instances where it will affect the health and stability of the trees. Details of these areas are not discussed, however, the tree protection plan suggests that G13 will be the trees that are affected in this way. The proposed method of excavation within the RPAs of trees will not be adequate for working within the RPA of G13.

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Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP)-
Section 8 of the AMS gives an outline of a no-dig construction technique, but the method includes excavation. This requires revision. Detail of the specification and method of installation is also required to be adequate, although this could be conditioned.

Section 9 of the AMS gives brief details of ground protection, however areas where this is required is not shown on the TPP, and this requires revision. The extent of the pruning suggested requires correctly specifying, generally this is shown in Section 4 of the AMS, however, pruning to the tree most likely to be in conflict with the proposed dwellings has no specification. In the event of approval all of the good quality trees on site will be protected by tree preservation order, therefore a detailed specification is required.

Tree Officer further comments – further comments will be reported at Planning Committee following the submission of an amended Arboricultural Impact Assessment and Arboricultural method Statement.

Housing Officer - With regard to 2018/2058 Land at Rhydypany Road & Mynydd Gelli Wastad Road, the site is in the Llangyfelach Ward not the Morryston Ward. This falls within the Greater North West sub zone where the Local Housing Market Assessment indicates a need for affordable housing. Therefore the Housing Service supports this scheme proposal.

Taking into account the demographic, the income levels and housing costs identified, housing demand in the Llangyfelach Ward supports a need for all sizes and tenures of affordable housing, the highest need is for 2 & 3 bedroom houses.

The Housing Service is also supporting this scheme through the Programme Development Plan for Welsh Government funding.

Placemaking and Heritage Team - The application seeks the erection of 20 no. affordable housing units (100% affordable housing development) and associated works on the above site. The site was formerly designated as Green wedge under the Swansea UDP, however this is now time expired and the LDP has been brought forward to a point that this now has sufficient weight as the emerging primary local policy document to replace the UDP. Under the LDP the Green wedge designation has been removed from this site.

The site has a number of constraints including a drainage easement running through it as well as number of TPO trees in and around the site boundaries. In addition to this the irregularly shaped site is bounded on 3 of its sides by existing residential dwellings which must also be considered in the layout design. As a result the scheme has gone through several iterations, initially beginning with a layout for 22 no. dwellings, however concerns were raised with several aspects of this scheme which included the impact of the dwellings on the existing trees, the level of active frontage onto the street as well as the visual dominance of the frontage parking areas. The current scheme now shows 20 no. dwellings as a result of layout changes undertaken in order to attempt to address the raised concerns.

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Comments:

Layout & Elevations

Concerns were raised regarding the lack of active frontage with the initial scheme, especially to the southeastern side of the main access street in which comprised of frontage parking and side garden boundaries and only the side elevations of dwellings fronting perpendicularly north and south of this.

However the current layout now has the northern row fronting west onto this street with a shorter row of 3 parking drives, robust garden boundaries comprising of walls as well as more active frontage to the remaining side elevation of the southern row of dwellings so that this elevation has now become the main elevation of the dwelling with the front entrance. These revisions address the previous concerns regarding the lack of active frontage onto this side of the main access street.

That said, only the southern side elevation drawing has been submitted for the dual aspect dwelling at plot 20 and we will need to see both public elevations in order to assess the acceptability of the appearance of this dwelling.

Notwithstanding plot 20, the other dwellings are all to be mostly acceptable in their appearance expect for the small windows (located above the front doors) which are shorter than the remaining windows on the elevations and therefore having differing cill levels to the adjacent first floor windows. All of the windows on all elevations should be balanced with matching cill levels and therefore this should be amended on all of the elevation drawings.

The garden area for plot 20 is too small and does not meet the 10m length requirement or the size requirement of being the same size as the footprint of the dwelling as set out in the Residential Design Guide SPG. This will need to be increased, potentially by pulling the row of dwellings at 15 – 17 slightly further north and the row of dwellings at 18 – 20 slightly further south and east to the edge of the drainage easement.

Parking

The initial scheme layout had all of the parking either as frontage parking or long rows of parking bays off a shared access and this approach was not considered acceptable. Through several iterations the parking layout has now evolved to include more side drives, however there is still a relatively large amount of frontage parking on site due in part to the odd shape of the site.

The current scheme has revised the parking layout so that the parking area in front of the southernmost plots has been omitted. This change is welcomed to provide a softer and less car dominated appearance to the dwellings when entering the site.

As stated above there is still a lot of frontage parking to the scheme with this approach making up the parking layout front the front of plots 5 all the way round to the side of plot 15 and serving plots 5 – 17. Whilst efforts have been made to break this up with small grassed areas and some trees in between there are concerns that the small spaces between these parking areas would not be sufficient to accommodate trees and therefore these will likely be omitted once the scheme has been built out resulting in a greater level of visual dominance by vehicles. The council's tree officer should therefore be consulted on whether these gaps are appropriate to accommodate any tree planting and if so a suitably robust condition should be attached to any approval on this site to ensure that these trees are retained.

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In addition to this the remaining gaps should be planted out with a suitable species of low hedging to further soften and break up these frontage parking areas and reduce the visual dominance of parked vehicles.

Alternatively low walls or a mixture of walls and hedging could work to achieve this also. As per the tree planting the hedging should be protected through the imposition of a suitably worded condition to protect these.

In summary the scheme is an improvement on the previous iterations however additional information and revisions are required to make plot 20 acceptable, as well as minor amendments to the fenestration on the remaining dwellings. In addition to this, it is recommended that further information is sought from the tree officer to assess whether the proposed tree planting between the frontage parking areas is possible as well as the likelihood of the survival of these trees in the long term. Furthermore, additional work is required to visually break up the frontage parking areas in the form of hedging and/or low walls given that these areas are still relatively dominant within the scheme. Any tree or hedge planting proposed to achieve this aim should be protected by suitably robust planning conditions to be attached to the grant of any future planning consent on this site.

Placemaking and Heritage Team Further comments (following the receipt of amended plans):

The application has been subject to ongoing detailed negotiation through the planning application with several amendments made to address previously raised concerns regarding plot layouts, active street frontages, garden sizes, parking and dwelling character and appearance. The most recently submitted drawings address the outstanding concerns and the layout is considered acceptable. In addition to this, the proposed dwelling types are present well balanced elevations with an approach to materiality which provides variety within a strong character for the scheme. The proposals are now therefore considered acceptable in Placemaking and design terms.

Drainage Officer - Based on the submitted Drainage Strategy “Flood Consequences Assessment and Drainage Strategy Report” dated 20/11/2018 we consider that a suitable scheme can be delivered on site and recommend the following.

Condition

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.

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Reason.

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

Informatives are also requested.

Highways Observations –

1. Introduction

This application is for 20 affordable housing units (9, 2 bed units and 11, 3 bed units) located off Mynydd Gelli Wasted Road. The application has been subject to a Pre Application Consultation, which has been considered in the formulation of the response to this application.

2. Location

The site is located on a parcel of undeveloped land to the North of Mynydd Gelli Wasted Road, with Rhyd Y Pandy Road forming the North West Boundary. The site is proposed to be accessed via a new priority T junction approximately 90m West of the mini roundabout which forms the entrance to Morriston Hospital.

The site is well located with respect to local schools, employment opportunities and public transport.

3. Analysis

i. Trip rates were verified as correct, and resulted in a maximum hourly generation of 11 vehicle movements. The surrounding network was analysed, and these resulted in a worst case impact of less than 2% on any of the surrounding junctions, this is true however the new trips are distributed.

As such the development impact is well below a normal daily fluctuation, and will have no material impact on the operation of the surrounding highway network.

ii. Car parking is provided in accordance with the SPG, a sustainability reduction has been applied, reducing the total number of spaces from 51 to 42, each property has 2 parking spaces. There are also 2 visitor spaces. Given the location, and the fact that affordable housing typically has lower car ownership levels than market housing the parking provision is seen to be appropriate. Driveway widths are also in accordance with the SPG.

iii. Swept Path analysis has been provided which demonstrates refuse and servicing vehicles can enter and exit the site in a forward gear.

iv. Concerns were raised regarding the potential for hospital staff and visitors to use any unrestricted carriageway.

The applicant has offered a contribution to provide TROs if required to protect residents and their visitors should issues arise within the first 5 years.

v. Visibility splays have now been provided, and confirmed that DMRB 70m splays can be achieved in each direction, this is above what would normally be required for a 30mph road, however due to the nature of Mynydd Gelli Wasted road and the type of traffic which regularly uses it, this is seen to be appropriate. The junction shall be designed and constructed to Highway Authority standards and specification under a section 278 agreement.

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vi. The internal road comprises a 5.5m carriageway with footways on both sides, which will be 2m on one side and 1.5m on the other, this is acceptable.

As part of the required section 278 agreement, the applicant has confirmed a new section of footway will be constructed on Mynydd Gelli Wasted Rd, together with dropped kerbs and tactile paving to provide a safe crossing to the existing footway on the South side of Mynydd Gelli Wasted.

vii. A stage 1 road safety audit has been undertaken and highlighted no issues with the outline design of the development, however did raise a concern over the current lack of parking restriction opposite the junction of Mynydd Gelli Wasted Rd and Rhyd Y Pandy Road.

viii. Accident analysis shows no other evident clusters or highway safety issues which would be exacerbated by the proposed development.

4. Recommendation

I would recommend no highway objection to the application subject to:

1. A section 106 contribution to implement Traffic Regulation Orders if required to prevent errant parking on the estate road, and extend the existing TRO across the junction of Mynydd Gelli Wasted Rd and Rhyd Y Pandy Rd. The cost of the TROs is £6k.

Reason: In the interests of Highway Safety.

2. 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.

Reason: In the interests of Highway Safety.

3. The new access junction, Mynydd Gelli Wasted Rd footpath extension and new pedestrian crossing point shall be completed to Highway Authority standards and specifications and delivered under a Section 278 agreement.

Reason: In the interests of Highway Safety.

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

Reason: In the interests of Highway Safety.

5. All front boundaries shall be kept to below 1m in height.

Reason: In the interests of Highway Safety.

Note 1: All highway works and other development related works to existing or proposed public highway are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980. All design and implementation will be at the expense of the developer.

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The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk

Note 2: 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

The highway works conditions and any other development related works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.

Planning Policy Officer - The site is proposed as a 100% affordable housing exception site outside and adjoining the LDP settlement boundary. It is noted that the site has been subject to previous applications and refused on grounds of its impact, being outside the settlement in a green wedge. It is significant however that the site is now subject to a new planning policy framework that does not designate it as being part of a green wedge (although it is still adjoining the settlement) and that also includes an extensive designation for hospital expansion on adjoining land.

LDP policy allows for an exception to the restrictions set out in national and local policy on development outside of settlement boundaries in the countryside, where 100% affordable housing for local needs is proposed at an acceptable location. Specifically, having regard to Policy H5a and the changed circumstances regarding the allocations of the LDP, the proposal would indeed appear to satisfy the key criteria, subject to a full and detailed appraisal to determine whether the scale is appropriate to, and in keeping with, the character of the settlement based on the detailed design of the scheme. It is essential that the proposed affordable housing is restricted by means of an appropriate planning condition and legal agreement to ensure the ongoing needs of local people are able to be met in perpetuity.

APPRAISAL

Full planning permission is sought for the construction of 20 affordable dwellings on land at Rhydypany Road and Mynydd Gelliwastad Road. Access would be gained off Mynydd Gelliwastad Road.

The development would consist of a mixture of semi-detached and terraced properties –4 semi-detached dwellings, 4 x 3 dwelling terraces and 1 x 4 dwelling terrace. 9 dwellings will be two bedroomed and 11 will be three bedroomed.

The proposal will include a new section of footway that will be constructed on Mynydd Gelli Wasted Rd, together with dropped kerbs and tactile paving to provide a safe crossing to the existing footway on the South side of Mynydd Gelli Wasted. This would be achieved via a Section 278 Agreement with the Highways Authority.

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The Site and its Surroundings

The application site is an irregular shaped plot of land which lies to the south of existing residential development along Rhyd Y Pandy Road and to the north of Mynydd Gelliwastad Road. The site extends to some 0.64ha and currently comprises greenfield land.

The site is located directly west of Morrision Hospital within the hamlet of Pant-lasau on the urban fringe. The boundaries of the site are defined by Rhyd Y Pandy Road to the west and Mynydd GelliWastad Road to the south. A residential dwelling (Cwrtnewydd) and associated residential curtilage lies to the east of the site and residential properties and their gardens lie to the north of the site.

The site benefits from mature hedgerows on its western, eastern and north eastern boundaries with a field gate access on the western boundary. The site is subject to a Tree Preservation Order relating to the trees which form a boundary to Rhyd Y Pandy Road (western boundary).

The site is not subject to any flood risk and is identified as being within Zone A within the TAN15 flood maps.

A tree survey report has been carried out and submitted with the application. A number of mature trees and hedgerows are included within the site. The mature trees are mainly positioned on the boundary of the site, including the TPO relating to the trees on the western boundary.

Previous planning history

By way of background, a planning application for 13 dwellings on the site was refused in October 2015 – 2015/1581 refers for the following reason:

“The proposal would constitute an unjustified and inappropriate form of urbanising development within the Pant-lasau green wedge and would set an undesirable precedent for further similar application in this sensitive area to the detriment of the character and openness of the area. Accordingly the proposal is contrary to the provisions of Policies EV1, EV2, EV22 and EV23 of the City and County of Swansea Unitary Development Plan 2008.”

In dismissing the subsequent Appeal in April 2016, the Inspector stated that “the proposal would not only harm the semi-rural character of this edge-of-settlement area of countryside but would also significantly affect the openness of the green wedge, which is its most important attribute.”

Main Issues

The main issues for consideration with regard to this application are the acceptability of residential development at this site, in terms of the impact on visual and residential amenity, highway safety and environmental interests, having regard to the prevailing provisions of the relevant policies of the City and County Unitary Development Plan, and National Planning Policy Guidance and the emerging LDP Policies. The previous planning history on the site is also a material planning consideration. There are considered to be no additional issues arising from the provisions of the Human Rights Act

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Planning Policy Wales together with its Technical Advice Notes provides the national planning policy framework within which the policies of the UDP are formed, and in particular advises on the principles of sustainability, protection of ecological and environmental interests, good design and layout, flood risk, etc. The TANSs applicable to this application include TAN 5 Nature Conservation and Planning; TAN 12 Design (revised 2009).

The UDP policies considered relevant to this application are Policies EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV22 (Countryside General Policy), EV23 (Green Wedges), EV30 (Trees, Woodland and Hedgerow Protection), HC17 (Planning Obligations) EV33, HC18 (Affordable Housing) EV34 (Sewage Disposal), EV35 (Surface Water Run-off), AS1 (New Development Proposals), AS2 (Design and Layout), and AS6 (Parking).

In addition to the above Policy framework the Supplementary Planning Guidance entitled Places to Live - Residential Design Guide (2014) is also considered relevant. This guidance sets out the framework of design considerations in relation to new residential development within Swansea

Policy Issues

The site is not allocated for residential development in the Unitary Development Plan and lies within an area designated as forming part of the Pant-Lasau Green Wedge (Policy EV23). Both National and development plan policy aims to safeguard the openness of green wedge land, and Unitary Development Plan Policy EV23 states that development will only be permitted within a green wedge if it maintains the openness and character of the land and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area.

Policy EV23 goes onto state that appropriate development within the green wedge comprises the following:

- (i) Justified development in association with agriculture or forestry;
- (ii) Essential facilities for outdoor sport and recreation or cemetery use;
- (iii) Limited extension, alteration or replacement of existing dwellings;
- (iv) Small scale farm diversification;
- (v) The re-use of existing permanent/substantial buildings;
- (vi) Affordable housing for local needs under Policy EV18;
- (vii) Other uses of land and forms of development that maintain the openness of the green wedge and do not conflict with the purpose of including land within it.

In the emerging Local Development Plan (LDP), the Green wedge designation of the site is being removed. The site would remain outside the settlement boundary in a countryside location. The weight attributed to the LDP is discussed below.

Updated Position on Local Development Plan status

Planning Policy Wales (PPW) Edition 10 at para. 1.17 highlights that legislation states a presumption in favour of sustainable development in accordance with the extant, adopted development plan, unless material considerations indicate otherwise. The principles of sustainable development are defined in the Well-being of Future Generations Act.

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Paragraph 1.21 of PPW goes on to state that it is up-to-date development plans that form the basis of the planning system, since it is up to date Plans that set the context for rational and consistent decision making where they have been prepared in accordance with the latest national planning policies. A replacement LDP is what is anticipated by PPW and related guidance to be the appropriate review process for time expired Plans.

The Swansea UDP was 'time expired' on the 31st December 2016 and is soon to be replaced by the Swansea Local Development Plan (LDP). Adoption of the LDP is scheduled to be resolved by Members at a public meeting of Full Council on the 28th February. This follows the recent publication of the Inspectors' Final Report on the Examination into the LDP. The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary tests of soundness. The Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the LDP policies and proposals will realistically be delivered.

The Swansea LDP is clearly at such an advanced stage in the process, and there is now certainty regarding the Plan's content. Therefore, notwithstanding that the statutory starting point for decisions is the extant UDP (having regard to PPW and Section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired and the very advanced stage of the LDP it is appropriate in this case to determine the application having regard to the replacement development plan and national guidance, as well as the prevailing UDP.

National Planning Policy

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

Location (3.56, 4.2.34) - New building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. 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. Sites must meet all the other criteria against which a housing development would be judged. Affordable housing exception sites are not appropriate for market housing.

A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Where development plan policies make clear that an element of affordable housing or other developer contributions are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies.

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If, having had regard to all material considerations, the planning authority considers that the proposal does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application.

Type and mix of housing (para 4.2.1) - New housing development in both urban and rural areas should incorporate a mix of market and affordable house types, tenures and sizes to cater for the range of identified housing needs and contribute to the development of sustainable and cohesive communities.

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

Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions. Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

Sustainable travel (para 4.19) - The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which: are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car; are designed in a way which integrates them with existing land uses and neighbourhoods; and make it possible for all short journeys within and beyond the development to be easily made by walking and cycling. This includes creating connected and permeable road networks, with filtered permeability to prioritise walking and cycling, and careful consideration of issues such as street layout and dimensions, and the design and location of footways (including use of continuous footways at side streets), crossings, parking, trees, planters and surface materials.

Ecology – (paras 6.4.17, 20, 21) Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

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

Policy PS 1 Sustainable Places - 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.

Policy PS 2 Placemaking and Place Management - 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.

Policy IO 1 Supporting Infrastructure - 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.

Policy H6 (formerly H5A in deposit LDP) 100% Affordable Housing Exception Sites - Residential proposals on sites within or adjoining existing settlement boundaries where 100% of the proposed dwellings are for Affordable Housing for Local Needs will only be permitted where criteria are met relating to the location, scale, sustainability and impact of the development, and demonstration that the affordable homes provided will meet an identified local need in perpetuity.

Policy HC 1 Historic and Cultural Environment – Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with Policy principles.

Policy SI 4 Morrision Hospital - Land adjacent to Morrision Hospital is safeguarded solely for the future development and expansion of the Hospital. Development at this location is restricted to healthcare related uses in association with the beneficial use of Morrision Hospital within the context of an appropriate comprehensive masterplan agreed with the Council. Proposals must be delivered alongside appropriate new and enhanced highway infrastructure. Proposals for non-health related uses within the safeguarded land will not be permitted.

Policy ER 1 Climate Change - To mitigate against the effects of climate change, adapt to its impact and ensure resilience, development proposals should take into account: reducing carbon emissions; protecting and increasing carbon sinks; adapting to the implications of climate change at both a strategic and detailed design level; promoting energy and resource efficiency and increasing the supply of renewable and low carbon energy; avoiding unnecessary flood risk by assessing the implications of development proposals within areas susceptible to flooding and preventing development that unacceptably increases risk, and maintaining ecological resilience.

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Policy ER 5 Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County. Priority will be given to protecting, enhancing and managing the character and quality of the 4 Special Landscape Areas (SLAs) (shown on the Proposals Map). Within SLAs, development will only be permitted where there is no significant adverse impact, including cumulative impact, on the character and quality of the landscape, a landscape assessment may be required. Permitted development should aim to protect and enhance the features for which the SLA has been designated. In exceptional circumstances, where development that will have a significant impact on the landscape is necessary, a landscaping scheme will be required with appropriate mitigation and enhancement measures.

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

Policy ER 9 Ecological Networks and Features of Importance for Biodiversity – Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of the ecological network. Development that could have an adverse effect on such networks and features will only be permitted where specific criteria are met.

Policy ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted. Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

Policy CV 2 Development in the Countryside – Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

Policy T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure, and dependant on the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

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Policy T 2 Active Travel - Development must take opportunities to enhance walking and cycling access by incorporating measures 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.

Policy T 5 Design Principles for Transport Measures and Infrastructure - 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.

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

Policy EU4: Public Utilities and New Development - 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 will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

Policy RP 1 Safeguarding Public Health and Natural Resources - Development that would result in significant risk to: life; human health and well-being; property; controlled waters; or the natural and historic environment, will not be permitted, particularly in respect of: air, noise or light pollution; flood risk; quality or quantity of water resources; land contamination; land instability or subsidence; sustainable development of mineral resources and sustainable waste management. Development judged to have a significant adverse effect on the integrity of any European Designated Sites will not be permitted.

Policy RP 3 Water pollution and protection of water resources - Development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for 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.

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Policy RP9: Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

Policy Assessment

Under the UDP the site is situated outside the settlement boundary and within a green wedge. A planning application (2015/1581) for 13 dwellings on the site was refused in 2015 on the basis that the proposal would constitute an unjustified form of urbanising development in the green wedge. A subsequent appeal was dismissed because, in the view of the Inspector, the proposed development would cause significant harm to the openness and character of the green wedge and that the shortfall in housing land supply in this case does not amount to very exceptional circumstances sufficient to clearly outweigh the harm to the green wedge. For the LDP, the site was put forward as Candidate Site MR011 for consideration to be allocated for residential use. Following assessment of the Candidate Site and settlement boundary in this area, the site was not allocated in the Plan and the settlement boundary was not extended, remaining as in the UDP along Mynydd Gelliwastad Road. The application site is outside of the LDP settlement boundary and in the countryside. A review of all green wedges was undertaken for the LDP. Following assessment against national planning policy, a green wedge is no longer designated under the emerging LDP in this area.

The site is proposed as a 100% affordable housing exception site adjoining the LDP settlement boundary. LDP Policy H6 (formerly H5A in deposit LDP) and Policy CV 2 allow, in exceptional circumstances, for the provision of 100% affordable housing for local needs on acceptable sites adjoining settlements where proposals represent a logical extension to the existing settlement boundary, are of a scale appropriate to and in keeping with the character of the settlement, and in a sustainable location having reasonable access to at least a basic range of services. Having regard to these criteria, and the changed circumstances regarding the allocations of the LDP, the proposal would indeed appear to provide an acceptable extension to the settlement boundary. In addition, it is significant that the site is now subject to the new planning policy framework that does not designate it as being part of a green wedge (although it is still adjoining the settlement) and also includes an extensive designation for hospital expansion on adjoining land i.e. LDP Policy SI4. This Policy sets out proposals for an extensive development of hospital related development in conjunction with the expansion of Morriston Hospital. Such a development will clearly change the character and openness of the landscape at this location and represents a material change in circumstance from the policy context against which previous applications were considered.

In addition, LDP Policy H6 requires the applicant to demonstrate that there are no satisfactory alternative arrangements to meet the need within the locality and the applicant should submit information to make clear this has been considered. It is noted that in the immediate area there are currently no other available sites for housing development with the settlement boundary drawn tightly around the hospital and surrounding nearby established residential areas. The Council's Housing Officer confirms the need for the proposal:

The Housing Service is supportive of this 100% affordable housing site. This site is within the Swansea North sub area. The Local Housing Market Assessment indicates the highest need within the Swansea North area is for affordable housing.

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At a Ward level, taking into account income, age, household composition and affordability within the Morriston Ward, these also support the need for affordable housing. The highest need being for 2 & 3 bedroom properties.”

It is noted that the site is within the Llangyfelach ward but LDP policy H6 refers to the immediate area and with the ward boundary being adjacent to the application site, it is considered the immediate area would include the Morriston ward.

Character and Appearance of the Area and Impact on Amenity

The character of the immediate built form is sporadic. Large detached houses set within individual plots, with boundaries defined by mature trees makes up the immediate established built development. To the south of the site lies the Morrison hospital complex beyond which, to the east of Heol Maes Eglwys is a relatively recent suburban housing estate. Morriston Hospital however dominates the built development within the wider surroundings.

The materials used within neighbouring dwellings are a mix of render, stone, brick, slate and clay tile. The modern housing estate, off Heol Maes Eglwys is a mix of red brick, render and clay tiles. Morriston Hospital has been developed over time in a variety of styles and materials.

There is no uniformity of building line within the immediate context along Rhyd Y Pandy Road, nor is there any continuity in building styles or materials. The site itself is well screened from Rhyd Y Pandy Road and Mynydd Gelliwastad Road by mature vegetation which forms a strong landscaped boundary to the site.

In view of the mixed character of the area there is no specific architectural style or development pattern that the proposal would need to adhere to, however, Policy EV1 requires developments to be appropriate to their local context in terms of scale, height, massing, elevational treatment, materials, detailing, layout, form, mix and density.

The nature of the site, particularly its enclosed boundaries has driven the layout of the site with the access point devised in order to minimise impact upon trees on the northern boundary off Rhyd Y Pandy Road. The dwellings have been arranged around a central spine road which serves to ensure good overlooking of public spaces and to create a sense of place. Two different house types are proposed but arranged in a variety of semi-detached and terraced to add visual interest. The dwellings will be a mixture of ivory render (7 no.), blue/grey cedar boarding with a red brick plinth (6 no.) and sage green cedar boarding with a red brick plinth (7no). All of the houses will have grey roofs, black rainwater goods and white upvc windows and doors.

An important visual characteristic of the site are the mature trees that form a perimeter around the site. These trees will be retained and the proposed houses have been sited away from the tree canopies to ensure that the development would not result in pressure to fell these trees.

Turning to the form of housing proposed, the development would comprise semi-detached and terraced two storey dwellings, which generally face the street. This allows the houses to have a positive relationship to the public realm creating an attractive traditional streetscene that maximises natural surveillance and minimises the visual impact of parked cars.

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It is considered that there is an appropriate mix of house types within the development and the dwellings have been designed to have both a traditional yet modern appearance in respect of their detailing and form.

The material strategy proposes a mix of render, coloured cedar boarding (blue/grey and sage green) and brick plinth, with slate effect roof tiles which are considered to form an acceptable palette and mix of materials. The dwellings would be open to the front highway with close boarded fencing to the rear boundaries, a 1.8m screen wall between plots 20 to 17 with new a hedgerow in front and new hedgerows to the common southern and northern boundaries adjoining Penrhiw and Old Forge.

The Placemaking and Design Officer has raised no objection to the proposal and comments that the application has been subject to ongoing detailed negotiation through the planning application with several amendments made to address previously raised concerns regarding plot layouts, active street frontages, garden sizes, parking and dwelling character and appearance. The most recently submitted drawings address the outstanding concerns and the layout is considered acceptable. In addition to this, the proposed dwelling types are present well balanced elevations with an approach to materiality which provides variety within a strong character for the scheme. The proposals are now therefore considered acceptable in Placemaking and design terms.

With regards to residential amenity impact, it is considered the layout of the site, and sensitive scale and siting of the dwellings in relation to the surrounding properties ensures that the proposal would respect the living conditions of the neighbouring properties and will not result in loss of light to privacy or give rise to any overbearing physical impact.

Access and Highway Safety

The Head of Transportation and Engineering offers no highway objection to the proposal as it is considered that the site is well located with respect to local schools, employment opportunities and public transport. It is considered that the development impact is well below a normal daily fluctuation, and will have no material impact on the operation of the surrounding highway network. Car parking is provided in accordance with the Parking Guidelines Supplementary Planning Guidance, a sustainability reduction has been applied, reducing the total number of spaces from 51 to 42, each property has 2 parking spaces and there are also 2 visitor spaces. Given the location, and the fact that affordable housing typically has lower car ownership levels than market housing the parking provision is seen to be appropriate. Driveway widths are also in accordance with the SPG. A Swept Path analysis has been provided which demonstrates refuse and servicing vehicles can enter and exit the site in a forward gear. Concerns were raised to the applicant regarding the potential for hospital staff and visitors to use any unrestricted carriageway within the development for parking but the applicant has offered a contribution to provide Traffic Restriction Orders (TRO) if required to protect residents and their visitors should issues arise within the first 5 years. Appropriate visibility splays have now been provided, and is above what would normally be required for a 30mph road.

The junction shall be designed and constructed to Highway Authority standards and the internal road comprises a 5.5m carriageway with footways on both sides, which will be acceptable.

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The applicant has confirmed a new section of footway will be constructed on Mynydd Gelli Wasted Rd, together with dropped kerbs and tactile paving to provide a safe crossing to the existing footway on the South side of Mynydd Gelli Wasted.

Having regard to the above, the Head of Highways and Transportation has concluded that subject to conditions it is considered that the impacts of the scheme can be accommodated without any detriment to the surrounding road network.

Other Constraints

With regards to matters raised by consultees in particular foul and surface water drainage, traffic, design, and visual and residential amenity impact, these issues have been addressed above in the main body of the report and can be addressed via the imposition of conditions should planning permission be forthcoming.

Concerns have been raised by Abertawe Bro Morgannwg University Health Board that the proposal could prejudice the future expansion of Morriston Hospital in line with emerging LDP Policy SI4. This policy safeguards land for healthcare related uses. However, the application site is not within the safeguarding zone and at this stage, it is not clear the nature of any future development for hospital expansion. Indeed the land was not specifically allocated as the certainty of the project's delivery within the plan period. Given that the application site was not included within the safeguarding designation, it is not considered that the introduction of extra dwellings at this location would prejudice hospital expansion nor give rise to any other issues for the redevelopment of the said land over and above the issues that are currently in existence or would warrant a recommendation of refusal on this issue alone.

Welsh Language Action Plan

To comply with the requirements of Policy HC3 of the emerging LDP, and as the site lies within a Welsh language Sensitive Area as defined by the LPD, the agent has provided a Welsh language Action Plan. This plan considers the proposals needed to conform to relevant national policy in relation to Welsh language requirements. The plan concludes:

“As stated the proposal will result in the introduction of 46/48 new residents. Unlike a scheme for market housing, which would attract buyers from a wider area, future occupants will be drawn from those seeking affordable accommodation in the local area, assessed by Coastal Housing against a prescribed set of criteria. Future residents could, for example, include key workers who wish to live closer to their place of work at Morriston Hospital.

It is therefore likely that the proportion of Welsh speakers who will live in the development will reflect the existing percentage in the area, i.e. between 11 and 17%

In assessing the impact of a new residential development on the Welsh language, there is a danger to focus as above, on the increase in population and the proportion of that population that hold Welsh language skills. However, immigration of non-Welsh speaking households into an area with a high proportion of Welsh-speaking households is only one threat to the future of the Welsh language. The ‘other side of the coin’ is the need to retain existing Welsh speaking households within communities with high percentages of people with Welsh language skills.’

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In conclusion, the proposed development of 20 affordable dwellings at Rhyd Y Pandy Road, Swansea is likely to have an overall positive impact on the Welsh language and its future in the Wards of Llangyfelach and Morrison. There is consequently no need for any mitigation measures.”

It is considered that this plan confirms with the requirements in relation to the Welsh Language.

Responses to Consultations

Turning to the letters of representation received the concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to UDP and emerging LDP policy considerations, the current status of this greenfield site and its acceptability for development. Highway access and public safety concerns relating to traffic are considered in the Highways Officer’s response. The issue of impact upon the value of properties is not a material planning consideration. The comment regarding the impact upon Welsh Language is noted and to this end, the applicant’s agent have submitted a Welsh Language Action Plan which assesses this issue.

Conclusions

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

Whilst the proposal is contrary to UDP policy, consideration has to be given to other material considerations in the planning balance. In this instance, it is considered that the Emerging Local Development Plan should be given considerable weight following the publication of the Inspector’s Binding Report into the soundness of the Emerging LDP. This is considered to be a material consideration of significant weight and the site would no longer be identified as within a Green Wedge in the LDP. Whilst it is still considered to be open countryside and outside of any settlement allocation, the fact that large swathes of the land adjoining the site has been allocated for the expansion of Morrison Hospital, will also result in a significant change in the open countryside nature of the area. In addition, the benefit of the introduction of 20 affordable housing units in this demonstrated area of need, is considered to comply with the provision of emerging Policy HC5a and as such approval is recommended on balance.

In conclusion and having regard to all material planning considerations including the Human Rights Act, the proposal is considered an acceptable form of development at this location that complies with the requirements of the criteria of Policies EV1, EV2, EV3, AS6, HC2, EV18, 18, HC17, EV30, EV33, EV34, EV35, of the Unitary Development Plan 2008 and Policies PS2,HC1,SI4,ER1,ER5, ER8, ER11, CV2, T1, T2, T5, T6, EU4,RP2,RP1,HC5,H5A, RP3, RP9 of the emerging Local Development Plan.

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RECOMMENDATION

APPROVE subject to the following conditions and the applicant entering into a S106 Planning Obligation in respect of the contributions listed below:

An Education contribution of £51,860

A Highways Contribution of £6000

To construct all of the Residential Units as Affordable Housing units

- 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: Tree survey, 1546 102 site location plan, extended phase 1 preliminary ecological assessment, flood consequences assessment and drainage strategy report, transport assessment received 27th November 2018, 1753-200 REV A vehicle tracking received 30th November 2018, 933/PA/01E landscape and tree constraints plan, received 9th January 2018, 1546 100 A master layout (black and white), 1546 100 A master layout (full colour), 1546 105 A street scenes, 1546 106 A external works, 1546 150 -1 A WYE type 2, 1546 150 -2 A WYE type 3, 1546 150 A WYE type 1, 1546 151 WYE dual aspect, 1546 152 A Ogmore type 1, 1546 151 A Ogmore type 2, received 10th January 2018, 1546/101/B materials layout received 17th January 2019, 1753-1000 REV B engineering layout received 8th February 2019, Tree protection plan received 12th February 2019, amended AIA and AMS, amended tree report received 21st February 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Surface water flows from the development shall only communicate with the public combined sewer through an attenuation device that discharges at a rate not exceeding 5 l/s.
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
- 4 Prior to the commencement of development, details of a site-specific Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development shall be submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the approved details.
Reason: To ensure that contaminated water cannot run uncontrolled into any watercourses.
- 5 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.

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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.

- 6 Prior to the commencement of development, a lighting mitigation strategy for the site (to include construction and operation phases) shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall be designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development and must outline avoidance of impacts of lighting on bats and other nocturnal species.

Reason : To mitigate against any impact of the development upon protected species.

- 7 Notwithstanding the details on the plans submitted, a plan/ scheme indicating measures for ecological enhancement on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The ecological enhancement measures shall be undertaken in accordance with the approved details.

Reason : In the interests of preserving and enhancing local ecology.

- 8 Notwithstanding the details on the Tree Protection Plan received 12th February 2019, no development shall commence until an updated Tree Protection Plan to differentiate between areas of hand digging and no dig shall be submitted to and approved in writing by the Local Planning Authority and thereafter completed in accordance with the approved details.

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

- 9 No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets not 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.

Reason: In the interests of Highway Safety.

- 10 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.

Reason: In the interests of Highway Safety.

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- 11 The proposal must be carried out in accordance with the recommendations set out in Section 7. Of the Land at Rhyd Y Pandy, Morriston, Swansea, Extended Phase 1 Habitat Survey and Bat Survey Report Update (2018) received on 27th November 2018 prior to and during the construction phase of the development.
Reason: In the interests of protecting and preserving ecology on site.

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, EV22, EV23, EV30, EV33, EV34, EV35, HC17, HC18, AS1, AS2, AS6 of the UDP 2008 and Policies PS1, PS2, IO1, H6, HC1, SI4, ER1, ER5, ER8, ER9, ER11, CV2, T1, T2, T5, T6, EU4, RP1, RP3, RP9 of the LDP 2019.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement Water Industry Act 1991. The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoption 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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

- 4 All highway works and other development related works to existing or proposed public highway are to be subject to an agreement under Section 278 and/or Section 38 of the Highways Act 1980. All design and implementation will be at the expense of the developer.

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk

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The applicant is advised that to discharge condition 12 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.

The highway works conditions and any other development related works to existing or proposed adopted public highway are to be subject to agreements under Section 278 and/or Section 38 of the Highways Act 1980 between the developer and Local Highway Authority.

5 **Warning: An European protected species (EPS) Licence is required for this development.**

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/europeanprotected-species/?lang=en>

6 As a minimum the CEMP required under Condition 4 should include:

- o Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- o How each of those watercourses and pathways will be protected from site run off.
- o How the water quality of the watercourses will be monitored and recorded.
- o What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- o Storage facilities for all fuels, oils and chemicals
- o Construction compounds, car parks, offices, etc.
- o Measures for dealing with dust
- o Measures for dealing with any contaminated material (demolition waste or excavated waste)
- o Identification of any buried services, such as foul sewers, so that they are protected
- o Details of emergency contacts, for example Natural Resources Wales' Pollution Hotline.

Any drains laid must also be protected in a way that prevents dirty water from the construction site entering them. The Method Statement should then be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately.

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

Item 3 (Cont'd)

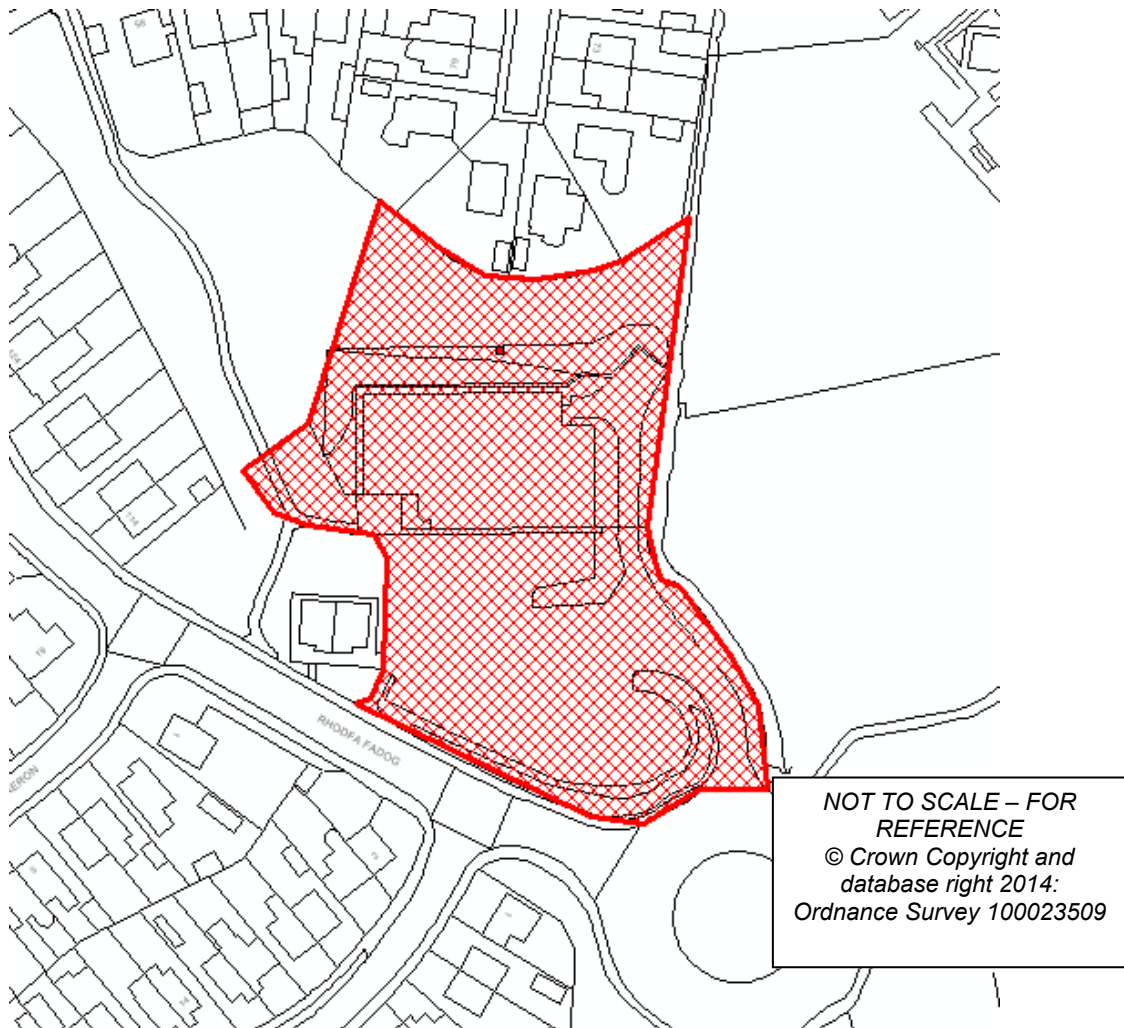
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No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting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

Planning Committee – 5th March 2019

Item 4	Application Number:	2018/2540/FUL
	Ward:	Morrleston - Area 1
Location:	Land North Of, Rhodfa Fadog, Cwmrhydyceirw, Swansea	
Proposal:	Demolition of the existing building on site and construction of residential development comprising 40 affordable apartments, 3 no. retail units, associated parking, landscaping and ancillary works	
Applicant:	Ms E McGinley Morganstone 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).

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).

Item 4 (Cont'd)

Application Number:

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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 - AS6 - Parking/Accessibility

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

UDP - EV33 - Sewage Disposal

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

UDP - EV34 - Protection of Controlled Waters

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - HC2 - Urban Infill Housing

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

UDP - HC3 - Affordable Housing

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

Planning Committee – 5th March 2019

Item 4 (Cont'd)

Application Number:

2018/2540/FUL

Site History

App Number	Proposal	Status	Decision Date
2018/1146/PRE	PRE APP for residential development comprising 40 affordable apartments, 1 retail unit, associated parking, landscaping and other works	POSPRE	22.10.2018
2018/2540/FUL	Demolition of the existing building on site and construction of residential development comprising 40 affordable apartments, 3 no. retail units, associated parking, landscaping and ancillary works	PDE	

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the press. SIXTY NINE LETTERS OF OBJECTION have been received, which are summarised as follows:

1. There is already a high strain on the area with traffic, schools, doctors surgeries, green open space and wildlife.
2. No parks or playgrounds so green open spaces are desperately needed in this area.
3. Properties will be overlooked which will devalue them.
4. Not enough parking for residents.
5. Out of keeping.
6. It's not a local centre and would not benefit the whole community.
7. The new development will not be a walkable neighbourhood and will be car dependent.
8. The traffic report is inaccurate.
9. The access road will not be improved.
10. 72 car parking spaces is needed and only 44 are provided.
11. There is no LAP.
12. Protected trees will be removed.
13. Development will be an eyesore.
14. Introduction of social housing will bring problems to a brilliant neighbourhood.
15. The development will affect the two businesses next door to the site.
16. There are a small amount of flats already on the estate which already cause issues for the private residents.
17. This estate needs additional facilities not additional housing.
18. Sewerage is an issue the roundabout regularly floods.
19. Local schools are already at capacity.
20. There is already a planning application for a new development nearby which will cause problems with health care.
21. The flats will overshadow my house and I will lose my outlook.
22. Where will my clients park and I may suffer a loss of clientele?
23. Each flat looks cramped, especially the 2 bed roomed.

Item 4 (Cont'd)

Application Number:

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24. Potential for an increase in rubbish and vermin.
25. Increase in noise disturbance.
26. Vibrations may impact upon surrounding buildings.
27. Could result in issues with pedestrians and emergency vehicles.
28. The zebra crossing should be moved.
29. This is not a central urban location.
30. It is disappointing that the developer has not amended the design after feedback from the public concerns.
31. The proposal is ill-considered and needs a serious review.
32. The site would be better returned to its natural state to benefit the youngsters of the area.
33. There would be an impact upon bats and birds.
34. The development should integrate into the local community.
35. Precedent has been set on application 2013/1418, a proper immediately opposite the proposed development, when an application to increase ridge height was refused due to scale and massing which is out of context with the local area and detrimental to visible amenity. The same rules must apply to both private individuals and developers.
36. Overdevelopment of the site in scale massing and density.
37. Not a sustainable location.
38. Does not respect the access rights of adjoining shops.
36. No enough parking for the shops or residents
37. Overdevelopment of the site.
38. The swept path analysis does not indicate how the commercial vehicle could enter the space provided without completely blocking the road.
39. There is only 9m between a habitable window and blank wall where the SPG states 15m.
40. The bus services from the site are not regular and none of the local employment opportunities can be accessed from the bus stop.
41. Not in a sustainable location and cycling is difficult in this hilly city.
42. Roads are already heavily congested.
43. Properties will overlook, overshadow and overbear the rear gardens of the properties to the north.
44. Development is essentially a development of flats in a car park with little regard to amenity and no regard for play spaces.
45. The tree report was not carried out until 6 months after the layout was produced.
46. The site should be developed for two storey garden housing.

ORIGINAL CONSULTATION RESPONSES

Dwr Cymru Welsh Water - 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 note that the content of our consultation response has been acknowledged within the accompanying Pre-Application Consultation (PAC) Report, prepared by Geraint John Planning, and the accompanying 'Site Layout' (Drawing No. LT1815.04.01), appears to indicate that the proposed development would be situated outside the protection zone of the public sewers, as shown on the attached Statutory Public Sewer Record, measured 3 metres either side of the centreline.

Item 4 (Cont'd)

Application Number:

2018/2540/FUL

Accordingly, with respect to the accompanying 'Drainage Strategy Design Statement' and 'Preliminary Drainage Layout' (Drawing No. SK02 Rev R6) prepared by CD Gray, we would request that the following Condition and Advisory Notes are included, if minded to grant consent, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

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

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

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.

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

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus.

Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

SEWAGE TREATMENT

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

WATER SUPPLY

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

Natural Resources Wales –

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

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Application Number:

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European protected species

We welcome the additional information regarding trees in the report: “Rhodfa Fadog, Swansea. Ecological Appraisal Report” by The Environmental Dimension Partnership Ltd.

Requirement: We require a mitigation method statement be submitted to your Authority’s Ecologist for approval, prior to any permission being given, detailing the measures to be put in place to mitigate for the loss of the bat roost.

Reason: The report concluded that the building supports a summer day roost for individual common pipistrelle bats.

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/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>).

I 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.

Designing Out Crime Officer – Various comments relating to designing out crime.

Drainage Officer - We have reviewed the submitted information and offer the following comments.

Condition

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.

Condition

The site shall not discharge at any rate greater than 5.3l/s as shown on the Preliminary Drainage Layout, dwg SK06 R6.

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Reason

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

Informatives.

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

Council's Ecologist –

The Ecological Appraisal Report (EDP Ltd, Oct, 2018) is noted, together with the amended report including outline bat mitigation strategy (EDP Ltd, Dec 2018). The following ecological comments apply:

BREEDING BIRDS

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): -

- 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

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should be undertaken during the bird nesting season, March to August. Pre-commencement checks are required for any active nests, prior to any vegetation clearance.

BATS

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

If evidence of bats is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

In view of the fact that the EA states that the building is a common pipistrelle summer/day roost and this will be destroyed by the proposed development, the developer will need to obtain a bat licence prior to starting any work that might affect the bat roost. As per the PAC Report, a method statement must be submitted to the LPA Ecologist for approval prior to any permissions being given. Although the report from December 2018 included an Outline Bat Mitigation Strategy, (Appendix EDP 5), the statement does not include details of the exact location, dimensions and nature of bat access points and bat roost spaces. These need to be shown on architectural drawings and block plans for the buildings.

Item 4 (Cont'd)

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The method statement must also include, but not be limited to, timing of works, measures to avoid killing & injuring bats during works, use of materials (such as timber, roofing felt), dimensions & positioning /locations of roosting areas and access points, vegetation retention / management, and proposals for a sensitive lighting strategy.

REPTILES

Several species of reptile (and amphibian) have been recorded within 1km of the proposed development site. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

Pre-construction checks are required. Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).

HEDGEHOG

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

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

HIBERNATING ANIMALS

Works taking place during October to March should be carefully undertaken to avoid injuring hibernating animals by undertaking works in suitable habitat slowly, being particular careful when using machinery within a foot of ground level or when removing brash/log piles.

INVASIVE NON-NATIVE SPECIES (INNS)

The EA does not make any reference to invasive non-native species. Therefore an INNS survey is required to be submitted, together with an INNS Strategy for the site and a method statement for removal of the INNS pre-construction. An updated pre-construction INNS survey is also required.

LIGHTING STRATEGY

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be agreed with the LPA Planning Ecologist.

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LANDSCAPING

As there will be loss of several mature trees, a mitigation strategy is required outlining native (species of local provenance) tree, hedgerow and scrub planting and aftercare. A Landscape and Planting Scheme strategy is required, outlining native (species of local provenance) tree, hedgerow, wildflower and scrub planting and aftercare. The use of native species or species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates.

Water Course

This must be protected by a buffer of at least 7 to 10m at either side.

GREEN INFRASTRUCTURE

Draft LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system. This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The emerging LDP policy now requires that compensatory measures should maintain and enhance the green infrastructure network. The emerging policy criteria set out the type of measures that could be incorporated into a development scheme to achieve this.

No comprehensive survey of the sites' green infrastructure provision has been provided. In order to effectively implement draft LDP Policy ER 2, a green infrastructure assessment is required.

ECOLOGICAL ENHANCEMENTS

Draft Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section Paragraph 5.42 states that 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement.' In addition, individual development proposals must take into account the need to:

promote the conservation of biodiversity, in particular the conservation of wildlife and habitats;

ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;

ensure statutorily designated sites are properly protected and managed;

safeguard protected species; and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil;

and seek enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

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Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Note provides advice about how the land use planning system should contribute towards protecting and enhancing biodiversity and geological conservation. It should be read in conjunction with Planning Policy Wales.

TAN 5 confirms that under Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006, every public authority has a duty to “have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. Paragraph 2.1 of Tan 5 also states that the town and country planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1);

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks and bird boxes (for particularly swifts, sparrows, starling and other species) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and log piles to provide habitats for reptiles, amphibians and other species would also be desirable, together with hedgehog friendly fencing. Tree planting along the site boundary of native species of local provenance is also desirable.

Placemaking And Heritage Officer –

The above application follows on from a pre application submission for the erection of 2 no. 3 storey blocks incorporating commercial floor space on the ground floor of the street facing block (Block 1) with residential above and the entirety of (Block 2) being given over to residential accommodation. Initial comments on the design were provided by the Placemaking & Heritage Team which are referenced in the attached email which also sets out further design comments on the pre-application following the submission of additional information on this. Given that this scheme is an evolved iteration of the previous pre-application the comments below will reference previous points raised also.

Comments:

Materials

The previous comments (dated 12/9/18) raised questions as to the architectural approach to the street fronting elevation and what the precedents for this were. It was stated that the materials/colour palette

should be simplified. The revised elevation whilst appearing more structured in terms of its groupings of components still presents a visually busy approach in terms of its variations of render, windows and cladding which could be further simplified. For example why is it proposed to provide timber effect cladding to the upper floors and a different real timber cladding to the projecting ground floor element? This approach creates a visual discordance between the ground and upper floors which should be minimised.

Furthermore the difference in the materiality of the upper floor uPVC windows and the proposed ground floor aluminium windows further exacerbates the visual discordance of the ground and upper floors.

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It is noted that the submitted DAS makes reference to an existing vernacular of 'light facing brickwork, concrete roofing tiles and feature tile hanging dormers of gables.' The predominance of brick within the locality is evident and it is noted that a number of properties include some elements of render panels also, however these are not the predominant materiality. Given this existing character, questions are raised as to the appropriateness of such a significant use of render as the predominant material on the blocks (which comprise of 3 different colours of render as well as render band surrounds around the feature full height windows) especially as this material can have a monotonous, heavy appearance which will exacerbate the dominant characteristics of the flat facades and width of the 3 storey blocks.

Furthermore, given the poor weathering of render systems in the wet, maritime climate of Swansea there are concerns with the amount of render proposed for the blocks which could end up with a very poor and tired appearance in a short timescale.

Additionally the use of orange render bands around the windows as a feature is not considered appropriate for these projecting elements which should be more lightweight and differentiated from the main rendered walls. These should be amended to a more integrated aluminium flashing band/surround as is found on a number of mixed/commercial properties.

It is noted that despite the request for precedent examples of this inspiration for the design approach to this building, none have been provided to date. However given the above concerns and questions regarding the choice of materials for this building this information is important and should be provided to justify/explain the design choices made.

Windows & Emphasis

The previous comments provided highlighted the need to provide taller or full height apartment windows to the upper floors in order to provide greater vertical emphasis to the front street facing elevation given the wide span of this. Whilst it is noted that some full height windows have been provided to the upper floors the remainder of the windows and design elements appear squat with chunky render bands above and below which give a squat and heavy appearance to the elevation and exacerbate the width of this.

It is noted that the DAS makes reference to providing a strong and robust horizontal band to the elevation in order to perceive less height to this, however given the very wide and flat elevation which are the predominant characteristics of the blocks this approach is not considered appropriate and should be revised in order to provide a greater sense of verticality which will help to break up the width and overall mass of these.

As a part of this the remaining squat windows on the blocks should be amended to taller, full height openings in order to help address the above concerns.

Other Points

Corner turning windows – Block 1 now includes full height feature windows which turn the corner on its most prominent south eastern and south western corners. This is welcomed and addresses the previous concern.

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Shop fronts – These are now more appropriately integrated and include areas for signage above the windows. This approach is acceptable.

Defensible space to ground floor of Block 2 – The revised layout provides more overall 'breathing space' between parking bays and the ground floor windows of Block B on the east side of this, however the proximity between habitable windows and parking bays is too close. As such this issue is not considered to be fully addressed and is still outstanding.

Raised garden – The previous plan highlighted a proposed raised garden area to the north of the site with the wall height, garden gradients and access all held in abeyance until further topographical survey information has been undertaken and provided to the design team. However the most recent iteration of the site layout has now removed any mention of the garden and as such questions are raised as to what open space provision there is for future residents. The lack of dedicated outdoor amenity space raises concerns that this development does not achieve the goal of a healthier Wales as set out in the Wellbeing of Future Generations Act 2015 as well as Planning Policy Wales (edition 10). The current approach is therefore not considered acceptable.

Residential/Commercial parking delineation – This was raised in the initial pre-application design comments in terms of providing a clear differentiation between the spaces given over to commercial and those to the residential parts of the scheme. Whilst it is noted that the commercial parking is located to the front of Block 1 and the residential parking to the rear around Block 2 there needs to be some form of visual marker/delineation/signage to highlight the private, residential nature of the parking around Block 2. This has still not been provided and is considered to be a still outstanding issue.

Pedestrian access – The site plan highlights that there is no dedicated and legible pedestrian footway provided from the existing highway to the residential access areas to the rear of Block 1 as well as to Block B. It is noted that there is an access to be provided to link up to an existing footpath to the west side of the adjacent single storey building to be retained. This is not particularly legible or convenient for pedestrians and may also raise issues of personal safety during night time. A more direct and legible route should be provided adjacent to the main site access road.

In summary the proposals are a slight improvement on the previous iteration however there are still a number of concerns and questions with regards to the design approach which have not been addressed and it is not fully clear what has informed the design approach proposed. It is strongly recommended that the design team provide appropriate precedent examples for the design approach with a short supporting justification/explanation statement also. These precedent examples should also be used inspiration to provide an appropriate design response which addresses the above concerns.

There are still outstanding concerns as raised previously which are yet to be addressed and these are set out above. In addition to this the current plans which have removed from mention any outdoor amenity space for future residents, this raises a new and additional concern especially given the flatted nature and number of occupants proposed.

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This lack of dedicated outdoor amenity space runs contrary to the aspirations and goals of the Well Being of Future Generations Act in terms of 'A healthier Wales'. Furthermore the proposed pedestrian access to the residential entrances of both Blocks 1 & 2 is not particularly legible or convenient and could potentially raise issues of personal safety in the night time. A more convenient and legible pedestrian access should therefore be provided to the side of the main site access road.

The current proposals are therefore considered to be unacceptable in design terms for a number of reasons and these will not be supported unless all of the aforementioned issues are addressed in a satisfactory manner.

Housing Officer

In response to the planning consult 2018/2540/FUL Land North of Rhodfa Fadog, the Housing Service is supportive of the proposed development as a 100% affordable housing scheme. It is currently being supported by Housing through the allocation of Welsh Government grant through the Programme Development Plan as the site is in an area of high need for affordable housing. The units will be to DQR standard and will be 100% affordable housing tenure.

Parks Officer –

The council land adjacent to the site is called Dee Place Woods, it is maintained by Parks. The concern I have is that it is a mature woodland which I believe is full of oak trees etc. that we would not want to remove to create a playground, there is also Japanese Knotweed throughout the site which we are presently treating.

The nearest play facility to this proposed development is approx. 1.5km away so there isn't really the option to upgrade that. I think we will have to pass on a play facility for this proposed development.

Education Officer –

Comments as follows:

Position of capacity:

Primary:

English-medium: The English medium primary school (Glyncollen Primary) has 3.81% surplus capacity, however by September 2024 the surplus capacity is expected to increase to 14.76%.

Welsh-medium: The Welsh medium primary school (YGG Gellionnen) has 22.62% surplus capacity, however by September 2024 the surplus capacity is expected to decrease to 19.67%.

Secondary:

English-medium: The English medium secondary school (Morrison Comp) has 32.36% surplus capacity, however by September 2024 the surplus capacity is expected to decrease to 21.16%.

Welsh-medium: The Welsh medium secondary school (YG Bryntawe) has 36.50% surplus capacity, however by September 2024 the surplus capacity is expected to decrease to 2.51%.

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Requested Contribution

Providing the information above, there is no request for a Developer's Contribution towards Education in respect of any of the named catchment schools in question from this proposed development due to the current number of unfilled places in each and the low impact of this development on pupil numbers based on the development being mostly flats.

Tree Officer –

Original Comments:

A group of trees central to the site are protected by tree preservation order TPO 299. 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.

In addition to the protected trees there is a solitary oak, close to the red line boundary behind the existing chip shop and semi mature trees close to the entrance that are worthy of protection. Offsite trees to the east are in ancient woodland and should be afforded suitable protection from any development.

The TPO protected trees are correctly identified as a mix of category U and C trees. Category U have a short life expectancy and category C trees should not be considered a constraint to development.

Trees to the rear of the existing shop are also categorised as C and should not be considered as a constraint. Therefore the removal of these trees is not objected to.

Two moderate quality trees close to the entrance (T239 and T238) are proposed to be removed to facilitate the development; removal of these requires suitable mitigation. The plans show provision for mitigation planting alongside the main road.

The tree report does not consider there are impacts to tree T237 or trees in woodland to the east of the site (apart from required pruning). The site levels indicate there is possibly some excavation that would affect tree T237. The excavation in the north-eastern area of the development area will possibly affect the woodland; both of these areas require clarification.

Highways Observations –

Comments made during the pre-application process identified a number of issues in relation to the proposed site layout at that time. The layout has been slightly tweaked but the over-riding issues regarding servicing and pedestrian accessibility have not been addressed. In addition there are concerns regarding the parking levels (I do not accept the sustainability assessment that has been undertaken that allows for a blanket reduction of one space on each dwelling). The visitor provision is also below standard (should be one space per five dwellings). The car parking spaces are not in accordance with the parking standards either and this needs to be addressed.

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I enclose a copy of my previous comments for completeness:

'2018/1146/PRE | PRE APP for residential development comprising 40 affordable apartments, 1 retail unit, associated parking, landscaping and other works | Land North Of Rhodfa Fadog Cwmrhydyceirw Swansea.

The indicative plan shows two blocks on the site with the retention of two small retail units. The site is shown as being served using a single point of access off a roundabout (that is existing). A Transport Assessment will be required to be submitted to support any subsequent planning application. Block 1 consist of retail on the ground floor with flats above whilst block 2 consists of flats. parking is shown at 10 spaces along the frontage with 44 at the rear.

The internal layout does not allow two cars to pass and the swept paths demonstrate that a refuse vehicle can only enter partially into the site. This layout is not acceptable. There is no formal pedestrian provision provided with the site and this is also unacceptable.

The siting of the goods delivery area for the retail area looks too cramped to allow safe access/egress and I have concerns regarding the obstruction that could be caused by any delivery vehicles blocking access to the residential site. A way that this could be overcome would be to provide a separate dedicated access to the retail unit which would cater for deliveries/customers leaving the residential unaffected. There is also concerns regarding the loss of parking provision for the retail units that are being retained, provision should be incorporated into the layout.

The parking levels are low (justification will need to be provided). Notwithstanding that, given that no formal visitor provision is being included then this adds to my concerns given the narrow nature of the access and internal road layout.

Given inherent concerns with the layout, I do not wish to support this application. If the layout issues can be overcome then there is likely to be a request made under a section 106 agreement for a financial contribution to put towards safe routes in the community road safety schemes.

In its current state I would not wish to support the proposal.”

In summary I remain concerned that the layout would be detrimental to highway safety resulting from lack of safe pedestrian access through the site, lack of adequate servicing provision (particularly as there are now three retail units instead of the original one proposed). The car parking levels and parking space layout are also below standards. For the above reasons I would recommend that the application is refused.

AMENDED SCHEME

Response to consultations following the submission of amended layout plans and elevations

Natural Resources Wales – No objection

Placemaking and Heritage Team – The revised elevations and changes to the site plan now address all of the previous design concerns raised and are considered acceptable in Placemaking terms.

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Tree Officer Additional Comments: The arboricultural impact assessment has been updated to consider the excavation previously missed. From the information provided it appears that the excavation, although within the RPAs of trees can be completed without tree loss. If you are minded to approve the application please could you condition a tree protection plan and arboricultural method statement in accordance with BS5837:2012. In addition to this condition please could you condition a suitable landscape scheme, to mitigate for the loss of trees and for the creation of Place.

The tree survey and AIA identifies the impacts on the existing trees. The tree loss is generally of poor quality trees. However there are three good (B category) trees to be removed to facilitate the access changes. The trees removed can be mitigated in a suitable landscape scheme, these will be protected by TPO to ensure they are retained in the long term.

In the event of approval please could you condition a suitable landscape scheme to be approved prior to work commencing and a tree protection condition. The tree protection condition should include the requirement of a tree protection plan and arboricultural method statement in accordance with BS5837:2012.

Highways Additional Observations (following the submission of amended plans) -

APPLICANT STATEMENT

“The elevations have been amended as follows in order to pick up on the amendments requested within the Placemaking and Design comments, and further comments on a revised scheme:

* The elevations have been toned down / simplified with only 3 material pallets used, which drastically changes the look and feel of what was previously submitted. The main facade is now a mixture of two tone brickwork which is considered more in keeping with the local material pallet with elements of light weight cladding. All render has been omitted.

* The revised elevations seek to maintain the vertical emphasis of the building across its entire length (breaking it up into several elements), broken up horizontally and complimented by grey bay windows to empathise a small amount of verticality.

* Full height windows are retained to the corners and a sporadic amount of deeper windows used in the protruding bays. The remainder of windows remain with shorter cill heights to a) make use of the room they are serving (i.e. bedrooms & bathrooms) and b) by the use of smaller windows emphasises the taller windows, where used.

The elevations are also considered to be similar to a previous Morganstone scheme known as The Pines (LPA Ref. 2017/2572/FUL) approved back in March 2018. This site was also located in a built-up urban environment and comprised a three storey building, with retail at the ground floor and two storey residential above.

Other points raised in your response are responded to as follows:

Defensible space to ground floor of Block 2 – the distances between windows and parking bays are no less than 2m, which

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- * conforms to DQR standards. Nevertheless, the eastern car parking layout has been revised to accommodate additional landscaping zones, particularly to the areas closest to the building line;
- * Raised garden - following the topographical survey, the levels deemed too steep to provide any safe garden environment to the upper level - rear of Block 2. The amenity / during area is therefore proposed at level behind Block 2;
- * Residential/Commercial parking delineation – to confirm, car parking spaces will be numbered and signs to be provide in various key junctions, denoting the areas of strict private / residential areas only;
- * Pedestrian access – the revised site layout now provides a crossing point to the site access and accommodates a pedestrian footway along the eastern boundary of the site access. A further crossing point is provided within the site.

In addition, provided are the following documents:

- * Updated swept path analysis (SP01 Rev C) – Which shows the updated access point can accommodate the refuse and delivery vehicles in a way which ensures highway and pedestrian safety – especially given the infrequent nature of these vehicles using the site. Darker lines have been added to highlight this;
- * Updated Arboricultural Report (5th February 2019) – The only alteration between this revision and the previous submission is the removal of T237, which is now being removed and replaced as part of the development. We have discussed this with EDP and they have confirmed that this tree has no bat potential and there is no issue with removing this in terms of ecological impacts.”

APPRAISAL

Full planning permission is sought for the erection of 40 affordable flats and 3 no. retail units in 2 x three storey blocks with associated access, parking and landscaping.

The site currently houses a single retail unit to the rear of the site, which will be demolished to make way for the proposed development. To the west of the site lies 2 no. existing retail units namely a hairdresser and a fish and chip shop. There are currently 45 parking spaces provided to the front of the site. To the north and west of the site, there are residential properties in Rhodfa Fadog and Rhodfa'r Eos. To the east, are a number of mature trees and a stream, to the south lies the highway of Rhodfa Fadog and the existing roundabout, where the site access is currently located.

Block 1 would comprise of 3 retail units on the ground floor with 16 flats above – 10 x 1 bedroomed flats and 6 x 2 bedroomed flats. Block 2 would comprise of 24 flats over 3 floors – 12 each of 2 bedroomed and 3 bedroomed flats. All flats are to be built to DQR standard as is the stipulation for all affordable housing units.

Block 1 would measure approximately 39m x 17m with a maximum overall height of approximately 11m. Block 1 would be sited in a west/east orientation, would face onto Rhodfa Fadog and be set back between 13m and 17m from the front boundary. 15 car parking spaces will be provided for the retail units.

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Block 2 would measure approximately 39m x 17m with a maximum overall height of 10.5m. Block 2 would be sited to the rear of Block 1 centrally in the site in a north/south direction with a total of 46 car parking spaces provided; 28 to the west of block 2 and 18 to the east. Block 2 would be sited approximately 20m from the nearest residential property to the north which is elevated above the site.

There were concerns with the original submission in terms of materials, layout and impact upon trees. However, after discussions with Officer's, the applicant submitted amended plans which consist of :

- * The elevations being simplified with only 3 material pallets used. The main facade is now a mixture of two tone brickwork all render has been omitted. The revised elevations seek to maintain the vertical emphasis of the building across its entire length (breaking it up into several elements), broken up horizontally and complimented by grey bay windows to empathise a small amount of verticality.
- * Full height windows are retained to the corners and a sporadic amount of deeper windows used in the protruding bays. The remainder of windows remain with shorter cill heights to a) make use of the room they are serving (i.e. bedrooms & bathrooms) and b) by the use of smaller windows emphasises the taller windows, where used.
- * Defensible space to ground floor of Block 2 – the distances between windows and parking bays are no less than 2m, which conforms to DQR standards. The eastern car parking layout has been revised to accommodate additional landscaping zones, particularly to the areas closest to the building line;
- * Raised garden - following the topographical survey, the levels were deemed too steep to provide any safe garden environment to the upper level - rear of Block 2. The amenity / during area is therefore proposed at level behind Block 2;
- * Residential/Commercial parking delineation – car parking spaces will be numbered and signs to be provide in various key junctions, denoting the areas of strict private / residential areas only;
- * Pedestrian access – the revised site layout now provides a crossing point to the site access and accommodates a pedestrian footway along the eastern boundary of the site access. A further crossing point is provided within the site.
- * Updated swept path analysis (SP01 Rev C) – Which shows the updated access point can accommodate the refuse and delivery vehicles in a way which ensures highway and pedestrian safety – especially given the infrequent nature of these vehicles using the site. Darker lines have been added to highlight this;
- * Updated Arboricultural Report (5th February 2019) – The only alteration between this revision and the previous submission is the removal of T237, which is now being removed and replaced as part of the development. We have had confirmation that this tree has no bat potential and there is no issue with removing this in terms of ecological impacts.

The main issues to be considered with these amended plans are the impact of the proposal on the visual and residential amenity of the area together with the impact upon highway safety and the ecological value of the site, having regard to the requirements of Policies EV1 (Design), EV2 (Siting), EV3 (Accessibility), AS6 Parking), HC2 (Urban Infill Housing), HC3 (Affordable Housing), HC17 (Planning Obligations), EV33 (Sewage), EV34 (Surface Water), EV35 (Protection of Controlled Waters), EV40 (Noise and Air Pollution) of the UDP 2008.

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Updated Position on Local Development Plan status

Planning Policy Wales (PPW) Edition 10 at para. 1.17 highlights that legislation states a presumption in favour of sustainable development in accordance with the extant, adopted 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 goes on to state that it is up-to-date development plans that form the basis of the planning system, since it is up to date Plans that set the context for rational and consistent decision making where they have been prepared in accordance with the latest national planning policies. A replacement LDP is what is anticipated by PPW and related guidance to be the appropriate review process for time expired Plans.

The Swansea UDP was 'time expired' on the 31st December 2016 and is soon to be replaced by the Swansea Local Development Plan (LDP). Adoption of the LDP is scheduled to be resolved by Members at a public meeting of Full Council on the 28th February. This follows the recent publication of the Inspectors' Final Report on the Examination into the LDP. The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary tests of soundness. The Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the LDP policies and proposals will realistically be delivered.

The Swansea LDP is clearly at such an advanced stage in the process, and there is now certainty regarding the Plan's content. Therefore, notwithstanding that the statutory starting point for decisions is the extant UDP (having regard to PPW and Section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired and the very advanced stage of the LDP it is appropriate in this case to determine the application having regard to the replacement development plan and national guidance, as well as the prevailing UDP.

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

Policy PS2 (Placemaking and Place Management)– development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

T6 (Parking) - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

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ER11 (Trees, Hedgerows and Development) - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

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

RP3 (Water pollution and the protection of Water Resources)- development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP4 (Avoidance of flood risk) - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

Visual Amenity

The area around the application site consists of a mixture of dwellings in a variety of styles and designs i.e. two storey dwellings, detached/semi-detached/terraced dwellings, bungalow etc. Whilst there are no other blocks of flats in the immediate vicinity per se, the introduction of a flatted element in developments is a common occurrence and provides an alternative form of residential accommodation for future occupiers. The changes to the external materials proposed results in a more simplified design that breaks up the massing of the elevations and compliments the materials palette of the surrounding properties. It is recognised that the flats will appear as much more of a prominent feature in the street scene and surrounding area, but this is not considered to be to the detriment of its overall character and appearance but provides some visual interest in the street scene whilst providing an improvement in the facilities which will positively impact upon the living conditions of the surrounding neighbouring properties. In addition, the proposal also has the positive effect of removing an unsightly single storey building.

The Placemaking and Heritage Officer raised concerns with the submitted plans mostly in terms of the proposed materials, the fenestration detailing, relationship between habitable rooms and parking bays, the lack of a garden space. Amended plans were subsequently submitted which overcame these concerns and to which no objections are now raised.

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It is recognised that the proposal will include the loss of trees on the site which currently greatly contributes to the visual amenity of the site. However, the landscaping scheme proposed will include the replanting of trees on the site and as such, and whilst acknowledging that the amount of mature trees will be lost, the visual impact of the greenery on the site will be mitigated against successfully. In addition, the Council's Tree Officer has requested that a landscaping condition be imposed to specifically refer to the replanting of trees to mitigate against the loss of those on site and as such, the siting of new trees will be carefully considered to improve the overall appearance of the site after the development is complete and in the future.

Residential Amenity

It is acknowledged that the introduction of 2 blocks of 3 storey apartment blocks is a departure to the previous more open nature of the site and the single storey building site to the rear. However, the distances involved to the nearest residential properties of approximately 28m to the south from Block 1 and 20m to the north from Block 2 dictates that the buildings would not result in overbearing physical impact for the occupiers of these dwellings. The dwellings to the south of Block 1 in Clos Crucywel are sited across an existing highway, are generally at the same ground level and the dwellings face sideways to the road with no habitable room windows in these facing elevations. Therefore the distance between Block 1 and the orientation of these dwellings ensures that there would be no undue impact in terms of loss of privacy or direct overlooking. In addition, the blocks are sited to the north of these dwellings in Clos Crucywel and as such would not result in loss of light or overshadowing.

The dwellings to the rear of the site in Rhodfa'r Eos are elevated above the site and the side elevation of the third floor of Block 2 would be approximately 20m to the south of the dwelling. There are no habitable room windows in this elevation of Block 2 and as such, there would be no loss of privacy or direct overlooking caused to the occupiers. Block 2 would be sited just over 10m to the common boundary and although Block 2 would be a three storey structure, the siting of the properties in Rhodfa's Eos dictates that from their property, they would only view the third floor of the building and any impact would generally be the same as from a traditional two storey dwelling at the same ground level. The proposed distances and siting of Block 2 also ensures that any loss of light or overshadowing experienced would not be so unacceptable to warrant or sustain a recommendation of refusal on this issues alone.

The side elevation of Block 2 is within 9m of the rear elevation of Block 1 and flats, 1, 3, 9 and 11 will face out towards this elevation. There are no habitable room windows in the facing elevation of Block 2 only windows that serve the internal staircase. These windows, however, can be obscure glazed to prevent any direct overlooking. Whilst it is acknowledged that these 4 flats will have some restricted outlook from some habitable rooms i.e. lounge and bedrooms, the layout of the site still allows views to the side of Block 2 and as such is not considered to result in an unacceptable degree of living conditions for the future occupiers.

Access and Highways Issues

The Head of Transportation and Engineering raised initial concerns with the scheme as is illustrated by the consultation response. However, following discussions with the Highways Officer, the plans were amended to take into account and to overcome the concerns raised with regards to lack of parking spaces and the size of the spaces provided. The number of spaces has been increased to 46 to the rear and to 15 for the retail units. A swept path analysis has been submitted to ensure that the site can be successfully accessed by refuse/emergency vehicles.

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The Highways Officer has also confirmed that no highway contribution will be necessary.

Ecology

Natural Resources Wales raised no objection to the proposal subject to a mitigation strategy for the loss of the bat roost. The Council's Ecologist stated that this would need to be included on the approved plans as well as informatives regarding protecting species. The amended plans submitted also included an updated Ecological Appraisal which indicates the introduction of a bat roost at the site. The Council's Ecologist has raised no objection to the details submitted. In addition, the applicant is aware that they will need to apply for a Bat Licence prior to any development commencing on site and an informative reminding them of this obligation is recommended.

Trees

The Council's Tree officer raised initial objection to the proposal due to the removal of protected Trees. However, the amended plans submitted also included a further Arboricultural Impact Assessment (AIA). The tree survey and AIA identifies the impacts on the existing trees and shows that the tree loss is generally of poor quality trees. Whilst there are three good (B category) trees to be removed to facilitate the access change, the Tree Officer is confident that the trees removed can be mitigated in a suitable landscape scheme and these will be protected by TPO to ensure they are retained in the long term. A condition for a suitable landscape scheme to be approved prior to work commencing and a tree protection condition is therefore recommended and the condition should include the requirement of a tree protection plan and arboricultural method statement in accordance with BS5837:2012.

Drainage

The Council's Drainage Officer offers no objection to the proposal subject to the imposition of conditions relating to the disposal of foul and surface water and an informative advising the applicant that Swansea Council are now the Lead Local Flood Authority.

Education

The Council's Education Section has indicated that there is sufficient capacity in the catchment schools for this development and as such no Education Contribution is requested.

Housing

The Council's Housing Section support the proposal as a 100% affordable housing scheme and is currently being supported by Housing through the allocation of Welsh Government grant through the Programme Development Plan as the site is in an area of high need for affordable housing.

Parks

The Council's Parks Officer has agreed that no provision for a LAP will be required on site as none can be provided. It is considered that as the nearest playground to this development is 1.5km away, a contribution to upgrade that one is not really feasible. The council land adjacent to the site i.e. Dee Place Woods, is maintained by Parks but it is a mature woodland which has oak trees etc. within it that are not appropriate to be removed to create a playground and there is also Japanese Knotweed throughout the site which is being treated. The nearest play facility to this proposed development is approx. 1.5km away and as such it is not an option to upgrade that. To this end, therefore, no parks contribution is requested.

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It should be noted that there is an area of open space to the immediate north west of the site that can be easily accessed and utilised by the occupiers of the flats.

Response to Consultations

The concerns raised by the objectors have been addressed above in the main body of the report. The Education Section have confirmed that no contribution is necessary as the catchment school has capacity to accommodate any pupils generated from the development.

Conclusion

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

In conclusion and having regard to all material planning considerations, on balance, the proposal is considered an acceptable form of development that would not unduly impact upon the visual or residential amenities of the area or highway safety. The impact upon ecology is also considered acceptable with the mitigation measures undertaken by this proposal. The proposal is therefore considered to comply with the requirements of Policies EV1, EV2, EV3, AS6, EV33, EV34, EV35, HC2 and HC3 of the UDP 2008 and Policies PS2, T6, R11, EU6, RP3 and RP4 of the emerging LDP 2019.

RECOMMENDATION

APPROVE subject to the following conditions and the applicant entering into a S106 Planning Obligation in respect of the contributions listed below:

To construct all of the Residential Units as Affordable Housing units

- 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: LT1815.00.01 site location plan, LT1815.04.02 site sections, LT1815.04.04 REV C boundary identifications, LT1815.04.05 boundary treatments, 18-00586/TS/01/A transport statement received 30th November 2018, geotechnical and parts 1, 2 and 3 geoenvironmental site investigation report received 6th December 2018, , LT1815.04.01 REV G site layout, LT1815.04.0101 REV A second floor plans and sections block 1, LT1815.04.0200 REV B ground and first floor plans block 2, LT1815.04.0201 REV B second floor plan and sections block 2, LT1815.04.0202 REV C elevations block 2, LT1815.04.100 REV A ground and first floor plans block 1, LT1815.04.102 REV E elevations block 1, SP01 REV C swept path analysis, aboricultural report, ecological appraisal received 7th February 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 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.
- 4 The site shall not discharge surface water run off at any rate greater than 5.3l/s as shown on the Preliminary Drainage Layout, dwg SK06 R6.
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.
- 5 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.
- 6 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development and the mitigation of any trees that are lost. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
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.
- 7 Notwithstanding the details on the submitted plans, a tree protection plan and arboricultural method statement in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.
Reason: In the interests of the protection of the remaining trees on the site and for the creation of place.

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- 8 The materials to be used in the construction of the external surfaces of the development shall be carried out in accordance with the details shown and agreed on the approved plans.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.
- 9 Before the development hereby permitted is brought into use, the two windows in the side elevation of Block 2 facing the rear of Block 1 shall be fitted with obscured glazing to a minimum level 3, details of which shall first be submitted to and approved in writing by the Local Planning Authority and any part of the windows that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
Reason: In the interests of conserving the privacy and amenity of adjoining properties.
- 10 Prior to the commencement of works on site, a lighting strategy for the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy must be designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development and must outline avoidance of impacts of lighting on bats and other nocturnal species.
Reason : To mitigate against any impact of the development upon protected species.
- 11 Notwithstanding the details within the ecological assessment submitted, a green infrastructure assessment of the site shall be undertaken and the details relating thereto shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.
Reason: To ensure that the integrity of the green infrastructure is not compromised.
- 12 Notwithstanding the details on the submitted plans, details of the size and location of the proposed bat boxes/bricks and bird boxes shall be submitted to and approved by the Local Planning Authority prior to the commencement of works on site. Once approved, the bird/ bat boxes/bricks shall be installed as approved.
Reason: In order to ensure that the development complies with the Conservation (Natural Habitats & c) Regulations 1994, and to secure the protection of Listed European Protected Species on site.
- 13 Notwithstanding the details within the Ecological Assessment submitted, an Invasive Non-Native Species (INNS) survey shall be undertaken on the site together with an INNS Strategy for the site and a method statement for removal of the INNS pre-construction. An updated pre-construction INNS survey is also required. These surveys shall then be submitted to and approved in writing by the Local Planning Authority prior to the commencement of works on site.
Reason: In the interests of ecology and to ensure compliance with the Wildlife and Countryside Act 1981.
- 14 Notwithstanding the details on the submitted plans, an amended swept path analysis plan shall be submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be completed in accordance with the agreed details.
Reason: In the interest of highway safety.

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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, AS6, HC2, EV33, EV34, EV35, HC3.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues i.e. this includes details of headwalls required for surface water discharges as part of any planning permission granted.
- 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.

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.

- 5 BREEDING BIRDS
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)

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

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should be undertaken during the bird nesting season, March to August Pre-commencement checks are required for any active nests, prior to any vegetation clearance.

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6 BATS

All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981

(as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK

making it an offence to capture, kill or disturb a European Protected Species or to damage or

destroy the breeding site or resting place of such an animal. It is also an offence to recklessly

/ intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance, work must cease immediately and the

advice of Natural Resources Wales sought before continuing with any work (01792 634960).

In view of the fact that the EA states that the building is a common pipistrelle summer/day roost and this will be destroyed by the proposed development, the developer will need to obtain a bat licence prior to starting any work that might affect the bat roost.

As per the PAC

Report, method statement must be submitted to the LPA Ecologist for approval prior to any

permissions being given. Although the report from December 2018 included an Outline Bat

Mitigation Strategy, (Appendix EDP 5), the statement does not include details of the exact

location, dimensions and nature of bat access points and bat roost spaces. These need to be

shown on architectural drawings and block plans for the buildings. The method statement must also include, but not be limited to, timing of works, measures to avoid killing & injuring

bats during works, use of materials (such as timber, roofing felt), dimensions & positioning /

locations of roosting areas and access points, vegetation retention / management, and proposals for a sensitive lighting strategy.

7 REPTILES

Several species of reptile and amphibian have been recorded within 1km of the proposed development site. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

Pre-construction checks are required. Any vegetation clearance must be undertaken avoiding the main hibernation period October to March.

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8 HEDGEHOG

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

9 HIBERNATING ANIMALS

Works taking place during October to March should be carefully undertaken to avoid injuring hibernating animals by undertaking works in suitable habitat slowly, being particular careful when using machinery within a foot of ground level or when removing brash/log piles.

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UDP - EV19 - Replacement Dwellings/Chalets

Replacement dwellings in the countryside, including residential chalets, will only be permitted where the residential use has not been abandoned, the proposed new dwelling is similar in terms of siting, scale, design and character and compliments the character of the surrounding area. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV22 - Countryside General Policy

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

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

(City & County of Swansea Unitary Development Plan 2008)

UDP - EV26 - Area of Outstanding Natural Beauty

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

Site History

App Number	Proposal	Status	Decision Date
2018/0982/PRE	(Pre-application) detached dwelling	NEGPRE	08.06.2018
2018/2646/FUL	Replacement detached dwelling	PDE	

RESPONSE TO COSULTATIONS

The application was publicised by means of displaying a site notice within the vicinity of the site and by a Press Notice. No objections have been received from local residents.

Ilston Community Council - support the application.

Port Eynon Community Council - support the removal of the caravan, however, express some concern over the scale of the proposed dwelling and consequent compliance with UDP Policy EV19.

The Gower Society - support the principle of removing and replacing the caravan, but comment on the scale of the dwelling and refer to UDP Policy EV19. Further comments are made in relation to the negative pre-application advice provided by the Local Planning Authority in relation to the original proposed dwelling (which sought to retain the caravan and additions and construct an additional dwelling).

Tree Officer - No objection

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Rights of Way Officer - No objection

APPRAISAL

Full planning permission is sought for a replacement dwelling house at Leslidale Farm, Port Eynon, Gower. The existing property comprises of a static caravan with a series of additions and extensions. The site is situated within both the open countryside and the Gower AONB. The application is being reported to Committee for decision as it is considered to be a 'departure' from the Unitary Development Plan.

The site is located in an isolated location (save for the parent farmhouse) and lies to the north of the village of Port Eynon and comprises an areas of 0.2 hectares. It enjoys expansive views of the surrounding rural landscape. The existing residential unit, although within a relatively open site, is nevertheless relatively concealed due to its very shallow and linear design. Although relatively concealed from the immediate surroundings, the site may be viewed at a significant distance from public vantage points.

A previous application for a Certificate of Lawfulness relating to the use of the existing residential unit (caravan and its additions) as a single dwelling house (2013/0072/) was determined to be lawful on 31st July 2014. The application included sufficient evidence to demonstrate that the caravan, outbuilding and covered walkway and extension had been continuously used as an independent residential unit in excess of 4 years.

Main Issues

The main issues for consideration in this instance relate to the principle of a replacement dwelling at this location, the impact of the scale, design and appearance of the proposal upon the character and appearance of the area and the Gower AONB, impacts upon residential amenities of the neighbouring properties, impacts upon the ecology and highway safety.

Policy Context

Policies EV1 and EV2 of the UDP require a development to relate satisfactorily to its local context and existing development patterns, integrate effectively with adjacent spaces and public realm, protect the amenities of the surrounding area including residential amenity, take into account and where possible retain landscape features, trees and hedgerows and have regard to visual and residential amenity and highway safety. Policies EV22 and EV26 of the UDP seeks to conserve and enhance the countryside and in particular the Gower AONB for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value.

Policy EV19 of the UDP relates to replacement dwellings in the countryside and permits such development where:

- (i) The residential use has not been abandoned,
- (ii) The proposed new dwelling is similar in terms of its siting, scale, design and character with the dwelling it is to replace, and
- (iii) The development complements the character of the surrounding area.

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The main aim of these policies is to prevent the replacement of rural dwellings with inappropriate new development that detracts from the character of villages and the countryside in which they are set.

Whilst Policy EV19 requires replacement dwellings to be similar in terms of siting, scale, design and character to the dwellings to they will replace, it is not considered that it is intended to prevent appropriate development where it can be clearly demonstrated that there would be no harmful impact on the character of the area through the increased size of a dwelling or where there is an enhancement in the appearance of the existing dwelling. At the same time it is paramount that any new dwelling achieves a high quality design that responds to, protects and enhances the inherent qualities of the countryside and Gower AONB, whilst also respecting the residential amenity of surrounding properties, and the scale and massing of the existing dwelling.

Where abandonment has occurred or the dwelling has been vacant for a considerable period of time and/or deteriorated to the extent that re-use for residential purposes would involve rebuild, such proposals would fall to be considered as new residential development in the countryside and assessed against appropriate policies. As the residential unit is currently occupied, the issue of abandonment is not material to the consideration of this application.

Whilst these policies are relevant during the determination of this application, it is also important to note that Planning Policy Wales states that Local Planning Authorities should encourage high quality design of buildings and spaces in their policies and guidance. They should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions.

Whilst it is acknowledged that the dwelling may comply with criterion (i) of Policy EV19, it is not similar to the existing residential unit in terms of its footprint, scale and height and therefore is not considered to comply with criterion (ii). The application has therefore been advertised as a Departure from the provisions of the UDP.

The adopted Supplementary Planning Guidance document entitled 'A Gower Design Guide' provides additional clarification with respect to proposals which depart from the provisions of Policy EV19 of the UDP. The Design Guide states that it is not the intention of the SPG to stifle appropriate modern or innovative designs which are sensitive to the AONB in accordance with Policy EV1 or to restrict proposals which would complement the character of the Gower in accordance with Policies EV19(iii) and EV26. It is acknowledged that it would be a missed opportunity not to replace an existing non-descript or poorly designed dwelling with a better designed dwelling that enhances the appearance and character of the locale and the AONB.

Furthermore Section A1.29 of the Gower Design Guide states that proposals may be considered an exception to Policy EV19 where the scheme is considered to be high quality in terms of sustainability and design, and so exhibits due regard for its rural location in the countryside.

Planning Policy Wales (PPW) Edition 10 at para. 1.17 highlights that legislation states a presumption in favour of sustainable development in accordance with the extant, adopted development plan, unless material considerations indicate otherwise. The principles of sustainable development are defined in the Well-being of Future Generations Act.

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Paragraph 1.21 of PPW goes on to state that it is up-to-date development plans that form the basis of the planning system, since it is up to date Plans that set the context for rational and consistent decision making where they have been prepared in accordance with the latest national planning policies. A replacement LDP is what is anticipated by PPW and related guidance to be the appropriate review process for time expired Plans.

The Swansea UDP was 'time expired' on the 31st December 2016 and at the time of writing this report, was scheduled to be replaced by the Swansea Local Development Plan (LDP) at a public meeting of the Council on the 28th February 2019. This follows the recent publication of the Inspectors' Final Report on the Examination into the LDP. The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary tests of soundness. The Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the LDP policies and proposals will realistically be delivered.

The Swansea LDP is clearly at such an advanced stage in the process, and there is now certainty regarding the Plan's content. Therefore, notwithstanding that the statutory starting point for decisions is the extant UDP (having regard to PPW and Section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired and the very advanced stage of the LDP it is appropriate in this case to determine the application having regard to the replacement development plan and national guidance, as well as the prevailing UDP.

In the case of this particular proposal, the following LDP policies are relevant: PS2, CV2, CV3 and ER4 all of which broadly accord with the UDP framework. Policy CV3 of the emerging LDP is particularly relevant as it relates specifically to replacement dwellings in the countryside and states:

Proposals for the replacement of existing dwellings including residential chalets, in the countryside will only be permitted where

(i) The original dwelling:

(a) does not make a positive contribution to the character of the local area; and/or

(b) has not been demolished or abandoned

(ii) The proposed development is of high quality and respects and/or enhances its setting in terms of design, character, scale siting and sustainability;

(iii) An extension to the existing residential curtilage is not involved; and

(iv) It exceeds the original dwelling in terms of sustainable building standards, wherever feasible.

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Visual Impact

The site lies within the countryside and Gower AONB and it is paramount that any new dwelling achieves a high quality design that responds to, protects and enhances the inherent qualities of the countryside and Gower AONB, whilst also respecting the residential amenity of surrounding properties and the scale and massing of the existing dwelling. The primary objective is the conservation and enhancement of the natural beauty of the countryside. The proposal has been assessed against the relevant section of the Gower AONB Design Guide SPG, 'new houses in the countryside' .

New dwellings in the countryside need to integrate with their rural surroundings, taking into account not only the character of any adjacent buildings but also the landscape in which they sit. Development should respond to the site's particular landscape characteristics and must not have a negative impact upon any key views or the wider landscape.

The site is located in an isolated position accessed via an unnamed track running west of the main A4118.

The existing dwelling comprises a static caravan a series of additions and extensions. The proposal comprises a two storey, 'T' shaped building and will be sited slightly west of the current footprint of the caravan. The Gower AONB Design Guide advises that a replacement dwelling may be able to be more sensitively sited than the existing dwelling (A1.36c). It is noted that there are distant public views into the site and the visual impact of the proposal is paramount.

The Gower AONB Design Guide goes on to state that a larger dwelling may be considered favourably where the design can be demonstrated to be of a high quality. Replacement dwellings should not have a more significant visual impact than the existing building. Whilst there may be no immediate built context, the scale and mass of the proposal should be considered with regard to the landscape setting (i.e. visual impact, key views).

The existing residential unit, comprises a caravan and additions and offers no architectural merit. Subsequently there is scope to depart from the character and appearance of the existing structure. The Gower AONB Design Guide suggests three appropriate design styles in sensitive rural areas:

- i) traditional,
- ii) modern vernacular; and
- iii) contemporary.

The Gower AONB Design Guide advises that all proposals will need to demonstrate that they are of the highest design quality, sensitive to the surroundings in terms of layout, scale and massing, and the choice of materials and detailing is appropriate to its context, form and function. Whilst it is not the intention to stifle appropriate modern / innovative designs which are sensitive to the AONB, the design approach should be fully explained within a supporting Design Statement.

The submitted 'Supporting Statement' seeks to highlight factors that have influenced the design process and explain and demonstrate the rationale behind the proposed design.

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The proposal responds positively to the guidance set out within Section 5, Module A of the Design Guide - which focuses on residential developments. The main part of the dwelling is of a traditional appearance (reflecting a Gower Cottage) whilst the two storey rear projection is of a more modern design. The proposed dwelling is considered to be a high-quality design that is sensitive to the AONB, allowing the replacement dwelling to blend into the AONB landscape.

The proposed dwelling takes a traditional form and reflects the anatomy of a Gower cottage with a width measuring some 9.2m and a depth of 5.9m equating to two thirds of the width in accordance with the AONB Design Guide. The proposed dwelling is a simple traditional dwelling with a pitched roof, well-proportioned porch, simple detailing to elevations and well-proportioned windows and door. This approach is in keeping with the traditional Gower cottage approach and makes a direct reference to the local vernacular. The dwelling features a two storey rear gable projection some 5.5m long by 5.7m wide and has a 7m ridge height. The rear gable projection includes feature windows at both ground and first floor level, with flush fitting balustrade fixed at first floor level. A more contemporary approach to the detailing on the rear elevation of the dwelling is an acceptable approach.

The form and massing of the building is therefore considered acceptable and the design and visual character of the building adequately reflect local character. The proposed dwelling displays a suitably simple appearance which again, reflects the local character. It is considered that the sympathetic design, helps minimise the visual impact upon the wider landscape and Gower AONB and as such it is considered to respect and enhance the character and appearance of its local context. The use of natural quality materials throughout is critical to the success of the scheme. This will be addressed by the use of a suitably worded condition.

Overall therefore, the proposal in this location is considered acceptable and it is considered that the development is of a sufficiently high quality which will safeguard and protect the natural beauty of the Gower AONB and the natural qualities of the countryside in compliance with the principles of Policies EV1, EV2, EV3, EV19, EV22 and EV26, emerging LDP Policies PS2, CV2, CV3 and ER4 and the Gower AONB Design Guide.

Sustainability

The application is supported by a Sustainability Statement which suggests strong environmental credentials. Given the nature of this proposal, it is considered that this scheme should be an exemplar sustainable building. To this end a series of appropriately worded conditions are recommended to ensure the dwelling achieves Code for Sustainable Homes Level 4 (or similar industry standard), as required in the Gower AONB Design Guide for new dwellings which are contrary to the provisions of UDP Policy EV19.

Residential Amenity

The application site enjoys an isolated concealed setting with only the parent farmhouse as a neighbour. The distance and relationship between the proposed dwelling and the existing farmhouse is such that it is not considered that the proposal will have any adverse effects upon residential amenity.

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Highway Safety

The application site has an established access and ample parking and turning provision within the site. The proposal is not considered to have any impact upon current highway standards.

Rights of Way

There is a registered public bridleway that runs along the track to the north of the application site. Although the proposed development should not affect this bridleway, the Council's Rights of Way Officer has advised that this route should remain open at all times to allow the free passage of walkers, horse riders and cyclists. If the route is to be blocked for any reason a legal temporary closure order may be needed.

Ecology

The application is supported by a Bat Report which concludes the daytime inspection and data search undertaken at Lesliedale Farm identified no evidence of roosting bats internally and externally or existing records of roosting bats onsite or within the immediate surroundings.

The Bat Report advises that the structure is predominantly comprised of a prefabricated static caravan and wooden clad extensions that are in a relatively good condition with negligible bat roosting potential. However, limited potential bat roosting features were associated with the breeze block and corrugated metal extension, whilst a former livestock structure was considered to offer limited potential as a feeding/night roost. Further bat activity surveys (emergence and automated) at the structures did not identify any roosting bats, with relatively low bat activity recorded in the immediate vicinity, the majority of which was concentrated around the offsite Dutch barn

On this basis, it is considered that the proposed demolition works will not require further surveys or a European Protected Species (EPS) derogation licence. However, it is recommended that a precautionary approach to the demolition works be adopted given the itinerant nature of some common bat species identified within a 1km radius of site i.e. Pipistrelle species. Therefore advisory notes to this effect are recommended.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, for the reasons set out above, it is considered that the development accords with Policies EV1, EV2, EV3, EV22 and EV26 of the UDP, Policies PS2, CV2, CV3 and ER4 of the emerging LDP and the Gower AONB Design Guide and will complement the character and appearance of the area. In overall design terms, the proposal is considered to be of a sufficiently high quality design and will demonstrate how a well-considered design can respond positively to the sensitive landscape of the countryside. The scheme clearly does not comply with criterion (ii) of Policy EV19, as it is not similar in terms of its scale, design and character with the residential unit it replaces. However, the scheme is considered to be of a high quality and will achieve Code Level 4 (or comparable industry standard) which it is considered justifies a departure from the provisions of UDP Policy EV19, in accordance with the Gower AONB Design Guide.

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Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this 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: LF/18/101 Proposed Floor Plans, LF/18/102 - Proposed Elevations, received 14th December 2018. LF/18/100 Rev - A Site Plan, received 3rd January 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the construction of the dwellinghouse, a plan indicating the positions, heights, design, materials and types of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be completed as approved before the dwelling hereby approved is occupied and shall thereafter be retained as such.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.
- 4 The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 4) and achieve a minimum of 3 credits under category Ene1 - Dwelling Emission Rate (or similar industry standard), in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 5 The construction of the dwelling hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate (or similar industry standard), has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.

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- 6 The dwelling hereby approved shall not be occupied, until a Code for Sustainable Homes 'Final Certificate' is submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate (or similar industry standard) has been achieved for the dwelling, in accordance with the requirements of Code for Sustainable Homes Technical Guide, November 2010 (as amended).
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 7 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.
- 8 No development shall commence until details and/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: To ensure a proper standard of development and appearance in the interests of conserving the amenities and character of the area.
- 9 No development shall commence until full details of the proposed dwelling's fascias, soffits, bargeboards, rainwater goods and chimneys have been submitted to and approved in writing by the Local Planning Authority. The 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 character of the area.

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, EV3, EV19, EV22 and EV26.

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

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

- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is 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.

- 5 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.

- 6 The site is located outside of the main sewered area. Should the applicant wish to utilise a non-mains / private sewerage treatment system, then in addition, to any planning permission and building regulations approval; a permit or a registration as exempt from the requirement for a permit under the Environmental Permitting (England and Wales) Regulation 2010, is required from Natural Resources Wales. Further guidance is available on our website at:

<http://naturalresources.wales/apply-andbuy/water-abstraction-licences-waterdischarges/registeryour-septic-tank-package-sewagetreatment-plant/?lang=en>

However, as the planning and permitting process are separate, NRW is unable to pre-empt and decision in relation to the granting of an Environmental permit.

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- 7 The applicant is advised that there is a registered public bridleway that runs along the track to the north of the application site. Although the proposed development should not affect this bridleway the route should remain open at all times to allow the free passage of walkers, horse riders and cyclists. If the route is to be blocked for any reason a legal temporary closure order may be needed.
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Ward:

Llansamlet - Area 1

Location:

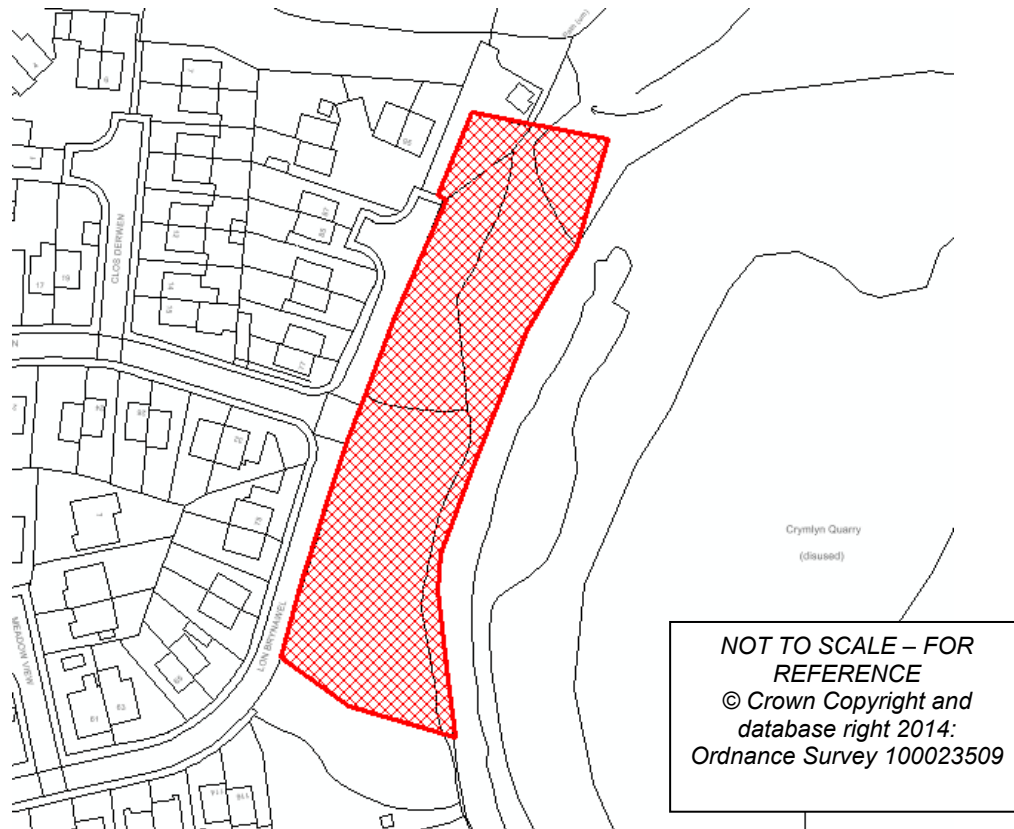
Land At Lon Brynawel , Llansamlet, Swansea

Proposal:

Construction of 16 affordable residential dwellings with associated access, parking, landscaping and ancillary works

Applicant:

Ms E McGinley Morganstone Ltd & Pobl Group



Background Information

Policies

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)

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 - 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 - 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 - EV28 - Sites of Local Importance

Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV33 - Sewage Disposal

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - EV38 - Contaminated Land

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

UDP - EV39 - Land Instability

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

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UDP - HC2 - Urban Infill Housing

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

UDP - 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)

Response To Consultations

The application was advertised as a departure to the development plan in the press and by site notices. Further site notices were posted following the submission of amended plans deleting the footpath. In total ten letters of objection have been received, which may be summarised as follows:

- The site is a natural habitat with rare species and contributes to the amenity of the area. To allow more housing when there are so many empty homes and so many homeless does not make sense when it destroys natural areas.
- Parking and congestion is already a problem on the estate.
- Concerns the site is contaminated, has natural gas veins, is at the edge of a disused quarry and tip and is at the edge of an ancient woodland.
- Parts of the site are prone to flooding.
- The proposal would devalue existing properties.
- The footpath at the rear may not be available during construction. The footpath is well used by local dog walkers.
- The new footpath would be close to No. 95 Lon Brynawel and would affect the occupiers of this property.
- Local people would argue that the existing access to the public footpath is a public right of way.
- The development would result in increased pupil numbers at local schools.
- The development would result in impacts upon local services such as doctors surgeries or dentists.
- Concerns the construction of the development would affect families in the area.
- Concerns the proposal would result in a loss of view.
- Concerns regarding the health and safety of the future occupiers in view of the proximity of the development to a historic landfill at Crymlyn Quarry.
- Concerns the right of way should be incorporated in an amended plan, before any approval is granted.

Summary of statutory and non-statutory consultees:

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Highways

The site was granted planning permission under a 1995 planning application and a subsequent appeal for residential use. Later in 2006 it was confirmed by a planning officer that the works had started on site therefore the 1995 permission was still valid.

The current planning application is for the Construction of 16 affordable residential dwellings with associated access, parking, landscaping and ancillary works on Land At Lon Brynawel Llansamlet Swansea. The package contains the responses to the PAC comments. In relation to highways they have agreed some of the proposed Safety measures but disputed the requirements for a street name plate. In addition they have disputed the need for a 3.2m drive calming that it meets DQR Standards.

Layout and parking

Parking is shown as three spaces per dwellings and this accords with the adopted parking standards. A new footway fronting the development has been provided in line with previous comments. The roads linking to the site are a combination of adopted with non-adopted, however, they all allow the pass and repass of vehicles and are hence classified as a highway.

Conclusions

It is considered that with the Section 106 Contributions and the low levels of traffic movements involved then the development can be accommodated within the existing infrastructure. Although the size of the development did not require any transport assessment it is expected to generate an additional 10 vehicular movements in the morning and afternoon peaks, which equates to one extra vehicle every six minutes. Whilst concern has been raised from local residents is it difficult to argue that the low additional trips arising will have any impact on the freeflow of traffic in and around the site.

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

1. Permitted development rights being removed with respect to the garages.
2. The front boundary walls being kept below 1m in the interests of visibility.
3. The applicant entering into a Section 278 Agreement with the Highway Authority to provide the new footway at the site and the proposed vehicular accesses into the plots.
4. The drives to be laid out in accordance with the approved plans and maintained for parking purposes only thereafter.
5. The developer entering into Section 106 agreement to fund a series of highway road safety measures to the sum of £3,400 to cover the following:

- a) Give way and centre line markings on Maes Y Dderwen and Lon Brynawel
- b) Centre line markings fronting 61- 73
- c) Bollards to protect pedestrian access to footpath
- d) Footpath signs
- e) Street nameplate Maes Y Dderwen Drainage and Coastal Management

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

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Condition 1

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

Reason.

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

Informatives

We would highlight that DCWW will need to agree to the connection and the rate of discharge to their apparatus.

Environment Officer

Planning condition CL12 must be placed upon this application. A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

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

Pollution Control

It is noted that basic radon protection is required for the proposed buildings.

"No contaminants of concern have been identified on the site and no mitigation or remedial measures are required for the site." I have however asked for clarification as to why additional soil analysis is not required. Following the response, please add the following conditions regarding unforeseen contamination and imported soils/aggregates

Ecology

Protected Species

The reptile survey confirmed the presence of low numbers of common lizards (*Zootoca vivipara*) on-site. To ensure that lizards or any other protected species are not impacted during site preparation, a condition should be added requiring a suitably qualified Ecological Clerk of Works (ECoW) to supervise vegetation removal. The condition will then be discharged via a summary written by the ECoW.

Invasive Non-native Species

A small quantity of Japanese knotweed (*Fallopia japonica*) was identified on-site, which will be dealt with by suitably condition.

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Sites of Importance for Nature Conservation (SINC)

The site was designated as part of the Crymlyn Quarry Woodland SINC in 2014, and therefore mitigation/compensation should be provided. However, as the new proposal is believed to have a smaller footprint than the extant permission, sufficient mitigation can be provided by a small S106 contribution of £5,000 for knotweed treatment and scrub control in the remaining SINC.

Habitats Regulations Assessment

The site is not considered to be in close enough proximity to the Crymlyn Brook for any pollution produced during the construction phase to enter the watercourse, which flows into Crymlyn Bog. It is therefore concluded that there will be no likely significant effect on Crymlyn Bog Special Area of Conservation and Ramsar Site as a result of this development.

Pollution Prevention

A Construction Environmental Management Plan must be submitted for approval prior to commencement. The contents required are described in the NRW letter dated 16 November 2018.

Trees and Landscaping

Impact on trees will be minimal. Condition a tree protection plan and arboricultural method as the draft version supplied does not have enough information.

Education

Education request the full developer's contribution for the English medium primary school (Talcopa) and the English medium secondary school (Cefn Hengoed). There is no request for a developer's contribution towards Education in respect of the Welsh medium primary school (YGG Lon Las) or the Welsh medium secondary school (YG Bryntawe) due to the current number of unfilled places (in the primary) and the low impact of this development on pupil numbers. The SPG suggested contributions are deemed too low to make any positive impact on the buildings.

Primary: the full generated amount of £31,116.00 plus indexation towards Talcopa primary school to support improving the capacity.

Secondary: the full generated amount of £31,696.00 plus indexation towards Cefn Hengoed secondary school to support improving the capacity.

Parks

Parks have no further comments or observations to make on the planning application Rights of Way 7.11.2018

Through section 106 agreement we would ask for the footpath that runs along the back of the development to be surfaced with rolled stone. To create a better surface for walkers to use.

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The developer may need to apply for a temporary closure for the footpath whilst the works are being undertaken. This has a cost of £2250 and a lead in time of 6 weeks. The developer needs to take this into account. If the development takes more than 6 months to build, and it remains unsafe for people to utilise the footpath then the developer should apply for a continuation to the temporary closure. This also has a cost of £2250 and a lead in time of up to 6 weeks. This has to be taken into account by the developer.

The addition of the close board fencing to the rear of the properties encloses the footpath. As such a minimum width of the path must be left for people to utilise the footpath. This is detailed in the Countryside Access Plan as 3m in width. This is the minimum width that would be acceptable. The Countryside Access Team would prefer 4 metres width to allow safe passage and a more aesthetically pleasing path. This would also aid with designing out anti-social behaviour and make people feel safer whilst walking there.

See section of Countryside Access Plan development and rights of way; 5.15 The provision of secure, convenient and pleasant non-vehicular access will assist people in urban areas to live healthy lives and provide them with a means of sustainable transport. 5.16 large scale developments can completely alter an existing landscape and the access needs of the public will change considerably. To reflect this change the existing public access may require partial or complete alteration, but in doing so the overall public access should be maintained or enhanced.

The site plan shows that a well-used path (opposite the T junction) is going to be built over. This may lead to residents trying to claim a public right of way in this area. See aerial image below.

The path at the north of the development site layout drawing is a good addition for walkers in the area to link with the existing footpath, and if the developer added the path to the south of the development and surfaced to a similar standard to the rolled stone footpath, it may appease some of the locals who may wish to claim the path opposite the T junction. I am assuming that the developer also owns the land under title WA784567 as they appear to have encroached onto this land in the North.

7.02.2019

A - they have removed the footpath link from the North of the site. The countryside access team has no problem with this as it would have been a very awkward path for members of the public to use.

B - they haven't added a footpath link for residents to reach footpath LT461, therefore leaving all residents a very long walk to access it. As stated in a previous email from my line manager Chris Dale " a footpath should be included in this development on the basis of the LDP, etc. To accommodate a 3 metre footpath through the middle of the development it would just need to move 1.5 metres north and 1.5 metres south to create sufficient space and, looking at the site, it would appear that this could be done."

I've attached an aerial image detailing the legal line of the public footpath (pink), the walked line on the ground of the public footpath (blue) and the footpath link that the developer needs to include (red). I have also given an idea of the difference in distance between the walked route on the ground and the actual legally recorded route. In some cases this is a significant distance. It appears that a legal diversion of the footpath will be necessary.

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Natural Resources Wales (NRW) Geoscience / Land Contamination

We note the submission of the document entitled; 'Geotechnical and Geo-Environmental Site Investigation Report-2: Proposed Residential Development, Lon Brynawel, Llansamlet, Swansea (Job No. 12718)', dated September 2018, by Terra Firma Ltd.

The site investigation report states that the former Crymlyn Quarry landfill site does not show up on the historical maps of the area.

Therefore, given the apparent lack of accurate mapping for this site (and others in the vicinity of the proposed development) we advise that the following condition is added to any planning permission that your Authority, may be minded to grant.

Condition: If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: Given the apparent lack of information concerning the historic landfill site adjacent to the proposed development, it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Pollution Prevention

We advise that prior to work commencing on site a detailed Construction Environmental Management Plan (CEMP), should be submitted to the Local Planning Authority (LPA). This document should include site-specific measures which will be put in place to prevent pollution to the surrounding land & water environments.

Particular consideration and detail needs to be provided in relation to how surface water will be managed, both during and post-construction to ensure that any pollution from the nearby Crymlyn Quarry historic landfill is prevented from entering any watercourses as a result of the proposal.

Therefore, we would advise that the following condition is included on any planning permission that the Local Planning Authority (LPA) may be minded to granted.

Condition: No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: Prevention of pollution to controlled waters and the wider environment. Historic Landfill
We note the presence of a historic landfill site, known as 'Crymlyn Quarry', which lies adjacent to the eastern boundary of the site. We have no information of this site or the types of waste which may have been disposed. Therefore, we advise that you discuss this matter with the relevant departments within your Authority, who may hold further information or who may wish to provide additional comments.

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Landfill gas can contain many different substances including methane and carbon dioxide, which respectively can present a risk of fire and explosion, and asphyxiation. The trace constituents of landfill gas can be toxic and can give rise to long and short-term health risks. NRW are not the appropriate body to advise the LPA on the acceptability of any risk to human health from development within 250m of known gassing or potentially gassing landfill site.

However, when a proposed development is located within 250m of a known or potential gassing landfill site, we advise that your Authority that you:

1. should satisfy yourselves that you have adequate information to assess the acceptability of any potential risk; and,
2. you should do this in consultation with your Authority's Environmental Health and Building Control departments.

Ecology and Protected Species

We note the submission of the document entitled; 'Preliminary Ecological Appraisal and Reptile Presence Absence Survey, Land at Lon Brynawel, Swansea (Ref: HE/29/2018 - Version 2)', dated September 2018, by Hawkeswood Ecology.

Along with the additional report entitled; 'Preliminary Roost Assessment, Trees and Lon Brynawel (Ref: HE/29/2018)', dated 19 October 2018, By Hawkeswood Ecology.

Having reviewed the finding of the Preliminary Roost Assessment we note that bats were not found to be using the trees surveys as part of the report.

However, it is stated that tree T1 (Common Oak) displayed medium roost potential and tree T2 (Common Oak) displayed low potential. As a result, we support the recommendations made on page 3 of the assessment and advise that these measures and the findings of any future pre-commencement assessment are submitted to your Authority.

We note the proposed development is located within the boundary of the Crymlyn Quarry Woodlands SINC. Therefore, we would advise that you discuss and agree appropriate mitigation / compensation measures with your Authority's Planning Ecologist.

The Ecological Appraisal also notes that the Reptile Presence/Absence Survey, also found that the site supported low numbers of reptiles (common lizards). Again, we advise that you discuss and agree any required mitigation / compensation measure with your Authority's Planning Ecologist

Protected Sites

The development is located close to Crymlyn Bog (SSSI) and of the Cors Crymlyn / Crymlyn Bog Special Area of Conservation (SAC). Given that the proposed development is also located in close proximity to the Crymlyn Quarry historic landfill, we advise that the Local Authority assess this risk, as part of a Habitat Regulations Assessment (HRA) for the proposal.

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Regulation 61 of the Conservation of Habitats and Species Regulations 2017 requires the Local Authority, as the competent authority, to undertake an appropriate assessment of any plan or project which is likely to have significant effects, either alone or in combination with other plans and projects, on the SAC.

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

Coal Authority

The Coal Authority information indicates that this site is within an area of coal outcrops (MYNYDDISLWYN LOWER AND TOP LEAF) which may have been worked in the past.

The planning application is supported by a Geotechnical & Geoenvironmental Site Investigation Report-2 (12718 / dated September 2018) prepared for the proposed development by Terra Firma (Wales) Ltd which has been informed by an appropriate range of sources of information.

The Coal Authority considers that the content and conclusions of the Geotechnical & Geoenvironmental Site Investigation Report-2 (12718 / dated September 2018) based on the professional opinion provided by Terra Firma (Wales) Ltd, are sufficient for the purposes of the planning system in demonstrating that the application site is safe and stable from coal mining legacy (as required by Planning Policy Wales paragraph 13.9).

The Coal Authority has no objection to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Dwr Cymru Welsh Water (DCWW)

No objection subject to a condition to restrict flows to 5l/s to the surface water sewer.

The proposed development is still situated within the protection zone of these sewers, measured 3 metres either side of the centreline.

Concerns the development would be within 15 of the Blaen Crymlyn Sewerage Pumping Station. Recommend consultation with the Council's environmental health team.

Introduction

The application seek planning permission for the construction of 16 no. affordable dwellings with associated access, parking, landscaping and ancillary works.

The application site is a broadly rectangular parcel fronting onto Lon Brynawel, Llansamlet and covers an area of some 0.28ha. The site is mainly covered in low scrub vegetation with some mature trees on the periphery. The levels drop at the site from Lon Brynawel to the public right of way at the rear of the site.

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The application is reported to the Planning Committee as a departure to the development as the development includes a small parcel of land that is identified within the UDP Proposals Maps as Green Wedge under UDP Policy EV23. Under the emerging LDP Proposals Maps this same portion of land is identified as countryside, however, the Green Wedge designation has been removed from this area within the emerging LDP. The residual areas of land within the site are located within the settlement boundary under both the emerging and adopted plans.

There is considerable planning history in relation to this site. Outline Planning Permission was granted for a residential development at the site in March 1995 under application reference 92/1459. The reserved matters application for the application site (which were plots 200 to 215) was refused in May 1997 under application reference 95/1421, with the follows reason for refusal:

"The proposed development is contrary to Central Government Advice which seeks to resist development within 50m of landfill sites, as such proposals could result in unacceptable risk to the health and safety of future occupiers and would be detrimental to the residential amenities which those occupiers could reasonably expect to enjoy."

This Decision was appealed under appeal reference APP/B6855/A/97/511380 with the appeal being allowed in April 1999.

In 2006 the local planning authority provided a letter confirming that site works in association with the approved development had commenced within the required time scales. The planning permission therefore remains extant to this day and is capable of being implemented in accordance with the approved plans. This is an important material consideration that carries significant weight in the determination of this planning application.

The plans have been amended since their original submission to take further account of the site levels which drop into a wooded hollow in the northern part of the site. The amended plans have deleted a proposed footpath at the very northern end of the site which would have connected Lon Brynawel with the public right of way at the rear of the site which borders the quarry basin. The application will be considered on the basis of the revised plans.

Main Issues

The main issues are considered to be the principle of the development on the site, having regard to the site history, the impact of the development upon the character and appearance of the area, the impacts upon the living conditions of neighbouring occupiers, the impacts upon access and highway safety. Impacts in relation to ecology, drainage, land contamination and land stability are also important material considerations for the application.

Planning Policy

The extant development plan for the area is the City and County of Swansea Unitary Development Plan (UDP) (2008). The following City and County of Swansea Unitary Development Plan (2008) (UDP) policies are considered to be relevant to the consideration of this application:

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AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV23 (Green Wedges), EV24 (Greenspace System), EV28 (Sites of Local Importance), EV30 (Trees), EV33 (Sewage Disposal), EV35 (Surface Water Run-off), EV38(Land Contamination), EV39 (Land Instability) and HC2 (Urban Infill Housing).

Also relevant to the consideration of this application are the following Supplementary Planning Guidance (SPG) documents:

- Places To Live - Residential Design Guide,
- The Protection of Trees on Development Sites,
- Planning for Community Safety.

Planning Policy Wales (PPW) Edition 10 at para. 1.17 highlights that legislation states a presumption in favour of sustainable development in accordance with the extant, adopted 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 goes on to state that it is up-to-date development plans that form the basis of the planning system, since it is up to date Plans that set the context for rational and consistent decision making where they have been prepared in accordance with the latest national planning policies. A replacement LDP is what is anticipated by PPW and related guidance to be the appropriate review process for time expired Plans.

The Swansea UDP was 'time expired' on the 31st December 2016 and is soon to be replaced by the Swansea Local Development Plan (LDP). Adoption of the LDP is scheduled to be resolved by Members at a public meeting of Full Council on the 28th February. This follows the recent publication of the Inspectors' Final Report on the Examination into the LDP. The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary tests of soundness. The Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the LDP policies and proposals will realistically be delivered.

The Swansea LDP is clearly at such an advanced stage in the process, and there is now certainty regarding the Plan's content. Therefore, notwithstanding that the statutory starting point for decisions is the extant UDP (having regard to PPW and Section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired and the very advanced stage of the LDP it is appropriate in this case to determine the application having regard to the replacement development plan and national guidance, as well as the prevailing UDP.

In the case of this particular proposal, the following LDP policies are relevant: CV2 (Development in the Countryside), PS2 (Placemaking and Place Management), SI5 (Protection of Open Space), ER2 (Strategic Green Infrastructure Network), ER6 (Designated Sites of Ecological Importance), ER8 (Habitats and Species), ER9 (Ecological Networks and Features of Importance for Biodiversity), ER11 (Trees, Hedgerows and Development), T2 (Active Travel), T5 (Design Principles for Transport Measures and Infrastructure), T6 (Parking), T7 (Public Rights of Way and Recreational Routes), EU4 (Public Utilities and New Development), H3 (Affordable Housing), RP1 (Safeguarding and Public Health and Natural Resources), RP3 (Water Pollution and the Protection of Water Resources), RP4 (Avoidance of Flood Risk), RP5 (Land Contamination) and RP6 (Land Instability).

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The Principle of Development

In respect of the principle of development, for the most part, the UDP and LDP policy position is consistent. The majority of the site, save for the area beyond the turning head is white land within the settlement where residential development is considered to be acceptable in principle subject to consideration against the relevant technical policies. The site is also a Site of Interest for Nature Conservation (SINC), which must be taken into account.

The northern portion of the site is Green Wedge in the UDP and countryside in the emerging LDP. Despite the development being a departure to the UDP, in view of the advanced stage of the LDP at the time of writing, it is considered that the emerging LDP position is most relevant in this instance in terms of the principle.

Within the LDP countryside protection Policy CV2 there is a presumption against development within the countryside except where it meets a specific set of criteria. Criterion iii. allows affordable housing to meet local need at acceptable locations within or adjoining settlements. The proposed development is not specifically local needs housing, however, in view of the extant planning permission on the site for housing, which is considered to carry significant weight, the development of the northern portion of the site is, in principle, considered to be an acceptable departure to the development plan.

Visual Amenity

The development would comprise of 16 two storey dwellings arranged in semi-detached pairs with side drive parking, save for the four end units. Small but adequate gardens would be provided to the front and rear. The layout broadly reflects the extant planning permission on the site as do the house types which reflect the simple duo-pitched roof design and materials palette of the existing properties on Lon Brynawel that face the site. At the rear of the site there is a public right of way. The rear boundaries of the proposed dwellings, which would be defined by a 2m close board fence have been drawn in towards the site to maintain an appropriate 3m width to the public right of way following comments from the Council's Rights of Way Officer.

The northernmost plot (plot 1) would partially encroach into a wooded hollow on the northern periphery of the site. Following discussions with the applicant, a log retaining wall system is proposed to build up the levels in this area to provide a level platform for the dwelling. This would minimise the visual impact by reducing the extent of the encroachment into the wooded hollow area and would be a marked visual improvement when compared against the extant scheme. On this basis the amended scheme for plot 1 is considered to be acceptable.

On this basis it is considered the proposed development would be appropriate to its local context and would not result in any significant visual impacts upon the character and appearance of the area. The development is considered to satisfactory from a placemaking perspective and would therefore accord with UDP Policies EV1, HC2 and emerging LDP Policy PS2. The development would also accord with the advice contained within the design guide SPG.

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Residential Amenity

The proposed development would face existing housing on the opposite side of Lon Brynawel, as such concerns have been raised in letters of objection that the development would result in a loss of view. It is widely accepted in planning law that there is no right to view, however, new developments must not result in a significant loss of outlook to existing properties. There are no prescribed standards within the design guide SPG for separation distances across roads, rather developments across the public realm will be determined on a case by case basis with regard to the character of the locality.

In this instance the front to front separation distances across Lon Brynawel would be commensurate with those within the existing estate and are considered to be acceptable on this basis. As a result of the orientation of the proposed dwellings in relation to existing properties, there would also be no unacceptable overlooking resulting in loss of privacy, or any unacceptable overshadowing impacts.

There would be sufficient outdoor amenity space for the benefit of the future occupiers of the development.

In terms of residential amenity considerations, therefore, the development would therefore comply with UDP Policies EV1, HC2 and emerging LDP Policy PS2. The development would also accord with the advice contained within the Residential Design Guide SPG.

Access and Highway Safety

The layout follows a simple linear arrangement with all plots gaining access off Lon Brynawel. Parking provision is provided at 3 spaces per dwelling in accordance with the Parking Standards SPG. Concerns have been raised in letters of objection that the development would exacerbate existing parking and congestion problems on the estate. It is clear that the existing properties near the site benefit from adequate off street parking provision and given that that the estate is essentially a large cul-de-sac it is not considered that existing traffic levels in the vicinity of the site would result in significant congestion problems. It is not considered the relatively small number of properties proposed would result in any significant increase in traffic levels on local streets that would cause a detrimental highway safety impact.

The Highways Officer has offered no objection to the proposed development subject to the provision of a number of safety measures and improvements listed above within the Highways comments. As Lon Brynawel is not an adopted road the most appropriate mechanism to require these necessary highway safety works is through planning conditions and informative notes.

In view of the foregoing, it is considered that the proposed development would not result in any significant highway safety impacts and would therefore comply with UDP Policies AS2, AS6, HC2 and emerging LDP Policies PS2, T5 and TS6.

In terms of access, as indicated above, there is a public right of way at the rear of the site. Currently there is an informal track through the centre of the site which runs from Lon Brynawel, opposite Maes Y Dderwen, down to the public right of way. This would be lost as a result of the development.

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The application originally included a path connecting Lon Brynawel to the public right of way but this was removed following a detailed topographic survey of the site which confirmed that the path would substantially encroach into the wooded hollow at the northern end of the site. The provision of a level path in this area would result in substantial retaining works which would not be visually acceptable at the edge of a woodland. An alternative was suggested by the applicant comprising of log steps on the banks of the hollow, however, this was dismissed as it would not provide a suitable accessible path.

Concerns have been raised in letters of objection by local residents that a path should be provided and that the existing informal connection could be claimed as a public right of way. The Council's Rights of Way Officer has also expressed concerns that a replacement connection is not being provided and considers that the development may not comply with the Policy requirements within the LDP relating to active travel.

The issues relating to loss of the replacement footpath at the northern end of the site are clearly regrettable, however, it is clear that a functional and accessible path cannot be provided in this area and the applicant has indicated that they do not think it is necessary to provide an alternative path on the basis that it is not a public right of way. It is clear that the path is not an existing public right of way, notwithstanding this, it is unfortunate that the applicant has not been able to provide a replacement path along the alignment of the existing path. There is a parcel of land to the south of the site that can still be used to provide access to the right of way but this is not as well used, or as well defined, as the central path.

Emerging LDP Policy T2 states that developments must take opportunities to enhance walking and cycling access and or make financial contributions towards delivery off site. Moreover, LDP Policy T7 states that linkages and extensions will be expected from all new developments. Clearly there was a genuine attempt by the applicant in this instance to provide a footpath, however, this was not possible due to the site constraints. As an alternative area to access the right of way currently exists in proximity to the existing informal path it is not considered the application can reasonably be refused on the grounds that it would fail to provide a suitable link when an alternative is available. The request from the right of way team for an upgrade to the path is not considered necessary to make the development acceptable in planning terms given the relatively small scale of the proposal. The development is therefore considered to be acceptable having regard to emerging LDP Policies T2 and T7.

Ecology and Trees

The application is located within the Crymlyn Quarry Woodland SINC and would therefore result in some loss of habitat and green space which currently consists of predominantly ruderal species with some woodland, scrub and Japanese knotweed along the boundaries. The Council's planning ecologist has requested a financial contribution of £5000 to compensate for this loss of habitat, which would allow for the treatment of Japanese Knotweed and scrub control within the remaining SINC. This request is duly noted, however, in view of the extant planning permission at the site, which means that the site can be developed as approved without any S106 contribution requests, it is not considered necessary in this instance to require a developer contribution in order to make the development acceptable in planning terms.

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The ecologist has recommended conditions in relation to reptile mitigation, Japanese knotweed eradication and a construction environmental management plan. These conditions are considered to be necessary in the interests of ensuring the development would not result in any significant ecological or environmental impacts.

The Council's Planning Ecologist considers the site is not sufficient close to Crymlyn Brook for any pollution produced during the construction phase to enter the watercourse, which flows into Crymlyn Bog. It is therefore concluded that there will be no likely significant effect on Crymlyn Bog Special Area of Conservation and Ramsar Site as a result of this development.

Five trees would be removed at the site to facilitate the proposed development. The application has been accompanied by an appropriate level of information to assess the quality of the trees and the impacts resulting from their loss. The Council's Tree Officer is satisfied that the removal of these trees would not result in any significant adverse impacts upon the local landscape.

The development, on balance, is therefore considered to be acceptable having regard to LDP Policies ER2, ER6, ER8, ER9, ER 11.

Land Contamination

The proximity of the site to the former Crymlyn Quarry landfill means that there is a potential risk of historic contamination at the site. In order to address this matter the application has been accompanied by a site investigation report and follow-up gas letter prepared by Terra Firma.

The report noted that all substances tested for were found to be present at concentrations below their respective human health threshold levels with no exceptions. No contaminants of concern were identified and no mitigation or remedial measures were recommended. Basic radon protection measures are considered to be necessary however.

The gas monitoring concluded that the site is classified as 'gas characteristic situation 2' (Table 8.5 of CIRIA Report C665) on the basis that carbon dioxide concentration exceeds 5%. Mitigation measures are therefore necessary as detailed within the report.

NRW and the Council's Pollution Control Officer have reviewed this information and have recommended a condition in relation to unforeseen contamination, should any be found during construction works. These requirements are considered to be necessary to ensure the development would not result in any significant environmental or human health impacts.

The pollution control officer has recommended conditions in relation to imported soils and aggregates. These conditions are not considered to be necessary as such matters are dealt with under separate legislation.

In view of the foregoing the development would accord with the provisions of UDP Policy EV38 and emerging LDP Policy RP5.

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Land Stability

The site investigation report includes the consideration of the risks posed to the development from former coal mine workings. The Coal Authority considers sufficient information has been provided to demonstrate that the application site is safe and stable from coal mining legacy. No mitigation measures are required.

On this basis the proposed development would be in accordance with UDP Policy EV39 and emerging LDP Policy RP6.

Drainage and Flooding

Concerns have been raised in a letter of objection that the site is prone to flooding. Reference to the TAN15 development advice maps indicates that the site is not within a flood zone. Notwithstanding this, the Council must be satisfied that satisfactory drainage provision is in place to prevent any future surface water flooding at the site or adjoining third party land.

The proposals would see foul water discharged to the mains foul water pipe and surface water would be discharged at an attenuated rate to the surface water sewer. The Council's drainage officer and DCWW have offered no objection to this approach subject to conditions requiring the submission of further detailed information and to restrict surface water flows to the mains sewer to no more than 5l/s.

On this basis the proposed development would be in accordance with UDP Policy EV33, EV35, EV36 and emerging LDP Policies EU4, RP3 and RP4.

Section 106 Financial Contributions

Education have requested a contribution of £31,116.00 towards Talcopa Primary School to support improving the capacity and £31,696.00 towards Cefn Hengoed Secondary School to support improving the capacity.

The proposed development would generate 3 English medium primary school pupils and 2 English medium secondary school pupils, in accordance with the calculations set out within the Planning Obligations SPG. Reference to the capacity figures for both schools demonstrates that the proposed development would not take these schools over their respective capacities, therefore, the requested financial contributions are not considered to be necessary to make development acceptable in planning terms.

The Parks Department have not requested a financial contribution in this instance.

In relation to affordable housing, as the development is for 5 or more dwellings under emerging LDP Policies there is a requirement for a minimum of 15% of the dwelling to be affordable for the lifetime of the development. The Council would, under normal circumstances, require such provision to be secured through and appropriate Section 106 agreement as required under the 'Planning Obligations' supplementary planning guidance document.

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However, due to the change in thresholds between the UDP Policy in relation to affordable housing (HC3) whereby only developments of 25 units or more in this location would require an appropriate affordable housing element, and the far lower threshold of 5 units under the emerging LDP together the tight timescales within which the development must be brought forward on the site, it is considered that extenuating circumstances exist in which to recommend that a condition rather than a S106 is required in order to ensure an appropriate element of affordable housing is provided for this development.

Other Matters

Matters raised in letters of objection relating to impacts upon the living conditions of neighbours, ecology, the loss of the informal path, traffic congestion, land contamination, impact on local schools and flooding have been dealt with above.

Concerns have been raised that the proposed development would result in a loss of property values in the area. Land value gain or loss near development sites is not a material planning consideration that carries significant weight. For the above reasons the development has been found to be in accordance with development plan policies as such the proposals would not result in any significant impacts that would be detrimental to the amenity of the area.

Concerns have been raised that the development would have a detrimental impact on local services such as doctors and dentists. As the development is relatively small in scale, this concern is afforded little weight on the basis that any increase in demand for such services would be non-material when considering the overall catchment size for such services.

Concerns have been raised in letters of objection regarding the potential noise and disruption during construction works. In response to this concerns, some additional noise and disruption near a construction site is inevitable, however, this can be effectively managed through good site management practices to ensure impacts upon existing residents are not significant. Any significant noise or nuisance resulting from construction work may be dealt with through environmental health legislation.

Conclusion

The proposed development would be a departure to the development plan on the basis that the northern portion of the site would be outside the settlement limits within the extant UDP and emerging LDP. The development of this portion of the site is considered to be acceptable on the basis that there is an extant planning permission which includes this area. Therefore the proposed development would constitute an acceptable departure to the development plan. The above report has considered the merits of the proposed development against the policies of the extant UDP and the emerging LDP and have found that the development would not fundamentally conflict with the Policies within both plans. Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act").

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In reaching this decision, the local planning authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act. For the above reasons the development is accordingly recommended for approval.

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: EW-01 F (External works layout), HF-01 F (House Finishes), SK03 P1 (Plot 1 cross sections), SS-01 C (Street scene & cross sections), TP-01 F (Site layout plan) received 31st January 2019. 1807-LP-01 (Site location plan), 1st November 2018. IR18037-SK01-P3 (Preliminary drainage layout), HT-01 (Plots 1, 2, 9, 10, 11 & 12), HT-02 (Plots 3&4), HT-03 (Plots 5, 6, 7 & 8), HT-04 (Plots 13, 14, 15 & 16), 1807/SHED/01 A (Timber shed), 1807-D02 (1800mm close board gate), 1807-D03 (900mm steel railings), 1807-D01 (1800mm close board fence), received 25th October 2018.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 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 in accordance with UDP Policies EV33, EV35 and emerging LDP Policies EU4 , RP3 and RP4.
- 4 Surface water flows from the development shall only communicate with the public surface water sewer through an attenuation device that discharges at a rate not exceeding 5 l/s.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with UDP Policy EV35 and emerging LDP Policies EU4, RP3 and RP4.

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- 5 No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.
Reason: Prevention of pollution to controlled waters and the wider environment in accordance with UDP Policies EV2, EV34 and emerging LDP Policy ER8, ER9, RP3.
- 6 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development together with an arboricultural method statement. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with UDP Policies EV1, EV2, EV30, HC2 and emerging LDP Policies PS2, ER9 and ER11.
- 7 Prior to the occupation of any dwelling hereby approved a scheme of highway and road safety improvements shall be submitted to and approved in writing by the local planning authority. The scheme shall include the following elements:
- a) Give way and centre line markings on Maes Y Dderwen and Lon Brynawel
 - b) Centre line markings fronting 61- 73
 - c) Bollards to protect pedestrian access to footpath
 - d) Footpath signs
 - e) Street nameplate Maes Y Dderwen
- The scheme shall be implemented prior to the occupation of any dwelling hereby approved and shall thereafter be retained in accordance with the approved details.
- Reason: In the interests of highway safety in accordance with UDP Policies EV1, HC2, AS2 and emerging LDP Policy T5.
- 8 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 in accordance with the approved details and timescales prior to the commencement of work on site.
Reason - In the interests of the ecology and amenity of the area

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- 9 The parking areas shall be provided in accordance with the approved plans prior to the occupation of any dwelling hereby approved and shall thereafter be retained in accordance with the approved details for parking only and for no other purpose.
Reason: To ensure satisfactory off street car parking provision in the interests of highway safety in accordance with UDP Policy AS6 and emerging LDP Policy T6.
- 10 The external surfaces of the development shall be in accordance with the details indicated on drawing no. HF-01 F (House Finishes).
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area in accordance with UDP Policies EV1, HC2 and LDP Policy PS2.
- 11 The means of enclosure for the site and individual plots shall be in accordance with the details indicated on drawing no. EW-01 F (External works layout).
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area in accordance with UDP Policies EV1, HC2 and LDP Policy PS2.
- 12 Notwithstanding the details indicated on the approved plans, prior to the installation of any external lighting a scheme of external lighting for the construction and operational phases of the development shall be submitted to and approved in writing by the local planning authority. The lighting scheme shall be implemented in accordance with the approved details and shall be retained as approved for the duration of the development.
Reason: To mitigate detrimental impacts to local wildlife within and surrounding the site in accordance with UDP Policy EV2 and emerging LDP Policies PS2, ER6, ER8, ER9.
- 13 Prior the occupation of any dwelling hereby approved the measures to mitigate land contamination at the site shall be implemented in accordance with the details specified in the Terra Firma Site Investigation Report dated September 2018.
Reason: to address the residual risks posed to the future occupiers from land contamination in accordance with UDP Policy EV34, EV38 and emerging LDP Policy RP3 and RP5.
- 14 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reasons: Given the apparent lack of information concerning the historic landfill site adjacent to the proposed development, it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters and human health if they are not remediated in accordance with UDP Policy EV34, EV38 and emerging LDP Policy RP3 and RP5.

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- 15 No development or site clearance shall commence until a reptile mitigation scheme has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved mitigation scheme.
Reason: In order to ensure protected species would not be adversely affected by the development in accordance with UDP Policies EV2 and emerging LDP Policy ER8 and ER9.
- 16 No development shall take place until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of any market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
 - v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- Reason: To ensure there is an appropriate proportion of affordable housing on the site in accordance with emerging LDP Policy H 3.

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: AS2 (Design and Layout), AS6 (Parking), EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV23 (Green Wedges), EV24 (Greenspace System), EV28 (Sites of Local Importance), EV30 (Trees), EV33 (Sewage Disposal), EV35 (Surface Water Run-off), EV38(Land Contamination), EV39 (Land Instability) and HC2 (Urban Infill Housing).

The following emerging Local Development Plan policies were relevant to the consideration of the application: CV2 (Development in the Countryside), PS2, SI5 (Protection of Open Space), ER2 (Strategic Green Infrastructure Network), ER6 (Designated Sites of Ecological Importance), ER8 (Habitats and Species), ER9 (Ecological Networks and Features of Importance for Biodiversity), ER11 (Trees, Hedgerows and Development), T2 (Active Travel), T5 (Design Principles for Transport Measures and Infrastructure), T6 (Parking), T7 (Public Rights of Way and Recreational Routes), EU4 (Public Utilities and New Development), RP1 (Safeguarding and Public Health and Natural Resources), RP3 (Water Pollution and the Protection of Water Resources), RP4 (Avoidance of Flood Risk), RP5 (Land Contamination) and RP6 (Land Instability).

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- 2 The applicant shall enter into a Section 278 Agreement with the Highway Authority to provide the new footway at the site and the proposed vehicular accesses into the plots.

The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email networkmanagement@swansea.gov.uk or telephone 01792 636091
 - 3 We would highlight that DCWW will need to agree to the connection and the rate of discharge to their apparatus.
 - 4 A legal diversion of the footpath will be necessary. You are advised to contact the Countryside Access Team Email: countrysideaccess@swansea.gov.uk or Tel: 01792 635230/635736.
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Application Number:

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UDP - EV33 - Sewage Disposal

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

UDP - EV34 - Protection of Controlled Waters

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - HC3 - Affordable Housing

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

UDP - HC17 - Planning Obligations

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

UDP - AS1 - New Development Proposals

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

UDP - AS2 - Design and Layout

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

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

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

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 - 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 - AS10 - Traffic Management and Highway Safety

Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

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

UDP - 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 - 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 - EV28 - Sites of Local Importance

Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (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)

Site History

App Number	Proposal	Status	Decision Date
2017/0986/FUL	Construction of 80 no. residential units with associated access and landscaping	S106	30.05.2018

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2018/1367/DOC	Discharge of condition 12 (trees) of planning permission 2017/0986/FUL granted 30th May 2018	APP	14.08.2018
2018/1460/DOC	Discharge of condition 14 (Japanese Knotweed Management Scheme) of planning permission 2017/0986/FUL granted 30th May 2018	APP	12.07.2018
2018/1479/DOC	Discharge of conditions 3 and 9 of planning permission 2017/0986/FUL granted 30th May 2018 (Construction Pollution Management Plan and European Protected Species Method Statement)	PDE	
2018/1579/DOC	Discharge of condition 5 (Surface water drainage details) of planning permission 2017/0986/FUL granted 30th May 2018	APP	21.12.2018
2018/1719/DOC	Discharge of conditions 10 (Written Scheme of Investigation) and 11 (Confirmation of Archaeologist for Watching Brief) of planning permission 2017/0986/FUL granted 30th May 2018	APP	15.08.2018
2018/1883/DOC	Discharge of condition 8 (Landscaping details) of planning permission 2017/0986/FUL granted 1st May 2018	APP	07.11.2018
2018/2072/DOC	Discharge of condition 18 (Gifted Land Maintenance Specifications and Plan showing land donated to Penllergaer Trust) of planning permission 2017/0986/FUL granted 30th May 2018	APP	07.11.2018

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2018/2191/DOC	Discharge of condition 4 of planning permission 2017/0986/FUL granted 30th May 2018 (Street Lighting Specifications Outdoor Lighting Report)	APP	14.01.2019
2018/2271/DOC	Discharge of condition 16 (details of the footpath link to the south of the site) of planning permission 2017/0986/FUL granted 1st May 2018	APP	21.11.2018
2018/2671/S73	Construction of 80 no. residential units with associated access and landscaping (removal of condition 9 (European Protected Species) of planning permission 2017/0986/FUL granted 30th May 2018)	PDE	
2019/0221/DOC	Discharge of condition 17 of planning permission 2017/0986/FUL granted 30th May 2018 (highways and footpaths)	PCO	
2016/1747	Demolition of former Civic Centre and ancillary buildings (application for the Prior Notification of Proposed Demolition)	PARE Q	30.09.2016

RESPONSE TO CONSULTATIONS

The application was advertised on site and in the Local Press. No response was received.

Natural Resources Wales - The following report has been submitted in support of the application to remove the condition for dormouse mitigation.

- o European Protected Species (Hazel Dormouse *Muscardinus avellanarius*) Survey Report S16.758 - Former Penllergaer Civic Centre, Swansea SA4 9GJ on behalf of Enzo's Homes' by Sazer Ecology dated October 2018.

We note the results of the dormouse survey and based on this information we have no objection to the removal of Condition 9.

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APPRAISAL

Background

This application is being reported to Planning Committee as it is a major development that exceeds the development threshold.

This is an application to remove Condition 9 of planning permission 2017/0986/FUL granted 30th May 2018. The planning permission allowed for the construction of 80 no. residential units with associated access and landscaping works. Section 73a of the Town & Country Planning Act 1990 (as amended) provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission (i.e. to vary or remove a condition) where development has already been carried out. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of this application.

The site is allocated for residential development within the Emerging Local Development Plan and the development is currently being progressed under planning permission 2017/0986/FUL. This permission remains extant.

Condition 9 of planning permission 2017/0986/FUL reads as follows:

The development hereby permitted shall be undertaken in accordance with the measures outlined in Sections E, F, G and H of the European Protected Species (Hazel Dormouse *Muscardinus avellanarius*) Method Statement (Amended April 2018) prepared by Dr Deborah Sazer. Full details of the area of new habitat to be created (as indicated in E.2.3) shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

Reason: To ensure dormice mitigation is provided in accordance with best practice during the course of the works.

Dormice are a European Protected Species (EPS) and legally protected under The Conservation of Habitats and Species Regulations 2010 (as amended). Legal protection relates to the animals themselves and the places they use to rest and breed.

During the course of determination of application 2017/0986/FUL, a Dormouse Method Statement was submitted with the application and agreed with NRW, on the presumption that the presence of Dormice has been established on site without the need for further survey work. Full planning permission was granted for the scheme on 30th May 2018. Dormice Surveys were recommenced in May 2018. The surveys were undertaken at monthly intervals from May to October 2018 which accords with the Dormouse Conservation Handbook threshold for sufficient survey effort. The conclusions of the surveys found that as no Dormice or Dormouse signs were found at any time during the survey, it can be assumed that Dormice are likely to be absent from the application site.

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Following these results, this application is now seeking the removal of Condition 9 on the grounds that it is no longer necessary. In support of the application, the following document has been submitted:

- o European Protected Species (Hazel Dormouse *Muscardinus avellanarius*) Survey Report by Sazer Ecology (October 2018).

Committee will be aware of the felling of trees covered by Tree Preservation Orders adjacent to this site. The trees in question are not on the application site and are subject of a separate investigation by the Council. Consequently, the felling of these trees can have no bearing on the determination of the current application which must be treated on its own merits.

Main Issues

Section 73a of the Town and Country Planning Act 1990 (as amended) provides that application may be made for planning permission for development already carried out without complying with conditions applied to a previous permission. Local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter/remove conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. In considering such an application a local planning authority may only consider the "question of the conditions". However, in terms of decision making a S73a application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

Emerging Local Development Plan

Planning Policy Wales (PPW) Edition 10 at para. 1.17 highlights that legislation states a presumption in favour of sustainable development in accordance with the extant, adopted 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 goes on to state that it is up-to-date development plans that form the basis of the planning system, since it is up to date Plans that set the context for rational and consistent decision making where they have been prepared in accordance with the latest national planning policies. A replacement LDP is what is anticipated by PPW and related guidance to be the appropriate review process for time expired Plans.

The Swansea UDP was 'time expired' on the 31st December 2016 and is soon to be replaced by the Swansea Local Development Plan (LDP). Adoption of the LDP is scheduled to be resolved by Members at a public meeting of Full Council on the 28th February. This follows the recent publication of the Inspectors' Final Report on the Examination into the LDP. The Inspectors' Report concludes that, subject to implementation of the binding changes set out within it, the Swansea LDP satisfies the requirements of the relevant legislation and meets the necessary tests of soundness. The Inspectors have confirmed that the Council has provided sufficient evidence to support the Plan, and that they consider the LDP policies and proposals will realistically be delivered.

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The Swansea LDP is clearly at such an advanced stage in the process, and there is now certainty regarding the Plan's content. Therefore, notwithstanding that the statutory starting point for decisions is the extant UDP (having regard to PPW and Section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired and the very advanced stage of the LDP it is appropriate in this case to determine the application having regard to the replacement development plan and national guidance, as well as the prevailing UDP.

In the case of this particular proposal, the following LDP policies are particularly relevant: PS2 - Placemaking and Place Management, H1 - Non Strategic Housing Sites, ER2 - Strategic Green Infrastructure, ER8 - Habitats and Species and ER11 - Trees Hedgerows and Development. The site is allocated in the Emerging LDP as a Non-Strategic Housing Site (Policy H1.26).

Given that the principle of development has previously been established and approved under City and County of Swansea Unitary Development Plan and emerging Local Development Plan Policies, the main issue for consideration is whether the removal of Condition 9 is acceptable. In this respect, NRW has been consulted on the proposed removal of this condition and based on the results of the dormouse survey, which found no evidence of the presence of dormice, no objection has been raised to the removal of Condition 9. It is considered therefore that the condition is no longer necessary and should therefore be removed.

As this is a new permission, it is considered expedient to update the previous conditions (where relevant), taking onto account those that have already been discharged.

Where details have previously been discharged and capable of implementation, the proposed conditions require compliance with those details. Where further details are necessary, conditions are recommended requiring the submission of such details. In addition a deed of variation would be required for the S106 agreement as this was attached to the previous planning permission. The terms of the S106 agreement are set out below but are not being amended.

- * Provision of 16 affordable housing units on site (25% of which at social rent and 75% at intermediate rent);
- * £253,568 contribution towards Pontarddulais Secondary School;
- * £3,000 contribution towards Toucan Crossing upgrade;
- * £65,000 contribution towards mitigation for loss of SINC;
- * £4,400 contribution towards ongoing management and monitoring fees (20% of application fee).

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations set out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure that an adequate sum is provided towards Education, provide affordable housing on site and to improve accessibility for pedestrians to/from the development.)

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- b) Directly related to the development: (the obligations of the Section 106 Agreement are directly related to the development. and
- c) Fairly and reasonably related in scale and kind to the development; (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure a contribution towards education, upgrade of the existing pedestrian crossing and the provision of affordable housing, SINC.)

The above contributions are still considered necessary, directly related and fairly and reasonably related in scale and kind to the development.

Conclusion

The proposal to remove the aforementioned Condition No. 9 regarding dormice, a European Protected Species, is considered acceptable when considering all material considerations. It is therefore concluded that the application should be approved subject to the following conditions and a deed of variation of the S106 agreement.

RECOMMENDATION

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

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

09 House Type 7 proposed plans & elevations
12 House Type 10 proposed plans & elevations
Received on the 4th May 2017

11 Rev A House Type 9 proposed plans & elevations
Received 17th May 2017

10 Rev B House Type 8 proposed plans & elevations
Received 23rd May 2017

03 Rev A House Type 1 proposed plans & elevations
15 House Type 13 proposed plans & elevations
LP-01 Rev A Site location plan
Received on 8th December 2017.

Material Specification Rev B
04 Rev D House Type 2 proposed plans & elevations
05 Rev D House Type 3 proposed plans & elevations
06 Rev C House Type 4 proposed plans & elevations
07 Rev B House Type 5 proposed plans & elevations
08 Rev C House Type 6 proposed plans & elevations
13 Rev A House Type 11 proposed plans & elevations
14 Rev B House Type 12 proposed plans & elevations
received on 21st March 2018

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01 Rev D proposed site layout and boundary treatment plan
Received on 19th April 2018

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

- 2 The development hereby permitted shall be undertaken in accordance with the Construction Pollution Management Plan, received 14th August 2018, submitted to discharge Condition 3 of planning permission 2017/0986/FUL, approved by the City & County of Swansea on 17th December 2018 (Ref: 2018/1479/DOC).
Reason: To protect residential amenity and the environment during the construction phase.
- 3 The external lighting for the development shall be completed in accordance with the details submitted to discharge condition 4 of planning permission 2017/0986/FUL, approved by the City & County of Swansea on 10th January 2019 (Ref: 2018/1479/DOC).
Reason: In the interests of pedestrian and highway safety and to minimise disturbance to wildlife.
- 4 The drainage details for the scheme shall be undertaken and completed in accordance with the details submitted to discharge condition 5 of planning permission 2017/0986/FUL that were approved by the City and County of Swansea on the 21st December 2018 (Ref: 2018/1579/DOC).
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment, trees and to minimise surface water run-off.
- 5 The development shall not discharge to the watercourse network at any rate greater than 103l/s as detailed in the Drainage Strategy Report Version 2, dated October 2017.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales), (or any order revoking or amending that order), Classes A, B, D, E and F of Schedule 2, part 1 shall not apply.
Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate.
- 7 Notwithstanding the details submitted to date (including the plan previously discharged under 2018/1883/DOC) within one month of the date of this permission a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting, and a Landscape Management Plan shall be submitted to the local planning authority. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The Landscape Management Plan shall detail all the measures for the long-term conservation and management of all retained trees, new trees and hedgerows on the site.

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All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the first house or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 8 The development hereby permitted shall be undertaken in accordance with the Written Scheme of Investigation (ref FS18-013 dated 2018) , prepared by Dyfed Archaeological Trust submitted to discharge conditions 10 and 11 of planning permission 2017/0986/FUL that was partially discharged by the City and County of Swansea on 14th August 2018 (Ref 2018/1719/DOC). A copy of the Final Report shall be submitted to the Local Planning Authority within two month of all of the archaeological fieldwork and recording work 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.

- 9 Notwithstanding the details submitted to date (including the plan previously discharged under Condition 12 of planning permission 2017/0986/FUL, Ref: 2018/1367/DOC) within one month of the date of this permission a scheme for tree protection shall be submitted to the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection plan.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity and to ensure no detriment to potential bat roosts.

- 10 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.

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

- 11 All works relating to the eradication of Japanese knotweed shall be undertaken in accordance with the details submitted to discharge Condition 14 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 10th July 2018 (Ref: 2018/1460/DOC).

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

- 12 The future management and maintenance of the proposed residential streets shall be undertaken in accordance with the approved management plan submitted to discharge condition 15 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 8th November 2018 (Ref: 2018/1852/DOC).

Reason: To ensure the roads are maintained to a satisfactory standard in the interests of highway safety.

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- 13 The details of the footpath link to the south of the site shall be undertaken in accordance with the details submitted to discharge condition 16 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 21st November 2018 (Ref: 2018/2271/DOC).
Reason: To ensure access and connectivity to the surrounding area is improved.
- 14 Prior to the first beneficial occupation of any dwelling hereby permitted, the highways and footpaths located within the residential development serving that dwelling shall be constructed to base course level and prior to the occupation of the final dwelling shall be laid out to an adoptable standard, in accordance with full engineering details which shall first be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the phasing of the highways and footpath construction. The development shall thereafter be completed in accordance with the approved details.
Reason: In the interests of highway safety.
- 15 The arrangements for the future management and maintenance of the footpath link to the south of the site, the area of open space around the observatory, area of open space linking the observatory to the adjacent Penllergaer Valley Woods and the foot/cycle paths located within these areas of open space shall be undertaken in accordance with the details submitted to discharge condition 18 of planning permission 2017/0986/FUL, approved by the City and County of Swansea on 1st November 2018 (Ref. 2018/2072/DOC). The footpaths and open space shall thereafter be maintained in accordance with the approved management and maintenance details for the lifetime of the development.
Reason: To ensure that the foot/cycle paths and areas of open space are maintained to a satisfactory standard to ensure the active travel links are available for the lifetime of the development and ensure the open space is maintained to an adequate standard.

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, EV28, EV30).
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.

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- 4 The Drainage Officer has advised that where the diverted culvert route will run through back gardens/private land those owners will become the riparian owner/s of the system and responsible for the management and monitoring of the structure in perpetuity. An easement must be clearly marked showing where no development can take place i.e. extensions, sheds, decking, planting etc. to allow for future access/maintenance/replacement. This must be included in the deeds of those properties.
- 5 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoption 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No habitable buildings should be constructed within a 15 m vicinity of the pumping station as to minimise any effects of noise and odour nuisance.

- 6 The applicant is advised to note the following:

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.

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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

7 Highway Informatives:

Note1 : Section 278 Works

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

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

Note 2: Retaining Wall Informative

Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height. Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.

8 Any waste materials that are generated on site (either resulting from construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website at: www.naturalresourceswales.gov.uk

9 Dwr Cymru Welsh Water have advised that the proposed development is crossed by a 20 inch and a 160mm trunk watermain, the approximate position being shown on the Statutory Public Sewer Record. Their position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.

Item 7 (Cont'd)

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It may be possible for this watermain to be diverted under Section 185 of the Water Industry Act 1991, the cost of which will be re-charged to the developer. The developer must consult Dwr Cymru Welsh Water before any development commences on site.

- 10 The applicant is advised to prepare and implement a Site Waste Management Plan to ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, reuse, recycling before considering other recovery or disposal option.
- 11 The Council's Highways Officer has recommended the implementation of a Construction Method Statement to be adhered to throughout the construction period. The statement should provide for:
- i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during demolition and construction; and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.
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