



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, 3 December 2019

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

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

Agenda

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Next Meeting: Tuesday, 7 January 2020 at 2.00 pm

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

Huw Evans
Head of Democratic Services
Wednesday, 27 November 2019

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the Planning Committee

Council Chamber - Guildhall, Swansea

Tuesday, 5 November 2019 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

P M Black
M H Jones
P B Smith

Councillor(s)

W Evans
M B Lewis
D W W Thomas

Councillor(s)

L S Gibbard
R D Lewis
T M White

Officer(s)

Gareth Borsden
Chris Healey
Amanda Pugh
Ryan Thomas
Krystyna Williams
Jonathan Wills

Democratic Services Officer
Area Team Leader
Senior Engineer
Planning Control Manager
Urban Design & Conservation Officer
Senior Lawyer

Apologies for Absence

Councillor(s): C Anderson and L J Tyler-Lloyd

32 Disclosures of Personal and Prejudicial Interests.

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

33 Minutes.

Resolved that the Minutes of the Planning Committee held on 1 October 2019 be approved and signed as a correct record.

34 Items for Deferral/Withdrawal.

Agenda Item 6 - Determination of Planning Applications under the Town & Country Planning Act 1990.

(Item 1) – Planning Application 2019/1905/FUL - Change of use of the ground floor estate agents (Class A2) into cafe/wine bar (Class A3) at 448 Gower Road, Killay, Swansea - Application withdrawn by the applicant.

35 Diversions and Creations of Footpaths and Bridleways - Community of Pennard.

The Head of Planning & City Regeneration presented a report which sought to adjust the legal routes of the paths across Pennard Burrows golf course to bring them in line with the routes that have been used by the public for at least the last 25 years.

The background details and information relating to the proposals were outlined in detail in the report.

One objection to the proposals had been received and this was detailed in the report.

The Chair indicated that the Local Member Councillor Lynda James was unable to attend the meeting but had had indicated to him that she was supportive of the proposals.

Resolved that the public path creation and extinguishment orders be made to move the legal routes of paths on to the used routes, and if objections are received, for the orders and objections to be submitted to the Planning Inspectorate.

36 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 application **Be Approved** subject to the conditions in the report:

#(Item 2) – Planning Application 2019/1307/S73 - Development of 61 dwellings with associated open space, landscaping, access arrangements, related infrastructure and engineering (Variation of Conditions 1 (Plans), 14 (Tree & Hedgerow Removal), 15 (Soft Landscaping), 16 (Landscaping Works), 18 (Hedgerow Management), 19 (External Surfaces) of planning permission 2019/0450/S73 granted 9th May 2019 to allow for hedgerow to be removed and replaced with suitable planting) at Land off Summerland Lane, Newton, Swansea

A visual presentation was provided.

Report updated as follows:

Late letter of correspondence from Mumbles Community Council reported.

Revised plan had also been received.

Amendments to the recommendation as follows:

Delete '399.01 Rev E – Planting Plan and Hedgerow Management, received 8 October 2019' from conditions 1, 14, 15, 16, 18 and 19 and replace with '399.01 REV E – Planting Plan and Hedgerow Management, received 4 November 2019'

Geraint John (agent) addressed the Committee.

37 2019/1906/106 - Land South of Glebe Road Modification of S106 Agreement.

The Head of Planning & City Regeneration presented a report which sought authorisation to amend the proposed requirements of the section 106 agreement of the town and country planning act 1990 (as amended) relating to the outline planning permission(2013/0617) granted for the residential development at the site.

The background issues and history relating to the application which was approved in October 2017 were outlined and detailed in the report.

The applicant has requested the inclusion of a Mortgagee in Possession (MIP) Clause pertaining to the social rented units referred to in the S106 agreement, as this provides Registered Social Landlords (RSL) with greater options to finance developments. The reasons behind the request were outlined.

The Chair indicated that the Local Member Councillor Robert Smith was unable to attend the meeting but had had indicated to him that he was supportive of the request.

Resolved that the modification of the S106 agreement (planning obligation) to provide a MIP clause for the affordable houses to be provided within the proposed development be authorised.

38 Approval of Mumbles Conservation Area Review Addendum for Public Stakeholder Consultation.

The Head of Planning & City Regeneration presented a report which provided an overview of the Mumbles conservation area review addendum and sought authorisation to undertake a further six weeks public and stakeholder consultation.

The details of the initial public consultation exercise undertaken in 2018 were outlined. The expansion of the conservation area to include the additional areas outlined on map contained in the report and the subsequent addition of the additional properties on the seafront proposed in the report had emerged from that consultation.

Resolved that

- 1) the Mumbles Conservation Area Review Addendum document be approved for public and stakeholder consultation;
- 2) a schedule of responses to the representations received be reported back to Planning Committee for consideration and final approval as Supplementary Planning Guidance.

The meeting ended at 2.26 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: 3rd December 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 Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

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

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



TWO STAGE VOTING

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

The first vote is taken on the officer recommendation.

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

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

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

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

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

Contents

Item	App. No.	Site Location	Officer Rec.
1	2019/2144/RES	Land West Of Gower View Road And North Of Brynafon Road, Penyrheol, Swansea Construction of 144 residential dwellings and associated works (Reserved Matters application following 2019/0911/S73 granted 13th September 2019 and outline 2005/2355 granted 23rd April 2010)	Approve
2	2019/0502/RES	Cwmrhydyceirw Quarry Co Ltd , Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6LL Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018)	Approve
3	2019/1342/FUL	2 The Bryn, Sketty, Swansea, SA2 8DD Demolition of existing dwelling and construction of 1 detached bungalow and 2 detached dwellings	Approve
4	2018/2692/FUL	Land At Upper Bank Pentrechwyth, Nantong Way, Pentrechwyth, Swansea Retention and completion of development for 107 residential dwellings and associated infrastructure	Approve
5	2018/2720/FUL	Land At Tyrisha Farm, Grovesend, Swansea, SA4 4WJ Demolition of the existing buildings on site and redevelopment of site to provide 60 residential units comprising 6 detached dwellings, 21 pairs of semi-detached dwellings and 12 flats in 3 x two storey blocks with associated access, parking, landscaping, pumping station and ancillary works	Approve
6	2018/2168/OUT	Land Off Felin Fran, Felin Fran, Birchgrove, Swansea, Construction of up to 20 dwellings, new access road and replacement bridge (outline)	Approve

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Item 1 (Cont'd)

Application Number:

2019/2144/RES

Background Information

Site History

App Number	Proposal	Status	Decision Date
2019/0911/S73	Residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road (outline) (Variation of conditions 1, 3 and 4 of planning permission 2005/2355 granted 23rd April 2010) to extend the time period for the submission of Reserved Matters on the remaining site area in accordance with the revised Design and Access Statement and Masterplan	S106	08.10.2019
2019/2144/RES	Construction of 144 residential dwellings and associated works (Reserved Matters application following 2019/0911/S73 granted 13th September 2019 and outline 2005/2355 granted 23rd April 2010)	PDE	
2012/1113	Residential development comprising 22 detached dwellings with detached garages, 2 pairs of semi-detached dwellings and 4 linked dwellings with additional off-street parking along Brynafon Road (details of the access, appearance, landscaping, layout and scale pursuant to outline permission 2005/2355 granted 23rd April 2010)	APP	28.11.2012

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Item 1 (Cont'd)	Application Number:	2019/2144/RES
2005/2355	Residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road (outline)	S106 23.04.2010

Background

This application is being reported to Planning Committee as the development exceeds the threshold for the number of dwellings.

A S73 application granting outline planning permission was granted for a residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road subject to conditions and a S106 agreement in October 2019. Members may recall that this application was reported to Committee in July 2019 and was accompanied by a site visit. The development has been granted funding as part of the Innovative Housing Programme from the Welsh Government (WG). 30 dwellings (ref: 2012/1113) had already been constructed pursuant to the original outline application granted in March 2010 (ref: 2005/2355).

For information, an application was also granted in outline for development of land to the north of the site in March 2014 (A01/0132) at the former Honeybee Nursery site. This has been developed pursuant to a Reserved Matters application (2014/1954) that was approved in March 2015. Both of these sites formed part of the Brynafon Road Design Statement and Masterplan.

The S73 application site has an area of approximately 7ha. Therefore the original proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 150 dwellings and 5 hectares. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application. It is not considered that circumstances have changed materially since the previous Screening Opinion that would warrant the reserved matters application to be screened again.

Following concerns from Officers, amended plans have been received to address the various issues raised.

Site Location

The application site excludes the 30 dwellings already constructed to the south of the site and lies to the north of Brynafon Road and to the west of Gower View Road on the edge of the settlement area of Penyrheol and Loughor. A substantial part of the site is used as agricultural grazing land with the site boundaries well defined by established hedgerows incorporating a number of mature trees. The land slopes from east to west providing for views over the Loughor estuary to the west.

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Item 1 (Cont'd)

Application Number:

2019/2144/RES

To the north, the site abuts the rear gardens of recently constructed residences built by Persimmon Homes on Heol Y Creyr Bach and Heol Y Pibydd. A small stream flows along the northern property line between the site and the adjacent dwellings. To the east, rear gardens of dwellings on Gower View Road and Fernhill Road abut the site, and include an informal access to a garage that runs along part of the eastern boundary.

A new access (Heol Y Creyr Bach) was created from Gower View Road to provide access to the Former Honeybee Nursery site to the north of the application site. This access runs through the site and would provide the northern access to the application site. An improved equipped play area has also been provided in close proximity to this access from S106 money from the development of these sites.

In addition, a new access has been created in the south to serve the development to the south (Min Yr Aber and Ffordd y Coegylfinir) from Brynafon Road. This development was laid out with future development in mind with two access points internally from the existing development.

Description of Development

This is a reserved matters application to consider access, appearance, landscaping, layout and scale for 144 dwellings. The S73 application sought permission for up to 165 dwellings on site but this number has reduced as the detailed design has progressed. The dwellings on site would comprise a mix of 1 bed flats and 2, 3 and 4 bedroom dwellings between 2 and 3 storeys in height. A community centre with 5 residential units above would be located towards the centre of the site with a central green area located at the rear. A block of 8 flats would be located on the southern side of the northern access into the site. The existing play area in the northern section of the site would be retained and the zip wire and picnic benches would be relocated to the opposite side of the play area as indicated in the recent masterplan.

Access to the site would be as indicated in the masterplan submitted with the S73 application with a northern access spur off Heol Y Creyr Bach and access from the south from Min Yr Aber and Ffordd y Coegylfinir. The dwellings would be constructed in a mix of timber cladding and lime render with reconstituted slate roofs. The dwellings will have a mixture of surface car parking, garage parking and undercroft parking. The block of flats would be predominantly lime render with timber detailing whilst the community building would be predominantly stone cladding at ground floor level and timber cladding at first floor level and above with external glazed balconies.

The applicant has submitted an updated Design and Access Statement explaining the design rationale that has been taken to update the DAS submitted with the S73 application the approved masterplan.

In addition, the application has been supported by an updated Arboricultural Impact Assessment and Parking Justification to evidence why a reduction in parking provision on site is acceptable.

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Item 1 (Cont'd)

Application Number:

2019/2144/RES

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

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

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

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

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

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

HC3: Development in the Welsh Language Sensitive Area – Proposals within the Language Sensitive Area (defined on the Proposals Map) will safeguard and promote the Welsh language throughout the County by complying with the Policy principles.

H1: Non-Strategic Housing Sites – land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

H3: Affordable Housing – sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

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

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

SI3: Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

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

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Item 1 (Cont'd)

Application Number:

2019/2144/RES

SI 6: Provision of New Open Space –Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

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

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

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

ER6: Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

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

ER9: Ecological Networks and Features of Importance for Biodiversity – development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network which enables the dispersal and functioning of protected and priority species.

ER11: Trees and Development - development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted.

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

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

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

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

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

EU2: Renewable and Low Carbon Energy Technology in New Development - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Residential developments on sites where there is capacity for 100 homes or more, and non-residential developments with a total floorspace of 1000 sq m or more, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

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

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

RP2: Noise Pollution - where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP3: Air or Light Pollution - where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on future occupants.

RP4: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

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

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

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Item 1 (Cont'd)

Application Number:

2019/2144/RES

Appendix 3 of the LDP provides for the following Allocated Site requirements and Informatives:

Site Ref & Name	H1.31 - Land off Brynafon Road and Gower View Road, Penyrheol	
SHPZ	GNW	
Education	Off-site financial contributions under s106 to existing Primary and Secondary schools in the catchment area, in accordance with Policy SI 3 Education.	
Green Infrastructure Network	Provide green infrastructure network throughout the site in accordance with Policy ER 2.	
Open Space	Provision of open space accordance with the FiT guidance set out in Six Acre Standard Document, Policy SI 6 Provision of New Open Space, Council's Open Space Assessment and Open Space Strategy.	
Biodiversity Measures and Environmental Enhancements	Biodiversity and environmental enhancements in accordance with relevant LDP Policies, which may include the requirement to submit and agree ecological management plans. (Policy ER 9: Ecological Networks and Features of Importance for Biodiversity, RP 1: Safeguarding Public Health and Natural Resources, RP 2: Noise Pollution, RP 3: Air and Light Pollution, RP 4: Water Pollution and the Protection of Water Resources). RP 6: Land Contamination, RP 7: Land Instability.	
Social Infrastructure	Provision in accordance with Policy SI 2.	
Transport	PROW: Connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: LC18 and LC96 Development Principles: • Highway access for development off Gower View Road and Ffordd y Coegyfinir. • Development to back onto existing dwellings on south and eastern boundaries.	
DCWW WWTW	Llanant WwtW:	Reinforcement works required.
	DCWW HMA Foul Water:	No
	DCWW HMA Clean Water:	No
	Compensatory Surface Water Removal:	No
Flood Risk	No	
Welsh Language Action Plan	Yes	
SINCS	No	
Other Informatives	Placemaking: Existing hedge boundaries to west and North to be retained and incorporated into public realm areas. Open Space: Existing equipped playground within site to be upgraded as part of the development with good pedestrian and cycle links to this.	

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Item 1 (Cont'd)

Application Number:

2019/2144/RES

Neighbour comments:

The development was advertised on site with five site notices (on Min Yr Aber, 3 on Gower View Road and Heol Y Creyr Bach) on 15th October 2019. Site notices advising of amended plans were put up on 22nd November 2019.

4 residents and a consultancy firm (representing residents at Min Yr Aber, Ffordd Y Coegylfinir & adjacent properties on Brynafon Road) have written in objecting to the development and raising the following points:

- * Query whether they will have access to back garden and garage at the rear of their property (53 Gower View Road)
- * Object to the houses being built right next to the park as there is not much grass space for children to keep them off the road
- * Plans show that Min Yr Aber is the main feeder road for this development – road is too narrow to support two way traffic especially big delivery lorries that are expected as part of any construction.
- * The road is only 5.7 metres at widest point and tapers to 5.3 metres – junction is neither suitable nor safe enough to carry extra traffic
- * There are cars parked on pavements due to increase in residents since our estate was finished so to add a much increased volume of traffic is dangerous
- * Existing plots on Ffordd Y Coegylfinir have suffered with severe drainage issues since their construction as a result of inadequate land drainage being installed on site – complaint was made in 2015 about the Local Authority's failure to execute their statutory duty under the Land Drainage Act.
- * These issues were engendered by the previous developer, contrary to the provisions of the Land Drainage Act, building over an existing watercourse and failing to make drainage provisions to accept the natural flows of water from the issues/springs to the east of the 2012/1113 development and or manage the flows of water through the development and discharge the water in a controlled manner from the development.
- * Plans for this development conflict with WG design to address drainage issues – no further progress to date
- * Plots 109 – 120 will be constructed on top of springs with issues along the Gwili Fault and Gorseinon Syncline
- * Plots 98, 107 and 108 may compromise WG proposals, whilst plots 111 to 117 will make the provisions identified by WG redundant thereby exacerbating the flooding and waterlogging rather than resolving matters
- * Concern over proximity of plot 108 to rear garden – all units should have a minimum rear garden length of 10.5m
- * Not satisfied with response to lack of highways infrastructure comments in S73 application – when will infrastructure issues be addressed.

Any additional comments will be reported verbally at planning committee.

Gorseinon Town Council: No objections.

Item 1 (Cont'd)

Application Number:

2019/2144/RES

Consultations:

Placemaking and Heritage:

“The scheme has been subject to a detailed and on-going process of negotiation since its submission culminating in the most current iteration for determination. Throughout this process the design team has worked collaboratively with the council to provide a scheme which is not only considered to be acceptable in design terms but which is strongly welcomed for pushing the boundaries of new approaches to highly sustainable living within a well-conceived, Placemaking led ethos as advocated under the latest national planning policy (PPW ed. 10).

The vision for this scheme is one which makes best use of its edge of settlement location, presenting a rural character with a focal community greenspace and community hub around which the blocks of house radiate out from in a manner similar to how many small villages would have grown outwards from a key building and central public space area. Further reinforcing this rural feel and character is the full integration of a SUDs approach which includes a number of planted swales, rainwater gardens and attenuation ponds to hold and convey water as well as significant areas of permeable paving for ground percolation. This more natural approach to surface water management therefore serves to both successfully control excess run-off as well as helping to visually soften and improve the highways and public space areas of the scheme. Additionally by holding the water above ground and managing this safely and successfully this provides a changing character to these areas depending on the weather conditions which helps to provide visual interest as well as a greater connection to nature for residents and visitors alike.

The natural and soft approach ethos also helps to ensure that the development provides not only accessible green public open space areas for residents and visitors, such as the long naturalised park area to the western site boundary, the play area to the north as well as the key focal green space at the heart of the scheme, but also provides for green infrastructure and biodiversity connectivity across all parts of the site in order to benefit local ecology.

In terms of the housing and community building these have a distinctly bold and contemporary character and appearance which provides for a high level of sustainability through high levels of insulation as well as low energy consumption throughout, whilst at the same time marrying this with the use of a locally contextual materials palette with these all being locally sourced as far as practicably possible. The range of different house types are arranged in a varied manner throughout the development which will give the scheme a level of visual interest, varied street characters and a townscape quality as can be found in many of the organically developed villages found throughout Wales.

In summary, this scheme is fully supported in design terms and presents an opportunity to develop a national exemplar of a people orientated, Placemaking approach to new housing in both Wales and further afield which sets the benchmark for subsequent proposals of this nature.”

Highways:

“This is a reserved matters application for part of the whole site granted outline permission under application 2005/2355, the other 2 parcels of the site having already been built out by Elan Homes and Barratt Homes.

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Item 1 (Cont'd)

Application Number:

2019/2144/RES

The principle of residential development being already established, Highway's comments will focus on the layout of the internal streets.

Some initial comments were provided, together with a request for more information, these have been incorporated into the emerging design.

Overall there is a distinct hierarchy of streets, more formal asphalt carriageways with footway provision on either side form the main route through the site, this then scales down in terms of width and formality further into the site forming a shared arrangement.

The majority of the site is served by 2m footways, the shared areas are designed with the intention of providing a low speed environment where pedestrians and cyclists are able to share space safely with motor vehicles, this approach is seen to have merit and is appropriate.

Initially swept path track plots were not included, these have been provided, and demonstrate the site accessible for service vehicles and car borne traffic, accessing and exiting perpendicular parking spaces.

Junction and forward visibility splays were questioned, these have now been provided by the applicant, together with details of some localised buildouts and are seen to be acceptable, the forward visibility splay can be achieved within the highway boundary.

Private driveways are appropriate in terms of width, and the longer shared drives namely 7B has been provided with a turning facility. Shared driveways are not generally suitable for adoption.

Parking has been provided at a reduced rate of 2 spaces per dwelling, given the types of tenures proposed and the submitted sustainability matrix this is acceptable, visitor parking has also been proposed.

The site is currently going through the SAB approvals process for sustainable drainage, this will inform some of the surfacing materials, it is thought an acceptable scheme in terms of highway adoption can be developed through the detailed design and approvals stages.

There is no Highway objection to the proposals subject to the conditions below:

1. Alterations to the existing public highway will be constructed via a Section 278 agreement with the Local Highway Authority.
2. Front boundary treatments being kept below 1m in height.
3. Prior to any works commencing on site a Construction Traffic Management Plan shall be submitted to and approved in writing by the LPA. The approved traffic management plan shall be adhered to at all times unless otherwise agreed by the LPA.
4. No development shall commence until full engineering, drainage, street lighting and construction details of the streets proposed for adoption have been submitted to and approved in writing by the LPA.
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 private management and Maintenance Company has been established]

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Note 1. All works on the existing highway are subject to an agreement under section 278 of the Highways Act 1980. All design and implementation will be at the expense of the developer.

Note 2. The applicant is advised that in order to discharge condition 2 the LPA requires a copy of the constitution and details of a Private Maintenance and Management Company confirming funding, management and maintenance regimes.

The applicant must contact the Highway Management Group, Swansea Council, Guildhall offices C/O Civic Centre, Swansea SA13SN before carrying out any work. Please email networkmanagement@swansea.gov.uk.”

Ecology:

Have been consulted on the proposal but no comments have been received to date. Any comments will be reported verbally at Planning Committee.

Trees:

Two significant areas of unprotected trees will be removed in the proposed layout. Most of which are category C (BS5837:2012) and should not be considered a constraint to development. The smaller of the two areas is categorised as B, and the tree planting proposed is in mitigation for this loss. As such there is no objection to the layout.

The proposed landscape has a suitable layout. However, the plans submitted fall short of the detailed plan required. Details of ground preparation, planting, staking, mulching guarding are required.

The species chosen also require some amendment. Whilst the willow species are suitable for the wet environment they are large growing species that will be a safety concern where they are close to pavements and roads. Consider use of alder. There are Acer campestre specified for roadside planting, Streetwise should be considered for these locations rather than the wider spreading native tree.

It is understood that the planting would allow foraging as the trees/plants mature. There are few trees (crab apple and pear) that have edible fruit included in the specification. Consider walnut, hazel, medlar, domestic apple, elder etc along the western boundary amenity space.”

Drainage:

“We have no objection to the proposed reserved matters application in principle and highlight that the site is now subject to requirements of Schedule 3 of the Flood and Water Management Act 2010 due to the grant of the Section 73 application September 2019.

The applicants have submitted and completed a SAB pre-app under 2019/0012/SPA on which the SAB has provided detailed comments, it is unclear whether these comments will impact on the appearance and/or layout of the development as the drainage design is still evolving, we would suggest that planning approval for this site is not given until a fully compliant SAB approval is likely to be forthcoming.”

Housing:

Have been consulted on the proposal but no comments have been received to date. Any comments will be reported verbally at Planning Committee.

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Parks:

“At this stage the Parks service have no further comment or observations to make on the attached planning application.”

Public Rights of Way:

“With regards to the abovementioned planning application, we like to raise some points.

We have some concerns about the proposed drainage as it is all pointed in the direction of registered footpath (LC18) and we wouldn't want any increase of water onto the path.

Also a link path from the development to the registered footpath has been proposed, this is a great idea but we would need to confirm that the developer and not the council would be responsible for the future maintenance of this link.”

Natural Resources Wales (NRW):

“We note the submission of the document entitled; ‘Arboricultural Report Including: Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement’, dated 17th September 2019, by ArbTS (Arboricultural Technical Services) Ltd.

Section 2.2.2 and Appendix 1 of the above report highlight the areas of tree loss necessary to facilitate the development. Although the report states that the majority of trees to be lost are of low quality (C - Category), there will be some losses of moderate quality trees (B – Category), which the report goes on to suggest could be mitigated for by suitable compensatory tree planting and practical woodland management.

However, no mention is made within the report of trees which contain ‘Potential Roosting Features’ (PRF's), which could be utilised by bats. We are aware that an assessment of the trees to be impacted by the development has already been carried out by Hawkeswood Ecology, in their report entitled; ‘Further Protected Species Surveys: Land at Gwynfaen Farm, Gorseinon’, dated June 2019.

Table 2 and Figure 1 of the ‘Further Protected Species Surveys’ document identifies those trees, with PRF's. Section 8 of the document then goes on to provide recommendations for the removal of those trees.

Therefore, we recommend that you seek the advice of your Authority's Planning Ecologist to ensure that they are satisfied the Arboricultural Method Statement aligns with the recommendations within Section 8 of the ‘Further Protected Species Surveys’ document, in relation to bats and tree felling.

Landscape Plan

We also note the submission of the series of drawings entitled; ‘Soft Landscaping Plan (Pages 1 -7)’, dated; 11 October 2019, by Environmental Dimension Partnership Ltd.

Again, we recommend that you consult your Authority's Planning Ecologist in relation to the above proposals, to ensure that they are satisfied with the plans, as laid down in the above drawings.

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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>).

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

Dwy Cymru Welsh Water (DCWW):

“We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of the drainage conditions imposed on the outline planning permission, and the subsequent applications to vary the conditions thereon, namely conditions 13, 14, & 18 of permission 2019/0911/S73:

13) No dwelling, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until a foul drainage scheme has been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme must ensure that the foul drainage from all individual dwellings is connected to the main foul public sewerage system.

Reason: To ensure that a satisfactory comprehensive means of foul drainage is achieved in order to prevent the hydraulic overloading of the public sewerage system.

14) No dwelling, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system.

Reason: To prevent pollution of the water environment.

18) No further dwellings, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until a potable water supply has been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any further dwelling. Thereafter, the approved scheme shall be constructed in full.

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

Police Designing Out Crime Officer:

“I am generally pleased with the site layout. All the parking on the development is within curtilage/overlooked.

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The level of parking on the development must comply with the City and County of Swansea's Parking Guide.

The only real concern I have in respect of the site layout is the lane that runs to the rear of plots 141-143. As this is an existing lane and provides access to the garages at the rear of Gower View Road it must remain. However, I would ask that the rear of the adjacent properties be protected by solid walls/fencing at least 2 metres high."

Additional design advice made regarding the following: lighting, boundary identification, landscaping and planting; side and rear boundaries; vehicle parking; garden sheds; bin stores; bicycle stores; security lighting; drainpipes; public utilities; blank walls; garages; door security; window security; intruder alarm system; identification of properties; access control and play areas/ green spaces. See full comments on application page.

APPRAISAL

This is a reserved matters application to consider access, appearance, landscaping, layout and scale for a residential development of 144 dwellings with associated public open space at Gower View Road / Brynafon Road. Outline permission has already been granted and the principle of the development is therefore considered acceptable. The permission required the application to be undertaken substantially in accordance with the submitted masterplan and this will be assessed further below.

Main Issues

The main issues to consider in the determination of this application relate to the placemaking approach adopted and compliance with the DAS, Concept Plan and Green Infrastructure Statement, ecology/ landscape considerations and impact on highway safety, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Placemaking Approach

Policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this. The S73 planning application for this site comprised a masterplan and detailed Design and Access Statement which set out the design approach to the site in a structured manner and the proposal was considered acceptable. The detailed design for the site follows on from this approach but had added more detail to the development which is considered further below using the criteria set out in the adopted Swansea Residential Design Guide.

As noted by the Placemaking and Heritage Officer, the scheme has been subject to a detailed and on-going process of negotiation since its submission culminating in the most current iteration for determination. Throughout this process the design team has worked collaboratively with the council to provide a scheme which is not only considered to be acceptable in design terms but which is strongly welcomed for pushing the boundaries of new approaches to highly sustainable living within a well-conceived, Placemaking led ethos as advocated under the latest national planning policy (PPW ed. 10).

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This assessment considers the key sections/ topics included in the adopted Design Guide:

1. Use
2. Structure
3. Form
4. Detail

1. Use

The proposed masterplan and illustrative layout submitted with the S73 application indicated approximately 165 units on site. The masterplan provided connections back in to the existing neighbourhood in both the north eastern corner and southern corner of the site which have both been retained in the detailed layout. The site layout provides for a neighbourhood linked to existing neighbourhoods both by vehicle and on foot and also provides a link to the adjacent PROW. Whilst 165 dwellings were originally envisaged, this number has reduced as part of the detailed design process which has had to incorporate SuDS on site and the proposed layout is considered acceptable in terms of dwelling numbers on site (144) and density.

The proposed layout includes a variety of dwelling types and tenures with 1, 2, 3 and 4 bed units proposed as well as a roughly equal split of tenures between social rented, intermediate (Low Cost Home Ownership) and market dwellings providing an excellent choice of housing options on the site. As indicated in the S73 application, a community facility would also be located in a central location which would benefit not only residents of the new development but residents of the surrounding community which further helps stitch this development into the existing neighbourhood. The community centre is located at the heart of the new site but is also within easy walking distance of the local community and routes to and from it are well overlooked.

2. Structure

The layout has worked with the natural features on the site and provides for stepped streets facing out towards the Loughor Estuary with views from the community centre and area of public open space behind this also afforded the same views. Whilst a band of trees would be lost as per the masterplan, there are still opportunities to provide replacement planting and provide links through the site for species which has been incorporated through the use of street trees and green spaces at various points in the development. Existing watercourses would be retained and utilised for surface water run off (subject to separate SAB approval). A green infrastructure assessment was submitted with the S73 application which has been incorporated into the development proposals and a mix of indigenous planting and foraging opportunities have been included in the proposed landscaping scheme. Given the various links through the site to the green skirt around the edge of the development and countryside beyond, there are good links to the natural environment within and adjacent to the site. The more natural approach to surface water management serves to both successfully control excess run-off as well as helping to visually soften and improve the highways and public space areas of the scheme. Additionally by holding the water above ground and managing this safely and successfully this provides a changing character to these areas depending on the weather conditions which helps to provide visual interest as well as a greater connection to nature for residents and visitors alike.

In terms of connections, there are a variety of vehicle routes through the site which have different characteristics and surfaces to aid legibility. The primary route would be served by a tarmac road leading from Min Yr Aber through to Gower View Road with pavements on either side. The section around the community centre would utilise block paving (to signify a change in environment and make it more pedestrian friendly) and tertiary roads would have permeable paving. The tertiary streets would have pavements on one side or would be shared surface streets. A footpath also leads around the edge of the site with links to the nearby PROW and access to the SuDS feature within the site. The layout would provide a range of interesting routes for pedestrians and encourage walking with various routes provided to the community centre. The site does have a few cul-de-sacs which predominantly serve private drives but these do not have footpaths linking them and are overlooked. The majority of the site has perimeter blocks which is welcomed.

The layout provides for a variety of public spaces within the development. The existing park would be retained and outlined in the approved masterplan, the zip wire would be relocated to the opposite side of the park. This has ensured that the facility would still be used in conjunction with the park but has enabled the access to be provided. Whilst one resident has commented that the green space should be retained, alternate green space would be provide for benches around the zip wire and further publicly accessible green space would lead around the outward facing skirt of the development which provides a further public space around the remainder of the site and the SuDS attenuation basin also provides an additional feature within the site. In addition, a green area of public open space is proposed to the rear of the community centre and a hard surfaced area is also proposed at the front with benches and landscaping. Trim trail/ exercise equipment would also be located at various points in the development to further encourage an active lifestyle. Additional planting is also proposed adjacent to the western site edge to mitigate for trees to be felled.

As noted above, the streets have a clear hierarchy and have been designed as places with active frontage and SuDS features incorporated in different manners to provide interest along the streetscene. Shared spaces have been provided in parts of the development. The layout provides for a high degree of overlooking and solid boundary walls in prominent locations in keeping with the remainder of the development.

3. Form

The manner in which buildings are positioned and joined should define and give character to the avenues, streets, lanes and spaces, plus respond to the valued elements of local character. The buildings themselves have been designed to be highly sustainable in terms of energy efficiency, materials and orientation. An adaptive model of house type design has been utilised at the site to optimise solar orientation for electricity generation via PV cells and for passive thermal gain in primary living spaces. This means that the majority of house types would have up to three variants to enable them to be plotted in various orientations on site and remain optimal in terms of electricity generation and passive solar gain. Variants adapt internal living room positions and window sizes to respond to southerly or northerly aspects. The roof orientation also varies from eaves fronted to gable fronted to respond to east-west orientations. House types can therefore be suitable for any site or orientation making them replicable and adaptable.

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This truly innovative approach is welcomed on the site and a positive feature that could result in replication on other sites going forward. The buildings have taken cues from existing local context and incorporated them into the design shown and provided for an interesting townscape with vistas closed with focal buildings/ terraces which ties in well with the different street types noted above. Whilst officers did raise concerns with regards to the relationship of certain dwellings to each other (due to different roof pitches predominantly) but also the rationale for certain dwellings in certain locations, these have been amended and are considered acceptable and improve the character of the site. The submitted sections show a high degree of contrast in the streetscene in terms of orientation and design which is positive, but connected by the use of materials throughout the site. Dwellings on key corners have windows on two elevations to provide an active frontage and natural surveillance. The community building is a feature building located at the heart of the site which provides visual interest in the development.

Officers did raise design concerns with regards to the relationship between certain dwellings due to orientation and form and the applicant has sought to address these where possible. Where this has not been possible, the applicant has clarified that this is to ensure optimum solar gain for the dwellings which is considered to be an acceptable balance to any streetscene concerns. As noted below, one dwelling was lost from plots 1-5 to ensure sufficient amenity for existing residents which has been replaced in the northern private cul-de-sac. The design of this cul-de-sac has suffered as a result as the original layout provided for a dwelling terminating the view from the main street whereas the amendments (to accommodate sufficient parking and turning) has resulted in a partial termination with the side elevation of a dwelling but additional planting has been included. Whilst this is clearly regrettable, the applicant has indicated that further dwellings cannot be lost and given it is not overly prominent is considered acceptable on balance.

In terms of community safety, there is a good degree of natural surveillance in the site layout. Three private cul-de-sacs are incorporated within the development but these routes are all well overlooked. The dwellings are predominantly located in close proximity to the pavement in the southern part of the site whilst dwellings with no pavement on front of the dwellings have slightly larger private amenity space and would therefore appear semi private. The public open spaces are all well overlooked with properties fronting on to them to further provide natural surveillance. In terms of privacy and amenity, all of the dwellings have private amenity space, the flats above the community building have private amenity space in the form of balconies and the block of flats has a rear communal shared space. The distances between dwellings within the site are considered acceptable given their relative orientation and some minor amendments have been suggested to improve the relationship to existing dwellings adjacent to the site. Design led solutions (such as blank elevations) have also been incorporated that avoid overlooking but also provide for adequate outlook for future occupiers of those dwellings. Whilst levels are an issue across the site, these have been factored into the distances between dwellings. The garden spaces are considered acceptable and provide for a range of sizes across the site but topography would impact on the usability of some areas. Notwithstanding this, suggestions were made to improve various gardens that were considered too small / unusable and these amendments have been incorporated into a revised layout.

With regards to parking, the applicant has indicated that the dwellings would not all comply with the relevant parking standards before an allowance for sustainability was made which is considered further below in the Highways section.

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Notwithstanding this, the parking proposed is indicated to be a mixture of places with parking predominantly at the sides of dwellings or within undercrofts to ensure that vehicle parking does not dominate the streetscene and relates well to the host dwelling. Some frontage parking is proposed for the flats and for the dwellings in the south eastern corner of the site but the latter would be well screened with new planting. No courtyard parking is proposed but provision is made on street in key places for visitors (near to the community centre, park and open space along the western edge of the development). No details of cycle parking has been indicated in the local centre or around key public spaces but a condition to this effect would be attached to any grant of consent.

4. Detail

Generally, the starting point should be to take cues from the architectural traditions of the locality, known as the design context. The applicant has taken cues from the existing local context and looked at the rural vernacular of Gower as indicated in the S73 Design and Access Statement and explained in the Design Statement submitted with this application. A palette of external finishing materials has been selected which are intrinsic to the character of the region; lime render, stone cladding, timber cladding and reconstituted slate roofs all fixed back to a locally sourced timber frame superstructure. The vision is for a contemporary interpretation of these materials. Part of the innovation also links to decarbonisation and health agendas - selecting products that have a lower CO2 impact and are breathable to promote healthier buildings internally. The homes have been designed with a fabric first approach. The carbon impacts related to the production of materials and construction stages of a building are significant, in some cases accounting for half of a new building's whole life carbon impacts. These carbon impacts have been tackled initially with conscious design and specification.

The rationale behind the materials is clearly explained in the supporting information and the materials and colours indicated (and mixed up throughout the development) are considered acceptable visually within the local context.

Whilst some of the dwelling types are unusual (long and narrow dwellings and dwellings with undercrofts), they have been designed to be energy efficient and respond to the site positively and the supporting information justifies their inclusion and the overall rationale is accepted. Concerns over roofscape have been resolved through amendments and the buildings relate positively to each other and the streetscene. The window detailing is acceptable and again helps to support the design/ energy approach adopted and the overall approach provides for a positive design of the development. Solar panels would be located on all south facing roofs to further provide energy efficiency and help generate electricity to serve the dwellings.

The Placemaking and Heritage Officer notes that the scheme has a very strong vision which makes best use of its edge of settlement location, presenting a rural character with a focal community greenspace and community hub around which the blocks of house radiate out from in a manner similar to how many small villages would have grown outwards from a key building and central public space area. Further reinforcing this rural feel and character is the full integration of a SUDs approach which includes a number of planted swales, rainwater gardens and attenuation ponds to hold and convey water as well as significant areas of permeable paving for ground percolation.

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In terms of the housing and community building, these have a distinctly bold and contemporary character and appearance which provides for a high level of sustainability through high levels of insulation as well as low energy consumption throughout, whilst at the same time marrying this with the use of a locally contextual materials palette with these all being locally sourced as far as practicably possible. The range of different house types are arranged in a varied manner throughout the development which would give the scheme a level of visual interest, varied street characters and a townscape quality as can be found in many of the organically developed villages found throughout Wales.

The proposed layout has adopted a structured placemaking assessment and it is considered that the proposed layout would create a robust basis for a new community that is healthy and cohesive with a strong sense of place, based upon walkable neighbourhoods with a distinct 'heart', with positively integrated green infrastructure throughout and strong connections to existing communities. The Placemaking and Heritage Officer fully supports the proposal in design terms as it presents an opportunity to develop a national exemplar of a people orientated, placemaking approach to new housing in both Wales and further afield which sets the benchmark for subsequent proposals of this nature.

The proposed parameters, layout and design are therefore considered acceptable.

Neighbouring/ Residential Amenity

RP2 and RP3 seek to protect residents from noise pollution and air and light pollution respectively.

The proposed residential use has already been considered acceptable and the relationship within the site has been considered in the placemaking section outlined above. In terms of the relationship with properties on the southern boundary (the site that has been developed already as part of the original outline permission), the dwellings would have a back-to-back distance of circa 25m which is considered acceptable. Concerns were raised in relation to the relationship of plots 107/108 to No. 11 Ffordd y Coegyffinir but this relationship has been amended to reduce the potential for overlooking of the rear garden and ensure that a minimum of 10.5m is provided to the rear boundary. On the opposite side of the street, a gable wall would side with the gable wall of the existing dwelling which is acceptable. Several dwellings back on to properties fronting on to Gower View Road but there are sufficient distances between properties and/ or a design led approach (no windows or windows on ground floor only) has been utilised to avoid overlooking of dwellings in close proximity. One dwelling has been reoriented (Plot 144) to avoid direct overlooking of the garden area given the close proximity to this property.

Officers were concerned with the original submission in terms of the relationship of Plots 1 to existing dwellings in the Llys Meredith development and also the relationship between Plot 4 and No. 95 Gower View Road (an "L" shaped bungalow with rear elevation facing Plot 4). As a result of this, Officers suggested removing one plot to enable Plots 4 and 5 to be relocated further away from the bungalow (now 12m) and enable the dwelling at Plot 1 to be relocated further away from the existing properties. This amendment has resulted in sufficient separation distances to be provided to ensure there is no significant detrimental impact on existing residential properties given the relationship between them and the existence of an existing tree in the rear garden of No.95.

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The relocated zip wire has been set off existing properties by 20m which is the recommended minimum set off espoused in Fields in Trust guidance and existing mature vegetation is also located between the property and the zip wire. It should also be noted that the existing play area is located closer to the property than the proposed zip wire and there is not considered to be a significant impact on residential amenity as a result of the new siting. The properties opposite are also located 20m away from the zip wire and amended play area (which would have a corner chamfered to enable this). The Parks department has discussed this with the applicant on site and is agreeable to the change. In addition, a new boundary fence would be installed behind the zip wire to ensure that the stream running along the site is separated from children using the park area in this location.

In light of the above, it is not considered that the proposal would have a detrimental impact on noise that would be significant enough to warrant a refusal on this basis and the proposals are considered acceptable in terms of their impact on surrounding properties.

Highway Safety/ Parking/ Movement

Policy T1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. Policy T2 promotes Active Travel, T5 provides further design principles and T6 relates to parking. Concerns have been raised by several residents about parking provision, increased traffic (including construction traffic and buses) on a narrow street and the resultant impact this would have on safety, especially for children.

As part of the original application, residents of Min Yr Aber and Ffordd y Coeglyfinir objected for various reasons to the southern access being utilised for access. A resident has again raised concern about the road width at the entrance to the site and the number of vehicles parking on the pavement means additional traffic cannot be accommodated. Firstly, the site entrance and roadway was designed to be 5.5m wide with 2m pavements on either side in anticipation of the future development of the site. This road width is considered acceptable to serve the development proposed. Secondly, a transport assessment was submitted with the S73 application that clarified that the development would not unacceptably impact on the highway network and the number of dwellings proposed has reduced since the S73 application was approved meaning there would be less traffic associated with the development than was previously envisaged. Thirdly, every application is required to consider its impact on the road network and mitigate as necessary and the mitigation was secured as part of the S73 application. Finally, road widths of 5.5m enable visitor vehicles to park on street without needing to park on the pavement and there are also dedicated visitor bays included within the site. The highways serving the development are therefore considered acceptable.

In terms of parking, the applicant has submitted a sustainability assessment indicating that there are sufficient facilities in close proximity to the site (including the post office, NISA store, off-license and takeaway restaurant). This would allow a reduction of 1 space per unit across the site. In addition, the applicant has sought to evidence that car ownership levels are closely linked to the tenure of properties and social rented units generally have lower level of car ownership than market dwellings which further supports this approach.

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Notwithstanding this, the applicant has indicated that the majority of dwellings would have parking provision that would accord with the parking standards before sustainability points are taken into consideration and all dwellings would accord with standards once the sustainability points are factored in. The Local Highways Authority has no objection to this and welcomes the inclusion of visitor parking within the development.

Within the site, a variety of different road treatments/ surfaces/ designs are included which are encouraged from a placemaking perspective but it is important that they are operate effectively from a highway safety standpoint. The Local Highways Authority originally raised concerns with some aspects of the proposal because the plans had not been suitably detailed to ensure the proposals are acceptable from a highway safety standpoint. However, the applicant has subsequently clarified their position and indicated the measures they are seeking to introduce to ensure the proposals operate in a safe manner and provided autotrack diagrams to show that vehicles can turn and use the various streets in the development/ access their private drives. As a result of the amended information, the Highways Authority has advised overall there is a distinct hierarchy of streets, more formal asphalt carriageways with footway provision on either side form the main route through the site, which then scales down in terms of width and formality further into the site forming a low speed, shared arrangement.

Junction and forward visibility splays were questioned but details of some localised buildouts has shown that the forward visibility splay can be achieved within the highway boundary. Private driveways are appropriate in terms of width, and the longer shared drives namely 7B has been provided with a turning facility. Shared driveways are not generally suitable for adoption.

The Local Highways Authority has advised that there is no highway objection to the proposals subject to conditions. However, some of these conditions were already covered as part of the S73 permission (CEMP, full engineering details and proposed arrangements for future management) and others are not considered necessary (such as front boundary walls over a metre as these would require permission in their own right in any event). The scheme does however propose two one way streets and it is considered necessary to attach a condition requiring details of Traffic Regulation Order to confirm this going forward.

The proposals are therefore considered acceptable in terms of their impact on highway safety.

Ecology/ Trees/ Landscape

Policy PS 2 references the strategic green infrastructure network which is supplemented by Policy ER 2 which seeks to protect and enhance green infrastructure. Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site.

The tree survey submitted with the S73 application indicates that there are 23 individual trees and 9 groups/ areas of trees located on the site, of which none are Category A trees, 20 are category B trees (moderate/ desirable for retention) with 11 category C trees (low / optional for retention) and 1 category U (poor / unsuitable for retention). The Council's Landscape Officer (Arboriculture) raised no objections at this stage as there was sufficient opportunity to provide replacement planting for the loss of the low quality trees. The applicant has submitted an Arboricultural Report including an Impact Assessment and a Tree Protection Plan.

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The Landscape Officer (Arboriculture) has raised no concerns with the principle of the scheme but requested greater detail in the landscaping scheme and has made some suggestions to change certain species to trees more conducive to their environment (adjacent to roads etc) and has made some suggestions to increase foraging opportunities as outlined in the application. Amendments have been received and the comments of the Landscape Officer will be reported verbally at Planning Committee.

As a result of comments received during the S73 application, the masterplan was amended to provide for additional tree planting along key routes to provide connectivity for species such as bats. This planting has been incorporated into the detailed site layout and is considered acceptable. The remainder of the issues raised at S73 application stage were addressed by condition. A site specific Habitat Regulation Assessment was undertaken by the Ecologist as part of the previous application indicating no adverse impact subject to conditions and it is not considered that there has been any substantive change since this was undertaken that would result in a different outcome of the HRA.

NRW do not object to the proposals but suggest that the Council's Ecologist considers whether the trees to be lost contain Potential Roosting Features. However, the S73 application contained a condition (22) requiring all works to trees to be undertaken in accordance with the recommendations section of the 'Further Protected Species Surveys: Land at Gwynfaen Farm, Gorseinon' document, dated June 2019 which would safeguard potential roosts in trees to be felled and ensure if roosts are found, works cease and the advice of NRW sought. NRW also suggest that the Ecologist's comments are sought with regards to the landscape plan. This substantially accords with the details included at outline stage to mitigate for tree loss and ensure connectivity across the site. The final landscaping plans have subsequently been amended in light of the Arboricultural Officer's comments and are considered acceptable in terms of their landscape impact and ecological function. A scheme of ecological enhancements was also required by condition of the recent planning permission and would need to be discharged separately.

The proposals are therefore considered to be acceptable in terms of their impact on ecology, trees and the landscape subject to the conditions referenced above.

Affordable Housing

Affordable housing provision was secured as part of the recent S73 application. The applicant has however outlined that more than the approved percentage of units would be developed for affordable housing which is positive given the requirement for affordable housing within Swansea. A layout indicating the proposed housing mix across the site has also been submitted which results in a variety of tenures being pepper potted across the site which accords with LDP policy seeking to provide for mixed, sustainable communities.

Education

A contribution was provided for education as part of the S73 application and was secured via S106. This issue is not considered further here but is included for clarity.

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Green Infrastructure

Policy ER 2 states that Green Infrastructure should be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall Green Infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional Green Infrastructure network.

The applicant submitted a Green Infrastructure Assessment with the S73 application which includes the central village green that would act as an informal open space with integrated SuDS function, incidental landscaping around the edge and within the site that provides greening, biodiversity benefits, shade and visual interest, a "Rainscape" street with integrated SuDS, perimeter park to provide semi natural greenspace and a buffer to the open countryside, SuDS attenuation area on the western boundary providing visual interest and opportunities for biodiversity enhancement and retained woodland protected and enhanced through improved management. This plan was informed by the SuDS strategy, the ecological appraisal and the tree surveys and is considered sufficient to ensure that green infrastructure would be provided and protected as part of the development.

These proposals have been incorporated into the submitted site layout and the proposals are considered acceptable in terms of their incorporation of green infrastructure.

Climate Change and Renewable/ Low Carbon Technology

Policy ER 1 seeks to mitigate the effects of climate change. RP 5 also seeks to avoid flood risk. In this instance, the site is not located within a flood area and the drainage strategy would adequately mitigate for flooding subject to detailed design. Policy EU 2 requires consideration of renewable and low carbon technologies.

Firstly, the drainage strategy includes SuDS features to an above ground attenuation feature along the western boundary of the site. The Council's Drainage Officer has raised no objections subject to detailed drainage design. No issues of flooding are raised.

The applicant also submitted a Draft Energy Statement outlining the measures to be taken with passive design and energy efficiency measures to provide the cornerstone to the energy demand and CO2 emission reduction. Air source heat pumps are proposed for the individual dwellings which could provide a 30% reduction in CO2 along with on-site renewable technologies such as Solar PV arrays. Overall, it is considered that the development could achieve up to 50% reduction in CO2 emissions beyond the Building Regulations baseline. This outlines the various design responses to these issues and is considered acceptable in terms of climate change resilience.

Drainage

Policies RP 3 and RP 4 relate to water pollution, the protection of water resources and the avoidance of flood risk. Policy EU 4 states that development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

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Residents have raised a number of issues with regards to the drainage problems already being experienced in Ffordd Y Coegylfinir and have stated that the proposals would contradict the approved WG plans (unimplemented) to rectify land drainage conditions for this development. Residents go on to state that several houses would be located on natural springs with issues along the Gwili Fault and Gorseinon Syncline. Building on the site would therefore exacerbate flooding and waterlogging to adjacent properties. Whilst these issues were not raised as part of the S73 application, the Council and the applicant are aware of drainage issues on site which impact on the residential development to the south. The PROW Officer is also concerned about surface water running onto the footpath adjacent to the site.

The application seeks to provide a series of swales and ponds to provide above ground storage and attenuation within the area of open space to the west (when required). At present, the majority of the site drains at a greenfield rate with the exception of the play area. The Council's Drainage Officer has advised that they have no objection to the proposals which would be subject to SAB approval (under Schedule 3, Flood and Water Management Act 2010) which is separate to the planning process. Whilst the Drainage Officer has suggested that consideration of the application is delayed until the SAB application has been determined, there is no reason not to determine the planning application at the current time. As the outline permission also required details of drainage to be agreed with the Local Planning Authority, condition 15 of the S73 permission also requires the details to be agreed but this would follow on from the SAB approval as that is the primary legislation regarding surface water drainage. This would need to ensure that the proposals do not impact on 3rd party land and the applicant is aware of existing drainage issues.

In terms of foul drainage, the proposal flows to Llannant WWTW. Dwr Cymru Welsh Water (DCWW) raised no objection as part of the S73 application subject to conditions which were attached to the consent. It is not considered that sufficient detail has been included to discharge the drainage conditions as part of this application which would be subject to further consideration as part of a discharge of condition application. For the avoidance of doubt, a condition to this effect would be attached to any permission. No new issues are raised as a result of this application.

Archaeology / Heritage

The previous application considered this in detail and confirmed that the proposal is considered to have no impact on heritage/ archaeology features within the site.

Welsh Language

The applicant submitted a Welsh Language Action Plan (WLAP) with the previous application and the recommendations of that were secured via condition. The applicant has subsequently submitted an updated WLAP which states that the measures identified and secured as part of the previous application are still fit for purpose.

Employment and Training Opportunities

Policy IO 2 seeks to provide training opportunities to maximise added benefits in line with the Council's Beyond Bricks and Mortar (BBM) policy.

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The applicant has indicated that Coastal and Pobl would include specific targeted recruitment and training clauses within the build contract which would specify that the contractor must provide certain numbers of paid and unpaid opportunities on the site, along with educational visits etc. This was secured by condition as part of the previous application.

Other Issues

One resident queried whether access would be retained to their back garden and garage at the rear of their property. The existing access lane would be retained and gardens secured with suitable fencing to ensure they are secure where they back on to this lane as requested by the Police Designing Out Crime Officer. The PROW Officer has queried who would be responsible for the maintenance of the public footpaths within the site and the applicant has confirmed at outline stage that they would be responsible for future maintenance of the open space within the site, excluding the formal play area. At outline stage, Members raised concerns about ensuring a fence is installed to separate the play area from the adjacent stream and this has been included on the plans.

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, ecology or highway safety.

RECOMMENDATION

APPROVE, subject to the following conditions;

- 1 The development shall be carried out in accordance with the following approved plans and documents:
ASHP & Battery External Store (Drawing No. 42400 Rev P19) received on 10th October 2019;
Highways Longitudinal Sections (Drawing No. 3349-WSP-DR-C-104 P04) received on 10th October 2019;
Site Sections Sheet 1 (Drawing No. 3349-WSP-DR-C-112 P02) received on 10th October 2019;
Site Sections Sheet 2 (Drawing No. 3349-WSP-DR-C-113 P02) received on 10th October 2019;
Site Sections Sheet 3 (Drawing No. 3349-WSP-DR-C-114 P02) received on 10th October 2019;
Site General Layout (Drawing No. 3349-WSP-DR-C-102 REV P09) received on 22nd November 2019;

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Highways General Arrangement Section 38 Plan (Drawing No. 3349-WSP-DR-C-105 REV P05) received on 22nd November 2019;
Detailed Layout (Drawing No. EDP4783_D033R) received on 22nd November 2019;
Coloured Detailed Layout (Drawing No. EDP4783_D034H) received on 22nd November 2019;
Housetype Mix (Drawing No. EDP4783_D035H) received on 22nd November 2019;
Hard Landscape Plan (Drawing No. EDP4783_D041H) received on 22nd November 2019;
Soft Landscape Plans (Sheets 1-8) (Drawing No. EDP4783_d036H) received on 22nd November 2019;
Street Elevations 01 (Drawing No. 152858-STL-XX-ZZ-DR-A-31000-PL-PL9) received on 22nd November 2019;
Street Elevations 02 (Drawing No. 152858-STL-XX-ZZ-DR-A-31002-PL-PL9) received on 22nd November 2019;
Street Elevations 03 (Drawing No. 152858-STL-XX-ZZ-DR-A-31003-PL-PL9) received on 22nd November 2019;
Street Elevations 04 (Drawing No. 152858-STL-XX-ZZ-DR-A-31004-PL-PL9) received on 22nd November 2019;
Gwynfaen House and Apartment Types DQR LTH PL09 Document prepared by Stride Treglown received on 22nd November 2019; and
Gwynfaen House Types Market PL9 prepared by Stride Treglown received on 22nd November 2019.

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

- 2 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, D or E or Part 2 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), the car parking spaces as indicated on Drawing No. xxxx dated xxxx shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be permanently retained as such and used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors for the parking of vehicles and for no other purpose.

Reason: To ensure adequate parking provision is provided and retained for each dwelling and to ensure that the parking spaces are not inhibited by permitted development.

- 3 Notwithstanding the provisions of Schedule 2, Part 1, Class F (a) of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), no hardstanding's shall be constructed/ provided forward of the principal elevation of the building line without the express permission of the Local Planning Authority.

Reason: In the interests of visual amenity to ensure landscaping is retained and ensure front gardens are not dominated by vehicle parking.

- 4 Prior to the first beneficial occupation of any of the dwellings hereby permitted, confirmation that a Traffic Regulation Order has been issued/ made to ensure that streets 5 and 6 are one-way shall be submitted to and approved in writing to the Local Planning Authority.

Reason: In the interests of highway safety to ensure the necessary highway improvements are undertaken.

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- 5 Notwithstanding the details submitted with the application, this permission does not include surface water details, foul drainage details, affordable housing layout (for the purpose of the S106 agreement) and boundary enclosure materials. These details will require a separate discharge of condition application(s) under the provisions of outline planning permission reference 2019/0911/S73 granted 13th September 2019.
Reason: For the avoidance of doubt as to the nature of the details hereby approved.
- 6 Prior to their installation on site, full details of all sheds indicated on the approved Detailed Layout shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
Reason: To ensure the approved details are acceptable in terms of their visual impact and impact on neighbouring amenity.
- 7 The works hereby approved shall be undertaken in full accordance with the Arboricultural Method Statement outlined in Section 3 of the Arboricultural Report prepared by ArbTS - Arboricultural Technician Services dated 17th September 2019 and Tree Protection Plan contained in Appendix 1 of that report.
Reason: To ensure existing trees to be retained are protected throughout the course of development.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, IO1, IO2, HC1, HC3, H1, H3, ER1, ER2, ER6, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU2, EU4, RP1, RP2, RP3, RP4, RP5 and RP8.
 - 2 For the avoidance of doubt, Condition 5 and 7 of planning permission 2019/0911/S73 should include details/ finishes of the retaining walls within the development both within the public domain and within private gardens.
 - 3 The applicant is reminded that this reserved matters permission should be read in conjunction with outline planning permission 2019/0911/S73 and the conditions contained therein.
-

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Application Number:

2019/0502/RES

Background Information

Site History

App Number	Proposal	Status	Decision Date
2018/1147/PRE	PRE APP for reserved matter application pursuant to outline 2014/0977 for appearance, landscaping, layout and scale for 310 dwellings, public open space and ancillary infrastructure	PCO	
2018/1873/RES	Construction of 28 dwellings, public open space and ancillary infrastructure (first phase reserved matters application pursuant to outline application 2014/0977 relating to appearance, landscaping, layout and scale)	APP	06.12.2018
2018/2019/DOC	Discharge of conditions 7 (presence of gases) and 18 (landfill gases and leachate) of planning permission 2014/0977 granted 11th January 2018	APP	23.05.2019
2018/2317/DOC	Discharge of conditions 5 (A programme for the phasing of the development along with a phasing plan), 9 (The Environmental Management Plan) and 13 (Scheme and method statement for tree protection) of planning permission 2014/0977 granted 11th January 2018	APP	09.04.2019

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2019/0219/DOC	Discharge of condition 8 (drainage) of planning permission 2014/0977 granted on appeal 11th January 2018	APP 12.06.2019
2019/0220/DOC	Discharge of conditions 10 (confirmation from Natural Resources Wales that an application has been submitted for the definitive closure of site) and 11 (Construction Management Statement) of planning permission 2014/0977/FUL granted on appeal 11th January 2018	APP 10.06.2019
2019/0502/RES	Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018)	PDE
2019/1041/SCO	SCOPING OPINION for a new community hub and gym buildings	REC
2019/1042/SCR	SCREENING OPINION for a new community hub and gym buildings	EIANR Q 05.07.2019
2019/1473/TPO	Removal of trees that are not suitable for retention, treatment of Japanese Knotweed, further survey work, preparation of groundwork and future development (TPO 654)	APP 08.08.2019

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2019/1916/TPO	Removal of the areas identified in red on Plan 1 and 2 of self populated whips and trees covered by TPO 654	APP 24.09.2019
2019/2236/RES	Provision of open space and ancillary infrastructure within former quarry basin (details of appearance, landscaping, layout and scale pursuant to outline application 2014/0977 granted 11th January 2018)	PCO
2019/2309/FUL	Construction of community hub in connection with the wider development approved under application ref. 2014/0977 for the cessation of landfill and other operations for development of circa 300 dwellings, public open space, associated highway and ancillary work	PCO
2014/0977	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)	REF 15.06.2016
2003/0394	Siting of two detached portacabins and portable toilet block	WDN 11.11.2003

Background

This is a reserved matters application in respect of the development of the former Cwmrhydyceirw quarry for housing. Outline planning permission was granted on appeal by the Welsh Ministers in January 2018 under planning ref: 2014/0977 for the following development:

"Proposed Cessation of Landfill and other Operations Enabled by Residential Development Circa 300 Dwellings, Public Open Space, Associated Highway and Ancillary Works (Outline)"

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This application constitutes phase 2 of the development with phase 1, comprising of 28 dwellings, public open space and ancillary works, being approved in December 2018 under planning ref: 2018/1873/RES. Phase 1 has commenced on site.

Site Location

The application site is located on the northern and eastern side of the quarry basin. To the north of the site are existing residential properties on Enfield Close and Maes Y Gwernen Road. To the east are existing properties on Cwmrhydyceirw Road. Beyond the southern and western boundaries are the residual areas of the wider development site.

The land the subject of this application was previously made up of amenity grassland with areas of mature trees. There are also a number of hardstanding areas in the eastern portion of the site.

A number of the trees have already been removed in order to facilitate the proposed development and these works have previously been the subject of discussions with the Council's tree officer.

Description of Development

Phase 2 will develop the residual areas of paddock/fields beyond the northern edge of the quarry face together with some hardstanding areas in the eastern portion of the site associated with the former concrete works.

The proposal includes a total of 121 two storey dwellings located around a proposed central spine street that would connect to existing streets on Enfield Close and Maes Y Gwernen Road. The site will connect to phase 1 via a pedestrian only link.

Areas of open spaces are proposed in the south western part of the site, a central play space is proposed together with a tree lined avenue leading to Maes Y Gwernen Road that would benefit from views looking out towards the quarry basin.

Phase 2 includes 15 affordable housing units which is the balance to be provided on the entire site.

The application has been accompanied by a statement from the applicant which seeks to demonstrate that the proposal would comply with the Environmental Statement (ES) submitted with the outline planning application. The site for phase 2 falls within the development parcels identified within the ES and the development would fall within the scale parameters specified within the ES. It is not considered that the proposal would raise any new ecological or landfill impacts which have not already been considered at the Outline Planning stage. Therefore, it is not considered necessary in this instance for this application to be accompanied by an updated ES.

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Application Number:

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Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

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

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

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

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

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

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

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.

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.

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

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

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

T 2 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.

T 5 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.

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

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.

RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

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RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

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

- Places to Live - A Residential Design Guide
- City and County of Swansea Parking Standards
- The Protection of Trees on Development Sites

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. The SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: they are fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

Consultations:

Highways:

The outline consent has been granted at appeal so the principle of residential has been established. There is a section 106 Agreement in connection with the outline consent and that is unaffected by this proposed layout.

The layout provides for 5.5m carriageways throughout the main spine street with 2m footways either side, this narrows to 4.8m within the 3 cul-de-sacs, as mentioned in previous comments there were concerns regarding swept paths and pedestrian provision, these have been satisfactorily addressed.

The revised layouts provide for 2m footways on one side of the carriageway, and 1m on the other, this provides a continuous segregated pedestrian route and I am content with this arrangement. Swept paths have been provided which demonstrate the North Eastern and North Western cul-de-sacs can be adequately serviced, the wider footway also provides sufficient manoeuvring space to access the perpendicular driveways.

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The South Eastern Cul-de Sac has been amended on the swept path layouts 131130_AT_A14 to show a revised turning head arrangement and 2m footway to the Southern side, the analysis shows that this can be accessed and egressed in a forward gear, and as such is now acceptable. This is not shown on the overall site layout, as such, a condition will be required to prevent any of the properties served from the South Eastern cul-de-sac being occupied until a 2m footway has been provided in accordance with details to be submitted for approval.

Highways would recommend no objection to the proposals subject to the following conditions:

1. No dwelling served from the South Eastern Cul-de-Sac, namely plot numbers 147,148 or 149 shall be occupied until a 2m wide footway has been provided along the Southern Carriageway edge in accordance with details to be submitted for approval.

The usual conditions regarding adoption and maintenance, CTMP, etc are included in the outline consent.

Placemaking and Heritage:

In summary, a number of the previously raised points have been addressed by the revised layout. The scheme is moving in the right direction, that said some further consideration is required to area 3 (plots 136, 141-147) as well as some minor amendments in other areas also to refine the scheme and ensure the high quality approach to the development is maintained.

Conclusion - Negotiate - some layout amendments to one area (and refinements to other areas) as well as additional information required as set out in the body of this report.

Drainage:

The information is now acceptable.

Parks:

On the basis of what is proposed Parks have no objection to the proposal, subject to the submission of a scheme at a later date to include a satisfactory LEAP.

Housing:

The Housing Service accepts the proposed unit sizes and siting of the affordable housing.

The affordable housing must be built to DQR standards. The affordable housing should not be obviously segregated through layout or design. The affordable units will be transferred to either Council/RSL to be determined/negotiated.

This site falls within the Morrision Ward which is Band 3 Acceptable Cost Guidance.

Landscaping:

No objection.

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Trees to be retained tally with pre-app discussions.

Landscape proposals need to compensate for loss of existing trees. The provided scheme is an overview and detail will be required about size, species, type of stock etc.

Ecology:

A method statement for treatment of INNS was required to be submitted to the LPA for approval.

Bird and bat boxes (or bricks) - we require an architectural drawing to show the proposed locations of these on buildings and trees (highlighting the types of boxes and numbers of them).

The planting schedule and landscaping plan require more details in terms of the location of mitigation areas being planted, and the types of native species of local/Welsh provenance (and their aftercare). We request that areas of wildflower meadows and bee-friendly planting are created.

Pollution Control:

No objection to this application as long as the conditions specified in application 2014/0977 and the requirements for the Environmental Permit Surrender Process are adhered to and approved by Natural Resources Wales relating to historic contamination at the site.

NRW:

We offer no objection to the proposed second phase of the above development subject to the discharge of all relevant conditions of outline planning permission 2014/0977.

South Wales Police Designing Out Crime Officer:

I am generally pleased with the new site layout. However in order to overlook the rear parking bays I would ask for consideration to be given for railings to be installed at the rear of plots 56-58 to increase the surveillance of the parking bays for plots 55 -58. Currently these parking bays are only overlooked by plot 55.

In respect of the rear parking for plots 66 -70, I would ask for a rear window in plot 67 to overlook these parking bays and in respect of the parking for plots 103, 104 and 136 a rear window in plot 136 to overlook these.

In relation to the parking for plots 137-141 a window in 141 should overlook these bays. Parking bays should be overlooked by windows that are located in rooms that are usually occupied.

In respect of the path that runs between plots 138 and 140, the gate preventing this being a walk through must be lockable with a key, at least 1.8 metres in height and of solid construction.

Dwr Cymru Welsh Water:

We can confirm that DCWW has been previously informed of the proposed development and responded by way of our formal pre-application consultation service.

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In reference to our original consultation (Ref: PLA0007625), and our response to pre-application consultation, we can advise that foul flows only from the proposed development can be accommodated within the public sewerage system. As part of the application we acknowledge receipt of a 'Proposed Drainage Plan' (Drawing No. 13169-P2-102 Rev C) and 'Drainage Technical Note' (Ref: 13169.TN03) which confirms proposals to discharge foul water to the public sewer and surface water flows to an existing lagoon via Sustainable Drainage Systems (SuDS). Therefore, in respect of this application for approval of reserved matters and effectively discharge of condition 8 on phase 2, we offer no objection to the proposed development for construction of 125 dwellings.

Coal Authority:

The Coal Authority raised no objections to outline planning application 2014/0977 on the basis that the applicant's supporting Environmental Statement was able to conclude that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. As such, the Coal Authority wishes to raise no objection to this reserved matters submission.

Neighbour comments:

The application was initially advertised in the press and by site notices. Forty eight neighbours were consulted. Six letters of objection have been received, which may be summarised as follows:

1. Concerns the proposed levels at the site in relation to the dwellings and gardens on Cwmrhydyceirw Road, together with the boundary treatments proposed, will result in runoff into the gardens of existing properties and land.
2. Concerns that the lane adjacent to No. 69 and 73 Cwmrhydyceirw Road does not belong to the applicant and should not be used for pedestrian access to the development.
3. Concerns regarding the impacts of the development on local wildlife including the impacts on foxes, bats and hedgehogs.
4. Concerns the development will result in overbearing, overlooking and loss of light impacts upon the occupiers of existing residential properties on Enfield Close.
5. Concerns the development would not be in keeping with the bungalows on Enfield Close.
6. Concerns regarding environmental impacts from construction traffic and pollution arising from the construction of the development.
7. Concerns regarding the location of the construction compound adjacent to properties on Enfield Close.

Following the submission of amended plans a focused re-consultation exercise was undertaken with. Letters were sent to four properties affected by the proposed changes. No further consultation responses were received.

Main Issues

The main issues to consider in the determination of this application relate to the impacts of the development upon the character and appearance of the area, the impacts upon the residential amenity of existing and future occupiers, the impacts upon highway safety, ecology, drainage, land contamination and land stability having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The principle of the development has been established by the appeal decision which granted outline planning permission. This application will therefore consider the acceptability or otherwise of the details submitted for the approval of reserved matters in respect of appearance, landscaping, layout and scale of the development within phase 2.

Character and Appearance

The proposed layout reflects the broad principles set out within the masterplan at the outline planning stage with vehicular access points off Enfield Close and the principle access being a tree lined avenue off Maes Y Gwernen Road.

The layout of the streets has a logical structure with several small cul-de-sacs branching off the main east-west spine street that will connect onto further phases to the east and west of the quarry basin. There is a good level of connectivity between the site and the surrounding streets which helps to assimilate the development into the existing pattern of development. The design approach is strengthened by having the majority of dwellings fronting onto the street, particularly along the spine street and tree lined avenue.

A central theme within the masterplan at outline stage was for the development to face out towards the quarry basin, thus taking advantage of the impressive views over the former quarry. The proposed layout reflects these principles with a circular pedestrian route running around the northern and western edges of the basin connecting to areas of informal open space. A small open space/equipped play area is also indicated within this phase and it is recommended that the provision of this play area is secured by a condition to ensure this facility is provided in a timely manner.

14 No. plots would face directly out onto the circular quarry path, thereby benefiting from the impressive open aspect whilst providing good surveillance of the circular path. This has inevitably resulted in a number of rear parking courts accessed off the main spine road. Following concerns from both the Placemaking officer and the South Wales Police Design Out Crime officer, the design of these parking courts has been amended and further windows have been provided in dwellings adjacent to these areas in order to provide enhanced natural surveillance and to deter crime.

Concerns have been raised that the proposed development would not be in keeping with the bungalows adjacent to the site on Enfield Close. In response to this concern, the illustrative masterplan and associated scale parameters provided at the outline stage indicated the provision of 2 and 3 storey dwellings within the phase 2 area. This is reflected in the scheme now proposed which will provide, in the main, two storey dwellings with a 2.5 storey 'room in the roof' house type proposed at a key vista on the western part of the site, within the tree lined avenue and overlooking the quarry basin in the eastern part of the site. This approach is considered to be acceptable and provides some variety within the street scene. Further variety is provided by the use of a total of 12 house types with generally traditional pitched roof forms, oversized glazing and flat roof entrance canopies. The dwellings would have a contemporary aesthetic and this would be emphasised by the use of weatherboarding as a facing materials for dwellings on key frontages around the spine street. The remainder of the dwellings within this phase would be faced in brick or render and this would reflect the external materials on existing dwellings within the context of the site.

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Boundary treatments have been indicated within the submission and these comprise a mix of timber fencing to side and rear boundaries with brick walls in prominent and key areas. Railings of 1.2m in height are proposed around the top of the quarry basin with stock proof fencing at a lower level. The proposed boundary treatments are considered to be satisfactory.

The plans have been amended to address the majority of the concerns raised by the Placemaking officer, however, the Placemaking officer has raised concerns regarding the frontage parking for plots 144 - 147. These concerns are noted, and whilst this approach is not ideal the vast majority of parking has been incorporated in side drives and parking courts, therefore, on this limited number of plots, the proposed run of frontage parking is considered to be acceptable.

In summary, the overall layout and design approach reflects the principles set out within the masterplan at outline stage. The layout responds positively to the sites constraints and opportunities and accords with the principles of good design. On this basis it is considered that the proposed development would accord with LDP Policy PS2 and would accord with the guidance contained within the SPG document 'Places to Live - A Residential Design Guide'.

Residential Amenity

The proposed dwellings adjacent to the properties on Enfield Close will take place on a relatively flat plateau with levels dropping inwards towards the basin. In the eastern portion of the site the levels drop quite significantly from west to east.

In accordance with the requirements of the outline planning permission, this application has been accompanied by existing and proposed levels information. Concerns have been raised by existing occupiers on Enfield Close that the development would result in unacceptable overbearing, overlooking and loss of light impacts upon existing residents.

There are instances of back to side relationships with properties on Enfield Close, however, the majority of relationships are back to back between existing and proposed properties in this area.

Where back to side relationships are indicated, separation distances of approximately 15 or more would be provided throughout the site and this would accord with the advice within the Council's design guide SPG, which requires a minimum separation distance of 15 metres to be maintained between existing and proposed dwellings in a back to side scenario and a minimum of 21m in a back to back scenario.

The floor levels of the proposed dwellings adjacent to properties on Enfield Close would be consistent with the existing levels of the ground within the site adjacent to the back gardens of existing properties, therefore, the slab levels of the proposed dwellings would be broadly consistent with the slab levels of existing properties on Enfield Close.

The design guide SPG advises that a 10m separation distance should be maintained where a two storey property with habitable room windows at first floor level would back onto a neighbours garden boundary. In this respect a minimum separation distance of 10m would be maintained to the garden boundaries of existing properties throughout Phase 2.

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It is clear that this development will result in a considerable change to the outlook at the rear of properties on Enfield Close, however, given the separation distances proposed between existing and proposed properties, it is not considered that the proposed development would result in any significant adverse overbearing, overshadowing or overlooking impacts upon the living conditions of the occupiers of existing properties on Enfield Close.

Similarly the separation distances to existing properties on Maes Y Gwernen Road would be in excess of the minimum separation distances specified within the design guide SPG and on this basis it is not considered that the development would result in any significant impacts upon the living conditions of the occupiers of existing properties on Maes Y Gwernen Road.

The development site is approximately 3-4m higher than the ground levels of properties on Cwmrhydyceirw Road and the slab levels of the proposed dwellings would be raised by approximately a further 0.5-1m above these levels. Notwithstanding this, the properties on Cwmrhydyceirw Road benefit from extensive rear gardens measuring some 30-40m in depth, as such, despite the higher levels of the proposed dwellings relative to existing properties, it is not considered that the proposed development would result in any significant overbearing overshadowing or overlooking impact upon the occupiers of existing properties on Cwmrhydyceirw Road.

Turning to the relationships between proposed dwellings within the site, satisfactory back to back and back to side separation distances are maintained throughout the development in accordance with the design guide SPG. There are instances where there are significant levels differences between adjacent plots which, in accordance with the design guide would necessitate an increase in separation distances, however, the design guide does acknowledge in such situations planting or design solutions can be used to mitigate any significant impacts. A cross section has been submitted showing the provision of higher fencing (2.4m) between the affected plots (85-88 and 98-101) and screening vegetation. This mitigation is considered to be acceptable and can be secured by a planning condition.

There are a handful of instances through the site where usable private garden areas are below the minimum standard set out within the design guide SPG, however, the vast majority of plots accord with the minimum standard set out within the SPG and a number of plots exceed the minimum space standards. On this basis it is considered the private amenity space provision throughout the site is acceptable.

Overall, it is considered that the design of the development would not result in any significant impacts upon the living conditions of existing residents adjacent to the site or the living conditions of the future occupiers of the development. The development would not, therefore, conflict with LDP Policy PS2 or the advice within the design guide SPG.

Access and Highway Safety

A main spine street is proposed through the site running from Enfield Close forming a looping road around the quarry basin. This street measures 5.5m in width with 2m footways either side. The loop road links up to the tree lined street that connects to the existing highway on Maes Y Gwernen Road. These main routes through the site include localised narrowing resulting from street trees, which adds interest within the street scene. There are three cul-de-sacs proposed where the street hierarchy changes and the road narrows down to 4.8m.

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Following concerns from Highways these areas have been re-designed to include a 2m footway to facilitate pedestrian movement through these areas. Within the southernmost cul-de-sac the provision of a 2m footway will need to be agreed by a condition as this element will be included within a later phase.

This phase of the site is within a sustainable location being close to schools, shops and Morriston hospital. On this basis parking provision within the site is considered to be acceptable when considered against adopted parking standards with all dwellings benefiting from two or three parking spaces. In this respect it is considered that the development would comply with LDP Policies T2, T5, T6 and the 'City and County of Swansea Parking Standards' SPG.

Landscaping and Ecology

An Environmental Management Plan has been approved under condition 9 of the outline planning permission. This provides a site wide strategy for ecological mitigation, compensation and enhancement. The plan includes specific mitigation measures for bats, peregrine falcon, amphibians and reptiles.

In relation to this phase of the development, mitigation, compensation and enhancement will be provided through landscaping within the areas of open space and the provision of bat and bird boxes within the dwellings and existing trees. In accordance with the recommendations of the ecology officer further information is required to specify the number, location and design of the bat and bird boxes, moreover, a detailed landscaping scheme is required. These matters can be secured by planning conditions.

In accordance with condition 12 of the of the outline planning permission this application has been accompanied by an arboricultural impact assessment. A tree survey and tree protection plan have also been submitted and this information has been reviewed by the Council's tree officer. A total of 10 no. individual trees are proposed to be removed together with 9 no. groups of trees.

The important trees along the northern edge of the quarry basin and those along the boundaries with properties on Enfield Close are proposed to be retained. Details of the method of protection for these trees has been submitted. The Council's tree officer has offered no objection subject to the provision of a landscaping scheme to provide mitigation for the loss of the trees on the site.

Subject to conditions, therefore, it is considered that the proposed development would not conflict with LDP Policies ER2, ER6, ER8, ER9 or ER11.

Drainage

Condition 8 of the outline planning permission required the provision of a site wide drainage strategy to be submitted based on sustainable drainage principles. The condition allows for phased drainage operations and a detailed drainage scheme has been submitted with this application.

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All surface water from the development will be discharged at an attenuated rate into the existing Cwmrhydyceirw Stream along the southern boundary of the wider site. Land drainage can also be discharged to the proposed surface water system. Foul water will be discharged to the existing DCWW sewer sewer in Maes Y Gwernen Road.

The Council's drainage officer and DCWW are satisfied with the drainage scheme and on this basis the drainage details are considered to be satisfactory to satisfy condition 8 of the outline planning permission in so far as it relates to phase 2. The development would therefore comply with LDP Policies EU4, RP4 and RP5.

Land Contamination

The outline planning permission includes conditions in respect of the requirements to address environmental and human health matters associated with the former landfill operations at the quarry, specifically relating to gas protection measures for the dwellings (condition 7), and for the monitoring of landfill gas and leachate (condition 18). The requirements of the conditions have been met in relation to phase 2, moreover, the developer has provided written confirmation to the local planning authority that an application has been submitted to Natural Resources Wales (NRW) for the definite closure of the landfill site and discussions are ongoing between the developer and NRW in this respect.

Both NRW and the Council's Pollution Control division have offered no objection to this reserved matters application and on this basis the proposed development would not conflict with LDP Policies RP1 and RP6.

Affordable Housing

This phase includes all 15 no. affordable housing units within the Parc Ceirw site as required by the S106 unilateral undertaking.

The Council's housing department are satisfied with the proposed unit sizes and the siting within the site. On this basis the development would not conflict with LDP Policy H3.

Land Stability

The ES submitted with the outline application was able to conclude that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. As such, the Coal Authority have raised no objection to this reserved matters submission. On this basis the proposed development would not conflict with LDP Policy RP7.

Other Matters

Matters relating to drainage, levels, ecological impacts, impacts upon the visual amenity of the area and the impacts upon the living conditions of existing residents have been addressed in the above report.

Concerns have been raised in a letter of objection in relation to the use of a lane adjacent to No. 69 and 73 Cwmrhydyceirw Road as a pedestrian access to the site. The masterplan submitted with the outline planning application indicated this lane would be used for pedestrian access, however, access to this lane has not been indicated on this reserved matters application, therefore, any unauthorised access or trespass along this lane would be private matter.

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In relation to concerns raised relating to the environmental impacts of the construction phase and the location of the construction compound in relation to noise and disturbance to neighbouring occupiers, it is recognised that residents surrounding the development will experience elevated levels of noise and disturbance during the construction phase, however, these impacts can generally be mitigated through good construction management practices. Indeed the applicant's Environmental Management Plan and Construction Method Statements have been approved under condition 9 and condition 11 respectively of the original outline planning permission. Should any significant environmental impacts arise during the construction of the development, these matters can be dealt with under separate legislation.

Conclusion

This is a reserved matters proposal for 121 dwellings comprising the second phase of the approved outline development at the former Cwmrhydyceirw quarry. The proposal has been considered in light of the principles established for the development at the outline planning stage and is considered to be acceptable in accordance with LDP Policies relating to matters regarding: design/layout; residential amenity; highway safety; drainage; land contamination; land stability; and ecology.

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

Recommendation

Approve, subject to the following conditions

- 1 The development shall be carried out in accordance with the following approved plans and documents:
 - DR-L-001 REV PL07 (Lap Layout), received 16th August 2019
 - P2-101 (Location Plan - Phase 2 RM)
 - P2-107 Rev B (Proposed Street Scenes and Site Sections Phase 2)
 - P2-200 (Ashmore Floor Plans)
 - P2-201 Rev B (Ashmore Brick Elevations)
 - P2-202 Rev B (Ashmore Render Elevations,
 - P2-204 (Ashford Floor Plans)
 - P2-205 Rev B (Ashford Brick Elevations)
 - P2-207 Rev B (Ashford Brick Gable Fronted Elevations)
 - P2-209 (Alveston Floor Plans)
 - P2-210 Rev B (Alveston Brick Elevations)
 - P2-211 Rev B (Alveston Render Elevations)
 - P2-213 (Andover/Alveston Floor Plans)
 - P2-214 REV B (Andover/Alveston Elevations Brick)
 - P2-214-1 REV B (Andover/Alveston Elevations Render),

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P2-221 Rev B (Broughton Semi Detached Plans)
P2-222 Rev B (Broughton Cladding Semi Detached Elevations)
P2-223 (Carcroft Floor Plans)
P2-224 Rev B (Carcroft Brick Elevations)
P2-225 Rev B (Carcroft Render Elevations)
P2-229 (Farnham Floor Plans)
P2-230 Rev B (Farnham - Render Elevations)
P2-226 Rev B (Burford Floor Plans)
P2-228 Rev B (Burford Render Elevations)
P2-231 Rev A (Ogmore Floor Plans)
P2-232 Rev B (Ogmore Brick Elevations),
P2-233 Rev A (Wye Floor Plans)
P2-235 Rev A (Wye Brick Elevations Gable Fronted)
P2-236 (Carports Single Plans and Elevations)
P2-237 (Carports Twin Plans and Elevations)
P2-238 (Carport Pergola Six Spaces Plans and Elevations)
P2-239 (Garage Twin Plans and Elevations), received 19th August 2019
P2-100C (Levels Plan Sheet 1), received 9th September 2019
P2-101E (Levels Plan Sheet 2)
P2-102H (Proposed Drainage Plan Phase 2 Sheet 1), received 30th September 2019
P2-215 Rev B (Burlington Floor Plans)
P2-216 Rev D (Burlington Brick Elevations), received 7th October 2019
110 - (Site section)
P2-217 Rev C (Burlington Render Elevations), received 11th October 2019
P2-219 Rev B (Broughton Floor Plans)
P2-220 Rev C (Broughton Cladding Elevations), received 3rd October 2019
P2-10 Rev N (Planning layout - Phase 2)
P2-102-1 Rev G (External Works - Sheet 1 Phase 2)
P2-102-2 Rev F (External Works - Sheet 2 Phase 2)
P2-103 Rev G (Materials Layout Phase 2)
P2-104 Rev G (Storey Heights Phase 2)
P2-105 Rev G (Affordable Housing Layout Phase 2)
P2-106 Rev G (Parking Strategy Phase 2)
P2-110A Rev B (Recycling and Waste Collection Strategy Layout)
P2-240 (Monkton Floor Plan)
P2-241 (Monkton Brick Elevations), received 22nd November 2019
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 2 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 the provision of tree planting at the rear of plots 85-88 and 98-101. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land and identify those to be retained. 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 or the completion of the development within phase 2, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the

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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 LDP Policies PS2, ER9 and ER11.

- 3 The play area as indicated on drawing L-001 REV PL07 (LAP Layout) shall be installed prior to the beneficial occupation of the 40th dwelling to be constructed within phase 2.
Reason: To ensure the play provision is installed and available for use in a timely manner in accordance with LDP Policy SI6.
- 4 No development shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. 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 architectural character of the area in accordance with LDP Policy PS2.
- 5 Prior to the occupation of any dwelling hereby approved the means of enclosure at the site shall be constructed in accordance with drawing nos. 102-1G (External Works Layout Sheet1) and 102-2E (External Works Layout Sheet 2) save for the rear boundaries of plots 85-88 and 98-101 which shall comprise of a 2.4m high close board fence in accordance with details that shall be submitted to and approved in writing by the local planning authority prior to the occupation of this dwelling. The boundaries shall be retained as approved for the lifetime of the development.
Reason: To ensure the boundaries at the site are satisfactory in the interests of visual amenity and residential amenity in accordance with LDP Policy PS2.
- 6 Notwithstanding the details indicated within the approved plans, details of the number, design and location of bat and bird boxes within phase 2 shall be submitted to and approved in writing by the local planning authority prior to any superstructure works taking place on any dwelling hereby approved. The bat and bird boxes shall be installed in accordance with the approved details prior to the occupation of any dwelling hereby approved which includes bat or bird boxes. All bat and bird boxes shall be installed prior to the occupation of the final dwelling to be constructed within this phase.
Reason: To ensure the development provides satisfactory ecological mitigation, compensation and enhancement in accordance with PPW and LDP Policy ER9.
- 7 The drainage system shall be constructed in accordance with the details indicated on drawing no. P2-102H (Proposed Drainage Plan Phase 2 Sheet 1) prior to the formation of any hard surfaces within the development that would drain into the system.
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage in accordance with LDP Polices EU4, RP4 and RP5.

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- 8 The dwellings hereby approved on plots 147, 148 and 149 shall not be occupied until such time as a 2m footway has been provided on the southern cul-de-sac in accordance with details to be submitted to and approved in writing by the local planning authority.
Reason: A 2m footway is required in order to provide satisfactory pedestrian provision within the development in accordance with LDP Policies T2 and T5.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: ER2, ER6, ER8, ER9, ER11, EU4, PS2, H3, T1, T2, T5, T6, RP1, RP4, RP5, RP6 and RP7.
-

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Item 3

Application Number:

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Ward:

Sketty - Bay Area

Location:

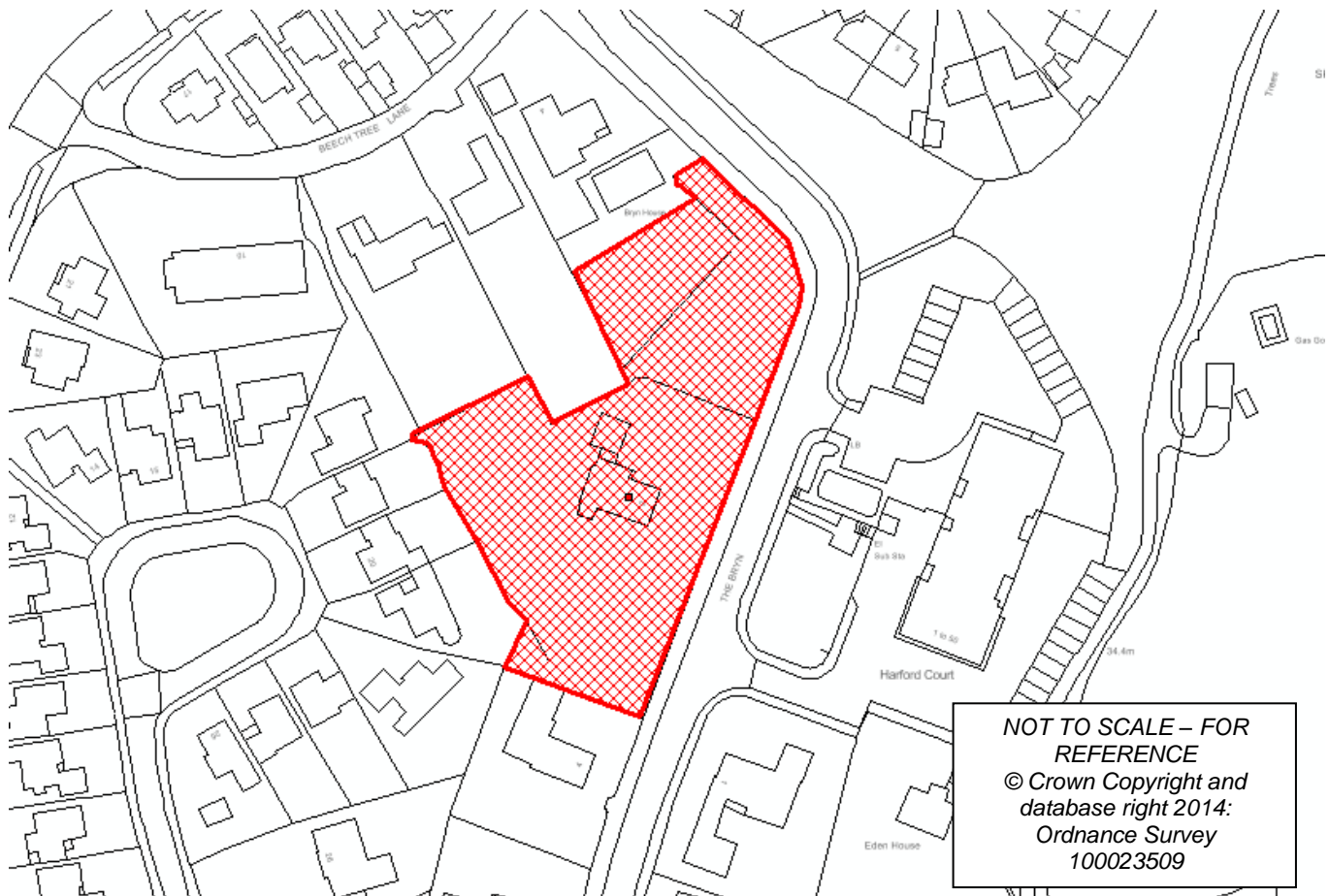
2 The Bryn, Sketty, Swansea, SA2 8DD

Proposal:

Demolition of existing dwelling and construction of 1 detached bungalow and 2 detached dwellings

Applicant:

Estateways PLC Estateways PLC



Background Information

LDP - PS1 - Sustainable Places

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

LDP - PS2 - Placemaking and Place Management

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

LDP - ER8 - Habitats and Species

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

LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

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

LDP - ER11 - Trees, Hedgerows and Development

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.

LDP - T6 - Parking

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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Site History

App Number	Proposal	Status	Decision Date
2018/1499/PRE	PRE-APP Replace existing dwelling with three detached dwellings	MIXPR E	03.09.2018
2019/1342/FUL	Demolition of existing dwelling and construction of 1 detached bungalow and 2 detached dwellings	PDE	
81/0380/03	EXTENSION TO DWELLING	APP	30.04.1981
2014/1206	To fell one Weeping Ash covered by TPO no. 549.	REF	20.01.2015
2011/0761	To fell and replace one weeping ash tree covered by TPO No. 549	REF	10.08.2011

Description

Full planning permission is sought for the demolition of the existing dwelling and construction of 1 detached bungalow and 2 detached dwellings at No.2 The Bryn, Sketty. The site currently comprises a two storey detached dwelling with single storey detached garage. It is a relatively large corner plot with trees to much of the boundary which shields the site from most public vantages.

Assessment of the immediate area

The immediate street is predominantly comprised of relatively large detached bungalows, with some two storey houses adjacent to the plot and a residential block of flats opposite. The neighbouring bungalows are on relatively generous plots, however, the wider area is comprised of two storey dwellings with more modest curtilages.

Planning History

There is no relevant planning history for the site.

Policy Issues

The Swansea Local Development Plan ('LDP' 2010 - 2025) was adopted on 28th February 2019, the policies contained within this will therefore be used in the determination of this application. Policies PS1, PS2, ER8, ER9, ER11 and T6 are relevant to the determination of this application. Regard can be given to the content of a range of Supplementary Planning Guidance ('SPG') most specifically the following:

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- o Places to Live Residential Design Guide SPG (2014),
- o Infill and Backland SPG (2014)
- o Parking Standards SPG (2012)
- o The protection of Trees of Development Sites (2016).

Whilst these SPG documents were formulated prior to the Adoption of the current LDP in February 2019 they were nevertheless formally adopted by the Council in recent years as part of the Unitary Development Plan following a period of public consultation and stakeholder engagement. The guidance within the documents remains relevant and the principles are fundamentally aligned to the national guidance and overarching principles of Placemaking set out in Planning Policy Wales (Edition 10, December 2018) and the above mentioned policies with the LDP. Accordingly the guidance remains relevant when considering the acceptability of this application.

Procedural Matters

The application is for determination at Planning Committee as it was called in by Local Ward Councillor Mike Day and has been met with the appropriate threshold as set out in the Council's Constitution. Councillor Day made the following observation as part of the call-in request:

Following local representations, I wish to comment that the proposed development will alter the character of the neighbourhood. The other concern relates to the loss of trees at the site which is a feature of the locality. Access and egress to the new properties will also present challenges from a highways perspective. Should the application be considered for approval, I would request that the approval be heavily conditioned to address these issues.

Responses to Consultations

As part of the application process the application originally proposed the erection of 2 No. bungalows and 2 No. dwellings and was subject to consultation in July 2019. The comments received from neighbours as well as consultees as part of that process follow below. Following submission of responses the applicant provided an amended scheme which reduced the number of units to 1 No. bungalow and 2 No. dwellings and this was subject to a further consultation in September 2019. Following this minor changes were made by the applicant to the drawings and further comments were invited from neighbours in November 2019.

July 2019

Neighbours

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos.4 and Bryn House The Bryn, 18, 19, 20, 21, and 22 Rhyd Yr Helyg, and, 6 and 8 Beech Tree Lane on 5th July 2019. A site notice was also posted within the vicinity of the application site on 10th July 2019.

29 letters of objection were received, the contents of which are summarised below:

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- o Noise and pollution during construction, potentially causing health problems.
- o Loss of trees.
- o Potential for damage to trees during construction, including examples of where trees have been damaged during development.
- o Negative impact on the character of the wider area.
- o Negative impact on the value of neighbouring dwellings.
- o Questions over the amount of parking.
- o The houses should be built sustainably and have a low carbon impact.
- o Negative impact on local species.
- o The design of the bungalows do not reflect the other houses in the street.
- o Highway safety.
- o Overshadowing
- o Overlooking
- o Contrary to the Wellbeing of Future Generations Act
- o Overdevelopment of plot
- o Impact on trees from future residents
- o Concerns over the future boundary treatment.
- o Overbearing
- o Inaccuracies in the submitted arboricultural statement.
- o Limited amenity for future occupants

Pollution Control Team

The Authority's Pollution Control Officer gave the following comment:

I have no conditions for it but would like to attach the following informatives:

1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays unless otherwise agreed through the Local Planning Authority.

The Local Authority has the power to impose the specified hours by service of an enforcement notice under Control of Pollution Act 1974, Section 60.

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

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

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The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

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.

Planning Ecologist

The Authority's Ecologist gave the following comment:

Bats

The report highlighted the dwelling has limited bat roost potential. The surrounding habitat, particularly the mature trees bordering the site have low to medium bat foraging potential. Two bat species were recorded foraging during the survey. There are also local records of at least three bat species from nearby. Therefore see ecological enhancement section.

Please include the following informative: note that 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 (as amended). 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).

Condition:

Pre-construction/site clearance checks for bats and nesting birds in buildings due for demolition must be undertaken. An Ecological Clerk of Works should be employed to oversee the demolition and check for any evidence of nesting birds or roosting bats.

Breeding/nesting birds

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The dwelling had evidence of previous use by breeding birds and there are local records of several roof-nesting birds eg house sparrow and swift.

Please include the following informative: note that it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds)

- o Kill, injure or take any wild bird
- o Take, damage or destroy the nest of any wild bird while that nest is in use or being built
- o Take or destroy an egg of any wild bird
- o Disturb dependent young (schedule 1 birds)

Condition:

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

Hedgehog

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

Condition:

All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species such as polecat which has been recorded nearby) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

Condition:

In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Landscaping Plan

It is advised that as many trees as possible should be retained, in particular the mature trees of the site border to maintain a dark corridor and habitat connectivity. Also, the high value category A and B trees must be retained and protected as per the Arboricultural Report (5.6.2). The high value tulip tree is of particular heritage importance and must be specifically protected.

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If the proposed 19 trees have to be removed, then it is advised that these should be replaced by planting new trees as per the compensatory tree planting outlined in 5.2.3 of the Arboricultural Report.

Native trees, shrubs and wildflowers should be planted as part of the wider landscape scheme.

A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, outlining native (species of local provenance) tree, hedgerow, wildflower and scrub planting and a plan for aftercare. The use of native species of local or at least Welsh provenance and 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. This will improve ecological connectivity across the site and with other nearby habitats.

Condition:

A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, prior to determination.

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 submitted to the LPA and agreed with the LPA Planning Ecologist.

Condition:

The lighting strategy must be placed as a condition on any planning permission granted.

SUDS

I would draw to your attention Standard S5 - Biodiversity of the SUDS Statutory Standards available from: <https://gweddill.gov.wales/docs/desh/publications/181015-suds-statutory-standards-en.pdf>

Standard S5 - Biodiversity Standard S5 addresses the design of SuDS to ensure, where possible, they create ecologically rich green and blue corridors in developments and enrich biodiversity value by linking networks of habitats and ecosystems together. Biodiversity should be considered at the early design stage of a development to ensure the potential benefits are maximised.

Ecological enhancement

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.

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In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks for crevice-dwelling species and bird boxes (for particularly swifts, house sparrows, starling) into the walls of new buildings is very welcomed (as per 5.1 of the report). Where possible, these should also be erected on suitable trees around the site. Rubble and brash/log piles to provide habitats for reptiles, amphibians and other species are also desirable, together with hedgehog friendly fencing.

Condition:

Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason: In the interests of ecology and biodiversity enhancement.

Tree Officer

The Council's Tree Officer requested that any approval be conditioned so that the tree protection plan is adhered to and made the following comment:

There is no objection to the proposed tree removals on site.

The proposed bungalows do not adversely affect the trees, however the design does not allow much amenity space outside of the trees' RPA and therefore will put pressure on the trees.

This has been exacerbated since the pre-application by the introduction of the rain gardens i.e. there is little amenity space especially around bungalow A. The proposed site layout now appears to be over developed.

The boundary wall between bungalows A and B enters the RPA of the tulip tree and is not acceptable.

Highway Authority

The Council's Highway Officer made the following comment:

The proposed layout involves the introduction of two new access points and an amendment to an existing access in the form of a widening to allow a shared drive to be formed to serve two properties.

There is a residential property already at the site but the planning application seeks to intensify the use of the plot to four units.

The parking levels looks acceptable but the layout looks cramped, particularly the shared area serving house 1 and bungalow A.

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In terms of the access points there is no issue with access to Bungalow A and House 1 nor the access to House 2. However is it considered that the access to Bungalow B does not have the required visibility, and as such would not be supported. Given that the siting of this unit plus access/parking forms an integral part of the scheme then a condition is not appropriate to relocate this aspect.

Whilst the bulk of the development is appropriate and could be conditioned with regard to boundary treatments parking layouts etc overall the scheme will have to be recommended for refusal over concerns regarding the access to Bungalow B.

I recommend that the application is refused on the grounds that the proposed access to Bungalow B has insufficient visibility to ensure highway safety for the residents vehicles and passing traffic.

September 2019 Re-consultation

Amended plans were received reducing the number of proposed dwellings from 4 to 3 and the application was re-registered. A full re-consultation of consultees, neighbours and objectors was made and a site notice was posted on 9th September 2019.

8 further letters of objection were received, the contents of which have been summarised below:

- o Impact on trees.
- o Lack of affordable housing.
- o Confirmation that original objections still stand.
- o Inaccuracies in the arboricultural statement.
- o Contrary to Health and Wellbeing Act and the Future Generations Act
- o Potential for trees to be damaged during construction
- o Overdevelopment of the plot
- o Highway safety
- o Pressure to remove or crop trees by future occupants
- o Loss of green infrastructure
- o Negative impact on wildlife

Council's Drainage Officer

The Drainage Officer gave the following comment:

The Authority has received a request for pre-application advice under Schedule 3 of the Flood and Water Management Act 2010, we will provide detailed comments and feedback via the Schedule 3 process.

Schedule 3, Flood and Water Management Act 2010.

Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.

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From 7 January 2019, all new developments more than 100m² 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 mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 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.

Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approval Body via email Sab@swansea.gov.uk

Highway Authority

The Highway Officer gave the following comment:

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The plot to which the application relates is Number 2 The Bryn, a single property on land with significant trees and vegetation growth.

The local highway provides footways on both sides of the carriageway, parking generally occurs on the site side of the carriageway due to the presence of single yellow line Traffic Regulation Orders on the opposite side. The existing property is served by a private drive which is located broadly opposite a vehicular access for Harford Court, a block of residential apartments. Street lighting is provided on The Bryn and it is a bus route with stops located near the site.

As set out, the site was the subject of pre-application comments on the proposals to replace the existing property with three detached dwellings. The subsequent planning applicant originally sought permission for four new dwellings, comprising 2 detached houses and 2 bungalows. A consultation response was provided by Highways on this layout and a recommendation for refusal was made. More recently the revised layout plan now shows three dwellings, 2 houses and 1 bungalow.

The previous applications have been reviewed in the preparation of this consultation response. This updated consultation response deals with the amended plan for three dwellings.

Access

The proposals include the retention of the existing private drive access and two new access points to the north and to the south of this location. The most recent plan showing the proposed layout appears to be Dwg No TB/18/100 Rev F, therefore any references are taken from this version.

The previous consultation response resulted in some concerns over access and visibility splays. The existing access to serve a new dwelling House 1 is considered acceptable based on existing access being established. The proposed access to the south to serve House 2 appears acceptable although visibility splays have not been set out on the plan and details of the boundary wall height are not confirmed. There does appear to be sufficient scope to ensure adequate provision and this can be conditioned. The parking access to the north for Bungalow was the subject of previous concern over visibility. The latest plan sets out visibility to the east and south across land within the development boundary. It is not clear to which plot this land would be attached when the dwellings are complete. There is a requirement to ensure that the area within the visibility envelope is kept clear. There are existing trees plotted on the plan and it is assumed all other trees other than that shown in the envelope would be removed. The area should be cleared and replanted with vegetation with a mature height of 0.45 metres and no boundary fences or walls should be erected along the back of the footway. Existing trees should have a clear trunk to a height above 2.1 metres, which in this location it appears to be the case. If this area is not to be connected to the Bungalow in future sales or transfer, it should be dedicated to Highways.

All access should be provided as footway crossovers.

The proposed length of driveways will exceed refuse collection distances and as such arrangements will need to be made for bins to be brought to the vicinity of the highway by residents.

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Parking:

Parking provision has been confirmed to be appropriate in previous proposals and is advised to be appropriate in the current layout at three car parking spaces per dwelling. The layout of parking areas and turning provision was the point of discussion in the pre-application and consultation responses. There will be a required for parking and adequate turning areas to be provided House 2 appears to have sufficient area, House 1 is irregular in shape and may not be ideal.

Standard parking spaces must be provided at the dimensions of 2.6 metres by 4.8 metres.

The size of parking bays and sufficient turning areas can be conditioned and the developer will need to agree the details and provided sufficient evidence to Highways prior to commencement.

Highway Authority View

It was advised in the pre-application stage and previous consultation the Highway Authority had concerns over access visibility and parking. The latest revision includes further information on visibility and this does partly resolve the concern with the remaining action set out above.

The recommended conditions are set out below:

i. Prior to commencement of development details of the proposed access works to the highway shall be submitted and approved in writing by the Local Planning Authority the City and County of Swansea Development Management Team under a Section 278 Agreement.

All access works, relating to the highway The Bryn, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.

Note: 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.

ii. No dwelling shall be occupied until the access, turning areas and parking works have been completed and made ready for use, in accordance with the drawings that have been submitted to and approved in writing by the Local Planning Authority. The parking areas shall be made available for vehicular parking at all times thereafter.

In the interests of highway safety and general amenity

iii Prior to the development being brought into use, the proposed driveways shall be completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority before any development commences on site.

In the interests of highway safety and general amenity

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

1. The parking of vehicles of site operatives and visitors.
2. Loading and unloading of plant and materials.
3. Storage of plant and materials used in constructing the development.
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
5. Wheel washing facilities.
6. Measures to control the emission of dust and dirt during demolition and construction and
7. 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.

Note 1: The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work . Please contact e-mail networkmanagement@swansea.gov.uk

Council's Tree Officer

The Council's Tree Officer gave the following comment:

Most of the trees present on site are protected by TPOs 549 and 627. Under Section 197 of the Town and Country Planning Act 1990 it is the LPAs 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.

Most of the objections received have cited impacts on the trees on site. The size of the root protection areas shown in the drawings have been questioned. A beech tree in particular is said to have a circumference of 3.5m rather than 1000mm stated. The objector has misinterpreted the British Standard, the diameter of the tree and not circumference is used to calculate the RPA. The same objector has said that the RPA radius of this tree is stated as 8.1 metres on drawing TB/18/100 RevD, this is incorrect, no RPAs are shown on this plan nor are mentioned. The tree report has been produced by a suitably qualified and experienced consultant and is in accordance with the British Standard.

The weeping ash T1042 is in poor condition are correctly categorised as category U.

TPO 627 was placed on the site as an area designation, this was a temporary measure to prevent removal of trees prior to development. It has always been intended to modify the TPO when the individual trees are considered. The trees to be removed in general are category C trees and should not be considered a constraint to development.

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The most recent drawings show one bungalow to the north of the site rather than the two previously. The layout of the property will be conducive to the shaded aspect from the tulip tree. The size of this bungalow has grown reducing the important amenity space; due to the tree constraints, the space not affected by the trees needs to be maximised and not over developed. I note that drainage is intended to pass behind the tulip tree requiring the removal of T1031, this route encroaches into the larger protection area that is preferred due to the trees ancient status.

The drainage layout as presented is not acceptable for this reason.

If the application is recommended for approval the removal of permitted development rights would be required by means of an article 4 certificate to prevent future encroachment near to the tulip tree. A tree protection plan would also be required to be conditioned in the event of approval to reflect the changes in the site layout.

Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

Condition No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
Advisory Notes As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. 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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Re-consultation November 2019

The plans were further amended to change the position of the rooflights to 'House 2'. A re-consultation was made of the original neighbouring consultees and a site notice was posted on 7th November 2019.

2 No. comments of objection have been received raising the following points:

- o No changes or solutions to the previous application. The site is still overdeveloped with two bungalows now being made into one.
- o Parking still creating a danger to pedestrians, road users and local bus service with poor visibility on a sharp narrow bend.
- o Leaves will be falling on a flat roof creating an very unsightly mess

Analysis and Recommendation

Key Issues

In view of the above mentioned policy context the key issues to consider in this planning application relate to the principle of the proposed residential development, impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers, parking and highway safety, impact on trees and future occupiers along ecology impacts.

Principle of Development

The application site is positioned within the Swansea urban area and local ward of Sketty. The proposed site is a relatively large corner plot with a dense level of vegetative tree cover to the road side boundary. The existing dwelling is of little architectural merit and is for the most part shielded from public vantages. It is considered that the principle of demolishing the existing dwelling and replacing it with three dwellings is acceptable. The plot is considered to be large enough to accommodate the scale of the proposed dwellings. In terms of pattern of development it is noted that there is a large variety of plot sizes in the local area and the proposed layout of this infill development will be in-keeping with this.

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Visual Amenity

In terms of design the two storey dwellings are a mix of traditional and contemporary design with a two storey pitched roofed dwelling and a wraparound flat roofed single storey extension. The two storey element has a traditional roof design with brick external walling, although the design of the multiple window openings and profiled metal sheet roofing materials are a contrast to this. The single storey element is of a more modern design with timber facing external walling. The roof dormer on each dwelling is commensurate with the scale of the roof and is a complementary as opposed to a harmful addition. It is considered that the two proposed dwellinghouses are of a visually acceptable design and would not result in a harmful impact on the character or appearance of the surrounding local area.

The bungalow is of a modern design with an L-shaped footprint and the majority of the building is shielded from public view. The front façade, which will be visible from the highway, presents a relatively short section to the street with a porch and non-traditional window openings. The application drawings indicate there are vertical windows with irregular width and spacing based on the pattern of light and shade found in woodlands. Given the site sits nestled amongst tree cover with a range of horizontal tree features the design forms an interesting concept that reacts positively with the context of the site. Whilst the design is not usual in its form and is not strictly in-keeping with the dwellings found in the surrounding area this would not in itself be a good reason for refusal given that Plannin Policy Wales (Edition 10, December 2018) supports innovative design solutions that respond positively to context stating at paragraph 3.16 that LPAs *"should not attempt to impose a particular architectural taste or style arbitrarily and should avoid inhibiting opportunities for innovative design solutions."* In this instance the modern design of the bungalow can be considered acceptable and the scale of the property as such in the street would not result in any harmful or unacceptable visual impacts in the streetscene or surrounding area.

This end of The Bryn lacks a strong building line especially accounting for the dense boundary treatment and the set-back of the existing dwelling from the street. The set-back and proposed orientation of the houses relative to the street can be considered acceptable in this instance. Similarly the position of the bungalow is considered acceptable by virtue of the lack of strong building line.

It is noted that the majority of the trees within the plot and to the roadside boundary are to be retained with a few proposed to be removed to allow for the proposed dwelling footprint and creation of a proposed access. It is considered that the proposed boundary trees are a significant part of the character of the local area the majority of these should be retained. It is also noted that there are a number of protected trees to the Northern part of the site, the impact to these and the other trees on site has been considered by the Council's Tree Officer.

In summary subject to certain controls being imposed in connection with the development it can be concluded that the design and form of the dwellings are acceptable in this context and the development will accord with the aims and objectives of Policy PS 2 of the Local Development Plan.

Residential Amenity

In regard to residential amenity the key issue to consider is whether the proposed dwellings are sited in the most appropriate position such to not impact to a harmful degree upon the amenities that neighbouring residential occupiers should expect to receive. Regard is given to any potential overlooking, overbearing development or introduction of overshadowing. In terms of the two storey dwellings proposed the SPG recommends 10m distance between upper floor windows and the shared boundary and 21m between habitable room windows with an additional 2m for every 1m change in levels.

House 1 is central within the application site and it is clear that this occupies a position similar to that of the existing dwellinghouse. It is angled such that it would not introduce direct overlooking to any neighbouring properties and exceeds the distances set out in the SPG. Proposed House 2, which is adjacent to House 1, will have upper floor windows that are approximately 27.5m from the boundary and 37m from the side elevation of No.4 The Bryn. There is also approximately 25.5m distance from the rear elevation upper floor window and the shared boundary, in a direct line.

Given the above it is considered here that the proposed dwellings are sufficiently sited from neighbouring boundaries to prevent any unacceptable impacts in regard to potential increased overbearing or overshadowing. In terms of potential for overlooking it is noted that 'House 2' is in a raised position to the surrounding neighbours, however, it is considered that the distance to the neighbouring properties from the habitable room windows (as described above) is sufficient to prevent any unacceptable overlooking impacts.

Finally in relation to the proposed bungalow it can be noted on plan that this is proposed relatively close to the shared boundary with the nearest neighbour at No 4 Beech Tree Lane. Notwithstanding this the building is of single storey form and it is not considered to be of scale that would result in any unacceptable direct impacts by reason of overshadowing, overbearing or introducing overlooking that would be harmful. Whilst it could be argued that the proposed dwelling will be subject to overlooking from No. 4 Beech Tree Lane it can be noted that the design and form of the bungalow takes account of this (as set out in the submitted Site Sections drawing) by demonstrating through the design that any angle of view from the upper floor windows of No. 4 Beech Tree Lane will be towards the angled roof of the dwelling that will allow for a private garden area for the new bungalow by way of a courtyard area.

Turning to the amenity of future occupants it is considered that the proposed dwellings and amenity space would be sufficient and appropriate. It is noted that the 2 two storey dwellings are positioned relatively close to each other, however, this is not considered to result in any unacceptable impacts. It is therefore considered that the proposals would have an acceptable impact in regards to potential for increased overbearing, overlooking and overshadowing and the development complies with the aims and requirements of Policy PS 2.

Parking and Highway Safety

The Authority's Highway Officer has not raised any objections to the proposal subject to conditions. The Authority's Parking Standards SPG requires that dwellings have at least one car parking space per bedroom up to a maximum of three.

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The proposed parking areas are sufficient to accommodate three car parking spaces per dwelling and it has been sufficiently demonstrated that cars egressing the site would have satisfactory visibility. Subject to securing full details of these matters via a condition the impact upon highway safety is considered to be acceptable.

Trees

The Authority's Tree Officer considers that the proposals would not result in any unacceptable impacts on the trees subject to adherence to the proposed tree protection measures. It is noted that the construction of 3 dwellings on site would increase activity and therefore pressure on the trees. However it is considered that the proposed gardens are of a suitable size for future occupants and any future works proposed to the protected trees would require permission from the Local Authority.

During consultation on the application a third party objector has raised concern with the submitted Tree Report alleging that parts of the content are not accurate and specifically raising issue with the RPA of a beech tree specified as T1011 in the report which is to the immediate south east of proposed dwelling No. 2 outside the application site boundary. The Tree is defined in the report as being 'category B - desirable for retention'. The objector states that the measurements of the beech tree are not accurate, are not in accordance with British Standard and thus the proposed dwelling would impinge on the RPA. The Council's Tree Officer has considered the content of the objections and has responded as follows:

" It should be understood that the British Standard BS5837:2012 contains 'recommendations' and its content should not be considered 'rules' as Mr Cairns purports.

Deviation from the standard is acceptable if either the Applicants arboriculturist or the LPAs Tree Officer can justify that the deviation is based on sound arboricultural knowledge and principles. This is the case in this instance with regard to the position taken by the LPAs Tree Officer.

It is acceptable to provide an estimate of measurements where access is limited due to the tree being off site and the Consultant alludes to this for this measurement in his report. The Consultant would not have trespassed on land not belonging to his Client to obtain a measurement.

Mr Cairns states that the measurement provided in the arboricultural report is incorrect and provides his own measurements of the circumference of the tree. The root protection area is not calculated from the circumference and there is no surprise that the figures do not match as the Consultant correctly uses diameter as the figure for the calculation.

Notwithstanding the incorrect parameter Mr Cairns has given two measurements for the circumference - 13.5m and 3500mm, differing by 10 metres. Assuming that 3500mm is correct and taken at the correct height on the tree stem the diameter equals 1110mm, 110mm more than the Consultants estimate. Using this value the RPA according to the British Standard should be 13.2m (not 13.36m as purported by Mr Cairns) compared to the 12m used in the tree report.

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Using a RPA of 13.2m does show that the proposed dwelling is within the RPA, however, as previously stated deviation from the standard is acceptable where there is justification. In this case the incursion would be slight and there is enough contiguous rooting environment to compensate for it. This was considered when receiving Mr Cairns objections to the application.

In my professional opinion I do not think the incursion will adversely affect the tree or contribute to water table problems."

In view of this it can be concluded that the proposed siting of the dwellings is acceptable and subject to conditions to require for an updated Tree Survey and Landscaping Scheme the development is acceptable and complies with the aims and requirements of policy ER 11.

Ecology

The Authority's Ecologist has raised no objection to the proposals subject to suggested conditions. Given that the ecological survey reported bats within the site albeit not within the building itself and that records show hedgehogs in the local area, suitable planning conditions have been recommended to make the development acceptable from a planning perspective having particular regard to policies ER8 and ER9.

Response to objectors

The objections in regards to the impact on trees, loss of trees, character of the area, parking, highway safety, residential amenity, ecological impacts have been addressed in the above report. In regard to any noise and disturbance during construction this is not a material planning consideration but controlled by separate legislation, in any event the Authority's Pollution Control Officer has suggested some informatives in regards to these matters. The Authority's Tree Officer considers that the tree protection measures and the accuracy of the report are sufficient for determination, and compliant with current legislation. Any damage to protected trees during or after construction is an offence controlled by separate legislation. The potential impact on the value of neighbouring properties is not a material planning consideration and therefore has not been considered in the determination of this application. The proposal is not considered to be contrary to the aims of the Wellbeing of Future Generations Act.

Other Planning Matters

Taking account of the scale and design of the proposed properties and the protected trees, it is not considered that the dwellings should be allowed to retain permitted development rights under Parts A, B, C, D or E which would ordinarily allow for extensions, outbuildings and other additions without planning permission. It is considered that future extensions to the property should be controlled to ensure that they do not result in undue harm to visual amenities, neighbouring residential amenities or protected trees.

Conclusions

In conclusion it is considered that the proposal represents an acceptable form of development. The proposed site is of a sufficient size for the proposed dwellings and there will be an acceptable impact on the visual amenity of the local area and residential amenities of neighbouring and future occupants.

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Furthermore the proposal will have an acceptable impact on highway safety, the protected trees and ecology. Therefore it is considered that the development is compliant with the requirements of Policies PS1, PS2, ER8, ER9, ER11 and T6 of the Swansea Local Development Plan and advice provided within the Places to Live Residential Design Guide SPG (2014), Infill and Backland SPG (2014) and Parking Standards SPG (2012).

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

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, TB/18/104A house 1 proposed plans + section received 12th June 2019. TB/18/105B house 1 proposed elevations sheet 1, TB/18/106B house 1 proposed elevations sheet 2 received 24th June 2019. TB/18/100F proposed site plan, TB/18/101C bungalow proposed plans, TB/18/102C bungalow proposed elevations sheet 1, TB/18/103D site sections and bungalow proposed elevations sheet 2 received 4th September 2019. TB/18/107C house 2 proposed plans, TB/18/108C house 2 proposed elevations sheet 1, TB/18/109C house 2 proposed elevations sheet 2, C001 REV B drainage strategy plan, C001 REV B drainage strategy plan received 23rd October 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 4 No development shall take place until an updated Tree Protection Plan showing those trees to be retained and those to be removed has been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved Tree Protection Plan.

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.

- 5 Notwithstanding the submitted details set out on Site Plan TB/18/100 Rev F no development shall take place until full details of the access, turning, parking and visibility splays for each dwelling have been submitted to and approved in writing by the Local Planning Authority. The details shall provide for visibility envelopes to be kept free of enclosures or trappings other than those trees marked for retention, provide full details of the hard surfacing material which shall be porous and details of the areas to be dedicated for parking and turning associated with each dwelling. Development shall thereafter take place in accordance with the approved details with the parking areas retained for parking purposes and visibility splays being kept free of enclosures or trappings in perpetuity.

Reason: In the interests of highway safety.

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

1. The parking of vehicles of site operatives and visitors.
2. Loading and unloading of plant and materials.
3. Storage of plant and materials used in constructing the development.
4. The erection and maintenance of security hoarding including decorative displays and facilities for public viewing where appropriate.
5. Wheel washing facilities.
6. Measures to control the emission of dust and dirt during demolition and construction and
7. 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.

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

Reason: In order to ensure that the proposed materials are sympathetic to the development and surrounding site context.

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- 8 Prior to the commencement of development, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided on site no later than 6 months following the completion of the development and shall be retained as such in perpetuity.
Reason: In the interests of ecology and biodiversity enhancement.
- 9 Prior to the commencement of development a lighting strategy shall be submitted to and agreed in writing with the Local Planning Authority. The strategy shall 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. The strategy shall also ensure that any external lighting to the completed dwellings shall not impact bats and other nocturnal species. The development shall be carried out in full accordance with the agreed strategy.
Reason: In the interest of protected species.
- 10 During construction works all trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species such as polecat which has been recorded nearby) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.
Reason: In the interests of the protection of species.
- 11 In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, any boundary treatments associated with the development shall not be flush to the ground unless suitably sized gaps 13 x 13 cm are left at strategic points along the boundary treatment. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>
Reason: For the protection of species.
- 12 No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall not apply.
Reason: In the interests of visual and residential amenity, and the protection of trees on the site.

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Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS2 and T6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 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 in use or being built
 - Take or destroy an egg of any wild birdNo 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 Please note that SAB (SuDS Approval Body) approval will be required if planning permission is granted subject to a condition that requires reserved matters to be submitted, and a valid application for approval of the reserved matter is not made before 7th January 2020 (with the exception of single dwellings and developments with a construction area of less than 100 square metres). This is a separate application process to planning permission and a fee will be payable. Complying with SAB criteria may impact on the permission hereby granted. For queries and further information on the requirement for SuDS on new developments, please contact: water@gov.wales
- 6 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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- 7 The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre, Swansea SA1 3SN before carrying out any work . Please contact e-mail networkmanagement@swansea.gov.uk
- 8 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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.

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Item 4

Application Number:

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Ward:

Bonymaen - Area 1

Location:

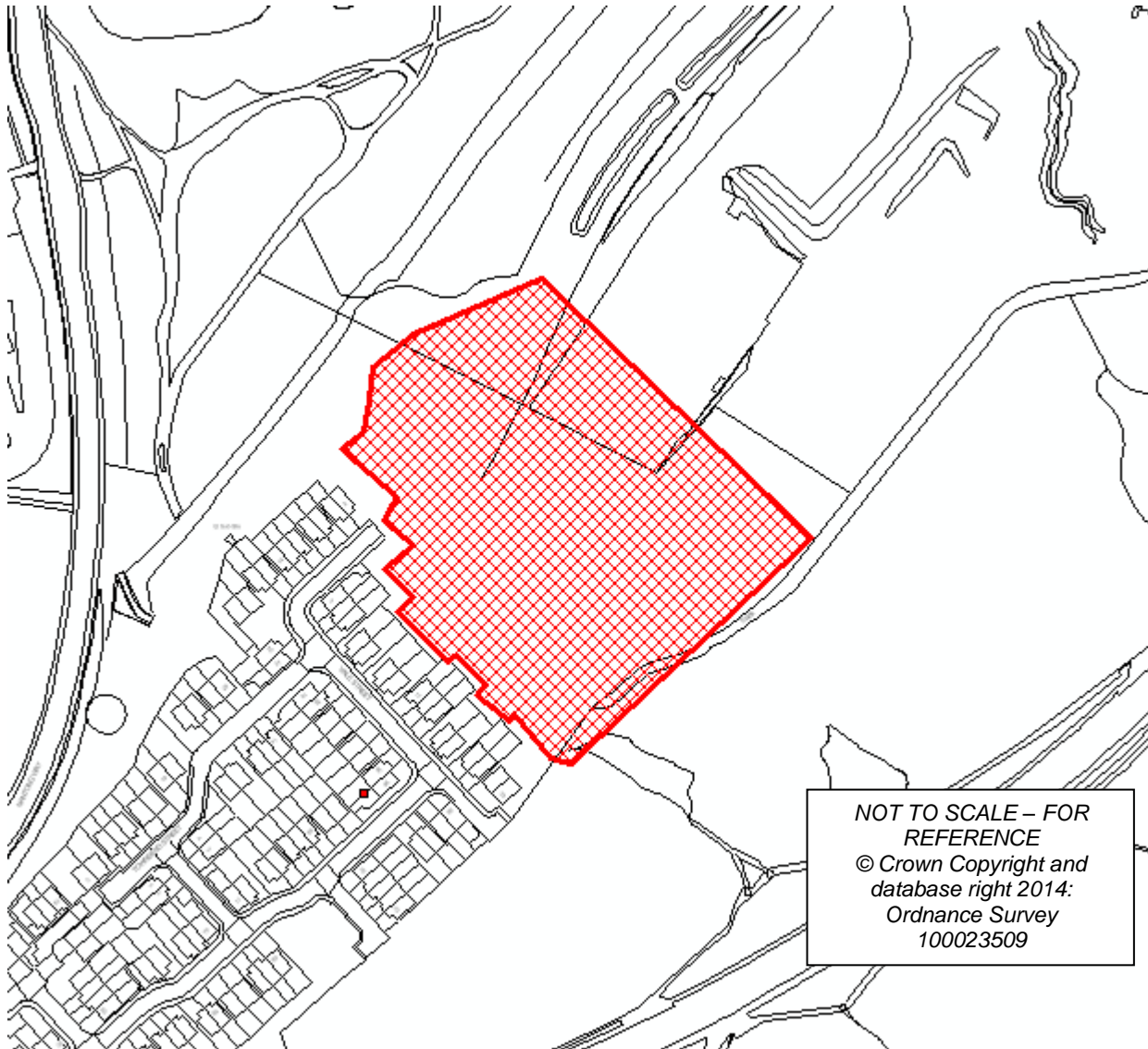
Land At Upper Bank Pentrechwyth, Nantong Way, Pentrechwyth, Swansea,

Proposal:

Retention and completion of development for 107 residential dwellings and associated infrastructure

Applicant:

Hygrove Homes (Swansea) LTD



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Application Number:

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Background Information

Site History

App Number	Proposal	Status	Decision Date
2016/3040/DOC	Discharge of conditions 5 (access road) & 8 (flood risk mitigation scheme) of planning permission 2016/1089 granted 16th September 2016	APP	30.03.2017
2016/3121/RES	Reserved Matters application (Details of access, appearance, landscaping, layout and scale pursuant to outline permission 2006/1902 granted 6th July 2012)	APP	03.03.2017
2016/3405/NMA	Non Material Amendment to reserved matters application 2016/1089 granted 16th September 2016 to allow for the relocation of footpaths/drives, the replacement of bollards with landscaping adjacent to plots 60/61 and the formation of a parking area for plot 57	APP	13.12.2016
2016/3527/FUL	Diversion of existing culvert and associated infrastructure	APP	07.04.2017
2017/0026/FUL	Construction of new highway and infrastructure works at Nantong Way	APP	20.07.2018

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Item 4 (Cont'd)	Application Number:	2018/2692/FUL
2017/0546/RES	Residential development for 19 dwellings, pumping station, open space/play area and associated works (details of access, appearance, landscaping, layout and scale pursuant to outline permission 2006/1902 granted 6th July 2012)	APP 27.10.2017
2017/0935/DOC	Discharge of condition 3 (structural calculations) of planning permission 2016/3527/FUL granted 7th April 2017	APP 10.05.2017
2017/1144/S73	Variation of conditions 1 and 9 of planning permission 2016/3121/RES granted 3rd March 2017 to allow for the substitution of an engineered bank with a railway sleeper retaining wall and removal of condition 5 (Access)	INV
2017/1291/FUL	Construction of a new pumping station and associated works	APP 22.06.2018
2017/1881/PRE	Pre-Application - Residential Development	MIXPRE 15.09.2017
2017/2441/RES	Residential development of 45 dwellings (details of access, appearance, landscaping, layout and scale pursuant of planning permission 2006/1902 granted 6th July 2012 as varied by Section 73 application 2014/1189)	APP 05.04.2018

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Item 4 (Cont'd)	Application Number:	2018/2692/FUL
2018/0148/NMA	Non Material Amendment to reserved matters approval 2017/0546/RES granted 27th October 2017 to amend the turning head area outside plots 87-91	APP 13.02.2018
2018/0395/DOC	Discharge of condition 4 of 2015/1798 (External finishes of retaining wall) of reserved matters application 2015/1798 granted 7th March 2016 (as amended to condition 3 by non-material amendment application 2016/0649 granted 19th May 2016)	APP 26.06.2018
2018/1172/DOC	Discharge of conditions 9 (play area phasing plan), 10 (play park bin, bench and floor covering), and 12 (temporary vehicle turning facilities) of planning permission 2017/0546/RES granted 27th October 2017	PDE
2018/1370/NMA	Non Material Amendment to planning permission 2017/2441/RES granted 5th April 2018 to relocate the dwellings on plots 108/109 and 138/139	APP 12.07.2018
2018/2254/DOC	Discharge of conditions 2 (land contamination) and 6 (retaining wall details) of planning permission 2017/2441/RES granted 5th April 2018	APP 19.06.2019
2018/2551/SCR	SCREENING OPINION for 106 residential dwellings	EIANR Q 14.01.2019

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Item 4 (Cont'd)	Application Number:	2018/2692/FUL	
2018/2692/FUL	Retention and completion of development for 107 residential dwellings and associated infrastructure	PDE	
2019/0411/DOC	Discharge of conditions 3 (land contamination), 4 (surface water drainage), 7 (SSSI method statement), 8 (public sewer) and 9 (construction method statement) of planning permission 2017/0026/ful granted 20th July 2018	PDE	
2019/0877/DOC	Discharge of condition 3 (land contamination) of planning permission 2017/1291/FUL approved 22nd June 2018	APP	10.05.2019
2016/1089	Construction of 19 dwellings (details of access, appearance, landscaping, layout and scale pursuant to planning permission 2006/1902 granted 6th July 2012)	APP	16.09.2016
2016/1085	Discharge of condition 3 of planning permission 2015/1798 granted 18th April 2016 and condition 2 of non-material amendment 2016/0649 granted 19th May 2016 (Retaining Wall Construction Method Statement)	NOBJ	19.07.2016
2016/0649	Non Material Amendment to Planning Permission 2015/1798 granted 7th March 2016 in respect of the residential development (amended retaining wall design)	APP	19.05.2016

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Background

This proposal represents the 7th & 8th phase of residential development at Upper Bank. The site has been developed by Hygrove Homes on the basis of an outline planning permission granted in 2012 (2006/1902) which was also subject to a S106 planning obligation. The majority of the original outline planning permission site has now been built out and this application seeks separate full planning permission for a further 107 dwellings and associated infrastructure on land which forms part of the original site together with a further parcel of land to the north east more recently acquired by the applicant.

The original outline planning permission has also been amended through a number of Section 73 applications to vary the conditions of the permission, most recently this year under application ref: 2019/0536/S73. It should be noted a Section 73 application is currently under consideration for a further variation to extend to trigger to provide a permanent second access into the site off Nantong Way (2019/2523/S73).

Works have already commenced on site for this development including demolition/engineering operations and the construction of three dwellings.

This planning application is reported to the Planning Committee as the number of dwellings proposed exceeds the threshold specified within the Council's Constitution.

Site Location

The application site comprises an irregular shaped parcel of land measuring some 1.78 hectares in area. The site directly adjoins Hygrove Home's Brunel Wood site. To the north west is the Morfa Retail Park with Pluck Lake to the north. To the north west and west are areas of woodland with the A2117 beyond. The application site is located entirely within the urban area and forms part of a non-strategic housing allocation site under LDP Policy H1.

Description of Development

The proposal is for the retention and completion of a development of 107 dwellings comprising a mix of 2 and 3 bedroom dwellings and 1 bedroom flats. The development is effectively a continuation of the existing housing development taking place at Upper Bank and this is reflected in the architecture and layout of the proposed development which is consistent with that of previous phases at the wider site. Access to the site would be gained from the existing street structure serving the wider site and via a new permanent access which is yet to be constructed off Nantong Way (see application ref: 2017/0026/FUL).

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

Planning Policy Wales (10th Edition) 2018

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

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

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

HC 2 Preservation or Enhancement of Buildings and Features - Proposals must preserve or enhance the County's buildings and features of historic importance in compliance with Policy principles.

H 1 Non-Strategic Housing Sites - land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

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

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

SI 1 Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI 3 Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

SI 6 Provision of New Open Space -Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

SI 8 Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime in accordance with specified policy principles.

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

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

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

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

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

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

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

T 2 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.

T 5 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.

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

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.

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.

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RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

The following supplementary planning guidance documents are also relevant to the determination of this application:

Places to Live - Residential Design Guide (adopted 2014)

Planning Obligations (adopted 2010)

City and County of Swansea Parking Standards (adopted 2012)

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. The SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

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Consultations:

Highways:

I recommend no highway objection subject to the recommendations above and the following conditions;

1. All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.
2. All front boundary treatments shall be less than 1m in height, and visibility splays shall be kept clear of any obstruction greater than 1m in height.
3. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].
4. Development not to take place (beyond the existing consented reserved matters) until the access works as referenced in 2018/1790/ful have been completed in accordance with the approved details. A trigger point needs to be agreed with respect to the signalisation of the access junction and full pedestrian crossing facilities being brought into beneficial use.
5. Traffic calming features as outlined in the Section 106 Agreement (section 4) need to be agreed with the Highways Authority and completed prior to any further development (outside the existing reserved matters applications) being commenced.

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

Placemaking and Heritage:

Welcome the latest amended phase 7 and 8 layout for Upper Bank. The amendments improve the permeability and shorten walking/cycling distances for residents. The outward facing edge comprising numbers 244-254 with front path is a positive amendment that will relate to future development on the adjacent council land.

The amended plan shows the additional tree planting within the plot frontages as requested so this is welcomed.

The plan also annotated the edge boundaries where overlaid by the planning red line as type 5 which is 1.2m metal railings - the treatment is supported but this is quite high and could be reduced to 0.9m metal railings.

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No further comments to make and approval is recommended in terms of Placemaking.

Drainage:

We have reviewed the submitted information and based on the strategy entitled "Phase 7 & 8 Areas Drainage Strategy Report dated December 2018" 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.

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 5l/s/developed hectare as stated in Section 7.3.2.1 of the Drainage Strategy entitled "Phase 7 & 8 Areas Drainage Strategy Report dated December 2018".

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

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.

Reason

To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate.

Ecology:

Description

The site consists of a mixture of former brownfield land and acid grassland and scrub, which forms part of Pluck Lake Site of Importance for Nature Conservation (SINC).

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Protected Species

The PEA identified a potential impact on reptiles and nesting birds during vegetation removal.

Protected Sites

Part of the site is within Pluck Lake SINC, and is adjacent to the newly designated Six Pit, Swansea Vale and White Rock Site of Special Scientific Interest (SSSI). Under adopted Local Development Plan policy ER6, the permanent loss of SINC must be mitigated for. As the remainder of the SINC is under council ownership, S106 contribution(s) towards its management are appropriate. The precise sum will be determined based on the nature of the proposed works.

Pollution Prevention

There is potential for pollution of the neighbouring watercourse. A condition should be added to the consent requiring the submission of a Construction and Environmental Management Plan (CEMP) prior to commencement, as requested by NRW. The report also recommends the provision of a fence with dustsheets to prevent dust from blowing into the SSSI and lake.

Drainage

If a SuDS pond is to be created, the pond and surrounding area should be designed to benefit wildlife, with gentle gradients and appropriate planting/management. The appointed ecologist should be consulted for advice, and the information included in the Landscape Design Scheme.

Lighting

The lighting should be designed to avoid any unnecessary lightspill skywards or towards the trees and lake.

Conditions

- A CEMP must be submitted for approval prior to commencement to avoid pollution of the watercourse and SSSI.
- The recommendations included in section 5 of the PEA must be followed (vegetation removal, pollution prevention, enhancement, etc.), and the condition discharged via a summary written by the appointed suitably qualified ecologist.
- A lighting design scheme to be submitted for approval prior to commencement.

Section 106 contribution request

- Flail of scrub (willow, conifer, silver birch etc) to encourage heath £600/day x2 = £1200
- Flail (willow, conifer, silver birch etc) on path verges to encourage moss/lichen (SSSI designation) £600/day x 2 =£1200
- Fell and chip (4 operatives/day) conifer to encourage heath and broadleaved trees £1100/day x2 = £2200
- Strim and rake area(s) of the plant spring sandwort (SSSI designation) £350/day x 2 = £700
- Total = £5300

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Environment Officer:

A condition is required for the removal of Japanese knotweed at the site.

Housing:

The Housing Service requires 10% affordable housing onsite in line with the LDP, phased in clusters throughout the site (phasing to be determined/negotiated).

We ask that the AH units include a range of DQR compliant house types/sizes to be transferred to a Registered Social Landlord/Council (to be determined/negotiated). The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units. This site falls within Swansea East, the Local Housing Market Assessment indicates a need for affordable housing, the highest need is for social rented tenure.

This site falls within the Bonymaen Ward, the ACG band for this is Band 1.

Education:

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

Primary: no contributions requested for either of the primary schools listed above.

Secondary: the full generated amount of £316,960.00 plus indexation towards Cefn Hengoed Comprehensive to support the development of areas of the leisure centre, to provide additional teaching and learning spaces. With £47,544.00 contribution plus indexation towards Y.G. Bryntawe, to support the development of the former office spaces/6th form areas to provide additional teaching and learning spaces and enhance dining space in line with the proposed increase in pupil numbers.

Placemaking and Heritage:

I have been consulted on the latest amendments for the final phases of Upper Bank.

The amended plan shows the additional tree planting within the plot frontages as requested so this is welcomed.

The plan also annotated the edge boundaries where overlaid by the planning red line as type 5 which is 1.2m metal railings - the treatment is supported but this is quite high and could be reduced to 0.9m metal railings.

I presume the flat elevations has been provided and have been assessed by the Case Officer.

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Otherwise I have no further comments to make and approval is recommended in terms of Placemaking.

Pollution Control:

The Pollution Control Division has noted the comments and concerns stated in the letter dated 17/1/19 by NRW, and also the conditions regarding contamination.

The Pollution Control Division also notes the condition for a Construction Environmental Monitoring Plan (CEMP) to be submitted and approved.

Conditions recommended in relation to: land contamination; imported soils; imported aggregates; verification/validation works; and unforeseen contamination.

Dwr Cymru Welsh Water (DCWW):

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

Natural Resources Wales (NRW):

Natural Resources Wales have significant concerns with the proposed development as currently submitted. We would recommend that your Authority should only grant planning permission if it attaches the following conditions in relation to: land contamination and pollution prevention. Without these conditions, we would object to the proposal.

Coal Authority:

A mineshaft poses a risk to both public safety and the stability of the proposed development and remedial works to treat it to ensure the safety and stability of the proposed development should be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development;

- The submission of a scheme of remedial works for approval; and
- Implementation of those remedial works.

The Coal Authority therefore withdraws its objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Glamorgan Gwent Archaeological Trust (GGAT):

We note from the supporting documentation that the site has undergone some clearance; however, we also note that the site investigation has shown the made ground contains elements which are likely to be archaeological remains, relating to the nearby metallurgical industries, as they include building material, metal, slag, ash and sand. It is our experience that industrial remains considered to have been demolished or removed often survive with a high degree of integrity, as noted at Upper Bank (Former Addis Works). As a result, the likelihood of encountering archaeological remains is considered to be potentially medium to high.

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In order to mitigate this, we therefore recommend that a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation should be attached to any consent granted by your Members. We envisage that this programme of

Work may include an archaeological watching brief during any ground disturbing work, but will identify any elements of the proposals which may also need to be stripped and recorded, or hand-dug by archaeologists, which will also ensure that a targeted programme of work can be facilitated. The written scheme must have detailed contingency arrangements including the provision of sufficient time and resources to ensure that archaeological features that are located are properly excavated and analysed, and it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

Neighbour comments:

The application was advertised in the press and by a site notice. No responses were received to the public consultation.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the impacts upon the character and appearance of the area, the impacts upon the residential amenity of the future occupiers, the impacts upon highway safety, local infrastructure, drainage, land contamination, land stability and ecology, having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The application site is located entirely within the urban area and forms part of a wider housing allocation under LDP Policy H1. As an LDP housing allocation the principle of residential development at the site has therefore been established, however, the application will need to accord with the relevant technical Policies within the LDP as specified above.

Design and Layout / Visual Amenity

Following officer concerns the layout has been amended to improve the permeability through the site and shorten walking/cycling distances for residents. The layout has also been amended to positively relate to potential future phases to the north east of the site.

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The layout flows on from previous phases and includes a continuation of the main spine street through the site. The residual areas are served by a shared surface street which meanders through the site to effectively create two large cul-de-sacs. A total of six house types are proposed in a mixture of brick and render. The design of the development positively relates to key frontages and vistas and this is achieved, in part, by the use of double fronted house types. Off street parking is mainly provided along the site frontages and the plans have been amended to break up these areas with landscaping.

Overall, the submitted details are considered to be acceptable on the basis that scheme forms a continuation of the existing development at Upper Bank. The proposal provides continuity with this development in terms of the layout and design of the scheme. On this basis it is considered that the development would not conflict with LDP Policy PS2 or the thrust of the guidance within the Residential Design Guide SPG.

Residential Amenity

The development has been amended to increase separation distances through the site. The separation distances both within the site and in relation to previous phases are now considered to be satisfactory having regard to the minimum separation distances set out within the residential design guide SPG. On this basis the development would not result in any significant residential amenity impacts and would therefore be in accordance with LDP Policy PS2 and the thrust of the guidance within the Residential Design Guide SPG.

Access and Highway Safety

The street layout continues the main spine street through earlier phases with a 5.5m carriageway and 1.8m footway provision either side. The spine street connects earlier phases through to Brunel Way and will connect to the permanent access off Nantong Way, once constructed. The remainder of the streets comprise a 7m wide shared surface which is a feature of previous phases and is therefore acceptable.

Where the highway changes from a more conventional construction into a more informal shared surface, the applicant has revised the layout and now indicates an entry treatment to indicate a change in the nature of the street. Tactile paving has also been referenced although is not indicated on the plan to provide a pedestrian crossing facility. Highways have noted the design can be finalised under the section 38 Agreement with the Highways Authority.

Car parking is proposed in line with the levels on other phases of this development. This is predominantly provided as frontage parking, in this instance it is thought this will limit the amount of indiscriminate on street parking, assisting in preserving access for service and delivery vehicles.

Highways have expressed some concerns regarding the siting of trees within visibility splays. In response to this concern it is considered that the street trees proposed would not result in any significant visibility or highway safety impacts particularly given the design of the development which creates a low speed environment.

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There is a requirement within the relevant Section 73 application relating to the outline planning permission (2018/1204/S73) that no more than 146 dwellings shall be occupied on the site until the permanent access off Nantong Way has been constructed.

As the approval of this development would take the number of dwellings on the wider site over that trigger it will be necessary, in the interests of highway safety, to ensure that none of the dwellings proposed within this development are occupied until such time that the permanent access is in place.

There is a Section 73 application that is currently under consideration relating to the original outline site that seeks to extend the trigger to construct the permanent access, with the effect of allowing no more than 200 dwellings to be occupied prior to construction of the permanent access. This application is currently under consideration.

Highways have offered no objection to the application subject to the conditions and informative notes set out within the comments above. These requirements, where considered necessary, have been included within the recommended conditions and informative notes. Overall, therefore, subject to conditions the development would not conflict with LDP Policies T1, T5 and T6.

Drainage

Surface water would be discharged thorough a combination of an attenuated flows to a local watercourse and soakaways. Foul water would be discharged to the mains system. Dwr Cymru Welsh Water, NRW and the Council's drainage officer have offered no objection to the proposed drainage scheme subject to conditions which are considered to be necessary to ensure there is no adverse impact upon the environment or the public sewerage system.

In view of the foregoing the proposed development would not conflict with LDP Policies EU4, RP1, RP4 and RP5.

Land Contamination

There is potential land contamination at the site given the past commercial and industrial uses at the site. NRW has recommended a suite of conditions, which are considered to be necessary to address potential contamination issues at the site and their associated environmental impacts. The Council's Pollution Control Division have also recommended conditions in relation to the human health risks associated with potential contamination at the site. Subject to conditions, therefore, the development would not conflict with LDP Policies RP1 and RP6.

Land Stability

During the consideration of the application further information has been submitted by the applicant to address concerns raised by the Coal Authority in respect of the mine shaft affecting the site. Following the submission of further information the Coal Authority have noted that the mineshaft poses a risk to both public safety and the stability of the proposed development and remedial works to treat it to ensure the safety and stability of the proposed development should be undertaken prior to commencement of the development.

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The Coal Authority have therefore recommended a condition requiring remedial works to be undertaken at the site. Subject to this requirement, which is considered to be necessary in the interests of health and safety, the development would not conflict with LDP Policy RP7.

Ecology

The application site includes part of the Pluck Lake SINC and is located in close proximity to the Six Pit, Swansea Vale and White Rock SSSI.

The application has been accompanied by a Preliminary Ecological Assessment (PEA) prepared by Wildwood Ecology. The PEA identifies potential impacts upon reptiles and nesting birds. The Council's ecology officer considers these can be mitigated through the measures specified within the PEA, which can be secured by a condition. A construction environmental management plan will be required given the ecologically sensitive location of the site and a scheme for the eradication of Japanese knotweed. These requirements can be secured by conditions.

The development will result in the permanent loss of SINC habitat, this cannot be mitigated on site. In order to mitigate and compensate for this loss the developer will be required to provide a financial contribution of £5,300 for works to manage and enhance other areas of the SINC which are within Council ownership. This is considered to be necessary to make the development acceptable in planning terms and for the development to comply with the requirements of LDP Policies ER2, ER6, ER8 and ER9.

Archaeology

GGAT have noted that the made ground at the site contains elements which are likely to be archaeological remains, relating to the nearby metallurgical industries. GGAT note that industrial remains considered to have been demolished or removed often survive with a high degree of integrity, such as those at the former Addis Works. As a result, GGAT consider the likelihood of encountering archaeological remains at the site is potentially medium to high.

In order to mitigate this, GGAT have recommend a condition requiring the applicant to submit and implement a programme of archaeological work in accordance with a written scheme of investigation. This is considered to be necessary to mitigate the potential impact of the development upon the historic environment in accordance with LDP Policy HC2.

Planning Obligations / S106 Issues

Recreation Provision

LDP Policy SI6 states that open space provision will be sought on all residential development proposals with capacity for 10 or more. This will include the creation of new on-site facilities, or improvements to existing local provision. In this respect the outline planning permission included a requirement for an equipped play area and it is considered that this will provide sufficient play space to serve both the outline site and the occupiers of this development. On this basis the development would not conflict with LDP Policy SI6.

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Education

The Education department have requested a contribution of £316,960.00 plus indexation towards Cefn Hengoed Comprehensive to support the development of areas of the leisure centre and to provide additional teaching and learning spaces. A contribution of £47,544.00 has been requested towards Y.G. Bryntawe to support the development of the former office spaces/6th form areas to provide additional teaching and learning spaces and enhance dining space in line with the proposed increase in pupil numbers.

LDP Policy SI3 states that where residential development generates a requirement for school places that cannot be met by catchment schools due to school capacity issues, or where there is surplus capacity but investment is required to make existing facilities fit for the purpose of accommodating the additional pupils, developers will be required to make appropriate financial contributions towards the costs of providing new or improved facilities.

In response to this request, the development would generate 20 English medium secondary pupils. Reference to the capacity figures indicates that the school will have 20 unfilled places in 2024, however, there are other existing housing commitments that would take the school over its estimated capacity by 8 no. pupils. On this basis it is recommended that a contribution request of £128,784 would be justified.

There would be sufficient capacity at Ysgol Gyfun Bryntawe to accommodate the 3 no. Welsh medium secondary pupils generated by the development, as such it is not considered that a request for a financial contribution for Ysgol Gyfun Bryntawe would not be justified in this instance.

On this basis it is considered that a financial contribution request would be justified for Cefn Hengoed Comprehensive and it is recommended that this is secured through a S106 planning obligation in accordance with LDP Policy SI3.

Affordable Housing

Under LDP Policy HC3 proposals for residential development on sites with capacity for 5 or more dwellings should provide on-site affordable housing, subject to consideration of the financial viability of the proposal. The application site is located within the East strategic housing policy zone and therefore the Housing department have requested a 10% target percentage for on-site affordable housing. The Local Housing Market Assessment indicates a need for affordable housing with the highest need for social rented tenure.

Viability

The applicant has contested that the site would not be viable if a policy compliant scheme with the requested affordable housing provision, education contribution and ecology contribution is required. The applicant has submitted a viability appraisal in order to support their contention that a policy compliant scheme would not be viable. The assessment includes considerable costs and abnormal costs associated with the development including, amongst other things, the provision of the access off Nantong Way, retaining walls, mine shaft treatment, culvert works and pumping stations. A number of these infrastructure works including the culvert and new access off Nantong Way are, however, associated with previous phases of development as part of the original outline planning permission and are not considered, by the Authority, as relevant to the viability of this current application.

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The Council has undertaken its own review of the viability assessment and considers that the site can be developed with the applicant achieving a satisfactory market risk adjusted return. Discussions are currently ongoing with the applicant in order to bring forward a policy compliant development on this allocated housing site. However, in order not to delay the consideration of this application and having regard to the current position based on the Council's review of the applicant's assessment, agreement has been reached with the applicant that the application should be recommended for approval on the basis of the S106 requirements detailed in the recommendation below. Should circumstances change in this regard an update will be provided to the meeting for Members consideration. If, however, the necessary S106 planning obligations have not been signed by the developer in accordance with the timescale provided in the recommendation (3 months) then it is recommended that delegated powers be given to officers to refuse planning permission for the reasons presented below.

Conclusion

This is a full planning application for the retention and completion of a development for the construction of 107 dwellings on an allocated housing site in Pentrechwyth. The development comprises two further phase of the residential development currently taking place at Upper Bank. The proposal is considered to be acceptable in accordance with LDP Policies relating to matters regarding: design/layout; residential amenity; highway safety; drainage; land contamination; land stability; ecology; and infrastructure requirements, subject to conditions and subject to the signing of a S106 planning obligation as specified below.

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

Recommendation

Approve, subject to the applicant entering into a S106 planning obligation in respect of the following matters:

- **A minimum of 10% on-site affordable housing provision to include a range of DQR compliant house types/sizes, tenure to be agreed and the dwellings to be transferred to a Registered Social Landlord/Council.**
- **A developer contribution of £128,836 towards improvements to Cefn Hengoed Comprehensive School.**
- **A developer contribution of £5,300 towards ecological mitigation/compensation within the Pluck Lake SINC.**

If the section 106 agreement is not signed within 3 months of the date of the Committee resolution delegated powers be provided to Head of Planning & City Regeneration to refuse planning permission on the basis that the proposal would fail to accord with LDP Policies H3 (On-site Affordable Housing), SI3 (Education Facilities), ER6 (Designated Sites of Ecological Importance), ER8 (Habitats and Species) and ER9 (Ecological Networks and Features of Importance for Biodiversity).

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And subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents:
 - 444-9204 C (TYPE A2 SCOTT X3 TERRACED GA PLANS)
 - 444-9205 C (TYPE A2 SCOTT X3 TERRACED GA ELEVATIONS)
 - 444-9208 D (TYPE A4 GEORGE X2 V2 GA PLANS)
 - 444-9209 C (TYPE A4 GEORGE X2 SEMI-DETACHED V2 GA ELEVATIONS)
 - 444-9210 E (TYPE A5 SCOTT X2 & VALE X1 V2 GA PLANS)
 - 444-9211 C (TYPE A5 SCOTT X2 & VALE X1 TYPE B TERRACED GA ELEVATIONS)
 - 444-9214 D (TYPE A7 CHARLES X2 SEMI-DETACHED GA PLANS)
 - 444-9215 D (TYPE A7 CHARLES X2 SEMI-DETACHED GA ELEVATIONS)
 - 444-9216 D (TYPE A8 VALE X2 GA PLANS)
 - 444-9216 V2 D (TYPE A8 VALE X2 GA PLANS)
 - 444-9217 C (TYPE A8 VALE X2 SEMI-DETACHED GA ELEVATIONS)
 - 444-9218 B (TYPE A9 SCOTT X3 TERRACED GA PLANS)
 - 444-9219 B (TYPE A9 SCOTT X3 TERRACED GA ELEVATIONS)
 - 444-9222 E (TYPE A11 MORRIS X4 & VALE X1 GA PLANS)
 - 444-9222 A (TYPE A16 MORRIS X2 & VALE X1 GA PLANS)
 - 444-9223 C (TYPE A11 MORRIS X4 & VALE X1 GA ELEVATIONS)
 - 444-9223 A (TYPE A16 MORRIS X2 & VALE X1 GA ELEVATIONS)
 - 444-9228 A (TYPE A24 SCOTT X3 & VALE X1 GA PLANS)
 - 444-9229 A (TYPE A24 SCOTT X3 & VALE X1 GA ELEVATIONS)
 - 444-9230 A (TYPE A15 MORRIS X2 GA PLANS)
 - 444-9231 A (TYPE A15 MORRIS X2 ELEVATIONS)
 - 444-9244 A (TYPE A22 MORRIS X4 GA PLANS)
 - 444-9246 A (TYPE A23 MORRIS X4 & VALE X1 GA PLANS)
 - 444-9252 A (TYPE A26 SCOTT X1 & VALE X1 GA PLANS)
 - 444-9253 A (TYPE A26 SCOTT X1 & VALE X1 GA ELEVATIONS)
 - 444-9322 B (TYPE A11 MORRIS X4 & VALE X1 TYPICAL SECTIONS), received 19th December 2019.
 - 444-1003 D (LOCATION PLAN - WHOLE SITE), received 9th January 2019.
 - 1006-2 (EXISTING SHAFT PLAN AND SECTION TREATMENT)
 - 1007-2 (PROPOSED SHAFT WORKS PLAN & SECTION)
 - 444-9256 A (TYPE A28 - GEORGE X1 & VALE X1 GA PLANS)
 - 444-9256 A (TYPE A28 - GEORGE X1 & VALE X1 GA ELEVATIONS), received 19th August 2019
 - 444-9258 A (TYPE 29 - SCOTT AND VALE GA PLANS)
 - 444-9259 A (TYPE 29 - SCOTT AND VALE ELEVATIONS), received 5th September 2019
 - 15001 PROPOSED SECTIONS PHASE 7 AND 8 (REV A)
 - 15001-1 PROPOSED SECTIONS PHASE 7 AND 8 (REV A)
 - 15001-2 PROPOSED SECTIONS PHASE 7 AND 8 (REV A), received 11th September 2019
 - 2014_0013-TYPE _C (PROPOSED FRONT, END, REAR AND SIDE ELEVATION)
 - 2014_0013-TYPE _C (PROPOSED GROUND FLOOR PLAN, FIRST FLOOR PLAN AND ROOF PLAN)
 - 444-1106 R (PLANNING ISSUE PHASE 7 AND 8)
 - 444-1300 D (PHASE 7 & 8 LANDSCAPE PROPOSALS), received 7th October 2019.

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

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

Reason: In the interests of highway safety in accordance with LDP Policies T1 and T5.

- 3 No further development shall take place until full engineering details of the highways and footpaths within the site have been 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 highways and footpaths shall be provided in accordance with the approved details and timescales.

Reason: In the interest of highway safety in accordance with LDP Policies PS2, T1 and T5.

- 4 No dwellings hereby approved shall be occupied until such time that the permanent access off Nantong Way as approved by planning permission 2017/0026/FUL, or any subsequent variation of that permission, has been constructed in accordance with the approved details and is available for use.

Reason: In the interests of highway safety and permeability through the site in accordance with LDP Policies PS2, T1 and T5.

- 5 No further 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 LDP Policies EU4, RP4 and RP5.

- 6 The site shall not discharge surface water at any rate greater than 5l/s/developed hectare as stated in Section 7.3.2.1 of the Drainage Strategy entitled "Phase 7 & 8 Areas Drainage Strategy Report dated December 2018".

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

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- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.

Reason To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate in accordance with LDP Policies RP4 and RP5.

- 8 Notwithstanding the details indicated within the submitted drainage strategy, no infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins in accordance with LDP Policy RP4.

- 9 Prior to the commencement of any further development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

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

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

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, where necessary.

4. A verification plan, where necessary, providing details of the data that will be collected in order to demonstrate that the works set out in (3), where necessary, are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: Potential contamination at the site presents a human health risk and controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site due to its previous industrial uses in accordance with LDP Policy RP1 and RP6.

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- 10 Prior to occupation of any part of the development hereby approved, a verification report, where necessary, demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where necessary, for longer terms monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.
Reasons: To demonstrate that the remediation criteria relating to human health and controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with LDP Policies RP1 and RP6.
- 11 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 size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated in accordance with LDP Policies RP1 and RP6.
- 12 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling in accordance with LDP Policy RP4.
- 13 No further development approved by this permission shall take place 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. The development shall be implemented in accordance with the approved details.
Reason: Prevention of pollution to controlled waters and the wider environment in accordance with LDP Policies RP4, ER6, ER8 and ER9.
- 14 Prior to the occupation of any dwelling hereby approved, the means of enclosure at the site shall be constructed in accordance with the details indicated on drawing no. 444-1106 Rev R and shall be retained as such for the lifetime of the development.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area in accordance with LDP Policy PS2.
- 15 The external facing materials for the dwellings hereby approved shall be in accordance with the details indicated on drawing no. 444-1106 Rev R.
Reason: To ensure the external facing materials are appropriate to the local context in accordance with LDP Policy PS2.

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- 16 The development shall be constructed in accordance with the mitigation measures set out within Section 5 of the Preliminary Ecological Assessment produced by Wildwood Ecology.
Reason: To ensure the development provides satisfactory ecological mitigation in accordance with LDP Policies ER6, ER8 and ER9.
- 17 Prior to any excavations or construction works within the influencing distance of the on-site mine shaft details of a scheme for the remediation of the mine shaft or mitigation measures to deal with the risks posed to the development from the mine shaft shall be submitted to and approved in writing by the local planning authority together with a scheme for the phasing and implementation of the works. The development shall be completed in accordance with the approved details and timescales.
Reasons: To ensure the land is safe and stable to accommodate the proposed development in accordance with LDP Policy RP7.
- 18 No further development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource in accordance with LDP Policy HC2.
- 19 Should any Japanese Knotweed be found on site during clearance or construction works a detailed scheme for the eradication of Japanese Knotweed, including timescales, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and timescales.
Reason: In the interests of the ecology and amenity of the area in accordance with LDP Policies ER8 and ER9.
- 20 The landscaping of the site shall be provided in accordance with the details indicated on plan no. 444-1300 (Phase 7 and 8 - Landscape Proposals). All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of providing a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with LDP Policy PS2.

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Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, IO2, HC2, H1, H2, H3, SI1, SI3, SI6, SI8, ER1, ER2, ER6, ER8, ER9, T1, T2, T5, T6, EU4, RP1, RP4, RP5, RP6, RP7.

2 All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.

The developer is reminded of the requirement for traffic calming features as outlined in the Section 106 Agreement (section 4). These features must be agreed with the Highways Authority and be completed as a matter of urgency.

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

3 As a minimum we recommend the Construction Environmental Management Plan required by this planning permission should include:

- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- How each of those watercourses and pathways will be protected from site run off.
- How the water quality of the watercourses will be monitored and recorded.
- 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.
- storage facilities for all fuels, oils and chemicals
- construction compounds, car parks, offices, etc.
- measures for dealing with dust
- measures for dealing with any contaminated material (demolition waste or excavated waste)
- identification of any buried services, such as foul sewers, so that they are protected
- 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.

Background Information

Policies

LDP - HC3 - Development in the Welsh Language Sensitive Area

Development in the Welsh Language Sensitive Area - Proposals within the Language Sensitive Area (defined on the Proposals Map) will safeguard and promote the Welsh language throughout the County by complying with the policy principles.

LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

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

LDP - PS1 - Sustainable Places

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

LDP - PS2 - Placemaking and Place Management

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

LDP - PS3 - Sustainable Housing Strategy

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

LDP - IO1 - Supporting Infrastructure

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

LDP - SI1 - Health and Wellbeing

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

LDP - SI8 - Community Safety

LDP - ER2 - Strategic Green Infrastructure Network

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

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LDP - ER8 - Habitats and Species

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

LDP - ER11 - Trees, Hedgerows and Development

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.

LDP - H1 - Non-Strategic Housing Sites

Non-Strategic Housing Sites - land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

LDP - T1 - Transport Measures and Infrastructure

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.

LDP - T2 - Active Travel

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.

LDP - T5 - Design Principles for Transport Measures and Infrastructure

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.

LDP - T6 - Parking

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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LDP - RP4 - Water Pollution and the Protection of Water Resources

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.

LDP - RP5 - Avoidance of Flood Risk

Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

LDP - RP7 - Land Instability

Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

LDP - RP8 - Sustainable Waste Management

Sustainable Waste Management - the development of in-building sustainable waste management facilities involving the transfer, treatment, re-use, recycling, in-vessel composting or energy recovery from waste, will be permitted within Preferred Areas or areas having the benefit of lawful B2 use, as identified in the Proposals Map, provided that there are no significant adverse effects as specified in the policy. Also subject to the policy criteria, facilities for composting and anaerobic digestion in appropriate rural areas and the colocation of waste facilities with the development of heat networks will be supported. Proposals must be supported by an appropriate Waste Management Assessment

LDP - EU4 - Public Utilities and New Development

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.

LDP - SI6 - Provision of New Open Space

Provision of New Open Space -Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

LDP - CV2 -Development in the Countryside

Development in the Countryside - Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced.

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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.

Proposals to increase residential chalets on 4 existing chalet sites will not be permitted.

Site History

App Number	Proposal	Status	Decision Date
2018/2720/FUL	Demolition of the existing buildings on site and redevelopment of site to provide 60 residential units comprising 6 detached dwellings, 21 pairs of semi-detached dwellings and 12 flats in 3 x two storey blocks with associated access, parking, landscaping, pumping station and ancillary works	PDE	
2005/1627	Residential development (outline)	REF	20.12.2005
2004/0727	Residential development (outline)	REF	03.08.2004

Background

This application is reported to Planning Committee as it exceeds the threshold (size and number of dwellings) for applications to be reported to Committee.

The site is allocated for residential development as a non-strategic housing site for approximately 45 dwellings in the LDP (H1.30 – Tyrisha Farm refers). The planning application site area was extended following its original submission to include arrangements for the disposal of surface water, via an attenuation basin, within the application site boundary. The attenuation basin is outside of the housing settlement boundary on land designated as countryside. The application has been the subject of considerable negotiation and amendments have been sought throughout the planning application process to address comments from consultees.

The Welsh Ministers have received a 'call in' request on this application and it is the subject of a holding direction from Welsh Ministers. This Authority cannot grant planning permission for the development without the prior authorisation of the Welsh Ministers, but can refuse the application or make a resolution to approve the application.

Response to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to adjacent neighbours. The application was also advertised in the press and by means of a site notice.

On the initial consultation exercise THIRTY THREE letters of objection were received which raise the following (summarised material planning concerns/comment)s:

- * Concerns regarding access to the site, which runs parallel to the existing right of way. Both will exit next to each other and pose a danger to children and vehicles using it;
- * Concerns regarding additional volume of traffic and congestion on surrounding roads & associated road safety issues;
- * Concerns parking along Plas Road is already at a premium as residents do not have off road parking; Plas Road is effectively a single access & the proposal does not take into consideration the requirements of existing residents;
- * Concerns regarding access/egress from Plas Road onto the main Coalbrook Road;
- * Concerns Grovesend does not have the highway infrastructure to cope with a development of this size;
- * Concerns the proposal will impact on school capacity; local GP services & there are no local shops in immediate vicinity;
- * Concerns proposals conflicts with national planning guidance for sustainable development as it is heavily reliant on car use;
- * Concerns development would cause pressure on existing and ageing infrastructure including drainage & sewerage system;
- * Concerns regarding surface water arrangements;
- * Concerns regarding the number of social/affordable housing;
- * Concerns development on this land has been refused on two separate occasions previously;
- * Contributions should be sought towards off site highway improvement work and education;
- * Concerns regarding protected species, hedgerows & trees;
- * Concerns regarding Japanese knotweed;
- * Concerns regarding coal mining legacy risks;
- * Concerns regarding safety of play area located between the existing lane and the proposed new access;
- * Concerns regarding existing water pressure problems;
- * Concerns development is not in keeping with a small village and is completely out of character;
- * Concerns regarding potential flooding impact on neighbouring properties at the far end of Common land;
- * Concerns scheme will spoil view of the countryside;
- * Concerns developer has not had permission to discharge surface water onto neighbouring common land which is also a SINC;
- * Concerns the development has been pushed through prior to more stringent mandatory requirements of surface drainage.
- * Concerns approval would set a precedent for the development of greenfield land and contribute to the erosion and urbanisation of the countryside to the detriment of small villages such as Grovesend;
- * Concerns regarding traffic congestion, pollution & disruption during construction stages;

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- * Concerns proposed site layout is different to that considered under the LDP, and particularly the access arrangement;
- * Concerns the proposed access would not be in accordance with any design guidance; previously the scheme proposed utilising a portion of the front garden of No. 31 Plas Road as a viable option for site access;
- * Concerns any adjustment to site access arrangements due to ransom strips should not be considered acceptable;
- * Concerns the access arrangement for a single pavement into the site, will pose a significant risk to pedestrians; the developers have chosen not to purchase additional land for access to increase their profit line;
- * Concerns proposal disregards approval for a driveway to be installed at No. 31 Plas Road; with pedestrians having to walk into road when loading/unloading on driveway;
- * Concerns regarding impact on privacy of neighbouring property at 31 Plas Road; standard design distances have not been achieved;
- * Concerns the proposal would not provide for a strong continuous natural boundary along the eastern boundary as per the LDP. There is clear intent shown that this boundary will be exceeded in the future by the road extension;
- * Concerns access to the remaining farm land should be provided by the common track and existing lane, and not through the development site;
- * Concerns no connections and improvements have been made to the PROW;
- * Concerns regarding previous grass fires on land to eastern boundary; & potential to encroach onto the development.

1st Amended Plans (enlarged application site to incorporate drainage attenuation basin)

The application site was extended to include a proposed drainage/attenuation basin within the application site. The application was re-advertised on site. Additional letters of representation received made the following additional points:

- * Concerns part of the land over which access is required to obtain entrance to the site is owned by the Trustees of the Somerset Trust; no appropriate certificate has been served on those landowners.
- * Concerns the drainage attenuation pond or lagoon did not form part of the original planning application; the matter should be advertised as a new planning application;
- * Concerns the lagoon will drain at the north east and south west corners of the lagoon into or onto the registered common lands. Our client (Mynydd Lliw Common Land Limited) has not been served with any such notice of this proposal. In any event, our client, as landowners do not accept that there is any right to transfer or emit waters from any such lagoon or attenuation pond to be constructed on the development site onto the common lands as owned by our clients;
- * Concerns no consent has been given by the Welsh Government/Planning Inspectorate under the provisions of Section 38 Commons Act 2006 if drainage works/ditches are proposed to be dug on the common; immediate County Court proceedings will be commenced if any construction or excavation works are undertaken on the common. Injunction proceedings will be issued against the developer or landowner if any water is emitted from the development site onto the common and no right exists for the landowner/developers so to do.
- * My clients support the objection by the Council's Drainage Engineer and confirm that no details as to drainage of water have been supplied to my clients and my clients fully object to any such trespass of water onto their lands;
- * The Council's ecology officer states that the common land is a SINC and there is a presence of a number of priority species and habitats;
- * The proposed access design ignores the long term access needs for any future development on adjoining land.

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2nd Amended Plans (Omitting an area of land included with the site which forms Common land, additional information (attenuation pond) & revised layout /design.

As part of the public consultation process a response was received on behalf of Mynydd Lliw Land Limited (see above comments) which raised a concern that the proposed development included land within the site which forms Common Land under their ownership. A small area of land to the east of Plots 53-55 did form Common Land. The site location plan has been amended (LP-1 Rev B) to remove the land in question from the application site.

As the proposal resulted in a reduced red line area, the application was re-advertised on site only. Amendments have also been undertaken in respect of house sizes, and to address urban design comments in respect of building form including roof & canopy design.

Additional comments received:

- * Continued concerns regarding surface water drainage arrangements and potential impact for flooding of adjacent protected land and associated environmental impacts of basin;
- * Concerns there is potential for contamination onto common/protected land. There is no petrol interceptor included;
- * Concerns regarding no access for yearly maintenance to detention pond;
- * Concerns no allowance has been made for climate change in any drainage calculations;
- * Concerns application was submitted just prior to SAB regulations however whole process has now extended into SAB period. The site was extended after the original submission requiring a new notice & additional drainage area Swansea Council should be obliged to consider this against the current SAB regulations;
- * Consultation notice should be issued as required previously when boundaries were changed;
- * Concerns regarding design layout; inclusion of flats; use of materials; different roof form & canopies;
- * Concerns site clearance is already being started including the burning of hedges.

Other Consultation Responses:

Grovesend Waungron Community Council: (1st Comments) – At a meeting in December 2018 with Morganstone Development and Pobl Housing Association, concerns were raised on a number of issues. We arranged a public meeting in January 2019 and invited the developers to attend this meeting but they declined. Many residents expressed concerns regarding similar issues to those raised by the Community Council. Whilst we encourage positive development within our village, we want to raise the following concerns in regard to this application:

Size of Development:

- The increase from 45 properties to 60 is contrary to the LDP;

Amenities/Facilities:

- There are no immediate local amenities which means there will be an increase in traffic to and from the site; Local medical facilities are already at capacity;

Access/Highways:

- The development would impose on the parking on Plas Road, which is already an issue
- The access is restricted hence emergency vehicles would find difficulty entering the new site;
- What safety precautions are to be implemented for pedestrians using the lane?
- The increased traffic from the site would increase the traffic problem at the junction of Plas Road and High Street;

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Drainage:

- Earlier comments from DCWW stated that there was no further capacity to cope with additional residential units. What has changed since the last application?
- Water pressure is already a problem. What guarantees will be given that it will not get worse;
- What surveys have been carried out to identify existing supplies to the properties at the bottom of the lane to ensure they will not be affected? Currently there is an existing pipe that goes from the top of the lane and runs parallel to the hedge. No detailed survey has been produced to date.
- Sewerage – There have already been issues where properties have been flooded due to infective pipe work

Surface Water:

- The arrangements for dealing with surface water stated in the application is questionable and will impinge on surrounding properties.
- No surface water may be distributed onto land without the owners' permission.

Property Types:

- In terms of affordable housing, does this mean that no actual houses will be placed on sale for the open market?

We would also address the accuracy of the statements made in terms of Glamorgan Gwent Archaeological Trust (GGAT) and ask that you note the archaeological restraint.

At the meeting there was no mention of a Section 106 agreement, which we feel sure, would be allocated on a site of this size. We would therefore want to ensure that this money comes into the village and given to the community council to distribute/allocate accordingly.

These are the concerns from the members of the public who feel that they have not had a fair consultation with the developers. A number of residents adjoining the development have not been notified. A list of addresses notified are on file.

Future Development:

Furthermore, it was noted on the plans that an additional field was highlighted. Although this is not on this current application is this for further development which again contravenes the decision of the original LDP application.

Summary:

We as a Community Council, as representatives of the community agree with our electorate and object to the development in its current form based on the concerns listed above and the issues raised by the Community Council. Further dialogue must take place between developers, Community Council and other relevant bodies before any decision is made in order to achieve a meaningful expansion of our village.

Grovesend & Waungron Community Council: (2nd Comments)

Drainage Attenuation Basin – this was added after the initial application and does not fall into the LDP. This basin will still be an unacceptable increase in water flow onto the common, because the water from the whole development will now not seep into the land but will run straight off concrete surfaces, contaminated with oil spills etc.

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There will be a significant loss of habitat to wildlife. The common land is a SINC and there is a presence of a number of priority species and habitats; the permission of the land owner is also needed to omit surface water onto the common.

There is no mention of maintenance of the basin. No allowance has been made for climate change.

The accompanying report mentions lack of access to the basin due to lack of land access agreements; this will affect issues relating to flow of water onto the SINC.

Access – The application states that access to the site will be onto Pentre Road. This is incorrect as the site entrance comes out onto a small lane leading to Plas Road, which in turn lead to Coalbrook Road, which is the main road between Pontardulais and Gorseinon. There could be serious implications to traffic management and safety.

Section S106 – There still has not been any mention of a Section 106.

Natural Resources Wales: (1st Comments) – 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 conditions listed below. Otherwise, we would object to this planning application.

Protected species

We welcome the documents submitted in support of this application Land at Grovesend, Swansea, Final Draft, Ecological Appraisal, November 2018, epd5033_r001 by EDP and Tree Survey at Land at Plas Road, Grovesend, Swansea, 18 October 2018 by Treescene Arboricultural Consultants.

We note that the report scopes out dormouse as potentially being present on site, due to suboptimal habitat and lack of records within 2km. However, we do not feel that the justification for not undertaking dormice survey is robust enough, as there is scrub present on site as well as some suitable hedgerows and the habitat does connect into the wider environment. We advise that you speak to the Local Planning Authority Ecologist on the need for additional survey, with respect to dormice. The results of which are used to inform a detailed mitigation strategy and landscape and lighting plan, which must be submitted under any future submission.

We welcome the recommendations in the report; specifically, section 5.36 relating to hedgerows. However, we advise that any hedgerows being removed are translocated for use elsewhere on site, and then planted up as needed. We welcome recommendations 5.50 and 5.51 with respect to bats in trees and would look to these being conditioned under any agreed permission.

5.50 – In addition to buildings, a single mature tree is located within the centre of the application site and has moderate potential to support roosting bats. A subsequent detailed inspection however did not identify any signs of a bat roost such that no impacts to roosting bats associated with its loss are anticipated. However, given the transient nature of bats, however, it is possible that new roosts may establish during the interim period. As such, it is recommended that an update detailed inspection be undertaken immediately prior to felling.

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If roosts are confirmed within any of the trees subject to impacts by the proposals, then it will be necessary to obtain a mitigation (development) licence from NRW prior to works commencing, with sufficient replacement roosting habitat provided.

5.51 – If no roosts are found but bat roosting potential remains, then as a precautionary measure the trees should be subject to a 'soft' felling methodology by a suitably qualified arboricultural contractor with experience of working with bats, with the advice or under supervision of a NRW bat licence holder. A soft felling methodology involves the following approach:

- Avoiding cutting through cavities/potential roosting features – i.e. cut above and below the feature when removing sections with suitable features;
- Gently lowering of cut sections to ground to avoid violent movement of potential roosting features; and
- Retention of cut sections with potential roosting features on site for 48 hours, with potential entrance not blocked i.e. facing away from the ground, before they are removed or chipped.

NRW (2nd comments following receipt of amended site)

Protected species:

Having reviewed the amended plans submitted, we recommend you seek the advice of your in-house ecologist to determine if extra survey work is required within the extended application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) a bat survey may be required. 3rd 016.

Our previous response dated January 4th, 2019 with conditions is still applicable.

Dwr Cymru Welsh Water:

SEWERAGE - 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 has been included within the accompanying Pre-Application Consultation (PAC) Report, prepared by Geraint John Planning, which highlights that foul flows can be accommodated within the public sewerage system and acknowledged proposals for disposal of surface water flows into the existing marshland. This planning application submission (Ref: 2018/2720/FUL) is accompanied by a Drainage Strategy (Ref: IR18105-DS1) which corroborates proposals to discharge foul and surface water flows to the public sewer and marshland respectively and therefore we offer no objection in principle.

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

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

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

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

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.

The Coal Authority: The application site falls within the defined Development High Risk Area. The Coal Authority records indicate that the site has been subject to historic recorded underground coal mining at shallow depth and that within, or within 20m of the planning boundary there are two recorded mine entries (shafts). Our records also indicate that a thick coal seam outcropped across the site.

The applicant has submitted a Geotechnical and Geoenvironmental Site Investigation Report (November 2018, prepared by Terra Firma (Wales) Ltd) in support of the planning application, which has been informed primarily from the results of an intrusive site investigation.

In terms of the Report's content, it is noted that both of the recorded mine entries have been located and that recorded shallow mine workings have also been identified underlying the site. Consequently, in considering both the presented layout which has been designed around the mine entries and that the Report recommends the stabilisation of the shafts and the consolidation of the recorded workings, The Coal Authority has no objection, subject to the LPA imposing a condition to ensure the submission for approval of the remediation details and the implementation of those detailed agreed prior to the commencement of development.

In addition to the above, and in noting the recorded shallow workings which underlie certain parts of the site, the applicant may wish to consider any implications posed by transient mine gas, which, however, may be required to be considered under Building Regulations or any environmental legislation.

The Coal Authority Recommendation to the LPA:

Shallow Coal Mine Workings:

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The Coal Authority concurs with the recommendations of the Geotechnical and Geoenvironmental Site Investigation Report (November 2018, prepared by Terra Firma (Wales) Ltd); that coal mining legacy poses a risk to the proposed development and that remedial works by grouting to treat the areas of shallow coal mine workings to ensure the safety and stability of the proposed development should be undertaken prior to commencement of the development.

A condition should therefore require prior to the commencement of development:

- * The submission of a scheme of remedial works for approval; and
- * Implementation of that remedial work.

Mine Shafts

The Coal Authority concurs with the recommendations of the Geotechnical and Geoenvironmental Site Investigation Report (November 2018, prepared by Terra Firma (Wales) Ltd); that mine shafts pose a risk to both public safety and the stability of the proposed development. Consequently, remedial works to ensure the safety and stability of the proposed development should be undertaken prior to commencement of the development.

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

A condition should therefore require prior to the commencement of development;

- * The submission of a scheme of remedial works 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.

South Wales Police Designing Out Crime Officer

I am generally pleased with the site layout. Natural surveillance for parking bays must be maximised in particular plots 11-14 must overlook these bays. In addition, the bin stores obscures the view of these parking bays from plots 39-41 and these bins stores must be sited in another location. The parking for plots 5 and 34 must be overlooked by side windows in plots 4 and 35.

General comments in respect of other matters of design and safety including lighting, boundary identification, landscaping, side and rear boundaries, vehicle parking areas, bicycle stores, security lighting, bin storage, drainpipes, utilities door & window security.

Glamorgan Gwent Archaeological Trust: (1st comments) The Archaeological Desk Based Assessment prepared by Archaeology Wales (report no. 1725) submitted in support of the application notes that the current Tyrisha farmstead is likely to date to the late 19th century, although early cartographic evidence suggests that it may have an earlier origin, elements of which may survive below ground. The assessment further notes the presence of two 19th century coal pits in the proposed development area, which are no longer visible as upstanding archaeological remains but which may survive as buried archaeological features. There is the potential for archaeological remains to be adversely affected by the proposed development and the desk-based assessment recommends a building survey and watching brief as suitable mitigation.

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It is our opinion that the construction of the proposed residential development, any associated services and landscaping, will have an impact on the potential buried archaeological resource, and any remains encountered will need to be investigated and recorded. The proposals will also result in the demolition of the Tyrisha farmstead, which is of historic significance. Therefore, it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

We envisage that this programme of work would take the form of a photographic building recording of the Tyrisha farmstead, and a watching brief during the groundworks required for the development, with detailed contingency arrangements, including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014.

No development shall take place until the applicant or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

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

We also recommend that a note should be attached to the planning permission explaining that: All archaeological work must meet the Standard and follow the Guidance of the Chartered Institute for Archaeologists (CIfA) and it is our policy to recommend that it is undertaken by a Registered Organisation or a MCIfA level Member within CIfA (www.archaeologists.net/ro and www.archaeologists.net/codes/ifa).

Glamorgan Gwent Archaeological Trust: (2nd comments)

Whilst we note the amended plan, it remains the case that there is the potential for archaeological remains to be adversely affected by the proposals. Therefore, it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members, as per our previous response.

Council's Parks Dept: In principle, the Parks Dept have no issue with adopting any public open space or Play facility, providing an appropriate S106 contribution is received if it is the intention of the developer to offer the development up for adoption. For the size of the development, in addition to the LAP a S106 contribution should be sought for the upgrade of play equipment in Golden Grove Park.

Trees - The Parks Service require provision of an up to date Tree survey of existing trees which are to be retained and which will be included on any areas of POS within the development prior to any adoption for future maintenance;

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POS – the Parks Service would require further detail of the landscape layout and if applicable an appropriate planting schedule listing the proposed species of trees and shrubs to be planted prior to final planning approval to determine any maintenance and/or safety implications. Areas of POS shall be in an acceptable and maintainable condition prior to adoption and to be accepted only upon whole completion of the development and not in phasing.

Outdoor Play – We would be happy to keep the proposed LAP and secure a S106 contribution for the upgrade of the equipment in the play area off site in Golden Grove Park.

Council's Housing Dept: Housing is supporting this site through the Programme Delivery Plan for Welsh Government funding, based on a 100% affordable site, a mix of social and intermediate tenure. For the purposes of S106, we would ask for the site to be conditioned in accordance to the LDP policy 15% onsite, social rented tenure, built to DQR standard.

Council's Education Dept: Calculations are based on 48 dwellings – 1 bed flats have not been taken into account.

Catchment Schools, capacity and projected capacity:

	Catchment schools	Number of unfilled places January 2018	%	Forecast Number of unfilled places September 2024	%
English Medium Primary	Pengelli Primary	27	24.77%	10	9.17%
English Medium Secondary	Pontarddulais Comprehensive	26	3.25%	16	2.00%
Welsh Medium Primary	YGG Pontybrenin	43	8.58%	3	0.60%
Welsh Medium Secondary	YG Gwyr	119	11.48%	-176	-16.97%

SPG Pupil Generation:

Penyrheol Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
WM 12.1%			12.10%		87.90%	
Primary	14.88	£154,335.36	2	£20,744.00	13	£134,836.00
Secondary	10.56	£167,354.88	1	£15,848.00	9	£142,632.00
Post provision ¹⁶	1.92	£32,664.96	0	£0	2	£34,026.00

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Position of capacity:

Primary:

English-medium: the English medium primary (Pengelli primary) currently has surplus capacity of 24.77%, this is expected to reduce by September 2024 to 9.17%.

Welsh-medium: the Welsh medium primary (YGG Pontybrenin) currently has 8.58% surplus capacity, this is expected to reduce to 0.60% by September 2024.

Secondary:

English-medium: the English medium secondary school (Pontarddulais comprehensive) has 3.25% surplus capacity, this is expected to reduce slightly to 2.00% surplus capacity by September 2024.

Welsh-medium: the Welsh medium secondary school (YG Gwyr) currently has 11.48% surplus capacity, however by September 2024 it is expected to be over capacity by -16.97%. In addition, there are a large number of developments that have successfully obtained planning approval that will further exacerbate the situation; that and the impact of LDP will further increase the pressure for places at the school.

Requested Contribution:

Providing the information above, Education request the full developer's contribution for the English medium secondary school (Pontarddulais Comprehensive) and £31,116 for the English Medium Primary (Pengelli). There is no request for contributions for the Welsh medium primary school (YGG Pontybrenin) or the Welsh medium secondary school (YG Gwyr) due to the low impact of this development on pupil numbers and the potential contributions being too low to make any positive impact on the buildings.

Primary - the full generated amount of £31,116 plus indexation towards Pengelli primary school.
Secondary - the full generated amount of £142,632.00 plus indexation towards Pontarddulais Comprehensive.

The infrastructure the contributions will go towards are to be advised in readiness for S106 heads of terms.

Council's Rights of Way Team: Please note the location of footpath Llwhwr 103 (LC103)

Council's Environment Officer: Recommend the inclusion of conditions relating to Japanese knotweed and invasive non-native species of flora (including Himalayan balsam).

Council's Pollution Control Dept: Offer no adverse comments.

Council's Drainage Section: (1st Comments)

Based on the Drainage Strategy ref IR18105-DS1, dated November 2018 submitted in support of the application I object to the application.

Section 2a mentions that surface water from the development will be discharged to a lagoon on land to the east and that permission from the landowner has been gained for this to occur, however from there no viable discharge point has been identified although 3 options have been mentioned.

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1. Is a discharge to a ditch however there is no information included on the ditch such as location/map, condition, capacity, routing etc. but if just a soak/interceptor ditch would not be viable as infiltration does not work based on the site investigations.
2. The pond could outflow to a series of herringbones to discharge to ground, however the drainage strategy itself discounts this as an option as infiltration does not work based on the site investigations.
3. The pond could outfall to trenches with enviroplanks, there are no further details on this as a workable and viable solution and can therefore at this point in time be discounted. Dwg IR18105 110 Rev P7 seems to suggest a fourth option of just discharging over the land itself, however this is not an option as due to the landfalls this would end up on an adjacent landowners property creating a surface water flooding issue which is not permissible under TAN15, it would also create a statutory nuisance under other legislation that the owner of the lagoon would be obliged to rectify and ensure that the water from the development would not leave that land.

In light of a non-viable drainage strategy being submitted we must object to the application, our objection will be maintained until a suitable and viable drainage strategy is submitted and agreed.

Council's Drainage Officer: (2nd comments following receipt of amended drainage strategy)

Following a meeting with the applicant and Drainage Officer, the Drainage Officer has verbally advised that they have no objections to the proposed drainage arrangements subject to standard conditions controlling and limiting the surface water discharge. Any additional comments will be provided as an update at Planning Committee.

Council's Ecology Comments: (1st Comments)

Protected Species:

Bats – Records exist of pipistrelle species and Natterer's bats from within 150m of the site. Recommend inclusion of conditions and informative notes in respect of; detailed inspection of trees prior to felling for bat roosts (in accordance with section 5.50 of Ecology Report) & precautionary soft felling methodology (in accordance with Sections 5.51 of Ecology Report).

Dormice – Recommend inclusion of pre-commencement site check condition & informative notes. Survey results and any proposed mitigation to be submitted to the LPA prior to construction.

Recommend inclusion of conditions relating to, hedgerow management, Invasive non-native species (including Japanese Knotweed & Himalayan balsam), Ecological Management Plan, lighting strategy, Landscaping scheme, Construction Environmental management Plan, ecological enhancement measures (bird & bat boxes),

Include informative notes relating to breeding/nesting birds, hedgehogs, badgers, reptiles.

Drainage – The drainage strategy proposed to use the area of land between ditches D & E as a detention basin for attenuation. The detention basin will discharge to ditch E and onto the marsh. However, it is not clear how this habitat will cope with increasing surface water levels due to the development, nor what the impact of this is on the marsh and ditches. This wetland area is outside of the red line of the development and will require land-owner agreement.

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I have concerns regarding the drainage strategy with regards to ecological impacts. Areas surrounding the site form part of the Brynlliw Grasslands SINC. The SINC has been designated due to the presence of a number of priority species and habitats. An assessment should be made of how the proposed drainage strategy will possibly impact them.

Site drainage systems should ensure that surface water flows will not increase pollution levels. The hydrology of the area could be affected by changes to surface water discharges through development of the site.

Attention is drawn to LDP Policy ER6 (Designated sites of Ecological Importance).

Council's Ecology Officer: (2nd comments following receipt of amended drainage strategy & Ecological Technical Note)

I was pleased to receive the detail of the proposed drainage layout and ecological technical note, following a recent meeting and my previous queries. Having reviewed the submitted proposed drainage layout (Drawing No. 110 Rev P11) and the accompanying Ecological Technical Note regarding the drainage strategy, I have the following comments to add:

- Invasive Non-Native Species. A condition should be added to ensure a biosecurity plan is submitted to help reduce the risk of introduction/spread of any aquatic invasive non-native species, during planting of the attenuation basin for SuDS. The plan shall include details of supplier/s and /or source of the plants. See GB NNSS Check Clean Dry

<http://www.nonnativespecies.org/checkcleandry/non-native-species-to-look-out-for.cfm> for further information.

- Condition: full details of planting specifications shall be submitted as per Section 4.3, 4.4 and 4.5 of the Ecology Technical Note. All species shall be native and of local or Welsh provenance.

- Condition: The attenuation basin shall be managed, monitored and reviewed 2 years following creation, and a summary report shall be submitted to the LPA, outlining success/failures and further need for plug-planting as per 4.6 and 4.7 of the Ecology Technical Report. This should also detail who is responsible for monitoring and management of the basin.

Council's Tree Officer: None of the trees present are protected by TPO or by virtue of being in the Conservation Area. Under Section 197 of the Town and Country Planning Act 1990 it is the LPAs duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

A tree survey has been supplied in the submitted documents. Despite the survey not using the correct methodology in BS5837:2012, in this case it does provide enough information for substantive comments to be provided.

The trees present internal to the site that require removal to carry out the proposed plans are categorised as either C or U in the trees survey. There is no objection to the removal of these and the loss of trees can be suitably mitigated by tree planting included in a landscaping scheme.

The bordering hedges are made up of small trees that have been categorised as B, these will be retained. The size of these trees are unlikely to cause shading or dominance issues. The proposed landscape scheme shows indicative trees but does not include species or size.

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The landscape scheme will require more detail for it to be enforceable. In the event of approval please could you append a suitable landscape condition that includes protection measures for the bordering hedgerow trees.

Council's Place Making and Heritage Officer: The layout overall is considered acceptable. Negotiations have been undertaken to enable amendments to layout and design including house roof forms; fenestration and porch/canopy design. The planning agent has provided revised plans and additional information to address issues raised or mitigating circumstances to explain the design rationale in further detail.

Council's Highways Officer: (1st Comments)

Background:

The proposed development consists of 60 new residential properties comprising of 59 affordable units and 1 private, in a mix of 1, 2, 3 and 4 bed.

The proposed layout has a single vehicular point formed by an extension of existing adopted Plas Road.

A Pre Application Consultation exercise was undertaken and Highways response issued, this is included in the PAC response.

Trip Generation:

A trip rate analysis and multimodal impact has been presented with the Transport Statement, the results are in the realms of what would generally be expected for a development of this type in this location.

Maximum hourly vehicle trips are predicted to be 26 two way movements in the AM peak and 30 two way in the PM peak, this equates to a worse case of 1 vehicle movement every 2 minutes. As such there are no concerns regarding the impact of resultant vehicular trip rates on highway capacity.

Parking:

Parking on site is provided in accordance with the adopted parking guidelines, with visitor parking assumed to be on street. Parking is arranged as a mixture of frontage and side drives.

The road appears to be laid out to adoptable standards and will be required to be constructed to Highway Authority Standards and Specification including drainage and street lighting in order to be suitable for adoption.

Shared driveways will not be adopted, and should have a minimum 4.5m width to allow 2 vehicles to pass.

Tracking runs have been provided, which demonstrate the site is accessible to refuse, fire and service vehicles, which can enter and exit in a forward gear.

The Transport Statement confirms that there 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. Albeit there are local concerns over the speed of vehicles on High Street, Grovesend.

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A suitable package of off-site road safety improvements would allow people to make the most advantage of non-motorised transport options. Potential section 106 contributions are discussed below.

Site Access Arrangements:

This was originally shown as a priority narrowing arrangement with a 3.3m carriageway and 2m footway. This has been accompanied by a Road Safety Audit, which highlighted no issues, this is disputed by the County Road Safety Engineer.

This was raised at PAC stage, A 3.3m single point of access to the development would not be acceptable to the Highway Authority.

A revised Masterplan has been received, and revised access arrangements, this shows a conventional 5.5m carriageway as a continuation of Plas Road into the site, maintaining a footway on the Northern side. Dropped kerbs will be provided both on the existing Plas Road and once into the site where the footways are provided on both sides of the carriageway.

The existing lane will therefore become a secondary route and will be reconstructed as a vehicle crossover to clearly delineate the major/minor road interface, this is acceptable and welcomed.

The existing footway alongside the existing Plas Road is being realigned, it could be appropriate to create some additional carriageway width outside the existing properties to allow for the parking of existing residents, who currently park on street.

As the kerb lines require amendment, there is not thought to be any significant increased cost associated with this.

Off Site Highway Works:

Speed has been identified as an issue on High Street/Coalbrook Road by the Local ward members and the Senior Road Safety manager. A package of road safety/traffic calming measures has been drawn up to mitigate for the speed in the area and these additional dwellings will be likely to exacerbate these problems by an increase in vehicular movements. Speed reduction measures will also enhance the safety of walking and cycling from the development

These measures include but are not limited to:

- 1 Plateaus at the junctions of High Street with Plas Road and new Road/Tyrisha Road
2. plateau at the southern end of Coalbrook Road
3. possible road narrowing
4. review of speed limits
5. improved electronic signage
6. police Laybys created either end of Grovesend to allow for mobile speed enforcement.

The cost of these measures is in the region of £75,000 which is broadly in line with the section 106 contributions that could be requested for Highways improvement/safety works.

There would be no objection in principal to the proposals, subject to the satisfaction of the design alterations requested on the access.

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Conditions

1. All access works will be subject to an agreement under Section 278 of the Highways Act 1980. All design and implementation will be at the expense of the developer.
2. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].
3. A section 106 contribution to implement the above listed speed reduction measures on High St, and Coalbrook Road.
4. All front boundary treatments shall be kept below 1m in height.

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.

The Developer must contact the Highway Management Group, The City and County of Swansea , Guildhall Offices, c/o The Civic Centre, Swansea SA13SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk

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

Council's Highways Officer: (2nd comments)

This response is provided in addition to those comments already provided. Independent viability assessments have been undertaken which demonstrate the originally requested 'wish list' is unaffordable.

Off Site Highway Works:

The section 106 off site highway works has been revisited in terms of what will have the greatest benefit and be directly related to the development, in making it acceptable in planning terms. Several of the originally requested measures have already been implemented, electronic speed warning signs are already in place. A section 106 contribution is required in the region of £15,000 to provide speed tables at the junctions of High St / Plas Rd and High St / New Rd, Grovesend.

Conditions:

1. All access works will be subject to an agreement under Section 278 of the Highways Act 1980. All design and implementation will be at the expense of the developer.
2. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance

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details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established].

3. A section 106 contribution to implement the above listed speed reduction measures on High St at the junctions of New Road and Plas Road.
4. All front boundary treatments shall be kept below 1m in height.

Cllr's Andrew Stevens & Jan Curtice (Ward Members:)

We are aware that this is a candidate site, but building must be sensitive to the surrounding village and not imposed on residents here.

Our concerns are as follows:-

1. Highway Access – This is an unorthodox entrance to the site. We cannot think of any other housing site that has this give way system to enter/exit, also add to the fact that it is alongside a well-used farm track, used by heavy machinery, it seems rather dangerous. Also, it narrows to 3.3m wide at the entrance and roads under 5.5m are usually unadoptable. The snaked entrance and give way system seem contrary to TAN12 Ease of Access. We do not believe single pavement, and road layout into the development is safe. We understand this track is used by heavy vehicles daily.
2. Drainage – We share the concerns of residents regarding the drainage. There must be assurances given by Planning that there will be no problems and I would like to see what Biodiversity measures have been implemented. We trust this will be mentioned to the Committee.
3. Overdevelopment – Whilst we are fully aware that the LDP papers are more of a guideline until a planning application is submitted, we must highlight that the original intention of 45 dwellings would be better suited for this location and in keeping with the surrounding village. We are not opposed to development in the village in line with LDP policies, but it must be sensitive to the locality. Grovesend is a semi-rural village, and we cannot help but feel that this site layout is a case of squeezing as many dwellings in as possible with disregard to the surrounding area and street scene. The original application site was approx. 1.41ha. The boundary was then increased to include the yard which made the site approx. 1.7ha. It was then increased from 45 to 60 dwellings. Application site increased approx. 15% yet the housing increased by 25%.
4. LAP – It seems that a “Local Area of Play” within the application, this seems to be a way of satisfying policy and giving a minimum 10x10 square up for local amenity. The design and access statement mentions that there is a play facility within 0.5km at Golden Grove park. It is greatly in need of improvement; it would be a better option for the village if funds were made available via section 106 to improve that facility rather mark off an area within the development for a “Local Area of Play”, which looking at the plan seems to be something that is only being done only to satisfy policy. It has no beneficial effect on the village as a whole. This also seems contrary to LDP policy SI6.
5. Highway Safety – The design and access statement states that “There are no existing highway safety issues in the immediate vicinity of the site and the proximity of local services and sustainable transport infrastructure will help to reduce vehicle movements generated by the development” – I believe this to be misleading. We have been working on highway safety improvements for many years along Coalbrook/High St and a further 60 dwellings with no thought for traffic considerations outside of the ‘immediate vicinity’ will only serve to exacerbate the ongoing traffic problems that the village has.

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We would like to see at least a mention of the ongoing plight of the village regarding Coalbrook/High street if an application is submitted. We would like any development to address the following -

- a. Plateaux located at the junction of Plas Rd/High St.
- b. Plateaux located at the junction of New Rd/High St.
- c. Digital SID signs
- d. Review of the speed limit
- e. Police laybys to allow mobile enforcement

Suggestions:

a) A Local Area for Play (LAP) is a small area of open space for young children (mainly 4-6-year olds) to play games such as tag, hopscotch, French cricket or play with outdoor toys. The activity zone should be reasonably flat, have a grass surface, and minimum area of 100m². There should be seating for carers and appropriate landscaping/buffer zones.

It is suggested this be replaced with a:

b) A Local Equipped Area for Play (LEAP) is a play area equipped for children of early school age (mainly 4-8-year olds). The activity zone should have a minimum area of 400m², with a grass playing space and at least five types of play equipment with appropriate safety surfacing. There should also be seating for accompanying adults.

This should be located at Golden Grove Park.

This is a summary of the National Playing Fields Association's Minimum Children's Playing Space Standard (based on "The Six Acre Standard" 2002)

Detailed recommendations on play area design can be found in NPFA publications, but the following pointers on siting and design are derived from page 37 of their 1992 publication "The Six Acre Standard" and updated with reference to page 26 of their publication.

• Play areas should be:

- i. sited in open, welcoming locations, not on backland with accesses along high-fenced narrow alleyways;
- ii. separated from areas of major vehicle movements and accessible directly from pedestrian routes; On the site plan it sits between a main road and farm track that is often used for heavy machinery going to a neighbouring farm. Not the best siting for a LAP or public open space. In addition to the safety concerns of those using the LAP there will be dust pollution from the farm track adjacent to the development during the summer months.
- iii. sited on land suitable for the type of play opportunity intended. For example, slopes too steep for building can provide one kind of experience but are not suitable for most play equipment. Conversely, a flat kickabout area can be too bland a setting for other types of equipment;
- iv. normally overlooked by houses or from well-used pedestrian routes;
- v. far enough away from houses to reduce the likelihood of general disturbance, noise and other nuisances; and
- vi. linked, as far as possible, with other open spaces, footpath systems, amenity planting areas and other devices to provide the maximum separation from nearby residences;
- vii. accessible by firm-surfaced footpaths.
- viii. surfaced in a manner that is able to withstand the intensity of use and with impact absorbing surfaces beneath and around all play equipment;
- ix. provided with seating for carers but designed to exclude dogs;
- x. fitted with play equipment, fencing, seating and other fixtures that comply with the latest standards.

• Play areas should be designed in a way which is attractive and safe for children, and meets their needs, including those with special needs, and of those living nearby;

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- Selection of play area sites should be integrated into the design process;
- Sites should be accessible within the specified walking distance on practicable, not notional, routes;
- Emphasis should be placed on the importance of community safety, accessibility, play value, the setting, and good neighbourliness.

APPRAISAL

Full planning permission is sought for the construction of 60 dwellings (comprising 12 x 1 bed flats, 14 x 2 bed houses, 29 x 3 bed houses and 5 x 4 bed houses) on land at Tyrisha Farm, Grovesend. Access to the site, will be via a new access road directly off Plas Road, in the south-west corner of the site. Of the 60 dwellings, 59 are proposed to be affordable dwellings and will be managed by Pobl Group. One (Plot 45) is intended to be a private unit.

The proposed site is located immediately east of the settlement of Grovesend. The site itself comprises an agricultural field associated with Tyrisha Farm. The farm building complex comprises a dwelling house surrounded by a small garden with associated hedgerow boundary features and several semi-mature trees. A number of barns, sheds and other outbuildings are also present. An area of land to the south east comprising a further two fields is proposed to accommodate a drainage feature in the form of an attenuation basin.

A gravel access track runs along the southern edge of the application Site (Plas Road). To the west the site is bordered by residential dwellings located along Tyrisha Road and Plas Road. The surrounding built form comprises predominantly of terraced and semi-detached two storey properties.

To the north, east and south is wider open countryside, with scattered farm houses together within a network of fields and field boundary features. Mynydd Lliw Common (CL53) to the east of the site forms part of Brynlliw Grasslands SINC which overlaps with the area identified for the drainage attenuation basin.

The site is designated as a Non-strategic housing site (H1.30) within the Swansea Local Development Plan (adopted February 2019) for approximately 45 dwellings.

Main Issues

The main issues for consideration in this instance relate to the principle of residential development on this site, impacts of the development on the character and appearance of the area, residential amenity impacts on neighbour occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests having regard to the aforementioned LDP Policies and National Planning Guidance. The following Supplementary Planning Guidance Notes (SPG) are also considered relevant – Places to Live: Residential Design Guide (January 2014), Planning Obligations (March 2010), Parking Standards (March 2012), Planning for Community Safety (December 2012), and the Protection of Trees on Development Sites (October 2016). There are no overriding issues for consideration under the provisions of the Human Rights Act.

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Principle of Development

The Local Development Plan 2010-2025 (LDP) was formally adopted on the 28th February 2019. As such, the LDP is the most up-to-date policy framework for determining planning applications.

The allocation of the site as a non-Strategic Housing site under Policy H1 of the Swansea LDP (Ref. H1:30) for approximately 45 dwellings was made following a detailed assessment and public consultation process undertaken for the preparation of the LDP which determined that the site was acceptable in principle for residential development. It is important to note that the candidate site assessment for the LDP confirmed that the site is deliverable and has no constraints which cannot be addressed by suitable mitigation. It also confirmed that the site was considered an acceptable and logical extension to the settlement and would not have a detrimental impact on the character or the setting of the settlement of Grovesend. It is recognised that the site will provide a higher density of dwellings than that allocated for within the LDP, However, the application will deliver a number of affordable homes that will serve to address a particular local need within the Greater North West Housing Zone, which marks a positive and welcome contribution to development needs for the area, on a site that has been endorsed by the Council as being appropriate in principle for such development. As such, the principle of the development is considered to be acceptable in accordance with Policy H1 of the LDP.

It is acknowledged that the application site has been extended to incorporate the proposed surface water attenuation basin. This element of the application lies outside of the housing settlement boundary within the countryside. Policy CV2 (Development in the Countryside) indicates that there is a presumption against development in the countryside unless it is for specified exceptional circumstances including inter alia necessary infrastructure provision and enhancement of infrastructure networks. It is considered the basin can be justified under this element of the policy, which allows for the provision of essential infrastructure works.

Visual Amenity / Design Principles

The submission of this application followed a pre-application enquiry and ongoing dialogue with the Local Planning Authority. The proposed layout has been designed to respond to the characteristics and constraints at the site including site levels, mine entry shafts, and access arrangements off Plas Road.

It is considered that the proposed layout has a semi-rural character with landscaped frontages throughout the site, and includes an informal open space / natural play area and as such would form a sensitive transition to the adjacent countryside.

The houses are largely arranged with a focus on fronting onto the access road, strong building frontages with dual aspect dwellings where they 'turn the corner'. The scheme utilises a series of small dwelling types in several locations throughout the development which helps to create a coherent character to the development. Dwellings have been designed to have pitched roof forms or perpendicular complementary gables. Materials proposed include brick finish (Ibstock Cavendish and Marlborough stock) with anthracite black roof with red ridge tiles. The design and general appearance of the dwellings is considered to be acceptable.

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The treatment of ancillary elements has also been carefully considered including recycling/reuse storage which are an integral part of the scheme. It is noted the Designing out Crime Officer has raised some concern in respect of overlooking of communal parking bays, however, it is considered there is sufficient natural surveillance from neighbouring properties and across streets of these courtyard areas.

Based on the 60 unit scheme, the density is calculated at 35 dwellings per hectare. This is considered reasonable and makes efficient use of the site. The anticipated number of dwellings in the LDP allocation is 45 dwellings. However, it should be noted that the site incorporates a range of house types including a number of 1 and 2 bed unit. However, regardless of the site density, each unit has an area of front and rear garden. A high provision of car parking has also been included within the site.

Boundary treatments include 1.1m hoop railings to define front curtilages, screen walls to public facing rear garden boundaries, and timber fences between gardens. The proposal also provides for the retention of the existing hedgerow along the south, west and northern boundaries, with the provision of a new area of hedgerow to the east, thus demarking the site from the neighbouring countryside land to the east. It is acknowledged the boundary is not a continuous boundary, however it provides field gate access into the neighbouring land, under the control of the applicant, including the proposed area for the drainage basin. It is noted that concern has been expressed that this could pave the way for future development, however any application would need to be considered on its own merits, having regard to circumstances prevailing at the time including the provisions of the adopted development plan. For the purposes of the current LDP this land lies outside of the application site and within an area of open countryside.

The proposal has been the subject of negotiations during the application process to ensure that the density, layout and design of the development has sufficient regard for its location and the placemaking principles in the SPG – A Design Guide for Residential Development Policies and LDP Policy PS2.

In terms of Placemaking, the proposed building heights, building lines, greening, play spaces, verges and street widths provide a legible and functional space for future occupiers. The inclusion of an informal Local Area for play along with soft landscape elements is welcomed. Overall it is considered that the scale, form, massing, layout and design are considered appropriate to the local setting.

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

Residential Amenity

With regard to the impact upon the residential amenities of existing occupiers adjoining the site, it is acknowledged that the site is bound to the west by existing residential properties and these have been taken into consideration in the layout of the site.

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It is noted that a neighbouring occupier at No 31 Plas Road has raised concerns that Plot 1 at the entrance to the site does not accord with the minimum separation guidelines as set out in the SPG. No. 31 Plas Road is a semi-detached property which has its principal elevation facing onto Plas Road; at the rear the property has been extended and it has a ground floor side kitchen window and first floor window above that faces the entrance to the application site. In the original planning layout submission Plot 1 was turned at 90 degrees to the entrance road with its main rear elevation facing No. 31. In the latest submission, this property has been turned to face onto the access road, with the floor plan layout for this (handed) property, indicating a kitchen and dining window at ground floor in its side elevation with no windows at first floor level. It thus presents a side to side relationship with Plot 1. The separation distance between Plot 1 and No. 31 Plas Road is approx. 18m, this exceeds the 15m separation distance advocated in the SPG. Moreover the lack of any windows at first floor level, together with the fact that the proposed site is lower than the existing properties, will ensure that there is no adverse overlooking, overbearing, or overshadowing impacts on this neighbouring property. Other properties located on Tyrisha Road to the west, benefit from long rear gardens, and thus there are no other undue concerns raised to existing properties. The existing hedge boundary between these properties and the site is to be retained, once trimmed with a 1.2m fence proposed inside the hedge line.

Turing to the proposed plots, it is considered each property would be provided with a sufficient area of external amenity space, and separation distances are considered sufficient to ensure no undue harm between proposed properties.

In terms of the residential amenity of the existing and future occupiers, it is considered that the use of the site for residential purposes, would not cause an undue harmful impact on the amenities of the existing and future residents. The application is considered to be acceptable and would accord with the provisions of Policy PS2 of the LDP and the SPG - Places to Live: Residential Design Guide.

Transportation and Highway Safety

Turning to matters of transport and highway safety, the site was subject to a statutory pre-application consultation process with the Highways Authority. The application is accompanied by a Transport Statement.

Whilst extensive concerns have been raised regarding the proposed access to the site and additional traffic movements, the Highway Authority's view is that the proposals do form a safe and workable solution. The access can be constructed entirely on land which is either adopted highway or land under the control of the applicant, the lane entrance is to be re-constructed as a vehicle crossover, giving clear indication of road hierarchy to the user. Visibility splays can be achieved and standard width segregated pedestrian route is available to access and exit the site, With expected low vehicle flows this is considered appropriate and consistent with highway guidance, whereby carriageway and footway widths should be appropriate for traffic volumes and pedestrian activity.

Parking on site is provided in accordance with the adopted parking guidelines, with visitor parking assumed to be on street. Parking is arranged as a mixture of frontage and side drives.

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The road appears to be laid out to adoptable standards and will be required to be constructed to Highway Authority Standards and Specification including drainage and street lighting in order to be suitable for adoption.

Tracking runs have been provided, which demonstrate the site is accessible to refuse, fire and service vehicles, which can enter and exit in a forward gear.

The Transport Statement confirms that there 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, albeit there are local concerns over the speed of vehicles on High Street, Grovesend.

The initially requested Section 106 off site highway works has been revisited in terms of what will have the greatest benefit and be directly related to the development, in making it acceptable in planning terms.

Several of the originally requested measures have already been implemented, electronic speed warning signs are already in place and would not comply with the CIL regulations for S106 contributions. A section 106 contribution is however required in the region of £15,000 to provide speed tables at the junctions of High St / Plas Rd and High St / New Road, Grovesend.

Subject to the inclusion of a section 106 contribution to implement the above listed speed reduction measures on High St at the junctions of New Road and Plas Road, the Head of Highways and Transportation has offered no highway objection to the proposal. On balance, therefore the application is considered to be acceptable in respect of access and highway safety.

Trees

A tree survey has been supplied in the submitted documents. The trees present internal to the site that require removal to carry out the proposed plans are categorised as either C or U in the trees survey. The Tree Officer has raised no objection to the removal of these trees and their loss can be suitably mitigated by tree planting included in a landscaping scheme. The bordering hedges are made up of small trees that have been categorised as B, these will be retained. The size of these trees are unlikely to cause shading or dominance issues. It is recommended to include a landscape condition that includes protection measures for the bordering hedgerow trees. Subject to the imposition of appropriate conditions the application is considered to be acceptable in this regard.

Drainage

An updated drainage strategy has been submitted with the application following liaison with the Council's Drainage and Ecology Officers. A number of residents and landowners have raised particular concerns in respect of the surface water drainage arrangements for the site, the potential for discharging onto 3rd party/Common land which is designated as a SINC and associated ecological impacts.

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LDP Policy RP4 seeks to ensure that development does not compromise the quality of the water environment. It further highlights that issues such as water pollution, flood risk and the protection and enhancement of aquatic ecosystems are major considerations for development. It also indicates that within particular waste water treatment catchment areas (Gowerton), the connection of foul flows generated by new development introduces the risk of deterioration in water quality of the Burry Inlet and Loughor Estuary. Thus, new development in such areas should reduce risk through mitigation measures compensatory surface water removal. However, in this instance, the foul water catchment area is Pontarddulais, Thus compensatory surface water removal is not required for this site.

Foul Water:

All foul flows will connect to a new pumping station to be built to the side of Plot 45, which will then be pumped to the existing foul public sewer in Plas Road (mahole ref. SN59003501) Dwr Cymru Welsh Water have raised no objection in principle subject to the inclusion of a condition ensuring that no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

Surface Water:

There is currently some level of surface water discharge into the SINC. More specifically, there is a 300mm diameter pipe south of the access track leading from Plas Road which discharges into a ditch that leads to the marshland whilst another ditch is present to the east of the track leading to the farmhouse which runs into a westerly direction towards the SINC. There are also several other ditches in the vicinity. Currently this discharge is untreated.

The proposed surface water arrangements will involve the construction of a surface water detention basin to the south east of the main housing site. Initially this was excluded from the red line boundary, but as this constitutes an engineering operation in itself, the application site boundary was redrawn to include this land within the application site. The detention basin will discharge into an existing ditch and onto adjacent marsh land within is identified as falling within the Brynlliw Grassland Site of Interest for Nature Conservation (SINC).

The attenuation pond has been designed to provide a primary detention basin to store the current volume of run off (calculated to be 233 cubic metres), with an outlet from the detention based to limit the follow to the greenfield runoff rate. Once this primary basin is full, the surface water will discharge over the weir wall to a secondary basin which has been designed with the capacity to store water in excess of post development volume. This will allow the water to be held, some of which will infiltrate into the ground through the limited permeability available, whilst some will evaporate from surfaces and transpire from vegetation. The attenuation basin and drainage strategy have been designed to manage and treat potential contaminants from the site prior to its discharge into the SINC. Following implementation of such mitigation, it is considered any residual effects to the SINC and water quality would be (at worst) negligible or at best an improvement in water quality when compared to existing baseline conditions. The Council's Drainage Officer has advised verbally that they have no objection to the proposed surface water drainage solution proposed from a planning perspective subject to standard drainage conditions which would be attached to any grant of consent.

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It is the developer's responsibility to ensure that they have all necessary consents (over and above planning permission) to discharge any water onto third party land and they comply with appropriate legislation relating to drainage. In addition to a comprehensive drainage condition, to ensure the surface water drainage scheme is undertaken in accordance with the drainage strategy, an informative note will be added to any consent granted advising the developer to ensure compliance with other legislation (including drainage).

The proposals are therefore considered acceptable in terms of the drainage impact when considered against Policies RP 3, RP 4 and EU4 of the LDP.

Ecology

Turning to ecology matters, the application is accompanied by a Phase I Ecological Survey, tree survey, Green Infrastructure Assessment, and a technical note regarding the surface water drainage strategy. The ecological survey proposes a number of mitigation and enhancement measures to be incorporated within the development together with a number of precautionary working measures to be followed during construction phase of the development.

The site supports relatively species-poor agricultural grassland delineated by native hedgerows and scrub lines. The site forms part of the Brynlliw Grasslands Site of Importance for Nature Conservation (SINC). SINC's, along with other locally designated wildlife sites, are addressed under UDP policy EV28, which states that "Development that would significantly adversely affect SINC's or RIG's, or which would not provide for appropriate compensatory or mitigation measures will not be permitted, unless it can be demonstrated to meet appropriate social or economic needs where the benefits in such terms would outweigh the harm to the feature concerned.

In respect of protected species, both NRW and the Council's Ecology officer have recommended the inclusion of conditions in respect of detailed inspection for bats prior to any tree felling, together with a precautionary approach and the adoption of a 'soft felling methodology'. The ecological survey report has scoped out dormice as potentially being present on site due to sub-optimal habitat and lack of records within 2km. However, the Council's ecologist has recommended the inclusion of a pre-commencement check for dormice prior to any construction on site. Should any dormice be found, then the applicant will be required to apply for a European Protected Species (EPS) Derogation Licence from NRW and a copy of the licence shall be submitted to the Local Planning Authority (LPA).

The Ecology Officer has also indicated that any hedgerows removed should be translocated and used elsewhere on site. Hedgerow features will be retained with the exception of proposed erosion to hedgerows across the south western corner of the site to facilitate vehicular access to residential parcels, in addition to the loss of a species-poor hedgerow associated with the boundaries of Tyrisha farmhouse. However, where such habitat is lost it is proposed to be compensated for with the enhancement of retained hedgerows elsewhere on site through additional shrub planting aimed at plugging gaps. Such habitats will also be subject to sensitive management over the long-term, necessary to maximise species and structural diversity, whilst providing appropriate habitat buffers to offset sensitive features from the proposed development edge. This is in addition to the inclusion of new native hedgerow planting totalling circa 140m along the eastern boundary, thereby further enhancing connectivity for wildlife across the site

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Detailed measures for the retention, enhancement and creation of the hedgerow resource is provided within a Hedgerow Management Plan at Appendix EDP 9 of the Ecological survey. A detailed planting schedule will incorporate a mix of native species of local provenance, reflecting the biodiversity of the surrounding landscape. It is recommended to include a condition to ensure all works to hedgerows be undertaken in strict accordance with the Hedgerow Management Plan.

With regard to potential light impacts in relation to ecology, a condition will be added requiring a sensitive lighting strategy relating to both the construction and operational phases of the development to be submitted to the Local Planning Authority for its consideration. The lighting strategy shall ensure that the habitats adjacent to and within the site are not lit and that protected species using the site for commuting and foraging purposes can continue to do so without disturbance

A scheme of Ecological Enhancement Measures in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site can also be required via a condition.

Conditions can be recommended requiring an Ecological Management Plan (EMP) and a Construction Environmental Management Plan / Pollution Prevention Plan (CEMP/PPP)

It is considered that no protected species (including badgers, dormice, bats, or reptiles) would be detrimentally affected by the proposed development and as such, the application is considered to be acceptable in this regard.

As indicated within the drainage section, the preferred drainage strategy will involve the construction of a surface water detention basin to the south east of site. The detention basin will discharge into an existing ditch and onto adjacent marsh land within is identified as falling within the Brynlliw Grassland Site of Interest for Nature Conservation (SINC). The potential footprint of the detention basin overlaps with circa 0.65ha of the SINC. The SINC covers in total 75 ha of land comprising lowland meadow, species-rich purple moor-grass and rush pasture, reedbeds, wet heath, deciduous woodland, scrub and species-rich neutral grassland

To inform potential impacts to the SINC as a result of the development proposals, a botanical survey of the potential construction footprint for the proposed basin was undertaken. The survey results indicated the vast majority of the survey area was considered to be relatively species poor with evidence of invasive species including Japanese knotweed taking hold. No assessment of the wider SINC could be undertaken due to access constraints associated with dense scrub, prevalence of boggy habitat and lack of any land access agreement. A review of aerial imagery was undertaken and indicates that habitats adjacent to the proposed detention basin comprise dense scrub and grassland. In the absence of further survey effort of the wider SINC, an assessment of potential impacts associated with construction of the detention basin is based upon presumed presence of good quality habitat for which the SINC is designated in addition to the presumed presence of those protected/notable species for which the SINC is designated

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In the absence of avoidance/mitigation measures, the potential impacts of the proposed drainage strategy upon the SINC are as follows:

- Permanent loss of habitat in the footprint of the detention basin;
- Temporary increase in silt run-off into the SINC during construction of the attenuation basin and wider development;
- Increase in contaminated surface water into the SINC during the operational phase of the proposed residential development; and
- Changes to the hydrological regime of the SINC.

These issues are considered in turn.

The area of the Brynlliw Grassland SINC which will be lost to facilitate the proposed development supports relatively species-poor vegetation with the invasive species Japanese Knotweed is also present. Impacts upon this designation associated with habitat loss primarily relates to the reduction in the overall size of this SINC, rather than a reduction in its botanical value following construction of the detention basin. Furthermore, the loss of the existing habitat will be mitigated, and enhancements provided by the creation of new species-rich wetland planting within the detention basin.

If construction of the detention basin and wider development site were to take place during periods of high rainfall, construction activities could result in increased silt run-off downslope/downstream and be discharged by existing land drains into the Brynlliw Grassland SINC. As such, it is recommended to include pollution prevention measures to be implemented during construction to avoid/minimise any such impact.

In respect of existing discharges into the SINC a 300mm diameter pipe south of the access track leading from Plas Road discharges into a ditch that leads to the marshland, whilst another ditch is present to the east of the track leading to the farm house, which runs in a westerly direction towards the SINC. There are a further three ditches, collecting surface water run-off and discharging into the marsh. Currently, this discharge is untreated. The detention basin has been designed to manage and treat potential contaminants from the site prior to its discharge into the SINC. Following implementation it is considered this will result in an improvement in water quality when compared to baseline conditions. However, to further reduce the potential for negative effects to occur, the detention basin will be planted with wetland species noted for their filtration and sedimentation properties, resulting in the remediation of contaminated water.

Any increase/decrease in surface water flow to the adjoining SINC when compared to current levels may result in a change in the nature and distribution of habitats and associated protected species following waterlogging or drying out of adjacent land. However, the drainage strategy has been revised to ensure that current water levels will be maintained and that discharge to the Brynlliw Grasslands SINC post development will be restricted to 5l/s, comparable to current run-off rates measured at 5.27l/s. As such it is not considered there will be significant changes to the volume of run-off discharged to designated habitats when compared to baseline conditions.

The Council's Ecology officer has reviewed the proposed drainage layout and accompanying ecological technical note and has recommended the inclusion of a number of conditions in respect of the management and monitoring of the basin, and full planting details. These can be addressed as part of a detailed drainage condition relating to the attenuation basin.

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It is therefore considered that the attenuation basin has been designed to ensure that it would not increase the flow rate or overall volume of water being dispersed into the adjoining SINC. In addition, the design would also ensure suitable natural filtration to ensure no unacceptable change to the water quality would occur. It is therefore considered that the submitted details have suitably balanced and addressed the ecological and drainage concerns previously raised, subject to full detailed drainage design and planting specifications, which can be secured by way of suitable planning conditions.

On balance and subject to conditions to secure the above it is considered the proposal is acceptable in this regard.

Greenspace Infrastructure

Turning to matters of Greenspace, LDP Policy ER2 states that developments should provide for Green Infrastructure through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Developments should also take opportunities to maintain and enhance the extent, quality and connectivity of the Green Infrastructure Network.

For the purposes of this application it should be acknowledged that the site has been allocated for residential development in the LDP, so the loss of greenspace has been found acceptable through the plan-led process; the scheme has been designed to ensure the edges of the site are largely bordered by residential gardens, thus ensuring a transition to the built urban form. The proposed attenuation basin has been designed to provide a suitable wetland habitat and the drainage design will ensure that no impact on to the adjoining SINC would occur. The development would also include large areas of public open space and private gardens, together with new hedgerow planting. It is thus considered overall sufficient mitigation and compensation for green space lost for the development has been provided.

Public Open Space

As indicated above the proposal provides for the inclusion of a Local Area of Play at the entrance to the development site which is welcomed from a placemaking perspective as it provides outdoor recreation space on site. It is noted that concerns have been raised regarding the proposed siting of the LAP, however neither the Council's Parks dept. nor highways dept. have raised any safety concerns regarding its location and there is considered to be sufficient space between the area and the nearby road. For the size of the development a S106 contribution (£36,000) has been requested from the Parks Department towards the upgrade of play equipment in the existing play facility at Golden Grove Park. The Local Ward Members also requested improvements to this facility. This has been given due consideration as part of a viability appraisal of the site, and it is considered this request is reasonable and necessary and will form part of a S106 obligation should planning permission be forthcoming.

Land Stability

The Coal Authority has confirmed that the application site falls within the defined Development High Risk Area; that their records indicate that the site has been subject to historic recorded underground coal mining at shallow depth and that within, or within 20m of the planning boundary there are two recorded mine entries (shafts). Their records also indicate that a thick coal seam outcropped across the site.

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The application is accompanied by a Site Investigation Report which has been informed primarily from the results of an intrusive site investigation. Both of the recorded mine entries have been located and recorded shallow mine workings have also been identified underlying the site. The site layout has been designed around the mine entries and the report recommends the stabilisation of the shafts and the consolidation of the recorded workings. Subject to the imposition of a condition requiring the submission of and implementation of remedial details prior to the commencement of development, the Coal Authority has offered no objection to the proposal.

Heritage and Archaeology

There are no listed buildings or scheduled ancient monuments which affect the site and the site is not located within a Conservation Area. However, it is noted that the area has an irregular fieldscape, ribbon development and former industrial activity. An Archaeology report has been submitted in support of the application. The report indicates that the farmstead may have below ground buried remains. Glamorgan Gwent Archaeological Trust (GGAT) has raised no objection to the application but noted that the proposal will require archaeological mitigation as there are archaeological features recorded from historic mapping, which may be extant and include buried remains. As such a condition is recommended requiring a professionally qualified archaeologist be present during any excavations and a watching brief be submitted to and approved by the Local Planning Authority.

Public Rights of Way

There are no public rights of way through the site which would be affected by the proposals. Public footpath Lluchwr 103 (LC103) runs along the lane from the end of Plas Road to the south of the site. However, all access works will take place off the adopted highway. It is acknowledged that the allocation indicates that connections and improvements will be sought to PROWs on site or adjacent to the site. However, given that this is in separate ownership it is not considered feasible or necessary in this instance to request any upgrade to the PROW in the immediate vicinity.

Affordable Housing

This site is located within the Penyrheol Ward, which falls within the Greater North West Strategic Housing Policy Zone where there is a need for affordable housing of all sizes. The proposal seeks to provide for 59 of the proposed 60 houses as affordable dwellings in a mixture of sizes. The provision of 59 affordable units will therefore provide a significant benefit and will provide affordable housing that will help to address the acknowledged shortfall within the County. For the purpose of the S106 it will be a requirement that 15% affordable housing be provided onsite in line with the LDP. The Council's Housing Dept. has confirmed their acceptance of the proposed scheme for a majority of affordable housing in this instance. The proposal is therefore considered acceptable in this regard.

Education

The projected pupil numbers generated by the proposed development of 60 dwellings (having regard to the calculations contained within the Planning Obligations SPG) are as follows:

Primary: 15 (13 English and 2 Welsh medium)

Secondary: 10 (9 English and 1 Welsh medium)

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Due to low impact on pupil numbers and the potential contributions being too low to make any positive impact on the buildings there is no request for contributions for Welsh primary or secondary education.

However, the Education department has requested full contributions for English primary and secondary education (£31,116 plus indexation Pengelli Primary & £142,632.00 plus indexation for Pontarddulais Comprehensive respectively).

However, given viability concerns a review of consultee responses has taken place. There is predicted to be surplus capacity in the English secondary school by September 2024, however the primary school (in view of the predicted 13 spaces generated by the development) is expected to be over capacity. In view of the predicted capacity levels, it is considered that a reduction in the education contribution requested is necessary on viability grounds. A contribution towards the English Primary school only (Pengelli Primary) will therefore be requested in this instance. This is discussed further under the Financial Viability/Planning Obligations heading.

Invasive Species

Planning conditions in relation to invasive non-native species (including Japanese Knotweed and Himalayan Balsam) will be included in the interests of the ecology and amenity of the area. In order for the condition to be discharged the developer must then devise an appropriate and suitable method statement for the control of the plant.

Welsh Language

As part of the LDP, the Council has considered the cumulative effects of development on the Welsh Language across the County by Strategic Housing Policy Zones (SHPZ). It considers that the Welsh language is of particular sensitivity or significance across the whole Greater North West SHPZ, within which the allocation is sited, and the adjacent Clydach ward. As such it is acknowledged that this site falls within a Welsh language sensitive area. LDP Policy HC3 states that applications for allocated sites within the language sensitive areas are required to submit a Welsh language action plan setting out measures to be taken to protect, promote and enhance the Welsh language. The following measures are proposed in the submitted action plan:

- Affordability; increasing the existing provision of housing stock within the local area could (to a certain extent) mitigate any existing issues of affordability. Further, the potential to provide a level of affordable housing will allow local people who require housing to remain in the local area, thus assisting with maintaining the level of Welsh speakers in the area;
- Unit Mix – the provision of a mix of unit types, including 1, 2, 3 & 4 bedroom dwellings will help ensure a balanced age demographic is maintained;
- Street names & signage – the development will include provision of Welsh language street names & signage.

As a result, the development is considered unlikely to lead to a loss in Welsh speaking households in the locality. The mix of units would help cater for people of different ages and economic status, with different lifestyles and levels of independence. It is considered unlikely that the development would force the local Welsh speaking community to leave the area. The proposal is therefore considered acceptable in this regard.

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It is noted that comments have been raised which raise concern regarding the near total level of affordable housing on site. A viability assessment has been submitted which has been assessed via an independent appraiser. This included a consideration of whether a similar development, incorporating unrestricted open market housing would be likely to be viable on this site. Having regard to the prevailing level of values for open market housing together with high level of abnormal costs associated with development of the site, it is considered that a market-led scheme would not currently be viable and the scheme for entirely affordable dwellings is likely to be the only way in which it would be viable for the land to be developed.

Response to Consultations

It is acknowledged that the objections raise a number of issues in respect of the development of this site. Issues relating to LDP /UDP designation, sewerage, surface water and drainage, access, traffic, parking, access for emergency vehicles, school places, design, tenure and layout of the proposed development, open space, hedgerows, protected species and habitats, density, affordable housing, trees, visual impacts, flooding, street lighting and play areas have been addressed above.

Concern has been raised regarding risks associated with previous coal mining. The Coal Authority has raised no objection to the development subject to a condition being imposed requiring the submission of and implementation of remedial details prior to the commencement of development. In this respect, the proposal is considered to mitigate against these risks.

With regard to the concerns raised about the development not complying with PPW in terms of sustainable development and reliance on cars as opposed to non-car modes, the site has previously been considered and accepted for inclusion as a housing site and compliance with the LDP strategy intended to provide opportunities for new homes at a range of sites across the County. The Transport Statement confirms that there 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. A suitable package of off-site road safety improvements would allow people to make the most advantage of non-motorised transport options.

Concerns regarding potential for grassfire risk and encroachment onto housing site is noted, however this is not considered a material reason to refuse the application on this basis.

Planning Obligations/Financial Viability

The applicant has submitted a Financial Viability Assessment. This has been the subject of an Independent Financial Viability Appraisal undertaken by the same independent appraiser who undertook the Local Development Plan viability assessment to ensure consistency of approach. This appraisal has been discussed at length between parties as the applicant maintains that the scheme would not be viable, given high level abnormal costs associated with the development of the site, unless the S106 contributions are reduced significantly. The Head of Transportation had already undertaken a review of contribution previously requested, in terms of what will have the greatest benefit and be directly related to the development, in making it acceptable in planning terms.

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Other requests from consultees have been further interrogated and it is considered that the education contribution for English secondary could be omitted as 9 English spaces would be created but there is still capacity for this provision at the current time in Pontarddulais Comprehensive.

Within this context it is considered that a reduction in (education) contributions is necessary on viability grounds.

In addition, the independent appraisal has indicated that it would be viable for the proposed development to provide contribution towards off site play equipment upgrade at Golden Grove Park.

The planning obligations associated with this development include:

- £31,116 contribution towards Pengelli Primary School;
- £15,000 contribution to provide speed tables at the junctions of High St / Plas Rd and High St / New Road, Grovesend;
- £36,000 contribution towards upgrade of Golden Grove Park play facility;
- 15% affordable housing
- £4000 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 highway improvements, play facilities, Education, provide affordable housing on site)
- 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 highway improvements, education, play facilities and the provision of affordable housing.)

On balance the above contributions are considered necessary, directly related and fairly and reasonably related in scale and kind to the development.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the development is considered acceptable on balance when considered all material considerations. It is therefore concluded that the application should be approved subject to the following conditions and the completion of a S106 Agreement.

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

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

Recommendation

That subject to any Direction from the Welsh Ministers, the application be APPROVED subject to the following conditions and the applicant entering in to a S106 Planning Obligation to provide:

- A minimum of 15% on-site affordable housing provision to include a range of DQR compliant, house types/sizes of social and intermediate tenure at a ratio to be agreed.
- Highways – A contribution of £15,000 to provide speed reduction measures on High St at the junctions of New Road and Plas Road. The contribution shall be paid prior to the occupation of the 1st residential unit.
- Education – A contribution of £31,116 plus indexation towards Pengelli Primary school - 50% of the education contribution (plus indexation_ prior to the occupation of the first housing unit, and the remaining 50% prior to the occupation of the 25th housing unit.
- Parks – A contribution of £36,000 towards the upgrade of Golden Grove Park play facility. The contribution shall be paid prior to the occupation of the 1st residential unit.
- A Management and Monitoring fee of £4000 (based on 20% of the fee for the planning application)
- The Council's legal fees of £1000 relating to the preparation of the S106 agreement

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:

1713-BSO1 bin store detail;
1713-D01 brick screen wall;
1713-D02-1800 close board fence;
1713-D03-900 Wall & piers;
1713-D04 close board gate;
1713-D05-1100 hoop type railings;
100_P5 proposed levels;
101_P4 long sections;
SK01_P6 proposed highway layout
received 22nd December 2018;

HTS-23 Plot 60 floor plans & elevations;
HTS- 24 Plot 45 floor plans & elevations
HTS-25 Plots 54 & 55 floor plans & elevations
received 28th December 2018

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SK02 P5 Proposed site access plan
received 22nd February 2019;

HF-01 C House materials finishes plan;
HTS-01 A plots 29-32 floor plans;
HTS-03 B plots 15-18 floor plans;
HTS-05 A plots 46-29 floor plans;
HTS-07 B plots 11, 12, 13, 14, 24, 25, 54 & 55 floor plans & elevations;
HTS-08 B plots 26,27,56 & 57 floor plans & elevations;
HTS-10-B plots 7 & 8 floor plans & elevations;
HTS-11 B plots 1 & 60 floor plans & elevations - Note Plot 1 to be a handed version of that shown as illustrated on street scene & cross sections drawing 1713-SS01 Rev D; - .
HTS-15 B plots 33 & 34 floor plans & elevations;
HTS-22B plot 45 floor plans & elevations;
LP-01 B site location plan;
received 26th September 2019;

1713-EW 01 Rev D external works layout;
1713-SS01 Rev D street scenes and cross sections;
1713-TP-01 Rev F site layout;
HTS-02 Rev C plots 29-32 elevations;
HTS-04 Rev C plots 15-18 elevations;
HTS-06 Rev C plots 46-49 elevations;
HTS-09 Rev C plots 2,3,20 & 21 floor plans & elevations;
HTS-12 Rec C plots 5,6,39 & 40 floor plans & elevations;
HTS-13 Rev C plots 9,10,22,23,37 & 38 floor plans & elevations;
HTS-14 Rev C plots 35 & 36 floor plans & elevations;
HTS-16 Rev C plots 41,42,58 & 59 floor plans & elevations;
HTS-17 Rev C plots 43 & 44 floor plans & elevations;
HTS-18 Rev C plots 50 & 51 floor plans & elevations;
HTS-19 Rev C plots 52 & 53 floor plans & elevations;
HTS-20 Rev C plot 19 floor plans & elevations;
HTS-21 Rev C plots 4 & 28 floor plans & elevations
received 18th October 2019.

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

- 3 No dwelling shall be occupied until full details of the proposed arrangements for the 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: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety

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- 4 No development above existing ground level shall be commenced until full engineering, drainage, street lighting and constructional details of the proposed highways have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details. The scheme shall include details of how the lighting will avoid excess light falling on site features that may be used for foraging bats.
Reason : In the interests of highway safety and to ensure ecological interests are suitably protected from lightspill.
- 5 No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the Local Planning Authority. The approved programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 6 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road/ highway.
Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development, and also in the interests of highway visibility.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any order revoking or amending that order), Classes A, D, E and F of Part 1 of Schedule 2, shall not apply.
Reason: To prevent development on site that may affect the receiving watercourse as a result of increased impermeable areas and in the interests of visual amenity to ensure landscaping is maintained and the amenities of neighbouring occupiers.
- 8 No development shall take place until a detailed scheme and timetable for the treatment of invasive non-native species, including Japanese Knotweed and Himalayan Balsam, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of the ecology and amenity of the area.
- 9 Prior to the commencement of development, and notwithstanding the details shown on the proposed drainage layout drawing 110 P11, full details of the surface water drainage arrangements shall be submitted to and approved in writing by the Local Planning Authority. This shall include:
- Full details for responsibility for monitoring and management of the basin for the lifetime of the development;
 - Full detailing of planting specifications within the surface water attenuation basin
 - Biosecurity plan to help reduce the risk of introduction/spread of any aquatic invasive non-native species, during planting of the attenuation basis for SuDS. The plan shall include details of supplier/s and /or source of the plants.

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The attenuation basin shall be managed, monitored and reviewed 2 years following creation, and a summary report shall be submitted to the LPA, outlining success/failures and any further need for plug-planting as per 4.6 and 4.7 of the Ecology Technical Report and timescales for this. Any additional works shall thereafter be undertaken in accordance with the approved timetable.

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network unless it has been demonstrated that there are no other options available.

Reason: To ensure a satisfactory and sustainable means of surface water drainage, to prevent the increased risk of flooding, promote biodiversity and ensure future maintenance of these features.

- 10 The site shall not discharge surface water from the attenuation lagoon at any rate greater than 5l/s.

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

- 11 Prior to the commencement of development above existing ground level, a scheme of remedial works for the treatment of the mine entries shall be submitted to and approved in writing by the Local Planning Authority. The works shall be undertaken in accordance with the approved details before the development hereby approved is occupied.

Reason: To ensure the safety and stability of the proposed development.

- 12 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 to, 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 size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

- 13 Prior to the commencement of development an Ecological Management Plan (EMP) shall be submitted to and approved in writing by the Local Planning Authority. The EMP should include all of the recommendations for mitigation and enhancement contained within the Ecological Appraisal (Report Ref edp5033-r001, Environmental Dimension Partnership Ltd) . The EMP shall address pre-construction (e.g. vegetation removal, bat/dormice/badger check), construction (e.g. protective fencing) and post-construction (e.g habitat enhancement) phases of the development.

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

The content of the EMP shall include the following.

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.

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- c) Aims and objectives of management e.g. to restore and enhance existing habitats, ensure successful establishment of new habitats etc.
- d) Appropriate management and monitoring options for achieving aims and objectives.
- e) Prescriptions for management actions to include but not be limited to; a scheme for bat and bird box installation.
- f) Preparation of a work schedule and monitoring scheme (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the suitably skilled body or organization responsible for implementation of the plan.
- h) On-going monitoring, including of protected species, and remedial measures.

The EMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the EMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

Reason: In the interests of maintaining and managing the landscape and ecological features of the site.

- 14 The proposed development shall be carried out in strict accordance with the Hedgerow Management Plan detailed in Appendix EDP9 & paragraph 5.36 of the Ecological Appraisal (Report Ref edp5033-r001, Environmental Dimension Partnership Ltd) received on 22nd December 2018. The Management Plan shall include monitoring and aftercare procedures.

An assessment of the condition of all retained, translocated and newly planted trees, hedgerows and shrubs located within the site shall be carried out by an Arboricultural Association (AA) approved arboricultural contractor or professional arboriculturalist every two years for the first five years following the commencement of development. The findings of each assessment shall be submitted to the Local Planning Authority within one month of the assessment being completed. In the event that an assessment indicates any retained, and newly planted trees, hedgerows and shrubs have died, have been removed or become seriously damaged or diseased they shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure that the retained, translocated and newly planted trees, hedgerows and shrubs are managed for their health and safety in the interests of ecology and visual amenity

- 15 Prior to any tree felling and building demolition, an updated detailed inspection for bat roosts shall be carried out by a suitably qualified ecologist no more than 1 month prior to the proposed works.

If no roosts are found, the trees shall be subject to a 'soft' felling methodology as set out in paragraph 5.51 of the Ecological Appraisal (Report Ref edp5033-r001, Environmental Dimension Partnership Ltd) received on 22nd December 2018. If any roosts are found then work relating to the felling of trees and building demolition must stop immediately and shall not re-commence without the written approval of the Local Planning Authority.

Reason: In the interests of protecting European Protected Species on the site.

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- 16 No earlier than 3 months prior to the commencement of any pre-construction/enabling works at the site, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine whether there are any dormouse/dormouse nests present at the site at that time. The results of the site walkover shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the commencement or any pre-construction/enabling works. Should any dormice be found on the site, then the applicant shall apply for a EPS Derogation Licence from NRW and a copy of the licence shall be submitted to the Local Planning Authority.
Reason: In the interests of biodiversity and in order to minimise the impacts of the scheme on any potential dormouse.
- 17 No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan (PPP) has been submitted to, and approved in writing by the Local Planning Authority. The approved document shall be adhered to throughout the construction period, and must be efficiently communicated to all contractors and sub-contractors (for example, via toolbox talks) and any deficiencies rectified immediately. As a minimum the plan should include the following points:
- a) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
 - b) How each of those watercourses and pathways will be protected from site run off during construction.
 - c) How the water quality of the watercourses will be monitored and recorded.
 - d) How surface water runoff from the site during construction will be managed/discharged. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
 - e) Storage facilities for all fuels, oils and chemicals.
 - f) Construction of compounds, car parks, offices, etc.
 - g) Details of the nature, type and quantity of materials to be imported on to the site.
 - h) Measures for dealing with any contaminated material (demolition waste or excavated waste).
 - i) Identification of any buried services, such as foul sewers, so that they are protected.
 - j) Details of emergency contacts,(for example Natural Resources Wales hotline 0800 807 060)
 - k) Demolition/Construction programme and timetable
 - l) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
 - m) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
 - n) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
 - o) Proposed working hours;
 - p) Principal Contractor details, which will include a nominated contact for complaints;
 - q) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM)
 - r) Details of on site dust mitigation measures having regard to BPM;
 - s) Details of on site noise mitigation measures having regard to BPM;

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t) Details of waste management arrangements (including any proposed crushing/screening operations);

u) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

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

18 Notwithstanding the submitted public open space & landscape design details, no dwelling shall be occupied until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

i) A statement setting out the design objectives and how these will be delivered;

ii) Protection measures for the bordering hedgerow trees;

ii) Earthworks showing existing and proposed finished levels or contours;

iii) Retaining structures;

iv) Other vehicle and pedestrian access and circulation areas;

v) Hard surfacing materials;

vi) Minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.), and

vi) Any water features;

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

19 The car parking spaces serving each dwelling shall be laid out in accordance with the approved details prior to the first beneficial use of the dwelling they serve and shall thereafter be retained for the parking of private motor vehicles.

Reason: To ensure adequate car parking provision is provided and retained on site in the interests of highway safety.

Informatives

1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: [PS1, PS2, PS3, IO1, ER2, ER8, ER9, ER11, CV2, EU4, H1, T1, T2, T5, T6, S11, S16, S18, HC3L, RP4, RP5, RP7, RP8, RP9].

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- 2 This consent is issued without prejudice to any other consents or easements that may be required by legislation in connection with the proposed development, including any consent required in regards to land drainage and the discharge of water onto any 3rd party land.
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest 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.
- 4 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild bird
- You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 5 Informative note: In connection with Condition 11, noting the recorded shallow workings which underlie certain parts of the site, the applicant may wish to consider any implications posed by transient mine gas, which may be required to be considered under Building Regulations or any environmental legislation.
- 6 The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre, Swansea SA13SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk

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.

Note 2: The applicant is advised that to discharge the Section 38 condition that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes

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- 7 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (ClfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a ClfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.
- 8 **1 Construction Noise**
The following restrictions should be applied to all works of demolition/ construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 2 Smoke/ Burning of materials**
No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 3 Dust Control**
During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
- 4 Lighting**
During construction work the developer shall operate all best practice to minimise nuisance to local residences from on site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk] recommendations
- 9 DCWW Advisory Notes: The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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

10 Hedgehogs:

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 such as that proposed to be erected on this site. This allows foraging hedgehogs to be able to pass freely throughout a site. See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing>

Badgers

Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

Reptiles may be present. 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).

Dormice are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Consequently, it is an offence to intentionally or recklessly kill a dormouse, disturb a dormouse whilst it is occupying a resting place or breeding site

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2018/2168/OUT

Background Information

Site History

App Number	Proposal	Status	Decision Date
2018/2168/OUT	Construction of up to 20 dwellings, new access road and replacement bridge (outline)	PDE	
2017/1684/OUT	Construction of 40 dwellings, new access road and replacement bridge (outline)	WDN	29.11.2017
2018/1727/PRE	PRE APP for construction of 31 dwellings, access road and replacement bridge	MIXPRE	08.10.2018
2018/2168/OUT	Construction of up to 20 dwellings, new access road and replacement bridge (outline)	PDE	
2012/0861	Variation of condition 1 of planning permission 2006/1156 granted 18th September 2007 to extend the time to commence work by a further 5 years	WDN	13.06.2016
2011/1041	Proposed access road to residential site pursuant to planning permission 2006/1156 granted 18th September 2007	APP	12.04.2012
2010/0721	Residential development for 10 dwellings (outline)	WDN	18.03.2011
2007/2389	Residential development (outline)	APP	29.04.2008
2006/1156	Residential development comprising 26 detached and semi-detached dwelling houses with associated engineering works, highway improvements and replacement bridge.	APP	21.09.2007

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Background

There is considerable planning history relating to this site, most recently an application for 40 dwellings at the site was recommended for refusal for six reasons (planning ref: 2017/1684/OUT). The application was due to be reported to the planning committee on 5th December 2017 but was withdrawn by the applicant prior to being reported to the planning committee. The current application seeks to address the previously recommended reasons for refusal.

In terms of other planning history at the site, full planning permission was granted in 2007 under planning permission 2006/1156 for 26 dwellings including highway improvements and a replacement bridge. A subsequent full application for an amended access road (to the 2006/1156 development) was approved in 2012 under Ref: 2011/1041. A further application (2012/0861) was submitted to renew the 2007 planning permission, but was later withdrawn.

Whilst planning permission has previously been granted on this site, there are no extant planning permissions and this current planning application must be considered in light of up to date planning policies and guidance.

The planning application is reported to the Planning Committee on the basis that the number of dwellings proposed meets the threshold specified within the Council's Constitution.

Site Location

The application site forms an irregular shaped parcel of land measuring some 1.38 hectares that extends from Walters Road along Felin Fran and widens to occupy the land located between the M4 Motorway embankment to the east and the freight railway embankment to the west. The main body of the site that diverts from Felin Fran has previously been cleared of vegetation, leaving re-colonised ground vegetation with an earth embankment and a small line of deciduous trees.

Description of Development

This is an outline planning application for up to 20 dwellings and replacement bridge with matters relating to "access" being considered under this application. All other matters are reserved for future consideration. The application originally proposed the development of 27 dwellings on the site, but this number has now been reduced to 20 dwellings. The application has been considered on the basis of the revised plans.

Access to the site would be derived off Walters Road via a bridge spanning the Nant Bran, which is proposed to be replaced, the access would then follow the alignment of Felin Fran into the site before diverting to create a spine road that would meander through the site. Frontage development is proposed comprising of detached and semi-detached dwellings with the majority of dwellings facing a west/north-west direction towards the M4.

The scale parameters for the semi-detached dwellings would be as follows: Width 6 - 8m, length 7 - 9m, ridge height 8 - 9m and eaves height 6 - 7m. The detached houses would have similar ridge and eaves heights to the semi-detached properties, but are proposed to be 8-10m wide and 6-8m deep. The replacement bridge would have the following scale parameters: Width 5-6m, length 2m-4m and height 2-3m.

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Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

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

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

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

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

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

SI 1 Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI 3 Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

SI 6 Provision of New Open Space -Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

SI 8 Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime in accordance with specified policy principles.

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

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

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

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

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

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

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.

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

T 2 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.

T 5 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.

T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

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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.

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.

RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

RP 2 Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

The following supplementary planning guidance documents are also relevant to the determination of this application:

Places to Live - Residential Design Guide (adopted 2014)

Planning Obligations (adopted 2010)

City and County of Swansea Parking Standards (adopted 2012)

The Protection of Trees on Development Sites (adopted 2016)

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Consultations:

Placemaking:

Previous placemaking and design comments have been provided on this outline application in September 2019 and prior to this, in November 2018.

The scheme layout is an improvement on the previous iteration, however, the in principle objection to the development of the site for residential use remains, given the isolated nature of the site and the poor local linkages which will result in a car dependent scheme which goes against national policy objectives, for this reason the scheme cannot be supported from a placemaking and design perspective.

Highways:

A Transport Statement has been submitted in support of the Planning application (as previously advised). In the main the document is accepted but the links to local amenities still remain poor.

The site does contain one shared use path of 3m width (for shared walking/cycling) but once any resident meets Walters Road then the facilities are limited. The applicant has not been able to provide any notable enhancements to existing bus services nor pedestrian access to them. As raised previously this is of concern and reduces down viable options for travel other than a car. It is noted that the CCS Urban design team has also raised an objection of the grounds of accessibility.

Traffic movements are estimated at 17 vehicular trips in the morning peak and 18 vehicular trips in the afternoon peak hour and this takes into account the sites accessibility and mixture of units. The site will also forecast to generate pedestrian, cycling, car sharing and public transport trips.

Section 106 contributions

In terms of car movements the site is considered adequate but under the SPG on section 106 agreements a contribution will be sought towards enhancements to walking/cycling/and public transport access. For 28 units at this site then this equates to £30,000. The money will be used to enhance road safety measures and accessibility for pedestrians/cyclists and access to public transport. This money will be in addition to any infrastructure works that are required for the new bridge/access/road.

Layout

Felin Fran is adopted highway and the scheme will require a new bridge to be constructed prior to any works commencing on site. The new road will incorporate the existing road into it. The internal road will need to be laid out to current design guidance. It is not clear if the road is to be offered up for adoption (beyond the existing limit) or whether it will remain privately maintained. The access works and new bridge will need to be done under Section 278/38 Agreements with the Highway Authority.

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Following refusal of the previous planning application then negotiations had been undertaken with regard to improving the pedestrian accessibility of the site by providing a footway link alongside Walters Road towards Lon Las school. This has not been included in the current submission. Part of the land required is designated as adopted highway (waste) as such it would be available to provide partial footway links.

Autotrack runs will need to be submitted to show that the site can be adequately serviced by a refuse or emergency vehicle. A hammerhead has been included to facilitate this movement but it is not clear if it is to adoptable standards. In addition as the plan is only 2D then no gradients have been indicated. In order for a scheme to be adopted then suitable gradients and appropriate drainage will have to be demonstrated.

A new bridge is indicated and full design details (drawings/calculations) will be required together with a third party design check for approval by CCS.

Parking

In terms of parking CCS parking standards is the relevant SPG. It appears that 2 parking spaces are available per plot. The house sizes are not indicated but it has been stated previously that the remote nature of site would not qualify for any parking reduction of the grounds of accessibility. Therefore the dwellings would need to be restricted to two bedroom each, else the site would not comply with the parking standards. No visitor parking has been shown but from the proposed layout and geometry it is likely that this could be accommodated on street.

Conclusions

In principle the site is suitable for residential development subject to the comments made above being noted and the following conditions applied:

Recommendations

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

1. 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].
2. Permitted development rights being removed with respect to the garages.
3. All front boundaries to be kept below 1m in the interests of visibility.
4. The site access will need to be constructed to Highways Authority Standards and Specification under a Section 278 Agreement with the Highways Authority. The section 278 agreement shall include the submission of a Construction Traffic Management plan for approval by the HA.

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5. The applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to any works commencing on site.
6. The submission of full calculations and drawings for the new bridge, together with an independent third party design check to be submitted for approval to the Highway Authority. The bridge shall be constructed prior to any works commencing on the site.
7. The dwellings being restricted to 2 bed units each in the interests of highway safety.
8. The inclusion of one shared use width footway throughout the length of the site (minimum 3m) to allow shared cycle/pedestrian usage.
9. The development shall not be commenced until a scheme for pedestrian improvements along Walters Road have been submitted to and agreed in writing by the LPA,. These should include and not be restricted to :
 - a) The completion of a new 2m footway from the access to Felin Fran along Walters road (under the railway bridge) to tie in with the exiting footway on Walters road (a distance of 100m). Works to be completed under a Section 278 agreement with the Highway Authority.
10. A Stage 1 Road safety audit being submitted with any subsequent reserved matters application, the document should cover the access and also the internal layout of the site.

Drainage and Coastal Management:

Based on the revised Felin Fran Development, Llansamlet, Swansea Drainage Report Rev E, no objection, subject to conditions.

Environment Officer:

Condition recommended in relation to the provision of a scheme for eradication of Japanese knotweed.

Education Department:

Primary: No request for the English Medium primary (Trallwn) and no request for a contribution towards the Welsh medium primary school (Y.G.G. Lon Las), due to the spaces available at the school.

Secondary: the full generated amount of £67,236.00 plus indexation towards Cefn Hengoed for secondary provision. Due to the very limited capacity and business continuity issues in parts of the school. There is no request for a contribution towards the Welsh medium secondary school (Y.G. Bryntawe).

Tree Officer:

Subject to the suggested changes being made to the drainage plan I withdraw my objection. To ensure the retained trees are protected during construction please could you append the following condition. Please also include a landscaping condition to ensure trees removed are mitigated.

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Pollution Control Division:

No objection subject to conditions in relation to: noise mitigation (as a result of the proximity of the M4), air quality mitigation, land contamination and informative notes.

Housing:

In response to the planning consult for 2018/2168, land at Felin Fran, Birchgrove, I can confirm that the Housing Service will require the provision of 15% affordable housing in line with LDP proposals.

We ask that the AH units include a range of DQR compliant, house types/sizes, social rented tenure to be transferred to a Registered Social Landlord/Council (to be determined/negotiated). The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

Planning Ecologist:

No objection subject to conditions in respect of the following matters: retention of trees with bat roost potential; mitigation in accordance with the Dormouse Preliminary Assessment; reptile mitigation; hedgehog mitigation; lighting plan; landscaping; construction environment management plan; invasive species survey; and ecological enhancement.

Parks Department:

1. Public Open Space - A large area of open space is proposed within the site which we have no objections to, but if we are required to adopt any POS a commuted sum will be required from the developer for any future maintenance.

2. Outdoor Play - The addition of play provision in this area would be acceptable to the Parks Service due to current level of such provisions within the locality, we would however require further details of the design and layout of the proposed facility and details of the supplying manufacturer prior to approval.

Following a recent inspection the majority of the play equipment in Tregof has been deemed either end of life and u/s or will require replacing in the near future, we have started replacing the u/s equipment through funding from one of the local Councillors but there is only so much that they can contribute towards.

I propose we ask for a financial contribution of £10k for the replacement of the Infant Multiplay Unit and a set of swings.

Cadw:

Due to intervening natural topography, vegetation and buildings none of the nearby scheduled monuments are likely to be inter-visible with the proposal. And it is unlikely there will be any effect on the settings of any scheduled monuments. We therefore have no comments to make.

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Welsh Government Department for Economy and Infrastructure:

No objection. Request the following notes should be brought to the applicant's attention

- Should any noise mitigation measures be deemed necessary, these shall be for the applicant to incorporate into the design at their cost.
- No works shall be undertaken which could in any way affect the stability of the trunk road embankment. For any excavations, detailed design drawings and calculations shall be prepared by a competent Geotechnical consultant in accordance with DMRB HD 22/08 - "Managing Geotechnical Risk".
- There shall be no interference with the trunk road highway infrastructure including the boundary fence and existing trunk road soft estate.
- No drainage from the development site shall be connected to or allowed to discharge into the trunk road highway drainage system.
- The applicant should satisfy themselves with regard to any requirement for a Road Restraint Risk Assessment Process (RRRAP) or risk assessment that relates to proximity of the amenity space to the M4 highway.

Dwr Cymru Welsh Water (DCWW):

Proposals to discharge surface water flows into the adjacent stream at a controlled rate limited to greenfield runoff

The development is situated outside the protection zones of the 15" surface water sewer, 12" combined sewer and 380mm overflow, measured 3 metres either side of the centreline, as shown on the attached Statutory Public Sewer Record.

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

Conditions and advisory notes recommended.

Health and Safety Executive (HSE):

HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Natural Resources Wales (NRW):

We recommend that your Authority should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified, and we would not object provided you attach them to the planning permission

Condition: Provision of a Preliminary Risk Assessment (PRA) and other land contamination conditions.

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Condition: Provision of a Construction Environmental Management Plan (CEMP) / Pollution Prevention Plan (PPP).

Neighbour comments:

The application was advertised by a press notice, site notice and four neighbours were consulted.

One letter of objection has been received from "Existing Residence of Felin Fran". The letter explains the following concerns:

1. Isolated location away from facilities and services and lack of safe and accessible pedestrian and cycle links.
2. Separation distances between dwellings and mature trees
3. The high pressure gas main presents a significant risk to the lives of future occupiers and existing occupiers on Felin Fran.
4. The M4 will have a detrimental impact upon the health of the future occupiers of the development from noise disturbance and air quality related health problems.
5. Part of the site is still a flood plain and flooded in October 2018.
6. Significant impact upon the ecology of the area. There are protected species on the land and the land is infested with Japanese knotweed.

APPRAISAL

Main Issues

The main issues are the principle of the proposed development in this location, the impacts upon the character and appearance of the area, the impacts upon the residential amenity of existing and future occupiers, the impacts upon highway safety, health and safety considerations given the proximity of the high pressure pipeline that runs through the site, the consideration of the consequences of flooding at the site and the impacts of the development on nature conservation interests. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

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

Principle of Development

The broad principle of the development must be considered in light of the above Policies and the relevant national planning policies set out within PPW as well as taking into account the requirements of the Well-Being of Future Generations (Wales) Act 2015 (WBFG). The planning policy requirements have moved on since the past approvals. There is now an emphasis on placemaking, active travel and community cohesion at the national and local level. These requirements are now set out within the Policies of the LDP.

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When the previous application for 40 dwellings was considered it was recommended for refusal for, amongst other things, the isolated nature of the site and the lack of safe and accessible pedestrians and cycle links. There was a concern that the proposal would therefore be car dependant and this would be at odds with the principles of sustainable placemaking, active travel and well-being.

Since the previous application was considered, the LDP has been adopted. Policy PS2 requires the design, layout and orientation of developments to provide attractive, legible, healthy, accessible and safe environments. Developments should also create or enhance opportunities for Active Travel and greater use of public transport. This is supported by Policies T1 which requires, amongst other things, that developments will provide safe and efficient access to the transport network and ensure developments within the urban area are located a walkable distance to a public transport access point on a route with a high frequency service. Policy T2, which refers to Active Travel provision, states that developments must take opportunities to enhance walking and cycling access or make contributions to off-site delivery, as appropriate.

This approach is consistent with the advice in Planning Policy Wales which requires that new development is consistent with minimising the need to travel and emphasises that land use planning can help to achieve Welsh Government's objectives for transportation through, amongst other things, reducing the need to travel, especially by private car, by locating development where there is good access by walking, cycling and public transport.

This ties in with the Council's requirement to take account of the Active Travel (Wales) Act 2013 which aims to make walking and cycling the most attractive option for shorter journeys, in particular, everyday journeys such as to and from a workplace or education establishment or in order to access health, leisure or other services or facilities.

The only access to the site is from the south off Heol Las/ Walters Road and the active travel links (walking and cycling) in both directions to Birchgrove and Llansamlet must pass under the bridges of the M4 and railway. This gives the site an isolated character, with limited active frontage and the active travel routes using the bridges are hostile and not conducive to walking and cycling. Passage under the railway bridge is especially constrained by the narrowness of the footway, which would be difficult to use for those in wheelchairs or pushing prams.

The isolated location of the development does weigh against the proposal, however, there are bus stops within walking distance of the site, which are served by services to Swansea, the Swansea Enterprise Park and Morriston hospital. The applicant has also investigated providing a twice daily hail and ride bus service within the site that would travel to Neath via Birchgrove, Skewen and Neath Abbey. More importantly, the site lies adjacent to the Swansea Vale strategic mixed use strategic site under Policy SD I, this means that within the plan period the site should be located in close proximity to new residential and commercial areas. This will serve to assimilate the development with the regeneration at Swansea Vale and will improve transport links to the Swansea Enterprise Park and the Welsh primary school, Ysgol Gynradd Gymraeg Lon Las. Highways have requested a developer contribution in order to improve highway safety/active travel in the locality of the application site (discussed further below) and this would further improve highway safety and/or active travel connections in the locality.

Taking this into consideration, it is considered that despite its relatively isolated location, on balance, it is considered that the site is not so inherently unsustainable that planning permission should be refused for this reason. It is therefore considered, on balance, that the residential use of the site would not fundamentally conflict with LDP Policies.

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Design and Layout / Visual Amenity

The layout has been amended to address the concerns with the previous application in respect of the poor street structure as well as taking into consideration the comments of the Council's placemaking officer on this current application.

Whilst layout is a reserved matters the access to the site falls to be considered under this application. The development would be arranged one side of a single spine street that would run through the site and connect with the existing adopted road on Felin Fran in the southern part of the site. No housing is proposed on the eastern side of the site due to the constraints imposed by the underground high pressure gas main that occupies this area, which is indicated to be used as an open space/amenity area. The trees in this area would be retained and will provide a buffer to the M4.

The development comprises a simple linear design with detached and semi-detached properties with parking mainly located to the sides of the dwellings. Where parking is located on site frontages (plots 14, 15 and 16) this would not dominate the street scene. The indicative layout is therefore considered to be broadly acceptable.

The "appearance" of the development is not being considered at this stage, however, the indicative scale parameters submitted are considered to be acceptable. The final scale and design of the dwellings will need have regard to the local context as required by LDP Policy PS2.

Overall, therefore, the submitted details are considered to be acceptable to demonstrate that, in principle, the site can be developed in a manner that would not result in any significant harm upon the visual qualities of the area. On this basis it is considered that the development would not conflict with LDP Policy PS2 or the residential design guide SPG.

Residential Amenity

The reduction in the numbers of dwellings at the site to 20 dwellings has loosened up the layout which has allowed increased separation distances to the tree lined embankment to the west of the site. There was a concern with the previous application that the trees on the embankment would have resulted in an overbearing impact upon the future occupiers. It is considered that the amended scheme has addressed this concern.

The development would not be sited in close proximity to existing properties and would not, therefore, result in any significant overbearing, overlooking or overshadowing impacts upon existing occupiers on Felin Fran.

The proximity of the site to noise from the motorway and the railway line represent a significant constraint to the development of the site. When at the site the noise from traffic on the motorway is clearly audible. The previous application was recommended for refusal on the basis that the applicant had failed to demonstrate that the development would not result in significant noise impacts upon the future occupiers of the development.

In order to seek to address this constraint, the application has been accompanied by an acoustic report produced by Acoustic & Noise Limited. The report has been informed by acoustic modelling which allows for the investigation of noise emissions in complex or large outdoor environments.

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In order to mitigate the noise impacts of the M4 upon the future occupiers of the development the report recommends the provision of an acoustic barrier (an earth bund or acoustic fence or a combination of both with a minimum height of 3m) on the eastern side of the development and around the northernmost plot (plot 20). In addition, there are specific requirements in respect of the window units (glazing and trickle vents) for the front elevations of the all plots and the rear elevation of the northernmost plot.

Even with the mitigation proposed, the outdoor noise levels for plot 20 (referred to as plot 27 within the acoustic report) would exceed the relevant criteria, however, on the basis that over 50% of the garden area would be below the upper design criteria which BS 8233 (Guidance on Sound Insulation and Noise Reduction for Buildings) states would be acceptable in noisier environments, on balance this is considered to be acceptable.

The Council's Pollution Control division have reviewed the acoustic report and have offered no objection to the proposals on noise grounds subject to conditions requiring the implementation of the mitigation measures set out within the acoustic report. Such requirements are considered to be necessary to make the development acceptable in the interests of protecting the living conditions of the future occupiers.

In relation to air quality, the application was previously recommended for refusal on the basis that insufficient information had been submitted to assess the air quality impacts of siting the development in such close proximity to the M4.

In order to try to address this issue the application has been accompanied by an air quality assessment produced by DustscanAQ.

The application site is not located within or close to an air quality management area. The assessment indicates the development is predicted to have a 'Low to Medium Risk' of creating nuisance and/or loss of amenity due to dust. It further indicates the risk of dust nuisance can be mitigated by implementing mitigation measures.

The assessment considers that due to the small-scale increase in the number of total development traffic and the existing low background concentrations, there would be a negligible impact upon local air quality.

In terms of the health of the future occupiers dispersion modelling has been undertaken and indicates the concentrations of NO₂ (sulphur dioxide), PM₁₀ (particulate matter 10 micrometers or less in diameter) and PM_{2.5} (particulate matter 2.5 micrometers or less in diameter) are all below the relevant AQO (air quality objectives) for the proposed development.

The Pollution Control Division have reviewed the air quality assessment and have not objected to the development on air quality grounds subject to mitigation measures for the construction phase which can be addressed through a planning condition requiring the submission of a comprehensive construction management plan.

In view of the foregoing it is considered that the proposed development would not result in any significant impacts upon the living condition of existing occupiers on Felin Fran or the future occupiers of the proposed development. In this respect the proposed development would accord with LDP Policies PS2, SI1, RP1 and RP2.

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Access and Highway Safety

In order to develop the site it is proposed to replace the existing weight restricted bridge, however, no details have been provided for the bridge at this stage. Highways have confirmed that full design details (drawings/calculations) will be required together with a third party design check for approval. This matter can be agreed by a planning condition.

The application has been supported by a Transport Statement produced by LwW Highways. The transport statement has been produced for a development of 31 dwellings (and therefore overestimates the traffic movements for the proposed development of 20 dwellings) and notes that traffic movements are estimated at 17 vehicular trips in the morning peak and 18 vehicular trips in the afternoon peak hour. The site will also generate pedestrian, cycling, car sharing and public transport trips.

Highways have noted that autotrack runs will need to be submitted to show that the site can be adequately serviced by a refuse or emergency vehicle. A hammerhead has been included to facilitate this movement but it is not clear if this is to adoptable standards. In addition Highways have requested road gradients to be submitted, these matters can be agreed by a planning condition.

The parking provision for the development will need to accord with the adopted parking standards as required by Policy T6. The layout indicates that the majority of the dwellings would benefit for three parking spaces and where two spaces are indicated there is sufficient room to provide additional parking. The provision of satisfactory parking provision can be agreed at the reserved matters stage.

Highways have requested a developer contribution of £30,000 in order to provide highway safety and/or active travel improvements in the locality. It is considered the provision of this contribution would serve to mitigate the highway safety impacts of the development and would serve to provide improvements in the locality in order to address concerns raised regarding the isolated character of the site in relation to active travel. On this basis the contribution request is therefore considered to be justified.

Highways have offered no objection to the planning application and have recommended conditions in respect of the following matters: future management of the roads; front boundaries to be below 1m; the requirement to enter into a Section 278 Agreement with the highway authority; the dwellings being restricted to 2 bed units each in the interests of highway safety; the provision of a travel plan; full calculations for the bridge together with an independent design check; the inclusion of a shared use footway through the site (3m minimum); the provision of a new footway from the access to Felin Fran under the railway bridge to connect with Walters Road; the reserved matters application to be accompanied by a Stage 1 Road Safety Audit.

The above requirements are, for the most part considered to be necessary in the interests of highways safety. However, the requirement for the applicant to enter into a 278 agreement is dealt with under separate legislation and this will be added as an informative note. It will not be necessary to restrict the dwellings to be 2 bedroom only as parking provision will be considered at the reserved matters stage. The provision of a new footway some 100m in length under the railway bridge would, it is considered, be too onerous for a development of 20 dwellings.

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The provision of a road safety audit is not considered to be necessary to make a judgement on the general acceptability of the proposed development in highway safety terms. Similarly the provision of a travel plan is not considered to be necessary for a residential development of this scale. It is not considered necessary to secure the provision of a 3m shared use footway as there is a pinch point along Felin Fran which will prevent a continuous 3m shared use link with Walters Road.

Overall, therefore, subject to conditions it is considered that the proposed development would be acceptable in relation to its impacts upon highway safety and would therefore comply with LDP Policies PS2, T1, T5, T6 and the 'Swansea Parking Standards' SPG.

Ecology and Trees

The application site includes part of the Cwmrhydyceirw to Birchgrove Railway SINC and is adjacent to the M4 Corridor SINC.

The application has been accompanied by an Extended Phase 1 Habitat Survey. This has been updated following comments from NRW and the Council's ecologist. A Preliminary Assessment for Hazel Dormouse has also been submitted.

Large parts of the site have been cleared in the past two years but these areas have now re-vegetated with species typical on disturbed ground. The key features on the site are the tree lined embankment on the western side. There is a hedge-bank and ditch running across the site with some sessile oak trees growing from it. There are areas of Japanese knotweed within the site.

The Extended Phase 1 Habitat Survey found no evidence of protected species at the site, however, the line of oaks at the start of the site has potential bat roosts, with cracks, holes and lifted bark. These trees are proposed to be retained within the development.

NRW has reviewed the ecology reports and made recommendations in respect of the mitigation works recommended within the reports including the retention of boundary vegetation and the row of oaks with bat potential. These matters can be secured by conditions.

The Council's planning ecologist has noted that the proposed development would take place within part of a SINC and would therefore result in a loss of SINC habitat. LDP Policy ER 6 states that development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
- ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

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In respect of the requirements under ER6, it is noteworthy the important ecological features within the site, discussed above, are proposed to be retained. The loss of SINC habitat can be mitigated through enhancement of the area which is proposed to be retained on the eastern side of the new access road as an open space/amenity area. This requirement, together with other ecological requirements in terms of lighting, Japanese knotweed, bat, reptile and dormouse mitigation can be secured through a condition for the provision of an environmental management plan which, it is considered, would provide mitigation for the loss of habitat and has the potential to result in an enhancement to the SINC.

The application has been supported by a tree survey prepared by RTAC. The Council's tree officer has reviewed the document and has offered no objection to the removal of trees identified to be removed within the survey, subject to mitigation planting, which can be dealt with by a condition, however, it is noted that suitable areas are limited due to the gas main easement. The tree officer has noted the tree protection plan submitted with the application does not provide sufficient information to successfully protect the trees as such it is recommended a comprehensive tree protection plan is required by a condition. As "landscaping" is a reserved matter, it will not be necessary to include a condition requiring landscaping details.

On this basis it is considered that the proposed development would not conflict with LDP Policies ER2, ER6, ER8 and ER9.

Flood Risk and Drainage

NRW has confirmed that part of the site is located within a flood zone C2 defined by the development advice maps referred to under TAN15 Development and Flood Risk. The proposed residential use of the site is classed as highly vulnerable development. NRW flood maps, which are updated on a quarterly basis, indicate that part of the access road within the site and the junction with Walters Road are at risk of flooding during the 1% annual probability event. TAN 15 sets out a precautionary framework and directs new development away from areas that are at a high risk of flooding.

The previous application was recommended for refusal on the basis that insufficient information had been submitted to demonstrate that the consequences of flooding at the site are acceptable or can be managed or mitigated to an acceptable level. Moreover the applicant had not provided sufficient information to demonstrate that surface water can be effectively disposed of from the site without resulting in adverse environmental impacts including flooding within the site or elsewhere.

In terms of justification for the development, developments within flood zones must be justified under the tests set out in Section 6 of TAN15. The development is not part of a local authority regeneration initiative or a local strategy required to sustain an existing settlement and is not necessary to contribute to key employment objectives to sustain an existing settlement. Importantly the site does not meet the definition of previously developed land.

In order to seek to address the above reasons for refusal the application has been accompanied by a Flood Consequences Assessment Report (FCA) and Drainage Report, prepared by Francis Sant Ltd. An Emergency Flood Plan has also been submitted, prepared by JBA Consulting.

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In this respect, the submitted FCA demonstrates that the location of the proposed dwellings is located outside the flood zone and therefore may be justified, in principle, under TAN15, as such the main consideration in relation to flood risk is the potential consequences associated with flooding to the access to the site.

NRW has reviewed these documents and have advised that the access to the site does not comply with Table A1.15 in TAN15.

Where Felin Fran meets Walter Road the existing access road has been shown to flood in both the 1% (1 in 100 year) event and the 0.1% (1 in 1000 year) event.

The flooding reports indicate there is a low point on Felin Fran, just north of the Nant Bran crossing where maximum depths during the 1% AEP plus climate change and 0.1% AEP event maximum depths are 700mm and 1.06m respectively. Generally, however, maximum depths along the highway at the junction are 150mm and 400 mm respectively for the design events.

In terms of the duration of the flood events, the flooding reports indicate that for the 1% AEP event plus climate change, flooding to the highway begins 2 hours into the modelled flood event with localised shallow flooding across Felin Fran. Shallow flooding to Walters Road to the west of its junction with Felin Fran starts flooding at 2 hours 30 minutes into the event with all areas accessible to vehicles and pedestrians at this time (<150mm). When 3.5 hours into the event, flood depths exceed those deemed suitable for pedestrians and vehicles. Flood water starts to recede after 4.5 hours, with the area almost entirely drained and passable by pedestrians and vehicles after 5.5 hours. The reports note the total duration of flooding would be 3.5 hours. It is considered that emergency vehicles will only have approximately 2 hours between hours 3.5 and 5.5 when flood water present a challenge to access the site.

For the 0.1% AEP event, the Felin Fran becomes impassable by hour 2.5. Maximum flood depths of 1.05m are experienced at hour 3.5 of the design flood event. However, due to the flashy nature of the catchment, the road is fully accessible 6.75 hours into the event when flood depths are no greater than 150mm. It is considered that emergency vehicles will only have approximately 4 hours between hours 2.5 and 6.5 when flood water would present a challenge to access the site.

The reports demonstrate the flood risk would affect part of the access only, the area of the proposed dwellings would be unaffected. In relation to the consequences of flooding the reports consider emergency vehicles will have approximately 2 hours for the 1% AEP event and 4 hours for the 0.1% AEP event when flood water would present a challenge to access along Felin Fran. This is an existing situation for residents on Felin Fran, however, the provision of a further 20 dwellings accessed off Felin Fran will mean that additional residents will not be able to access their property or will be unable to exit Felin Fran during these extreme flood events. This impact, however, must be considered within the context of the modelled impacts upon the wider road network in the locality which sees the junction of Ynysallan Road and Heol Las impassable and flooded to maximum depths of between 1.6 and 1.8m during the 1% and 0.1% events respectively. It is therefore considered, on balance, that the provision of a further 20 dwellings accessed off Felin Fran would not result in any significant additional flooding consequences over and above the existing situation, in reaching this conclusion significant weight has been given to the fact that the proposed dwellings would not be physically affected by flooding.

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The Emergency Flood Plan sets out a flood mitigation strategy which focuses on site containment (stay-put policy) in the event of a flood warning being issued. The report indicates that site containment would only be required for less than 4 hours, even in the most extreme events.

The Emergency Flood Plan further recommends that gauge boards should be installed on Felin Fran to provide a visual indication to residents of the water depth during a flood event, it is recommended that this requirement is secured by a condition. Finally the Emergency Flood Plan report recommends that residents should sign up to the NRW flood warning service and that the developer should include a "Flood Action Information Pack" for those purchasing the properties. The latter two requirements, whilst desirable, would not be enforceable and therefore it is recommended that such requirements should not be included as conditions.

In view of the foregoing, the consequences of flooding at the site are considered, on balance, to be acceptable, subject to a condition to provide a flood gauge. On this basis it is not considered that the proposed development would not fundamentally conflict with LDP Policy RP5.

In relation to site drainage, foul water would be discharged to the mains system and surface water would be discharged at an attenuated rate into the adjacent stream. Dwr Cymru Welsh Water and the Council's drainage officer have offered no objection to the proposed drainage scheme subject to conditions which are considered to be necessary to ensure there is no adverse impact upon the environment or the public sewerage system.

In view of the foregoing the proposed development would not conflict with LDP Policies EU4, RP1, RP4 and RP5.

Land Contamination

There is potential land contamination at the site given the industrial history of the lower Swansea Valley. NRW has highlighted concerns that the Nant Bran crosses the site as such the potential risks to controlled waters at the site are not yet fully understood. In order to address these concerns NRW has recommended a suite of conditions, which are considered to be necessary to address potential contamination issues at the site and their associated environmental impacts. The Council's Pollution Control Division have also recommended conditions in relation to the human health risks associated with potential contamination at the site. Subject to conditions, therefore, the development would not conflict with LDP Policies RP1 and RP6.

Health and Safety

The application site is traversed by the Llandarcy / Pontarddulais gas pipeline.

The previous application was recommended for refusal on the grounds that the proximity of the development to the high pressure gas pipeline would present a significant risk to the lives of the future occupiers of the development. This conclusion was reached following the advice received from the HSE.

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The layout indicated with this current application has increased the separation distances to the high pressure gas pipeline. The HSE have responded to the application via their automated online planning advice service and does not advise, on safety grounds, against the granting of planning permission in this case.

On this basis it is considered that the proposed development would not conflict with LDP Policy PS2 and RP1.

Planning Obligations / S106 Issues

Recreation Provision

LDP Policy SI6 states that open space provision will be sought on all residential development proposals with capacity for 10 or more. This will include the creation of new on-site facilities, or improvements to existing local provision.

In view of the gas main easement at the site and the proximity of the M4, the provision of a play facility in the open space area opposite the housing would not be appropriate on noise and safety grounds. In line with the comments from the Parks department, therefore, in order to make the development acceptable in planning terms it is recommended that a contribution for an upgrade to the play facility at Tregof Village is required for £10,000 in order to make the development acceptable in planning terms. This facility is the closest to the development, being some 750m walking distance from the site, and is in need of upgrading.

Education

The Education department have requested a contribution of £67,236 towards Cefn Hengoed Comprehensive School, on the basis of limited capacity and business continuity issues in parts of the School.

In response to this request, the development would generate 3 no. English medium secondary school pupils. Reference to the capacity figures demonstrates that as of January 2019 there were 53 no. unfilled places and this is forecast to reduce down to 31 no. unfilled places in September 2025. There are no other consented developments that would reduce down the forecast capacity figures.

LDP Policy SI3 states that where residential development generates a requirement for school places that cannot be met by catchment schools due to school capacity issues, or where there is surplus capacity but investment is required to make existing facilities fit for the purpose of accommodating the additional pupils, developers will be required to make appropriate financial contributions towards the costs of providing new or improved facilities.

On the basis of the small number of pupils that would be generated by the proposal and that there is ample surplus capacity at the school to accommodate the additional pupils arising from the proposal, it is considered that there is sufficient current capacity and forecast capacity within Cefn Hengoed Comprehensive School to accommodate the 3 no. pupils that would be generated by this development. On this basis it is considered that the financial contribution request would not be justified in this instance and therefore it is considered the proposed development would not conflict with LDP Policy SI3.

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Affordable Housing

Under LDP Policy HC3 proposals for residential development on sites with capacity for 5 or more dwellings should provide on-site affordable housing, subject to consideration of the financial viability of the proposal. The application site is located within the Greater North West strategic housing policy zone and therefore the Housing department have requested a 15% target percentage of on-site affordable housing.

The applicant has provided no evidence to demonstrate that a development with a policy compliant level of on-site affordable housing would not be viable, as such it is recommended that 15% affordable housing provision should be secured through a S106 planning obligation in accordance with the recommendation below.

Other Matters

It is considered that all matters raised by third parties have been fully addressed in the above report.

Conclusion

The proposal is for 20 new dwellings within the urban area of Llansamlet. The site has in the past benefitted from planning permission for residential development but these have now expired. A previous application at the site for a residential development of 40 dwellings was recommended for refusal for six reasons, however, the application was withdrawn by the applicant prior to being reported to the planning committee. The current proposals have, on balance, addressed previous concerns in relation to the isolated nature of the development, design/layout, residential amenity impacts including noise and air quality impacts, the safety risk posed by the gas pipeline, flooding and ecological impacts. On this basis it is considered the development would not fundamentally conflict with LDP Policies.

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

Recommendation

Approve, subject to the applicant entering into a S106 planning obligation in respect of the following matters:

- **A minimum of 15% on-site affordable housing provision include a range of DQR compliant, house types/sizes, social rented tenure to be transferred to a Registered Social Landlord/Council**
- **A developer contribution of £10,000 towards the upgrade of the existing play facility at Tregof Village**
- **A developer contribution of £30,000 for highway safety and/or active travel improvements in the locality.**

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If the section 106 agreement is not signed within 3 months of the date of the Committee resolution the application will be refused on the basis that the proposal would fail to accord with LDP Policies H3 (On-site Affordable Housing), SI6 (Provision of New Openspace) and T1 (Transport Measures and Infrastructure).

and subject to the following conditions:

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.
- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission.
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 4 The strategic access to the site shall be carried out in accordance with the following approved plans and documents: DDL/FF/01 (Proposed outline planning for 20 new dwellings), received 5th November 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 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.
Reason: In the interests of highway safety in accordance with LDP Policies T1 and T5.
- 6 Notwithstanding the details indicated in the application, all reserved matters applications shall be accompanied by details of existing and proposed levels for the development. Development shall be carried out in accordance with the approved details.
Reason: To ensure the development is satisfactory within its context in accordance with LDP Policy PS2.
- 7 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.

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The development shall not discharge to the watercourse network at any rate greater than 6.3 litres per second per developed hectare (l/s/ha). The scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, B, C, D and E of Schedule 2, part 1 shall not apply.

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate in accordance with LDP Policies RP4 and RP5.

- 9 Prior to the commencement of development an Environmental Management Plan (EMP) detailing site wide strategies for ecological mitigation, compensation and enhancement shall be submitted to and approved in writing by the local planning authority. These measures shall include:

- Pre and post construction phases of the development including pollution prevention measures
- Mitigation schemes for bats, reptiles and dormouse
- A landscaped ecological enhancement area within the open space/amenity area
- A scheme for the eradication of Japanese knotweed and other invasive non-native species
- A lighting strategy

The development shall be implemented in accordance with the approved details and timescales set out within the approved EMP.

Reason: To ensure the development provides for ecological mitigation, compensation and enhancement in accordance with PPW and LDP Policies ER2, ER8, ER9 and ER11.

- 10 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the retention of those trees not specified to be felled within the "Felin Fran Tree Survey", save for those trees required to be felled to facilitate drainage works in accordance with details to be agreed in writing by the local planning authority prior to any clearance or development works taking place. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme, unless otherwise agreed in writing by the Local Planning Authority. The tree protection scheme shall include the following information:

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- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.
- (b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.
- (c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
- (d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
- (e) Details of any levels changes within or adjacent to protection zones;
- (f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;
- (g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;
- (h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
- (i) Provision for the prevention of soil compaction within planting areas;
- (j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;
- (k) Provision for briefing construction personnel on compliance with the plan;
- (l) Provision for signage of protection zones and precautionary areas;
- (m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.
- (n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity in accordance with LDP Policies ER2, ER8, ER9 and ER11.

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- 11 Prior to the commencement of development at the site full calculations and drawings for the new bridge which shall include a third party design check to verify the calculations, shall be submitted to and approved in writing by the local planning authority. The bridge shall be constructed in accordance with the approved details prior to any other works commencing on the site.

Reason: In the interests of highway safety in accordance with LDP Policies T1 and T5.

- 12 Prior to the commencement of development approved by this planning permission the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

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

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

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken, where necessary.

4. A verification plan, where necessary, providing details of the data that will be collected in order to demonstrate that the works set out in (3), where necessary, are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reasons: The controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site due to its previous industrial uses in accordance with LDP Policy RP1 and RP6.

- 13 Prior to occupation of any part of the permitted development, a verification report, where necessary, demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where necessary, for longer terms monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with LDP Policies RP1 and RP6.

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- 14 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reasons: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated in accordance with LDP Policies RP1 and RP6.
- 15 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
- 16 Prior to the occupation of any dwelling hereby approved, in accordance with the recommendations set out within Section 6 of the report produced by Acoustics & Noise Limited (Report No. 1609113R02) details of an acoustic barrier at the eastern extent of the site and extending around the rear boundary of the northernmost dwelling plot shall be submitted to and approved in writing, by the local planning authority. The barrier shall be a minimum of 3m in height with a minimum superficial mass of 20 kg/m². In relation to plot 1 an acoustic barrier shall be constructed to a minimum height of 1.8m with a superficial minimum mass of 15 kg/m². The barriers shall be constructed in accordance with the approved details prior to the occupation of any dwelling hereby approved and shall be retained as approved for the lifetime of the development.
Reason: To ensure a satisfactory noise environment for the future occupiers in accordance with LDP Policy RP1 and RP2.
- 17 Prior to the occupation of any dwelling hereby approved, in accordance with the recommendations set out within Section 6 of the report produced by Acoustics & Noise Limited (Report No. 1609113R02), details of the glazing and trickle vents to be installed in the habitable rooms on the front elevations of all plots shall be submitted to and approved in writing by the Local Planning Authority. The use of glazing in the closed position, with a minimum sound reduction of 32 dB Rw + C will be required to control the noise ingress to habitable rooms and trickle vents shall be installed with a minimum acoustic performance of 39 dB Dn, e, w + C. The glazing and trickle vents shall be installed in accordance with the approved details prior to the occupation of any dwelling hereby approved and shall be retained as approved the lifetime of the development.
Reason: To ensure a satisfactory noise environment for the future occupiers in accordance with LDP Policy RP1 and RP2.
- 18 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period.

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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 mitigate potential environmental pollution during the construction stage in accordance with LDP Policy RP1.

- 19 Prior to the commencement of development, the following highway related details shall be submitted to and approved in writing by the local planning authority:

- Autotrack assessment of the road for refuse and emergency service vehicles
- Gradient details for the access road

The development shall be completed in accordance with the approved details.

Reason: In the interests of highway safety and to accord with LDP Policies T1 and T5.

- 20 Prior to the occupation of any dwelling hereby approved a flood gauge shall be installed along Felin Fran in accordance with details to be submitted to and approved in writing by the local planning authority. The flood gauge shall be retained as approved for the lifetime of the development.

Reason: To provide residents with an indication of flood levels along Felin Fran, in accordance with LDP Policy RP5.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS2, IO1, H2, H3, SI1, SI3, SI6, SI8, ER1, ER2, ER6, ER8, ER9, T1, T2, T5, T6, EU4, RP1, RP2, RP4, RP5, RP6.

- 2 Note 1: Management and Maintenance of Estate Streets

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.

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Item 6 (Cont'd)

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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.

Note 3:

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 section 278 agreement shall include the submission of a Construction Traffic Management plan for approval by the Highway Authority.

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

- 3 Schedule 3, Flood and Water Management Act 2010.
Your development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given.

From 7 January 2019, all new developments more than 100m² 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.

Furthermore from the 7 January 2020 all developments that have outline permissions and are subject to reserved matters will also be required to comply with Schedule 3 of the Flood and Water Management Act and design their drainage schemes in accordance with the Statutory SuDS Standards, this is likely to have impacts on layout and density if not considered at outline planning stages.

- 4 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).

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

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

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

Agenda Item 6



Report of the Head of Planning and City Regeneration

Planning Committee – 3 December 2019

Supplementary Planning Guidance: Houses in Multiple Occupation and Purpose Built Student Accommodation

Purpose:	To inform Members of representations received during the public consultation on the draft version of the SPG; highlight officer responses to these and identify proposed consequential amendments to the document; and seek a resolution to formally adopt the final version.
Policy Framework:	Planning and Compulsory Purchase Act 2004; City & County of Swansea Local Development Plan (Adopted February 2019); Well-being of Future Generations (Wales) Act 2015; Planning (Wales) Act 2015; Planning Policy Wales (2018) and related Guidance; Use Classes Amendment Order 2016.
Consultation:	Legal, Finance, Access to Services
Recommendation(s):	It is recommended that: a) The consultation representations, and the responses of the Planning Authority to these (set out at Appendix A of this report), be noted; b) The final version of the SPG (attached at Appendix B of this report) be approved and adopted.
Report Author:	Tom Evans
Finance Officer:	Aimee Dyer
Legal Officer:	Jonathan Wills/Debbie Smith
Access to Services:	Rhian Millar

1.0 Introduction

- 1.1 In September 2019, the Planning Committee approved a draft version of Supplementary Planning Guidance (SPG) relating to Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA) for the purpose of public consultation. A consultation process was duly undertaken and, following its conclusion, the draft document was amended having regard to comments received. The final version has now been produced for Members to formally endorse as planning guidance to supplement the Swansea Local Development Plan (LDP) for use in planning decision making.
- 1.2 This Committee Report briefly summarises the background and context to the SPG's preparation. It describes the outcome of the consultation process, and summarises the range of comments received and the response of the Planning Authority to these comments. It also highlights the specific amendments that have been made to the draft version to further clarify and refine the SPG.
- 1.3 A Public Consultation Report has been produced to set out the full extent of public consultation comments received, the responses of the Planning Authority, and the amendments that have been made to the document. The Consultation Report is published separately and is attached to this Committee Report at Appendix A. The final, fully amended version of the SPG is attached to this Committee Report at Appendix B.

2.0 Background and Context

- 2.1 The Swansea LDP (available at www.swansea.gov.uk/ldp) was adopted in February 2019 as the Council's statutory development plan. The LDP highlights a wide range of SPG scheduled to be produced to augment LDP policies, which will provide definitions and working examples to assist the interpretation of policy. One of the SPGs identified in the LDP is **Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA)**, hereafter referred to as 'the SPG'.
- 2.2 The SPG is primarily supplemental to the following policies in the adopted Swansea LDP:
- H9 'Houses in Multiple Occupation'; and
 - H11 'Purpose Built Student Accommodation'
- 2.3 The SPG also provides supporting guidance to the following adopted policies:
- Policy PS 2 'Placemaking and Place Management'
 - Policy T2 'Active Travel'
 - Policy T6 'Parking'
 - Policy SI 8 'Community Safety'
 - Policy RP 10 'Sustainable Waste Management for New Development'
- 2.4 The SPG has been formulated having regard to Planning Policy Wales (PPW, 2018), which provides the national policy context for making planning decisions. PPW states that planning decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. It states this should be done by addressing 'well-being goals', one of which is to foster cohesive communities, emphasising the promotion of

accessible forms of development and appropriate combinations of land uses. PPW states that good placemaking should consider the context, function and relationships between a development site and its surroundings, including considering: the amenity impact of development on neighbouring properties and people; the balance and distribution of land uses and densities; and the need to create places where people want to be and can happily interact with others.

HMO Context and Legislation

- 2.5 Under national legislation, the requirement to obtain planning permission covers not only new building work but also the change of use of buildings. Depending on their sizes, HMOs are categorised under the following Use Classes:
- (i) Small HMOs - 'C4' Use Class: shared dwelling houses that can accommodate between 3-6 unrelated persons who share basic amenities; and
 - (ii) Large HMOs - 'Unique' Use Class (formerly known as Sui Generis Use): shared dwelling houses with more than 6 unrelated persons sharing basic amenities.
- 2.6 Following changes made to the Use Class Order in Wales, changing the use of a property to either a 'C4' or 'Unique Use' HMO now requires planning permission. This includes the intensification of an existing C4 HMO to an Unique Use HMO, and any proposal to increase the number of occupants that are consented to live in an Unique Use HMO.
- 2.7 Swansea LDP Policy H 9 'Houses in Multiple Occupation' provides a detailed, evidenced based policy that will be used to manage the anticipated future demand for new HMO development over the Plan period. A key policy aim is to control the future provision of HMOs in a sustainable manner, thereby helping to foster cohesive communities and avoid instances of over-concentration that can be to the detriment of residential amenity and community balance. Any proposal for the conversion of a dwelling or non-residential property to a HMO, or the intensification of use of a C4 property to an Unique Use HMO, will be determined against Policy H 9. The key requirements of Policy H 9 are that:
- A 2-tier 'maximum threshold' approach will be applied to defined geographical areas, above which further HMO concentrations in those areas will be deemed harmful based on a calculation of the proportion of HMOs within a 50m radius of a proposal
 - 'No sandwiching' of Class C3 residential properties between HMOs will be permitted
 - Specific protection will be afforded to 'small streets' that are characteristic of certain residential areas of Swansea
 - Criteria will be applied to ensure proposed HMOs are suitable for their intended use and will not result in unacceptable adverse impacts caused by noise and general disturbance
 - Sufficient flexibility will be applied in the case of exceptional circumstances, or overriding material considerations, where these demonstrably outweigh concerns regarding harmful concentration or intensification.

PBSA Context and Policy

- 2.8 PBSA developments have increasingly become a key feature of University cities across the UK, including Swansea. Such development can be described as

large-scale residential accommodation that is specifically designed for occupation by students attending higher or further education institutions. This may include new build development or the conversion of existing premises such as office blocks. It includes accommodation developed by education institutions and the private sector for use by students. PBSA generally does not fall within any specific use class, and therefore such development is categorised as an Unique Use.

2.9 Swansea LDP Policy H 11 'Purpose Built Student Accommodation', states that proposals for PBSA should be located within the defined Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- The site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; or
- In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; or
- The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

3.0 Public Consultation and Engagement

3.1 A seven week public consultation and engagement process was undertaken on the draft version of the SPG between September 23rd and November 8th 2019. This involved a wide range of awareness raising and engagement activities, including:

- Print media articles and social media notices before and during the consultation
- Poster displays in the Civic Centre and Guildhall reception areas; and also in Central, Sketty, and St Thomas libraries
- A specific web page created for the SPG that described the consultation, provided a weblink to the document, and a link to the comment form.
- Notification emails posted to a range of stakeholders and members of the public, including Councillors, including representatives of residents groups, local planning agents, Swansea University and University of Wales Trinity Saint David, and private Landlords.
- A public/stakeholder information drop-in event hosted by Council Officers in the Civic Centre, between 4-7pm ((where Officers were available to explain the draft document and invite feedback).
- Hard copies of the SPG and comment forms were made available in all public libraries within the relevant areas (Central Library, Sketty and St Thomas libraries) and the Civic Centre reception area.

3.2 All comments received during the consultation have been recorded and evaluated, and the main issues that were raised are summarised in Section 4 of this Committee Report.

4.0 Key Issues Arising from the Consultation

- 4.1 The 7 week public consultation generated a wide range of representations relating to all parts of the document, from a total of 18 different individuals/organisations. These representations have all been reviewed and considered by the Planning Authority. The main issues raised are set out below, grouped under sub headings that relate to different sections of the SPG:

Introductory Chapters

- Add more information from the national guidance on what is required for a planning application to be valid.

HMO Guidance Chapter

Radius Test

- All planning applications for HMOs, including where the property is already a HMO in planning terms, should be subject to the radius test.
- A property should be counted in the radius calculation if any part of it falls inside the 50m radius.
- In the case of a building comprising multiple flats, the individual flat units should not be counted, just count the building once. Less protection is being given against HMO concentrations to people who live in/near flats.
- Clarify the approach to counting units above businesses.
- Provide more from the national guidance on principal elevation.
- The radius test should be made available for consultation.
- Base the concentration test on streets instead of radius.

Small Streets Test

- The LDP provides too much flexibility on the implementation of the 1:8 ratio for small streets and the SPG has not tightened this up.

Data Sources

- Provide more clarity on what data the local authority will use to determine how many HMOs are in the radius.
- State how often the HMO licensing register is updated.

Non-sandwiching Test

- A C3 use sandwiched between HMOs should not be looked on more favourably for change of use to a HMO. This could cause clustering.

Property Suitability for HMO Use

- Add specific room sizes for communal areas.
- Alternative suggestions made for the specified minimum room sizes.
- Ceiling heights on loft conversions should be specified.
- Soundproofing and soft closing fire doors should be required for all HMOs.
- Officers should conduct site visits on all planning applications.

Other Technical Areas

- Parking arrangements in planning consents are often not adhered to. Car parking is an issue in Brynmill and Uplands.
- Encourage more cycle storage and bike use.

Exceptional Circumstances and Material Considerations

- The exceptional circumstances provide too many 'get out clauses'.
- Requiring only 6 months marketing to justify a property is not viable as a C3 dwelling is too short.
- Support that exceptional circumstances are important because some homes are unlikely to appeal to families for C3 use.
- Tighter definitions required regarding some of the exceptional circumstances set out.
- Call in procedures to be made automatic for HMO planning applications with exceptional circumstances.

PBSA Guidance Chapter

General

- Should be an upper limit to the number of units in the definition of PBSA.
- Lack of accountability for private firms when PBSA developments are not completed on time.
- Query why the Council is making the city centre a student village.

Design and Amenity

- Student take up of PBSA has been mixed with places being left surplus. Provide clarification on the potential for using consented PBSA for general residential use.
- Specify minimum room sizes for PBSA.
- More emphasis required on green spaces and environmental aspects.

Other Technical Areas

- Car parking standards do not provide enough car parking to cater for the numbers of students using cars.

Planning Controls

- Concerns regarding continuity of management plan implementation where the appointed management company ceases trading; and protecting tenants from landlords increasing rents to cover management plan costs.

5.0 The Amended Final Version of the SPG

- 5.1 A full schedule of the responses of the Planning Authority to all the duly made consultation representations is included within the Consultation Report, which is published separately and also attached to this Committee report at Appendix A.

- 5.2 A large number of the comments made did not necessitate an amendment to the draft document as it was considered the LDP and/or SPG already sufficiently covered the points raised. Some comments made in support of the SPG did not require a response other than to note and welcome the representation made. Some suggestions put forward conflicted with the adopted LDP, or requested repetition of national guidance, neither of which are appropriate. A number of comments were queries that required an answer (which has been provided in the consultation report), but did not require a change to the SPG.
- 5.3 A number of comments did highlight the need for the draft SPG to be amended in order to: provide factual updates; additional cross references to relevant existing information; and improve the grammatical structure of the document. Specific changes have been made in order to provide more clarity in respect of:
- the approach that will be followed to identify HMOs within an area
 - the worked examples showing how to calculate concentration (in the Appendix to the SPG)
 - various definitions, including 'residential units' and 'PBSA'
- 5.4 Substantive amendments made to the draft SPG, which are now incorporated in the final version, include:
- Paragraph 3.2.11 - clarification that flats registered as HMOs under Section 257 of the Housing Act (because they do not conform to Building Regulations requirements) will not be counted as HMOs in the radius calculation.
 - Paragraph 3.2.14 - clarification that the LPA will have regard to all available evidence and consider on the balance of probability whether a property is an established HMO, before it issues a Lawful Development Certificate.
 - Paragraph 3.2.8 - clarification is provided that only residential uses above shops are counted as part of all residential properties within the radius in the denominator.
 - Paragraph 3.4.1-3.4.3 – confirmation of the negative effects that can arise from having HMO properties as neighbours on both sides, having particular regard to impacts on amenity and community cohesion, and that the issue of 'sandwiching' is self-evidently not a maximum threshold test.
 - Paragraphs 3.5.10 – 3.5.11 – additional reference to indoor communal space requirements, including clarification that this does not just need to take the form of a lounge, and provision may be appropriate in different ways, e.g. in the form of a large kitchen, with further clarification that communal space should be for dining as well as seating and socialising.
 - Paragraph 3.7.7 – additional example provided in relation to potential exceptional circumstances that could justify a breach of the thresholds, specifically commercial uses that are shown to be no longer viable.
 - Section 4.3 - clarification that consented PBSA is considered a distinct form of residential accommodation and that any proposal for conversion to C3 residential use would require a full and separate planning application. Additional text is provided to emphasise planning applications for PBSA should include an Adaptability Statement to consider how the development would not prejudice future uses. The amendment also clarifies that any

future change of use would be subject to the LDP policies including affordable housing provision.

- Appendix, Paragraph A.10 - the reference to the small street being created by an intersecting road has been deleted as this was incorrect.

5.5 The effectiveness and appropriateness of this SPG will be regularly monitored by the LPA having regard to the outcomes that arise, including the future concentrations of HMOs. This monitoring will consider any additional evidence arising over time, such as new national guidance and future outcomes of planning decisions on HMO proposals that reference the SPG (including planning appeals). This will be particularly important where such outcomes demonstrate that a particular change to the guidance is necessary for the LPA to continue to use the SPG to provide effective, evidenced based and sustainable decision making.

6.0 Financial Implications

6.1 There are no significant financial implications arising from the publication of this SPG. The cost of the public consultation process and document production has been accommodated within existing budgets and staff resources, and has utilised, as far as possible, electronic communication (email and website). The final adopted document will be made available electronically and hard copies will generally only be produced upon request for an appropriate charge in order to recoup costs incurred. As such printing costs going forward will not be significant and can be met within allocated budgets.

7.0 Legal Implications

7.1 The SPG will provide planning guidance to the adopted Swansea LDP and will be a material consideration in evaluating future planning applications.

7.2 The Council has a duty to seek to continually improve in the exercise of its functions (which include where appropriate powers) in terms of strategic effectiveness, service quality and availability, sustainability, efficiency and innovation pursuant to the Local Government (Wales) Measure 2009.

8.0 Equality & Engagement Implications

8.1 The Council is subject to the Public Sector Equality Duty (Wales) and must, in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

By following the Equality Impact Assessment process the Council ensures that due regard is paid to the above.

8.2 An Equality Impact Assessment (EIA) screening was carried out and this demonstrated that a full EIA was not necessary. The results of the screening are set out in Appendix C of this Committee Report.

Background Papers:

Report of the Head of Planning and City Regeneration to Planning Committee – 3rd September 2019, Draft Supplementary Planning Guidance: Houses in Multiple Occupation and Purpose Built Student Accommodation

Appendices:

Appendix A: Public Consultation Report

Appendix B: Houses in Multiple Occupation and Purpose Built Student Accommodation SPG

Appendix C: Equality Impact Assessment (EIA) Screening Form

Appendix A:
Public Consultation Report

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

Supplementary Planning Guidance - Houses in Multiple Occupation & Purpose Built Student Accommodation

Public Consultation Report

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City & County of Swansea Council

December 2019

Supplementary Planning Guidance - Houses in Multiple Occupation & Purpose Built Student Accommodation

Public Consultation Report

1. Introduction

1.1 In September 2019, the City & County of Swansea Council Planning Committee approved a draft version of Supplementary Planning Guidance (SPG) relating to Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA) for the purpose of public consultation.

1.2 A seven week public consultation and engagement process was undertaken on the draft version of the SPG between September 23rd and November 8th 2019. This involved a wide range of awareness raising and engagement activities, including:

- Print media articles and social media notices prior to and further social media notices throughout the consultation
- Poster displays in the Civic Centre and Guildhall reception areas; and Central, Sketty, and St Thomas libraries
- A specific web page created for the SPG which set out a summary of the consultation, provided a weblink to the document, and a link to the comment form.
- Notification emails posted to a range of stakeholders and members of the public, including Councillors, representatives of residents groups, local planning agents, Swansea University and University of Wales Trinity Saint David, and private Landlords.
- A public/stakeholder information drop-in event hosted by Council Officers in the Civic Centre, between 4-7pm (where Officers were available to explain the draft document and invite feedback).
- Hard copies of the SPG and comment forms were made available in all public libraries within the relevant areas (Central Library, Sketty and St Thomas libraries) and the Civic Centre reception area.

1.3 The consultation generated a wide range of responses from 18 different organisations/individuals. All of the comments received have been recorded and evaluated. They have been categorised into issues/themes in the schedule in Section 2 of this report, and the Council's response provided within a separate column adjacent to each. In addition, the schedule outlines the changes that are being proposed by the Council to the SPG document as a result.

1.4 A full list of all responses received is provided in the Appendix to this report.

2. Schedule of Summarised Comments and Responses

2.1 The following schedule sets out, broken down for each part of the SPG document, the consultation comments raised categorised into issues/themes with the Council's response and the changes that are being proposed by the Council to the SPG document as a result.

Chapter 1. Introduction

No comments made.

Chapter 2. Legislation and Policy Context

Comments categorised into issues/themes	Council's Response	Changes proposed to SPG document
Provide a definition of the relevant HMO use classes in an appendix.	Paragraph 2.1.5 provides information on the different HMO use classes.	None required.
Amend sub heading 2.1 to "Current National".	Change not required as the additional term is superfluous.	None required.
National guidance on what is required for planning applications to be considered valid should be included in an Appendix to the SPG. All planning applications should be checked against the validation checklist.	It is not appropriate to repeat national guidance in this document since SPG needs to be appropriately concise, however an appropriate cross reference to the relevant national guidance would be a helpful addition.	Amend footer - insert cross reference to the relevant section of Development Management Manual produced by the Welsh Government
Statement required demonstrating how the SPG fosters sustainable development principle.	The SPG is supplementary to the LDP which was subject to Sustainability Appraisal (SA). The SA was an integral part of the process of preparing the LDP.	None required.
Clarify reason why "flexible" is written in paragraph 2.2.1. Paragraph is not clear.	The paragraph states "the important role that HMOs and PBSA play in providing a flexible,	Amend paragraph 2.2.1.

	relatively affordable housing choice for a growing population...” To avoid any risk of confusion it is proposed to delete the reference to “flexible”. The word “convenient” has been inserted instead which is considered a more reflective description of how such accommodation meets the needs of students. The rest of the paragraph concerned contains factual comments to acknowledge the role these types of rented accommodation provide in meeting the housing needs of the population.	
Re word second bullet point under paragraph 2.2.4 to (bold font indicates proposed changes): “proportions of all HMOs will be defined by calculating the number of HMOs as a % of all residential units within a 50 m radius of a proposal”	The existing wording is accurate. No change required.	None required.
What is “supporting text” referenced in paragraph 2.2.5?	This is the reasoned justification text contained in the LDP under Policy H 9 in paragraphs 2.5.68 - 83. The purpose of this text is to justify and explain how the policy will be implemented.	None required.

Chapter 3. Guidance on HMO Development

3.1 Overview

Summarised Issue	Council’s Response	Changes proposed to SPG document
Explain reference in paragraph 3.1.1 to “all the relevant criteria”	Paragraph 3.1.1 states that “LDP Policy H 9 sets out a number of criteria that HMO proposals should address. Full consideration should be given to all the relevant criteria to ascertain whether a proposal is considered acceptable.” This means that in the determination of planning	Amend 3.1.1.

	applications for HMOs, all of the elements of policy H 9 that are relevant to the proposal should be considered. The SPG would benefit from a minor amendment to highlight the point that the submitter needs to ascertain which criteria apply to the proposal.	
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3.2 Radius Test

<p>Q1 LDP Policy H 9 states that within the defined HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs; and outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposals being HMOs.</p> <p>Section 3.2 of the SPG provides guidance on how the above radius concentration test will be calculated. Please write in the box below if you think any aspects of section 3.2 require further clarification and/or if you have any comments relating to 'radius concentration test' matters.</p>		
Summarised Issue	Council's Response	Changes proposed to SPG document
A property should be counted in the radius calculation if any part of the property falls inside the 50m radius. Explain how the radius will be drawn with a worked example.	Paragraph 2.5.72 of the Local Development Plan (LDP) sets out that in instances where the radius cuts through a property, it will be included "if the majority of the street facing entrance is contained within the radius". The SPG cannot diverge from the approach set out in the adopted LDP. Further clarification on drawing the radius is provided in the SPG in paragraph 3.2.6. Worked example 1 in Appendix 2 provides an example.	None required.
Explain more clearly that, in the case of flats, each individual flat unit will be counted.	SPG paragraph 3.2.9 provides a sufficiently clear explanation of the circumstances when each flat unit will be counted, including a worked example.	None required.

In the case of flats, the individual flat units should not be counted, only count the building once. The SPG discriminates against people who live in flats by giving them less protection against HMO concentrations.	The LDP policy states that the HMO threshold will be measured as a percentage of all residential properties within the 50m radius. The Council considers that a true reflection of the number of residential units within the radius can only be ascertained by counting all individual flats.	None required.
What happens if the 50m radius cuts through the threshold boundary?	This is explained in Paragraph 2.5.72 of the LDP as follows: "If the HMO property is located within the HMO Management Area but the geographic area of the radius extends into the 10% threshold area, the 25% threshold will be applied, and vice-versa."	None required.
The SPG should state how often the HMO register is updated.	The SPG refers to data that will be made publically available at www.swansea.gov.uk/hmos including the register of licensed HMOs. The datasets available on this webpage will be clearly referenced with base date information. It would not be appropriate to define the frequency that the page is updated, as this could become outdated/inaccurate if/when the Council decides to change the frequency during the lifetime of the LDP e.g. weekly/fortnightly/monthly, whichever is considered appropriate to ensure it is up to date	None required.
Concerns that the radius calculation will be skewed where the radius encompasses schools, churches and shops. Base the concentration test on streets instead.	The LDP policy is clear that only residential properties are considered in the radius calculation. Schools, churches and shops are not counted. The LDP establishes that concentration will be measured on a radius basis, and therefore it is not possible for the SPG to take a different approach by measuring concentration on street basis, other than the case of 'small streets'	None required.
All of the types of accommodation excluded from the C4 use class definition, listed in SPG	The LDP policy is clear that the radius calculation is calculated based on the percentage of all	Amend paragraph 3.2.8

<p>paragraph 2.1.5, should be excluded from the radius calculation. Why have you included them? Why is social rented housing not included in paragraph 3.2.10.</p>	<p>residential properties. LDP paragraph 2.5.72 states that “All residential properties falling into Planning Use Class C3, C4, and large HMOs (sui generis) that are located within this defined radius will be counted as part of the analysis.....” The types of use listed in SPG paragraph 2.1.5 that are excluded from the C4 use class will by definition not be included in the nominator part of the calculation (because they are not HMOs), but those that fall into C3 use class (e.g. social rented housing) will be included and counted in the denominator as residential units.</p> <p>Paragraph 3.2.8 would benefit from clarification that the ‘unit’ referenced in the first sentence alludes to ‘residential unit’, and from providing an example – e.g. residential units above shops. Clarification can also be usefully provided that the purpose of this is to arrive at a representative measure of concentration levels.</p>	
<p>While we have reservations over the necessity of the LDP policy, we believe the definitions for all three concentration tests are clear.</p>	<p>Support is noted.</p>	<p>None required.</p>
<p>Would welcome clarity on what data the local authority will use to determine how many HMOs are in the radius, and clarity on what is meant in paragraph 3.2.15 by “accurately ascertaining as far as possible” and “all reasonable checks”.</p>	<p>Paragraphs 3.2.11 to 3.2.16 provide detailed guidance on the approach to be followed for identifying HMOs to be included in the calculation.</p> <p>However, the Council considers that further clarification should be provided that flats registered as HMOs under Section 257 of the Housing Act (because they do not conform to Building Regulations requirements) will not be counted as HMOs in the radius calculation.</p>	<p>Amend paragraph 3.2.11.</p>

	It is also considered beneficial to clarify that, in order to count an existing property as a HMO for the purpose of applying the policy criteria, the LPA will need to be satisfied, having regard to the available evidence and given the balance of probability, that it would be appropriate at that time to issue that property with a LDC, if such an application was made.	Amend paragraph 3.2.14.
Remove paragraph 3.1.3 which states that HMO development pertaining to a property that is already a lawful HMO will not be subject to the concentration tests.	Where the property in question is already an established HMO in land use planning terms, it would be illogical in such circumstances to maintain that a proposal would give rise to any numerical increase in the concentration of HMO properties so it is not relevant to apply the concentration tests, but proposals will be assessed against all other relevant criteria in Policy H 9 and other LDP policies as appropriate.	None required.
SPG terminology is inconsistent with LDP in paragraph 3.2.3.	The LDP policy states that the concentration will be calculated based on all “residential properties”. SPG paragraph 3.2.3 clarifies for the avoidance of doubt that this means as a percentage of all “residential units”.	None required.
Worked examples need to be modified regarding the central location of the drawn radius.	The worked examples have been drawn correctly in-line with the guidance provided in paragraph 3.2.6 of the SPG.	None required.
Clarify “other units that are situated on upper floors” in paragraph 3.2.8. Does this mean that non-residential uses above shops will be included within the count?	Only residential uses above shops are counted as part of all residential properties within the radius in the denominator. An amendment to paragraph 3.2.8 is proposed to make this completely clear. Clarification can also be usefully provided that the purpose of this is to arrive at a representative measure of concentration levels.	Amend paragraph 3.2.8

Provide in the SPG the Welsh Government guidance on principal elevation.	The SPG cross-references to the Welsh Government Guidance on this topic. This is considered to be the correct approach.	None required.
Explain what is the Local Land and Property Gazetteer (LLPG).	The Glossary explains that the LLPG is a comprehensive address database maintained by the Council. This is considered a sufficiently clear definition and no further information is felt to be required.	None required.
In paragraph 3.2.19, explain containment approach.	The reference to containment is explained in the preceding sentence in paragraph 3.2.19, which is to restrict HMO growth to not exceed the threshold level specified in the LDP policy for the area concerned.	None required.
The LPA does not have all the relevant evidence, which will mean that more HMOs will be passed. What is meant by footnote 6?	The SPG acknowledges that due to differences in the Licensing (Housing Act) and Planning legislation, not all small HMOs in Swansea will be licensed, in particular those that are located outside of the Council's Additional Licensing Areas. Paragraphs 3.2.11 to 3.2.16 provide guidance on the approach to be followed for identifying HMOs to be included in the calculation. The Council is reviewing the need for further Licensing Areas within other parts of the County under the provisions of the Housing Act, which if designated will provide a further register of licensed HMOs to assess concentrations.	None required.
Please confirm the 50 m radius threshold test will be applied to all HMO planning applications.	The SPG confirms that this is the case, with the exception stated in paragraph 3.1.3, where the property in question is already an established HMO in land use planning terms.	None required.
The radius calculation test should be made available for consultation.	Regularly updated information on licensed HMOs and records of planning consents issued by the Planning Authority for HMOs will be made a	None required.

	<p>public register available for use by potential applicants and any other interested party on the Council's website (www.swansea.gov.uk/hmos). This information will form the basis of the Council's calculations of the radius and other concentration tests. The public will be consulted on every planning application which represents an opportunity for people to make the Council aware of any properties they consider might be a HMO which do not appear on the Licensing and planning consent lists.</p>	
<p>Ensure decision making is robust evidence based and all data sources used are open, transparent, open to scrutiny and legally consistent with the Policy H9 LDP.</p>	<p>The threshold test approach is clearly set out and the tests will be based on publically available evidence as outlined in the LDP and SPG.</p>	<p>None required.</p>
<p>Please explain "potentially harmful concentration".</p>	<p>Potentially harmful concentration is defined in LDP Policy H 9 through the radius concentration threshold, small streets and non-sandwiching elements of the policy.</p>	<p>None required.</p>

3.3 Small Streets Test

<p>Q2 LDP Policy H 9 states that HMO proposals within ‘small streets’ that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.</p> <p>Section 3.3 of the SPG provides guidance on how the ‘small streets’ test will be applied. Please write in the box below if you think any aspects of section 3.3. require further clarification and/or if you have any comments relating to small streets matters.</p>		
Summarised Issues	Council’s Response	Changes proposed to SPG document
This section is ok	Support is noted.	None required.
The LDP provides too much flexibility on the implementation of the 1:8 ratio for small streets and the SPG has not tightened this up.	The adopted LDP has been examined and found to be sound and the SPG cannot diverge from the LDP. The SPG provides explanation and examples of how this element of the policy will be implemented and why the flexibility is included.	None required.
Clarification is required that the worked examples shown, and in particular example A.9, are applicable to small streets within the HMO Management Area.	Example A 9 does not specify whether the scenario illustrated is within the HMO Management Area. It illustrates an example of whether properties separated by a pedestrian alleyway would be classed as sandwiching and this principle would apply in all areas. The other worked examples cover a range of issues and the specific circumstances of the examples are stated.	None required.
Remove worked example 5 as it contradicts the LDP policy.	Worked Example 5 is an example of a small street comprising between 11 and 34 properties. The reference to the small street being created by an intersecting road in paragraph A.10 should be deleted.	Amend Appendix - paragraph A.10.
Provide worked example for streets with fewer than 11 properties.	Worked example 6 in Appendix 2 covers streets with fewer than 11 properties.	None required.

3.4 Non-Sandwiching Test

<p>Q3 Under LDP Policy H 9 HMO development will not be supported if it would result in a Class C3 dwelling being ‘sandwiched’ between adjoining HMO properties.</p> <p>Section 3.4 provides examples of what will or will not be defined as sandwiching between HMOs. Please write in the box below if you think any aspects of Section 3.4 require further clarification and/or if you have any comments relating to sandwiching between HMOs.</p>		
Summarised Issues	Council’s Response	Changes proposed to SPG document
<p>A C3 use dwelling sandwiched between HMOs should not be looked on more favourably for change of use to a HMO. This could lead to clustering. Provide incentives for families to move into these homes.</p>	<p>Paragraph 3.7.9 states that a potential exceptional circumstance includes HMO proposals relating to properties in C3 residential use that are already ‘sandwiched’ between two HMOs. Exceeding the threshold in the area may be considered permissible in such circumstances, if the applicant is experiencing adverse amenity impacts from such a scenario. It is considered appropriate that planning decisions consider the amenity concerns of occupants that are already sandwiched, this can reasonably be considered the ‘flipside’ of the objective of Policy H9 to avoid sandwiching. Paragraph 3.4.1 would benefit from a reference to the community cohesion issue of having HMO neighbours on either side, particularly residents being unable to forge long term associations/relationships with transient neighbours on both sides of their property,</p>	<p>Amend 3.4.1</p>
<p>Paragraph 3.4.2 contradicts the LDP policy.</p>	<p>Not accepted. This paragraph provides clarity that, if there is an overriding material consideration that a decision maker considers a defining issue to outweigh the sandwiching principle in the planning balance, then any</p>	<p>Amend 3.4.2</p>

	approval of planning permission for a HMO that would result in a C3 dwelling being 'sandwiched' must acknowledge that this would be a departure to LDP Policy H 9. The paragraph has been amended however to improve the grammar and, for the avoidance of any doubt, confirm that the principle of sandwiching is not a 'threshold test' as referred to in the policy – i.e. only criteria i and ii relate to thresholds	
Support provided that this section is clear and fair.	Support is noted.	None required.
Not clear why examples are provided to illustrate examples of sandwiching. This is not required.	Supplementary guidance and worked examples are provided regarding LDP paragraph 2.5.82 which states that sandwiching will apply where the properties share the same street frontage i.e. it would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets.	None required.

3.5 Property Suitability for HMO Use

<p>Q4 LDP Policy H 9 makes clear that the property being proposed for use as a HMO needs to be suited for such a HMO in terms of providing satisfactory private amenity space; dedicated areas for refuse storage, appropriate room sizes; and there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.</p> <p>Section 3.5 of the SPG provides guidance on a wide range of issues that fall under the banner of 'property suitability' and what will be expected from planning applicants to demonstrate that the proposed property will provide satisfactory accommodation, facilities and living conditions. Please write in the box if you think any aspects of the guidance in Section 3.5 require further clarification and/or if you have any comments relating to property suitability matters.</p>		
Summarised Issues	Council's Response	Changes proposed to SPG document

<p>Agree that accommodation should include a lounge area, be of a high standard and support the SPG in relation to privacy, preventing noise nuisance, ensuring adequate means for recycling, waste management to cater for the number of occupants, and limiting the number of occupants based on the living accommodation proposed.</p>	<p>Support is noted.</p>	<p>None required.</p>
<p>Enforce guidance on property condition, the house next door to me has been in a poor state for many years.</p>	<p>It is not appropriate for this SPG report to comment on specific planning cases. The SPG provides greater clarity on a wide range of issues that fall under the banner of 'property suitability' with regard to LDP policy H 9.</p>	<p>None required.</p>
<p>Stipulate room sizes that are required for all HMOs in the city.</p>	<p>The LDP states that all HMO proposals should provide appropriate rooms sizes and in this regard should accord with the guidance set out in the Council's adopted HMO Licensing Policy in terms of appropriate standards. The SPG clarifies these standards with regard to minimum floor areas for bedrooms and kitchens.</p>	<p>None required.</p>
<p>Comments made in favour and against having specific room sizes for communal areas.</p>	<p>The Council considers the SPG would benefit from greater certainty with regard to a minimum size that would be considered appropriate for indoor communal space. The terminology used will also be amended to communal space, rather than lounge, to reflect that provision may be appropriate in different ways, e.g. in the form of a large kitchen, and clarification will be provided that communal space should be provided for dining as well as seating and socialising. The amendment also confirms that regard must be had to the size of the kitchen provision within the property in deciding whether or not an area for dining will need to be provided within the</p>	<p>Amend paragraphs 3.5.10 - 11</p>

	communal space, highlighting that the minimum room size standards for kitchens defined in the SPG are not considered likely to incorporate sufficient space for dining within the kitchen area.	
Alternative suggestions made for minimum room sizes specified in paragraph 3.5.7.	For clarity and consistency, the SPG adopts the guidance set out in the Council's adopted HMO Licensing Policy.	None required.
Ceiling heights on loft conversions must be specified.	Paragraph 3.5.9 states that "When considering whether room sizes are appropriate, account should be taken of what is the habitable floor space, including consideration of ceiling heights and headroom."	None required.
Soundproofing and soft closing fire doors should be required for all HMOs. No information is given as to what may cause LPA to consider planning conditions necessary.	It is appropriate to retain some flexibility so that such planning conditions are applied as necessary. Each application will be considered on a case by case basis. Examples of measures that may be required are provided in paragraph 3.5.21	None required.
How will sound proofing conditions be enforced?	The Council does not have resources to check every planning consent is implemented. It is important that the public make the Council aware if they believe that planning conditions have not been complied with.	None required.
The choice of the word "or" in "adjoining rooms or properties" in paragraph 3.5.25 should be changed to "and".	Agreed this change would improve the clarity of the SPG.	Amend paragraph 3.5.25.
There are no references to the Housing Act 2004.	References are made to the Housing Act where it is relevant to this supplementary planning guidance.	No action required.
Officers should conduct site visits on all planning applications relating to C4, to establish room sizes, communal areas, fire safety, Health & Safety requirements.	Planning officers will undertake site visits for planning applications submitted and will consider all material planning matters in the determination of proposals, including the observations of	None required.

	officers within other Council departments such as Highways and Pollution Control & Private Sector Housing.	
A toilet and a bathroom must have 2 doors between the toilet / bathroom and kitchen for health and safety purposes.	This issue is covered by Building Regulations.	None required.
All documentation should be made available for scrutiny including Fire, Health & Safety including all Constraint Comments and Building Control documentation on all planning applications relating to C4 HMO	Matters relevant to the determination of the planning application will be made available in the Council's public online search facility.	None required.
No HMO should be approved until adequate waste facilities, vehicle and cycle storage is on site.	The SPG clarifies that sufficient information should be submitted on these aspects to accompany the planning application in order that the LPA is able to determine the planning application.	None required.
It is not always possible to provide outdoor private amenity space.	Occupants should have access to usable, private outdoor amenity space, which includes 'functional' areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide satisfactory living conditions.	None required.

3.6 Vehicles Parking and Bicycle Storage

Q5 LDP Policies T 2 and T 6 require the provision of appropriate **vehicles and cycle parking**. Section 3.6 of the SPG clarifies the Authority's approach to these issues for HMOs.

Please write in the box below if you think any aspects of the guidance in **Section 3.6** require further clarification and/or if you have any comments relating to vehicles and cycle parking matters.

Summarised Issues	Council's Response	Changes proposed to SPG document
Parking restrictions need to be enforced. Not many students cycle. Parking arrangements in planning consents are often not possible or adhered to. Car parking is a huge issue around Brynmill and Uplands.	It is not appropriate for this SPG report to comment on specific planning cases. The SPG clarifies the Council's approach to vehicle parking with respect to HMO and PBSA developments.	None required.
Support provided that this section is clear and justified.	Support noted.	None required.
Car parking should be based on the occupants' need for a vehicle.	The SPG clarifies the Council's approach to vehicle parking with respect to HMO and PBSA developments.	None required.
Encourage more cycle storage and bike use.	The SPG clarifies the Council's approach to cycle storage provision with respect to HMO and PBSA developments.	None required.
Site visits on all planning applications to establish Car Parking requirements.	Planning officers will undertake site visits for planning applications submitted and will consider all material planning matters in the determination of proposals, including the observations of officers within other Council departments such as Highways.	None required.
It is not always possible to provide bicycle storage space.	Appropriate provision in-line with the LDP and SPG is important to encourage this sustainable mode of travel, while safeguarding the visual amenity of the locality and the residential amenity of future occupiers.	None required.

3.7 Exceptional Circumstances and Material Considerations

<p>Q6 HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.</p> <p>Section 3.7 provides examples of exceptional circumstances. Please write in the box below if you think any aspects of the guidance in Section 3.7 require further clarification and/or if you have any comments relating to exceptional circumstances matters.</p>		
Summarised Issues	Council's Response	Changes proposed to SPG document
The SPG needs tighter controls to provide balanced communities and certainty, rather than 'get out clauses' which reduce clarity.	Exceptional circumstances or overriding material considerations form part of the LDP policy. The SPG provides further clarity and examples.	None required.
Recognition should be given to the fact that by labelling streets within a Management Area, it is likely to make marketing for a C3 use harder. 6 months is too short a period for evidence of unsuccessful marketing.	The 6 month period is set out in the LDP supporting text. The LDP has been examined and found to be sound. The SPG cannot deviate from the LDP.	None required.
Support that exceptional circumstances are important as some homes are unlikely to appeal to families due to their size and the number of HMOs in the vicinity.	Support noted.	None required.
The marketing requirement should state that the asking price should be no more than 10% above any assessment by the District Valuer, and be based on selling as a C3 use not a HMO. Evidence should be provided of the marketing undertaken.	The SPG under paragraph 3.7.8 clarifies what evidence will be required to demonstrate the property has been unsuccessfully marketed for C3 use and that the Council will test the appropriateness of the asking price compared to other similar properties in the area.	None required.
The example exception circumstance provided that where there is "already very high	This is an exceptional circumstance. It will need to be considered on a case by case. Proposals that	None required.

concentration, well in excess of the threshold" requires more definition.	would introduce further HMOs must be accompanied by a comprehensive assessment as outlined in paragraph 3.7.8, in order to enable the Council to fully assess whether there are exceptional circumstances that justify a departure from the threshold test.	
More definition required regarding "unviable as C3 use" or "financial viability of any renovations needed". Not all buyers want a fully renovated house. A potential developer could inflate the list of renovations required.	Planning officers will assess the evidence submitted and determine whether the information justifies that the property is unsuitable for C3 use.	None required.
With regard to "c) Any particular characteristics of the property (e.g. its large scale or specific layout) which make it suited to HMO use and unsuitable for other uses such as C3." What is the definition of "large scale"?	This will be considered on a case by case basis. It could for example mean that the property is too large to be attractive for use by a family.	None required.
More detail needs to be provided on examples of exceptional circumstances.	Paragraphs 3.7.7 and 3.7.8 already provide significant levels of detail about the potential exceptional circumstances that should be considered when the thresholds are exceeded. It is considered however that clarification should be provided under paragraph 3.7.7 to emphasise that the exceptional circumstances apply in the case of threshold criteria (as stated in the LDP policy) and to insert another example relating to properties that have an established commercial use that are shown to be no longer viable for such a use.	Amend criteria under paragraph 3.7.7 and amalgamate paragraph 3.7.8
There should be some kind of evidence required to prove experience of negative amenity because of sandwiching.	Paragraph 3.7.9 states that planning decisions should also consider the amenity concerns of occupants that are already sandwiched.	None required.
With regard to the comprehensive assessment referred to in paragraph 3.7.7, an appendix is	Paragraph 3.7.8 and the following bullet points provide detail on what the assessment should include.	None required.

needed setting out the criteria and marking scheme.		
Where the applicant claims there are exceptional circumstances, these should be set out in the planning application and explained to provide the information for Planning Committee to make a decision.	Applicants will need to make the case for exceptional circumstances as part of their planning application and provide the evidence required in the LDP policy supporting text, and in-line with the further guidance to be set out in the SPG	None required.
Call in procedures to be made automatic for certain types of C3 – C4 conversions – Where Exceptional Conditions are pleaded.	The scheme of delegation on planning applications is not a matter for SPG and does not relate to LDP policy. It is a Council constitution issue	None required.
Clarify whether the exceptional circumstances under section 3.7 are only applicable in those areas where there is a very high concentration of HMOs, above the harmful concentration and % threshold and not in those areas that fall within the Management Zone that are considerably below the % threshold.	It is not possible to generalise in this way, for example sandwiching could be judged to occur inside or outside the HMO Management Area. Sufficient explanation of the exceptional circumstances described is provided in section 3.7.	None required.
Why is the term “sufficient flexibility” included in the last bullet point under paragraph 2.2.4 with regard to exceptional circumstances?	The term is used to describe what the purpose of the exceptional circumstances element of policy H 9 is, in that there may be certain instances when flexibility is required because specific material considerations and/or exceptional circumstances demonstrably outweigh the outcome of the concentration ‘tests’ in the planning balance.	None required.

Chapter 4. Guidance on PBSA Development

4.1 Definitions

Q7 Section 4.1 of the SPG sets out what will be considered to fall under the definition of PBSA for the purposes of LDP Policy H 11. Please write in the box if you have any comments on this definition of PBSA.		
The definition of PBSA is clear.	Support is noted. The Council considers the definition would benefit further from some more precision/prescription and an improved grammatical structure, and also the insertion of an additional sentence in chapter 2 on context to explain the importance of locating PBSA at appropriate locations having regard to their propensity to be high density.	Amend para 4.1.1 and para 2.2.6
Why is there no upper limit to the potential number of units?	Each proposal will be determined on a case by case basis, after consideration of the supporting evidence submitted with the planning application.	None required.
Explain reference to Higher Education Statistics Agency (HESA) Student Record and LLWR (Lifelong Learning Wales Record), published by HESA / Welsh Government, 2015.	This is a data source referenced in a footnote of the LDP. The data has been used to determine the number of full time students in Swansea.	None required.

4.2 Assessing the Availability and Suitability of Potential Sites

Q8 Policy H 11 states that proposals for PBSA should be located in the Swansea Central Area and must in the first instance assess the availability and suitability of potential sites and premises at this location unless certain exception criteria are met (specified in the policy).

Section 4.2 of the SPG provides guidance on what information will be necessary to demonstrate an **appropriate assessment has been undertaken into site/premises availability and suitability in the Central Area**. Please write in the box below if you think any aspects of the guidance in Section 4.2 require further clarification.

This section is OK.	Support is noted.	None required.
Why are the Council making the city centre a student village?	The LDP supporting text paragraph 2.5.88 sets out that it is preferable that student needs are met as far as possible by modern purpose built and managed schemes with the space and facilities more suited to students' needs in appropriate Swansea Central Area locations where there is good access to services, facilities and public transport to the University buildings. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability.	None required.
Lack of accountability for private firms when PBSA developments are not completed on time for students to move in.	This is beyond the remit of the LDP policy and land use planning.	None required.

4.3 Design and Amenity

<p>Q9 Section 4.3 of the SPG provides guidance in support of LDP policies on design and amenity in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires clarification.</p>		
<p>Welcome the requirement for consideration of design.</p>	<p>Support is noted.</p>	<p>None required.</p>
<p>Clarity required on minimum room sizes for PBSA.</p>	<p>PBSA comes in several different forms. Flexibility is required to ensure living conditions are appropriate based on the configurations proposed on a case by case basis.</p>	<p>None required.</p>
<p>More emphasis required on green spaces and environmental aspects.</p>	<p>All planning applications will be determined in respect of conformity with relevant LDP policies in these respects. The SPG would benefit from a direct reference to the importance of Green Infrastructure however.</p>	<p>Amend Section 4.3</p>
<p>Student take up of PBSA has been mixed with places being left surplus and being opened up to residential use to cover costs. Would appreciate clarification on the potential for using consented PBSA for general residential use.</p>	<p>Agree further clarification is required on this issue and amendments will be made to Section 4.3.</p>	<p>Add further guidance in Section 4.3</p>
<p>Would welcome an assessment on the amenity impact to both neighbouring residential and commercial properties.</p>	<p>LDP policy requires that all proposals should ensure that no significant adverse impacts would be caused to people's amenity.</p>	<p>None required.</p>

4.4 Refuse and Recycling Storage

<p>Q10 Section 4.4 of the SPG provides guidance in support of LDP policies on refuse/recycling storage in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.</p>

Who is going to enforce this?	The Council does not have resources to check every planning consent is implemented. It is important that the public make the Council aware if they believe that planning conditions have not been complied with.	None required.
Welcome the requirement for PBSA to have adequate storage, recycling and other sustainable management of waste.	Support is noted.	None required.

4.5 Car and Bicycle Parking

<p>Q11 Section 4.5 of the SPG provides guidance in support of LDP policies on car and bicycle parking in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.</p>		
This section is OK.	Support is noted.	None required.
Many students will require a car parking space with additional spaces required for visitors.	The SPG clarifies that in instances where parking cannot be provided on site, or it is judged as not being required on other grounds beyond the Sustainability Matrix, the applicant may be required to provide a financial contribution towards alternative transport measures where appropriate or identified parking management arrangements. Other than for Zone 1 locations, a reduction shall not be applied unless an acceptable travel plan is also submitted. In addition to this, a condition requiring a legal tenancy agreement to prevent students parking on neighbouring streets within a 3 mile radius of the accommodation building may also be applied.	None required.
Welcome the requirement for bicycle provision and incorporated into a wider active travel plan to reduce dependence on motor vehicles.	Support is noted.	None required.

4.6 Management Plan

Q12 Section 4.6 of the SPG clarifies that a management plan will be required to be submitted as part of any PBSA planning application detailing how it will be ensured that the development will conform to LDP policy and continue to do so once in operation. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.		
Welcome the requirement for a management plan to monitor the potential impact on communities	Support is noted.	None required.
Concerns regarding continuity of the management plan in cases where the appointed management company ceases trading.	Planning conditions/obligations apply to the development and so would apply to whoever is operating the development.	None required.
Need to protect tenants from unacceptable year on year price increases imposed by landlords to implement the management plan.	This is beyond the remit of the LDP policy and land use planning in general.	None required.

Other General Comments

Q13 If you have any other comments on how the SPG could be improved, please specify below		
Would appreciate greater clarity into what other resources the authority will use to mitigate against potential adverse impacts such as poor waste management and anti-social behaviour?	This is beyond the remit of the SPG.	None required.
HMOs are important not just as accommodation for students, but also for families, older people, contract workers, low waged, vulnerable people.	This is acknowledged in the LDP.	None required.
Questionnaire is designed to avoid deviation from the LDP.	The SPG cannot deviate from LDP policy. It is supplementary to the LDP.	None required.
Please make cross references to the relevant paragraph numbers in the LDP.	Cross references are included.	None required.

The SPG should provide clarification on the control of lettings boards.	Paragraph 3.7.5 states that the control of the display of 'To Let' boards is covered by national regulations (the Town and Country Planning (Control of Advertisements) Regulations 1992) and the Council has a voluntary code for advertisers regarding such signage.	None required.
Changes suggested to the LDP supporting text	The SPG cannot deviate from LDP policy. It is supplementary to the LDP.	None required.
Introduce an anti cluster provision.	The HMO policy context is set by the LDP and, policy H 9 includes several tests of concentration: radius test, small streets test and non-sandwiching criteria. SPG cannot introduce a new anti-clustering policy, it can only be supplementary to the existing LDP policy.	None required.
Use monitoring to improve the SPG, if found wanting.	The LDP policies will be monitored annually and through this work the SPG will also be monitored.	None required.
The SPG should be reviewed with respect to recent Planning Appeal decisions on HMO planning applications which have been determined against the LDP in Swansea.	The draft SPG has been reviewed by planning officers having regard to the application of LDP policies since the Plan was adopted, including any decisions that have been subject to Appeal.	Amended paragraphs 3.2.14 and 3.4.2 in particular have had regard to Planning Appeal decisions
The planning convention that permits a developer to reconfigure the internal structure of a property to suit HMO usage should be stopped. This convention has facilitated developers in creating an HMO property even if it fails to gain planning permission. The result is after 6 months the property could potentially function as an HMO if it fails to sell on the open market.”	Section 55 (2) (a) (i) of the Town and Country Planning Act states that works which affect only the interior of the building shall not be taken to involve development of the land. As internal works are not development, then the Local Planning Authority has no control over works to re-configure properties internally. If however, the use of the property changes to a HMO without obtaining planning permission, then the LPA could take enforcement action against the unauthorised use if it is expedient to do so,	None required.

	having considered relevant planning policies and all other material considerations.	
Queries were raised regarding specific planning applications.	It is not relevant for this report to comment on specific planning cases.	None required
Add text stating what the LDP is and its purpose.	The existing references in Chapter 1 of the SPG regarding the purpose of the SPG and how it links to the LDP are sufficient.	None required
Clarification requested on general planning terminology.	A glossary is provided which is considered to have sufficient coverage of the terms used in the SPG.	None required
An extract from a commentary on a planning court case was provided which was stated highlights the fact that the courts will not be quick to assume that a decision-maker has failed to take into account a material consideration simply because that consideration is not referred to in the decision.	Information noted.	None required
Requests to change the wording of the LDP reasoned justification.	The SPG cannot diverge from the approach set out in the adopted LDP.	None required
We have reservations that migrating students away from the HMO Management Area will add further economic challenges to small local businesses who have enjoyed the economic benefit that housing students brings for many years.	The SPG cannot diverge from the approach set out in the adopted LDP. The LDP approach recognises that it is important that future HMO provision is managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-concentration of HMO properties to the detriment of residential amenity and community balance. The Management Area approach will effectively encourage future HMO provision to be more dispersed to areas outside existing concentrations in a suitably managed way. The approach will not directly impact on existing concentrations of HMOs, but prevent further over concentration.	None required

<p>Concerns amongst some small property developers over what is perceived to be an unlevel playing field in terms of planning constraints for PBSA and those for smaller developers eg on the requirement to provide affordable housing.</p>	<p>LDP Strategic Policy IO1 seeks to ensure that all new developments, irrespective of their size, location, or land use, make efficient use of existing infrastructure and, where relevant, make appropriate provision for, or contribute to, new infrastructure. PBSA is not required to make affordable housing contributions due to the use class it falls under, and this cannot be changed by the SPG.</p>	<p>None required</p>
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Appendix - Full Schedule of Consultation Responses

Section A - HMOs

- LDP Policy H 9 states that within the defined HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs; and outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposals being HMOs.**

Section 3.2 of the SPG provides guidance on how the above radius concentration test will be calculated. Please write in the box below if you think any aspects of section 3.2 require further clarification and/or if you have any comments relating to 'radius concentration test' matters.

Too little and too late. There are 7 houses in my street, 4 are HMOs, all next door to each other. The houses are large, have many more HMOs behind the street and in the surrounding streets.

3.2.6 - I think that if any part of a property is contained in the radius then it should be counted. If you think in practical terms, if part of a dwelling is within 50m then it is likely to be impacted, for example that particular corner could contain a bedroom. I think for simplicity, ease of calculation and common sense just include the whole building. 3.2.8 - It would be helpful to clarify more clearly that a house that is split in to two apartments would be counted as two units (ie add 2 units to the denominator). I actually think that the building should be counted as one because the policy discriminates against people who live in flats as they are given less protection against a concentration of HMOs.

Without trying it in practice it is hard to know. i.e. drawing a circle etc will the circle cut the 10% 25% boundary etc. The maths is very simple

3.2.11 SPG should state exactly how often HMO register is updated

More detail on material considerations related to previous planning decisions. There are already cases where the 25% rule has been overturned on appeal because there are other areas already over 25%

I have material concerns about the radius method. These concerns are focused on the situation which regularly arises, where the radius method encompasses; schools, churches and shops. The radius method will then yield skewed and inaccurate results about the HMO concentration within that radius. In these cases a linear street concentration should be employed.

Yes: exceptionally better clarification so that developers and resident objectors can accurately challenge, recalculate and make evidence known to the LPA. That decision making is robust evidence based and all data sources used are open, transparent, open to scrutiny and legally consistent with the Policy H9 LDP.

No comment

2. LDP Policy H 9 states that HMO proposals within ‘small streets’ that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.

Section 3.3 of the SPG provides guidance on how the ‘small streets’ test will be applied. Please write in the box below if you think any aspects of section 3.3. require further clarification and/or if you have any comments relating to small streets matters.

At the LDP examination hearing into Policy H9, an objector raised the issue of a potential discrepancy between the % threshold and the 1:8 ratio to be used to define a disproportionate concentration. The response given at the Hearing, by the representative from Lichfields Planning Consultants, indicated that this would be further explained in the SPG. However, Paragraph 3.3.8 as worded, allows for officer interpretation as to whether the ratio of 1:8 is considered appropriate. This 'wiggle room' could fundamentally undermine the rationale to protect the small streets. This is a particular issue for those streets within the HMO Management Area, that do not breach the 25%/50m threshold test and are already at a ratio of 1:8 e.g. small street of 16 houses, 2 of which are registered as HMOs. As I understand it where HMO applications fail the % test by decimals they are refused; the same process/procedure should be followed for proposals which fail the 1:8 ratio, and not allowed a 'get out clause' as paragraph 3.3.8 would seemingly allow. As the HMO policy has already reduced the consideration of planning applications to a complicated

mathematical equation (using unreliable data) (Test 1) this should also be applied when considering the small street test (test 2).
Seek clarification that the worked examples shown, and in particular A.9, are applicable to small streets within the HMO Management Area

Give better clarification

No comment

Ok

K

3. Under LDP Policy H 9 HMO development will not be supported if it would result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties.

Section 3.4 provides examples of what will or will not be defined as sandwiching between HMOs. Please write in the box below if you think any aspects of Section 3.4 require further clarification and/or if you have any comments relating to sandwiching between HMOs.

Sandwiching - I totally disagree with the policy that suggests that a sandwiched house may be looked on more favourably for change of use. This is effectively throwing your hands in the air and writing off three houses as HMOs. This will lead to a further concentration at that part of the street. This part of the policy should just be removed. There is evidence of families moving back in to areas like Brynmill and Uplands and converting HMOs back in to homes.

Clear

3.4.3 Such exceptions should be avoided at all costs and could be avoided if incentives were provided to attract "dwelling house" purchasers to a sandwiched non-HMO, such as a reduction of or exemption from Council tax, more frequent and inspections of HMOs, more rigorous application of licensing rules and mandatory requirement for soft closing fire doors in every HMO, regardless of number of rooms. Otherwise, many more rows of houses in Uplands would have the potential to become HMOs without the essential balance that non-HMO residents bring to the area in terms of reporting noise and rubbish issues and antisocial behaviour. I speak from the experience of one being sandwiched myself.

This seems fair.

No comment

Clarification and better examples required.

4. LDP Policy H 9 makes clear that the property being proposed for use as a HMO needs to be suited for such a HMO in terms of providing satisfactory private amenity space; dedicated areas for refuse storage, appropriate room sizes; and there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.

Section 3.5 of the SPG provides guidance on a wide range of issues that fall under the banner of 'property suitability' and what will be expected from planning applicants to demonstrate that the proposed property will provide satisfactory accommodation, facilities and living conditions. Please write in the box if you think any aspects of the guidance in Section 3.5 require further clarification and/or if you have any comments relating to property suitability matters.

Stipulate room sizes that are required for ALL HMOs in city.

I would like to see a size given to lounge. If you can designate sizes for bedrooms and kitchens you can do so for lounges. i.e provide "sofa" type seating for as many people are in the house plus additional for a coffee table. There must be a minimum lets say 5m² correction orientation etc not 5 x 1. then 1m² for each person living in the house

No guidelines / square metre regulations are provided for the communal lounge. A large number of HMOs appear to have no acceptable communal lounge space which, as the section states, has a negative impact on residents' well being. 3.5.24 requires clarification.

3.5.21 Soundproofing and soft closing fire doors should be required for all HMOs and properly tested before planning consent given. The 6 bedroomed, 3 storey converted HMO on one side of me was supposed to be soundproofed but I can hear footsteps running up and down the two flights of stairs and the constant, really loud door banging is drivng me to distraction. 3.5.37 Will this be just another worthless planning condition? How will such a condition be enforced? In my experience planning conditions to do with waste storage in back gardens are never checked or enforced by Council Officers unless I bring things to their attention.

Paragraph 3.5.21 line 8 states that the LPA may deem it necessary to attach planning conditions to require the installation of sound insulation..... No information is given as to what may cause the LPA to consider this or not consider it. This is not sufficiently explanatory and will lead to inconsistencies, objections and appeals. If there is going to be a possibility of deeming it or not deeming it then the circumstances upon which the decision of deeming are made should be listed. Alternatively, and in my opinion , the much better option is to state that The LPA will attach planning conditions, as this is not open to misinterpretation and is in the spirit of the representations made to the LDP, and the decision to include the issue in the LDP. Afterall the SPG is meant to illuminate , explain and amplify the LDP not make it more obscure. Paragraph 3.5.25 states that conversion schemes should reduce the transmission of sound between floors ceilings and adjoining rooms or properties. This is an odd wording , it should say must, not should, and also the choice of the word "or" in "adjoining rooms or properties" should be "and", otherwise a property might have insulation between its own floors and rooms but no requirement to insulate the walls adjoining the separate property next door.

There are no references to the Housing Act 2004 though I agree with the implementation of property suitability. Happy with the limit of occupants based on the living accommodation.

Sound proofing should be obligatory for all future HMOs. Sound proofing should not be an ad-hoc judgement by the LPA "may deem it necessary to attach planning conditions to require the require the installation of sound insulation". The vast majority of HMOs are of single skin construction and stripped of all sound absorbing materials. It is crucial that to prevent sound transmission between adjoining properties, soundproofing forms part of "property suitability"

5. LDP Policies T 2 and T 6 require the provision of appropriate vehicles and cycle parking. Section 3.6 of the SPG clarifies the Authority's approach to these issues for HMOs.

Please write in the box below if you think any aspects of the guidance in Section 3.6 require further clarification and/or if you have any comments relating to vehicles and cycle parking matters.

No comment

See above Q4 (Need officers to enforce the guidance.Parking for example - planning approved for something that isnt happening eg the old Crescent Guest House on Eaton Crescent. All but one of the students living there park in the street because the parking

in the planning approval is not possible. The house next door to me (HMO)has been in a poor state for many years. No -one is enforcing this guidance)

Cycle parking could be reduced. Hardly any students have bikes. Car parking is obviously a huge issue around Brynmill and Uplands and I think this needs to be addressed separately.

They are clear

3.6.6. I believe that lowering car parking standards by asking for cycle parking provision is just another ploy, never enforced, to increase the number of HMOs in the area. I have yet to hear of a student giving up his car and buying a bike. Such a condition was imposed on the HMO next door to me over a year ago but is yet to be complied with, despite subsequent enquiries made in this respect.

With HMOs being close to the University campuses I don't understand the need for students to have cars. Proper safe and secure bike storage should be encouraged to reduce the amount of cars being parked on the roads. Permanent residents are unable to park cars close to their homes due to students parking vehicles which are only used occasionally. The removal of physical residents parking permits has made the system hard to manage and people are already taking advantage of it. I think there should be an additional constraint looking at 'need' for a vehicle eg. a student carrying out a placement would require a vehicle, a HMO resident with a disability would require a vehicle. It could be argued that a HMO resident who used the car infrequently (not commuting to campus but using it only at weekends, less than weekly) would not need one.

Further clarification on vehicle and cycle parking - stipulating no HMO approved until adequate waste facilities, vehicle and cycle storage is on site (prior to) consent.

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

Section 3.7 provides examples of exceptional circumstances. Please write in the box below if you think any aspects of the guidance in Section 3.7 require further clarification and/or if you have any comments relating to exceptional circumstances matters.

I have very real concerns that the arbitrary "exceptional circumstances" will be used to disregard threshold levels. The criteria for the implementation of exceptional circumstances is predicated on "already very high concentration (HMOs) well in excess of the threshold level, the property has been unsuccessfully marketed for 6 months." The former is completely contrary to creating a balanced community and the latter is far too short a period of time to market a property. This period should be extended to 18 months and must be accompanied by evidence of appropriate marketing.

Exceptional circumstances is an important part of the guidance. My home is very unlikely to appeal to a family when I come to sell because of the size and the number of existing HMOs in the street/ vicinity.

3.7.6 - Totally disagree with this. If any area has a very high concentration of HMOs then don't encourage any more!! Some of these larger houses could be really nicely converted to flats. I agree that they may be too big for single families but houses on Bryn Road and Brynmill Terrace would make great apartments,. Don't be shortsighted.

Clear

3.7.6 "Very high" existing concentrations of HMOs could change in the future. Indications that demand could lessen in residential areas do exist. Existing HMOs could convert to other type of dwellings so why add to them now? 3.7.8 Six months is far too short a period for evidence of unsuccessful marketing. Selling a house far away from HMOs has often taken me far longer than that. The house could be part of a legacy with other considerations to take into account. Discretion should be used. 3.7.9 Exceeding the threshold in the case of "sandwiched" residential properties should not be considered unless a) a longer period for marketing is allowed and b) all other considerations as I have outlined above against Q.3 have been made.

Some of the larger three or four storey terraced buildings are unsuitable for single family use, simply because of their size. This needs to be recognised, perhaps within 'exceptional circumstances'.

Paragraph 3.7 gives a reasonable demonstration of material considerations but only implies the definition of "exceptional circumstances". It does go on to give some examples but the implication is that all sorts of other things might be considered exceptional circumstances, basically depending on what the applicant thinks. I think that the definition should be tightened up both in the general sense and the specific sense in some of the examples given. I should like to comment on some of the examples as follows: Paragraph 3.7.7 gives an example of an "already very high concentration, well in excess of the threshold" This is far too vague. What is very high? What is well in excess? These 2 values should be quantified and actual figures used or else there will be likely to be objections, appeals and confusions. Paragraph 3.7.7 then goes on to say that an application in this case "must" be accompanied by a comprehensive assessment that must consider all of the following criteria". These criteria are then listed in paragraph 3.7.8, but in 3.7.8 it dilutes the concept by stating that the assessment "should" include..... Again for the sake of clarity this should be 'must'. In paragraph 3.7.8. part a) states that one of the criteria is evidence that the property has been unsuccessfully marketed for 6 months. In my opinion, if this is to represent the ethos of the LDP then this period of time is too short. Many houses are not sold within 6 months. The qualifying period ought to be at least 12 months and ideally 18 months. another criterion mentioned is evidence of advertising, again the wording of this should be 'must', not "should". In paragraph 3.7.8. part b) talks of reasons why and evidence to justify that a property is "unviable for C3 use". What is the definition of "unviable"? Who decides this definition? One persons unviable is another's golden opportunity. Clearly any developer may wish to insist that the property is unviable if they have already decided that they want to turn it into an HMO. You give one example concerning consideration of the "financial viability". of any renovations needed. There is no definition of financial viability, this is far too vague. Do you mean essential structural repairs or do you mean things like en-suite in every bedroom, brand new kitchen/bathroom/ downstairs cloak room etc. etc.? The definition of "necessary renovations" needs to be much more specific, in order to avoid confusions objections and appeals. For example many young couples starting out, are willing to buy a house without all of these features, not all buyers want a fully renovated house- whatever that means. What is to stop some developer claiming that all bedrooms have to have en-suite etc. etc to bring the house up to modern standards, when in reality it does not necessarily require that level of finish? Clearly. a potential developer could easily list all sorts of fancy renovations that could be theoretically done which were not strictly necessary but would artificially put up the paper cost of renovation, thus making the property "unviable". Therefore this description needs to be amplified. Paragraph 3.7.8 part c) talks about "large scale". What is the definition of large scale? This should be more precise and it should also include information as to when it was last used as a C3. Paragraph 3.7.8. part d) talks of "any other evidence considered by the applicant" to justify why HMO use is more appropriate than C3 use. Any is a very broad term and could be a bit over inclusive. The example given , however, is a property in a mixed use area and close to

commercial uses and already subject to noise disturbance. Again this is too non specific. What sort of mixed use? What sort of noise disturbance? After all, residential properties above commercial uses have existed happily for many years. What will be the proof of noise disturbance? Will it be based on noise readings of the street, surrounding properties, complaints of ASB, or will it just be the stated opinion of the developer applicant- who may never have lived there or known anything about the place? Consequently this should be tightened up so that definitions are clearer, actual evidence is used and not just the applicants opinion. Otherwise there is bound to be confusion , objection and appeal. Paragraph 3.7.9 This concerns properties in C3 residential use already sandwiched between 2 HMOs. It states that exceeding the threshold may be considered if the applicant is experiencing adverse amenity impacts. What does this actually mean? Who is the applicant? For example, a prospective developer may purchase a sandwiched property in C3 use and not reside in it. After a while he/she may put in an application and thus become the applicant without ever having resided in the property. Or, a developer may have bought the property and then rented it out to a tenant family on a short term let. Said developer may then claim that the family has been negatively impacted, by which time the family have gone. There should be some requirement of residency upon the applicant, either themselves or current tenant. There should also be some kind of evidence of negative amenity, not just an assumption by the Council that the negative amenity is occurring merely because of the fact that it is sandwiched. I am aware that that assumption would appear to be the flip side of the LDP accepting that homes should not be sandwiched, but surely the ethos of the LDP is to stop imbalance of communities and limit intensity of HMOs, in which case a better pathway would be to ameliorate the condition of residents in sandwiched properties , rather than give up. If a resident knows that measures to improve things by use of appropriate enforcement agencies, links between University, Police , Env Health, and active enforcement of license conditions, are being developed they may feel less negatively impacted because they see hope for the future. I can say this because I am living in a sandwiched C3. I gave a substantial account of the negative amenity impact upon myself. I had hoped that the LDP would be offering people like myself hope and help to continue living within my community, and a way of being able to sell on when (hopefully a long time in the future I might have physical needs dictating a move), to another family , not a feeling of being given up on as in a hopeless situation. I had to provide evidence, i think an applicant should have to provide evidence not just a nod and a wink from the Council ..it's sandwiched so you will be fine. This effect will cause developers to particularly target sandwiched properties, particularly in their favourite areas, they may even offer slightly above any prospective family purchaser, in order to purchase a property in an area where they could otherwise not do so because of inability to breach a threshold. Also it will result in clustering with formation of blocks of HMOs. This will then cause a further negative amenity to C3 properties close to the blocks /clusters but not sandwiched. Also it will be another way in, under exceptional circumstances, because the threshold will have been breached and then some will argue that because threshold has been breached the threshold no longer holds, under the previous exceptional circumstances example given in 3.7.7. Instead of all this this should be the opportunity to encourage young families to buy sandwiched homes by a substantial reduction in

Council tax (after all this would not be a loss as there is no council tax payable on HMOs and i believe that the formula used to calculate the amount given to the Council from Welsh Government (I believe) is calculated at approximately Band D when many of the properties in C3 use (such as mine) are actually rated as Band E. Other poissibilities include interest free loans or help with grants to update properties, which again would attract families, or again encouragement to developers to rent to families rather than HMOs.

Previous planning decisions (including appeal decisions) - should be clearer as there are cases where a HMO has been granted despite breaching the 25% rule because they have won on appeal. It needs to be far more stringent or the default will be to appeal because there is evidence it will probably be granted. A community's need for affordable housing - this only applies if the HMO would be used by active members of the community already living in the area or moving to the area. If it just ends up in more absentee landlords with students then its really of no help is it.

I would like to see a tightening up of the exceptional circumstances when a house has been left unsold when marketed as a residential property (C3). In additional to the existing provisions I would like specified that any asking price should be no more than 10% above any assessment by the District Valuer. In addition, or in the alternative, the price at which vendors should be expected to put a house on the market should be representative of the lower price at which C3 residential properties are marketed, rather than the higher prices at which would be HMOs are marketed, reflecting the fact that HMO landlords can outbid domestic homebuyers.

Given the recent overturns of planning appeal decisions, both within and outside of the HMO Management Area, together with the difficulties of making threshold test calculations using inaccurate data, the SPG needs tighter controls, rather than 'get out clauses' for it to be fit for purpose. Otherwise the Council runs the risk of having an in-effective Policy & accompanying SPG resulting in more overturned appeals, to the continued detriment of the long-suffering communities of Uplands & Brynmill.

Seek clarification that the exceptional circumstances under section 3.7 is only applicable in those areas where there is a very high concentration of HMOs, above the harmful concentration and % threshold and not in those areas that fall within the Management Zone that are considerably below the % threshold. There are pockets of streets, particularly on the periphery of the Management Zone (included because they correspond with the additional licencing area & electoral ward boundary as opposed to any high % of HMO concentration) that are well below the 25% threshold, do not have a high concentration of other HMO uses and are predominantly C3 streets. Although a defined Management Boundary has been drawn, there is no corresponding recognition of this 'labelling' in the marketing requirement for C3 use - The marketing period required is for 6 months irrespective of location within or outside of the Management Area. Recognition should be given to the fact that by labelling streets within a Management Area, it

is likely to make marketing for a C3 use that much harder. Consideration should be given to an extended marketing period of 12 months within the Management Area. Any marketing should be at a realistic C3 price (as opposed to inflated HMO) as evidenced by district valuer/mortgage offer valuation. Letting Boards - Uplands & Brynmill continues to be inundated with To-let boards, which look unsightly, have a significant adverse impact on the character and appearance of the area and the wellbeing of the resident communities. This is despite assurances from elected officials, including the Council Leader, that controls would be introduced. The Council's Voluntary Code for advertisers is not fit for purpose. The SPG should provide clarification as to when a Regulation 7 Direction, to remove 'Deemed consent' is to be enacted. Cardiff introduced its Regulation 7 in October 2015, prior to the adoption of its own HMO SPG in 2016.

The Planning system exists to protect public interests not private interests - like cohesive communities make this explicit in SPG.

Section B - PBSA

7. Section 4.1 of the SPG sets out what will be considered to fall under the definition of PBSA for the purposes of LDP Policy H 11. Please write in the box if you have any comments on this definition of PBSA.

OK

I would perhaps question why there is no upper limit to the potential number of units. Lessons learned from problems in high density residential schemes should be taken into consideration.

No comment

Looks fine

8. Policy H 11 states that proposals for PBSA should be located in the Swansea Central Area and must in the first instance assess the availability and suitability of potential sites and premises at this location unless certain exception criteria are met (specified in the policy).

Section 4.2 of the SPG provides guidance on what information will be necessary to demonstrate an appropriate assessment has been undertaken into site/premises availability and suitability in the Central Area. Please write in the box below if you think any aspects of the guidance in Section 4.2 require further clarification.

OK

No comment

My major issue with PBSAs is the lack of accountability that seems to hold these private companies to account when the building is not completed when the students are due to move in. There have been a number of news stories about buildings managed by Prime Student Living not being completed before the students were due to move in - <https://www.bbc.co.uk/search?q=prime+student+living>. Of the two blocks being built in Swansea (next to the Gwalia offices on the Kingsway and the former Social Services offices on Orchard Street), both still have scaffolding and building works ongoing (as of 6 November 2019) despite selling rooms to students for occupation from September 2019. This is unacceptable and has left students moving to the area effectively homeless for the start of term. There must be more regulations to stop companies being able to sell rooms that don't exist when they are needed, paid for and advertised for.

9. Section 4.3 of the SPG provides guidance in support of LDP policies on design and amenity in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires clarification.

The design and quality of construction of the PBSAs in the town centre is shocking.

OK

If the accommodation is not appropriate for open market residential use, how can it be deemed suitable for a student to live in for a number of years? Please clarify section further.

No comment

More emphasis on green spaces and environmental aspects.

10. Section 4.4 of the SPG provides guidance in support of LDP policies on refuse/recycling storage in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.

Who is going to enforce this ????

OK

No comment

11. Section 4.5 of the SPG provides guidance in support of LDP policies on car and bicycle parking in respect of PBSA. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.

OK

No comment

12. Section 4.6 of the SPG clarifies that a management plan will be required to be submitted as part of any PBSA planning application detailing how it will be ensured that the development will conform to LDP policy and continue to do so once in operation. Please write in the box below if you think any aspects of the guidance in this section requires further clarification.

Whilst not certain that this falls under planning, provisions need to be in place to ensure continuity of the management plan in case the appointed management company ceases to trade etc. Furthermore cost to implement the management policy need to be protected from unacceptable year on year price increases.

OK

No comment

Section C – Further Comments

13. If you have any other comments on how the SPG could be improved, please specify below.

Yes make SPG "best in class" do not undermine the examined LDP. Follow ministerial strictures and use AMR to improve it, if found wanting.

I don't think this really adds anything to the Policy in the LDP. Looks a bit like a rush job in response to Council losing those two recent HMO appeals. This should really be looking to close off loopholes I think because there's a long time until the LDP will need a review.

There are so many factors that affect everyone's daily lives that it is hard to cater for everyone. There are residents whose properties will be worthless unless they can be converted to HMOs due to the density of HMOs in certain streets. There are large properties which are standing empty because they can be developed. Common sense has to play a part in all this.

From the way this questionnaire has been designed it is obvious that no deviation from LDP rulings will be considered. So I would urge the Planning Committee to use every ounce of discretion at their disposal to avoid bias in favour of developers and unelected bodies such as Universities at the expense of our local communities. Otherwise, the message that permanent residents are less important than students will continue to be received.

I cannot emphasise strongly enough that if the supposed purpose of the LDP was to produce balance cohesive, sustainable communities, and the purpose of the SPG is to illuminate, clarify and amplify that then it will only achieve that if a lot more thought is given to the exceptional circumstances rule. The way it is written at the moment it is a means of increasing the concentration of HMOs almost by the back door, which will not at all give sustainable balanced communities or good places to live for people, and indeed it will be acting against the supposed purpose of H9 and the LDP.

The planning convention that permits a developer to reconfigure the internal structure of a property to suit HMO usage should be stopped. This convention has facilitated developers in creating an HMO property even if it fails to gain planning permission. The result is after 6 months the property could potentially function as an HMO if it fails to sell on the open market. Sandwiched properties and ex HMOs should rate relief or a grant to incentivise the purchase of these properties by families. This would create and extra income stream for the council as the vast majority do not pay council tax. Invest a penny to make a pound

I would like the following alterations to the draft SPG on HMO's and PBSA September 2019.and added to the public consultation documents,

As stated in the Introduction on para 1.1 The purpose of the SPG is to **augment** policies of the Swansea Local Development Plan (LDP).

There is a need to change a large part of this document as it **contradicts** the H9 LDP Policy e.g. prevention of clustering, exceptional circumstances etc

For the purpose above ALL not just some of this SPG document when suits, should be referenced and shows it augments to the legally binding LDP documents e.g. It states (LDP para 2.5.102) proposals that would give rise to cramped living conditions for future occupiers will be resisted.

MORE OF THE SAME IN REFERENCED DOCUMENT TO LDP POLICY H9

2.1.3 No specific reference is made in PPW as to how planning decisions should be made in relation to HMOs or PBSA development. A Ministerial letter (dated February 2018) was sent to all Welsh Local Planning Authorities (LPAs) however, which made clear **the need to put in place robust local evidenced based policies** in LDPs against which planning applications for HMOs can be assessed. The Letter also highlighted the appropriate role that SPG should play to augment such policies. Swansea Council has set out its **evidenced based policies** relating to HMO development in the Swansea LDP

This policy needs as stated to be evidence based and augment this contradicts as stated above.

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3.2.7 - 3.2.9 Socially rented housing should be exempt and units taken out and augment it with LDP Policy. You as a council had a choice exemptions. Who's side you on.

3.2.10 Socially rented housing to be included.

3.2.20 Examples of exceptional circumstances or overriding material considerations are provided in Section 3.7 of this SPG.

These examples are not good enough and not fit for purpose
141 Western Street. What evidence provided?

3.3.4 – 3.3.6 Take out worked example 5 in Appendix contradicts LDP Policy

The worked examples need to be modified as mistakes have been made on 35 Crynlyn Street as to the central location and seem to be again not on centre from the street frontage, as they seem to be from 2018. PLEASE MODIFY as being fit for purpose.

3.4.2 Planning applications for HMOs that would result in a C3 dwelling being 'sandwiched' between adjoining HMOs sharing the same street frontage will not normally be supported as a matter of principle. If there is an overriding material consideration that a decision maker considers a defining issue to outweigh this principle in the planning balance, any approval of planning permission for a HMO that would result in a C3 dwelling being 'sandwiched' must acknowledge that **this would be a departure to LDP Policy H 9.**

YOU MUST TAKE PARA 3.4.2 & 3.4.3 OUT AS YOU ARE **BREAKING THE LDP POLICY**. WHEN ELSE ARE YOU GOING TO DEPART AS AND WHEN IT SUITS AND PROMOTING CLUSTERING

3.4.3 Consistent with the principle of preventing sandwiching to safeguard amenity, proposals for non- HMO properties that are already 'sandwiched' between two existing HMOs to become HMOs may be considered favourably, even where this would lead to the threshold in the area being exceeded. **Such a scenario is an example of an exceptional circumstance that can justify a HMO threshold being exceeded** (as described in Section 3.7 of this SPG).

LDP Policy This approach will also serve to prevent clustering of HMOs and avoid over concentrations at a very localised level.

3.5.7 To create and promote quality accommodation for residents to live in there needs to be an increase in room sizes, that will shed Swansea in a better light and WHY NOT?

Ceiling heights on loft conversions are a MUST and added to this document like Cardiff have done. Let's learn from their mistakes not worse than their already mistakes. Please alter for the benefit of the citizens of Swansea and visitors.

3.5.10 Sizes for communal room required.

3.5.25 the Council may use planning conditions to require that insulation be installed in the interests of providing and safeguarding reasonable living standards.

Change to Will above.

3.7.3 List of exceptional circumstances not fit for purpose as LDP states a requirement of this document, as instructed by inspectors.

3.7.7 states 'a comprehensive assessment'.

What criteria and marking scheme? needs to be added to Appendix

3.7.9 Another potential exceptional circumstance includes HMO proposals relating to properties in C3 residential use that are already 'sandwiched' between two HMOs. Exceeding the threshold in the area may be considered permissible in such circumstances, if the applicant is experiencing adverse amenity impacts from such a scenario. Such circumstances can reasonably be considered the 'flipside' of the objective of Policy H9 to avoid sandwiching. That is, given the purpose of this element of the policy is to safeguard the amenity of C3 property occupants by precluding new HMOs that would lead to sandwiching, it follows that planning decisions should also consider the amenity concerns of occupants that are already sandwiched.

THE PARAGRAPH ABOVE 3.7.9 MUST BE REMOVED ALONG WITH OTHER ISSUES RAISED THAT ARE TOTALLY CONTRADICTING PLANNING POLICY LDP H9 AND DOES NOT AUGMENT POLICIES. This document completely opposes the Welsh Inspectors requirements on LDP Policies being clear, sound and robust.

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BOTH RED and BLUE annotation require LPA response and amendment in the final adopted SPG

Legislation & Policy Context

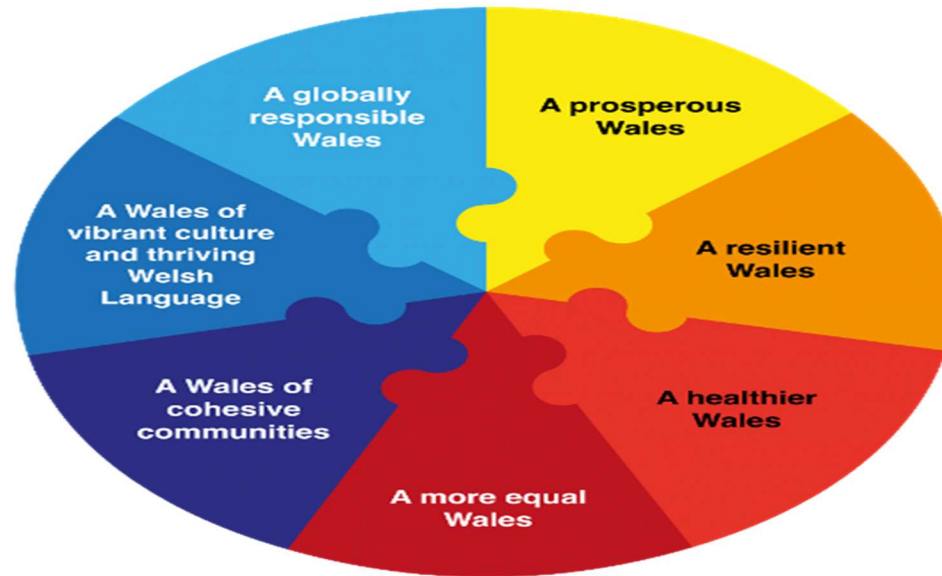
2.1 **Current** National

2.1.1 Planning Policy Wales¹ (PPW) sets Out the Overarching national principles relating to planning and placemaking. These principles underpin the formation of local planning policies and inform individual decisions on development proposals. PPW states that planning decisions must seek to promote sustainable development and support the well-being of people and communities across Wales. **It requires that this be done by**

addressing seven well-being goals, one of which is to Foster Cohesive Communities, with the emphasis on promoting accessible, well connected development and appropriate combinations of land uses.

The Seven Wellbeing Goals

To make sure we are all working towards the same purpose, the Act puts in place seven well-being goals. The Act makes it clear the listed public bodies must work to achieve all the goals, not just one or two.



2.1.2 A short statement is required demonstrating how SG “Arguments” & Foster sustainable development Principle

Planning Policy Wales¹ (PPW) sets out the overarching national principles relating to planning and placemaking. These principles underpin the formation of local planning policies and inform individual decisions on development proposals. PPW states that planning decisions must seek to promote sustainable development and support the well-

being of people and communities across Wales. **It requires that this be done by addressing seven well-being goals, one of which is to Foster Cohesive Communities**, with the emphasis on promoting accessible, well connected development and appropriate combinations of land uses.

1. To ask /explain the sustainable draft policy as a strategic purpose (We do not understand it)
2. How is the amenity impact assessed to Neighboring properties?
And how is the terminology Consistent with the notion of “” Neighboring Units”” in the formula

2.15 HMOs come under two Use Classes, dependent on their size. These are:

(i) **Small HMOs** – ‘C4’ class: a shared dwelling house that can accommodate between 3-6 will still not be related still be shared 2wg guidance 2017 practice guidance

(ii) _unrelated persons who share basic amenities. It should be noted that, under the terms of the Order, the following are excluded from the C4 Use Class:

- Social rented housing
- Care homes
- Children’s homes
- Bail hostels
- Properties occupied by students managed by an education establishment; and
- Properties occupied by a religious community whose main occupation is prayer, contemplation, education and the relief of suffering; and

(iii) Large HMOs – ‘Unique Use’ class (**formerly known as Sui Generis**): a shared dwelling house with more than 6 unrelated persons sharing basic amenities.

What informed the **“” choice””** taken by the LPA to not use the full schedule 14 Housing Act 2004

Exemptions in the radius test & explain why the Southampton use of all Exemptions in their Test was not followed as indicated Welsh Government Best Practice “Please Explain” !?

2.2.4 The key provisions of LDP Policy H 9 are that:

A 2-tier ‘maximum threshold’ is defined within designated geographical areas, above which further HMO concentrations will typically be resisted

Proportions of ALL HMOs will be defined by calculating the number of HMOs as a % of all residential units within a 50m radius of a proposal

The ‘sandwiching’ of Class C3 residential properties between HMOs will be resisted

Specific protection will be afforded to ‘small streets’ that are characteristic of certain residential areas of Swansea

Criteria will be applied to ensure proposed HMOs are suitable for their intended use and will not result in unacceptable adverse impacts caused by noise and general disturbance

Sufficient flexibility will be applied in the case of exceptional circumstances, or overriding material considerations, where these demonstrably outweigh concerns regarding harmful concentration or Intensification.

Bullet point 1.

Are NON-residential above the shop Included within count

Bullet point 2

How does “Sufficiently Flexibility” is (not used in LDP) fit in with aims Strategy Process & Monitoring Arrangements

2.1.5

2.1.6

2.1.7

2.1.8

2.1.9 National Guidance states that, in order for planning applications to be duly submitted they must contain sufficient information to be considered **‘valid’** applications. Technical guidance on what is required **to submit a valid planning application** is provided nationally by the Welsh Government in an annex to the **Development Management Manual**,

Section 7 Planning Applications - Lists of Validation Requirements. The annex provides information listing what is required for each application type and reflects the **legal requirements set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and the other listed statutory instruments** **SPG STATES ANNEXE TO DEVELOPMENT MANAGEMENT MANUAL SECTION 7 ALSO A LIST OF VALIDATION REQUIREMENTS**

2.2.1 The adopted Swansea LDP sets the policy framework against which all planning applications are determined. It provides a detailed, **correct** evidence-based framework for making effective and consistent planning decisions in the public interest. This includes policies **to manage the location and concentration of HMOs and direct the location of PBSA to the most appropriate, sustainable areas**. The LDP policies are set against a context that recognises the important role that HMOs and PBSA play in providing a flexible, **relatively ?? affordable housing choice for a growing population**, whilst also acknowledging the **negative impacts that can arise** without appropriate sustainable planning.

IN YOUR NEW SPG ON LOCAL 2.2.1 /PARAGRAPH ?? COULD BE TAKEN OUT OF CONTEXT IN H9 – 2.5.97- IT STATES FLEXIBILTY THAT IS THERE TO CLARIFY REASON IN PARAGRAPH FOR FLEXIBILITY YOUR PARAGRAPH IS NOOT CLEAR SOUND & ROBUST PLEASE CHANGE NOT EVIDENCED Based

2.2.2

2.2.3

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Specific protection will be afforded to 'small streets' that are characteristic of certain residential areas of Swansea

Criteria will be applied to ensure proposed HMOs are suitable for their intended use and will **not result in unacceptable adverse impacts** caused by noise and general disturbance

Sufficient flexibility will be applied in the case of exceptional circumstances, or overriding material considerations, **where these demonstrably outweigh concerns regarding harmful concentration or Intensification.**

COMMUNITY OBJECTIONS and also . EXPLAIN PARAGRAPH RESIDENTIAL UNITS AND FLEXIBILITY

2.2.5 LDP supporting text appendix (1A)

2.2.6 PBSA

PBSA developments are increasingly coming forward as a proposed **means of providing bespoke accommodation that meets the needs of students.** Whilst these developments may offer the potential to reduce the demand for HMO accommodation, there is currently no conclusive evidence to this end.

2.2.7 The LDP contains Policy H 11 'Purpose Built Student Accommodation', which states proposals for PBSA should be located within the Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- The site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; or
- In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; or
- The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

STATES SWANSEA CENTRAL AREA ???WHY ARE LABOUR COUNCIL MAKING A CITY CENTRE [STUDENT VILLAGE]??

2.2.8 A copy of LDP Policy H 11 and its supporting text is set out in Appendix 1b.

Other Development Plan Policies

LDP H11 3.1 GUIDANCE HMO DEVELOPMENT

H 11: Purpose Built Student Accommodation

Proposals for purpose-built student accommodation should be located within the Swansea Central Area, and must in the first

instance assess the availability and suitability of potential sites and premises at this location, unless:
i. The proposed site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and

ii. In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; and

iii. The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

33 Higher Education Statistics Agency (HESA) Student Record and LLWR (Lifelong Learning Wales Record), published by HESA / Welsh Government, 2015

2.5.88 Higher Education makes an important contribution to the local economy within the region of 16,500 full time students³³ living in the area. Many live-in former family homes converted to HMOs and as a consequence part of the County experience significant community cohesion issues resulting from harmful concentrations of such dwellings

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

.Test 1 – ‘Radius Test’

- Within the HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs.
- Outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs.

Test 2 – ‘Small Streets Test’

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

Test 3 – ‘Non-sandwiching Test’ The development would not result in a Class C3 dwelling being ‘sandwiched’ between adjoining HMO properties.

[What is the Local Development Plan - Cardiff.gov.uk](https://www.cardiff.gov.uk/.../Pages/What-is-the-LDP.aspx)

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REFER TO SWANSEA LDP H9 POLICY

- **Why Do We Need A Local Development Plan?**
- **Delivery Agreement**
- **Stages of Preparation**
- **What Happens Next**

- The population of the city is growing and it's the role of the Council to make sure that the city can accommodate and provide a good quality of life for all its citizens. The LDP will identify where in the city, new developments and communities can be built. Different parts of the city may be affected in different ways and the plan will need to show areas for new development together with areas that will be protected from development.

[CARDIFF LDP RELATED PAGES HOUSING 11](#)

H1 TO H7 PAGES 114 TO 121

3. Guidance on HMO Development

3.1.1 LDP Policy H 9 sets out a number of criteria that HMO proposals should address. Full consideration should be given to all the relevant criteria to ascertain whether a proposal is considered acceptable

3.1.1 Please explain & Expand “All relevant Criteria”

3,1,2. A number of criteria in Policy H9 relate to preventing unacceptable concentrations of HMOs. These set out certain ‘tests’ that will inform the decision-making process and help ascertain whether a proposal would lead to a potentially

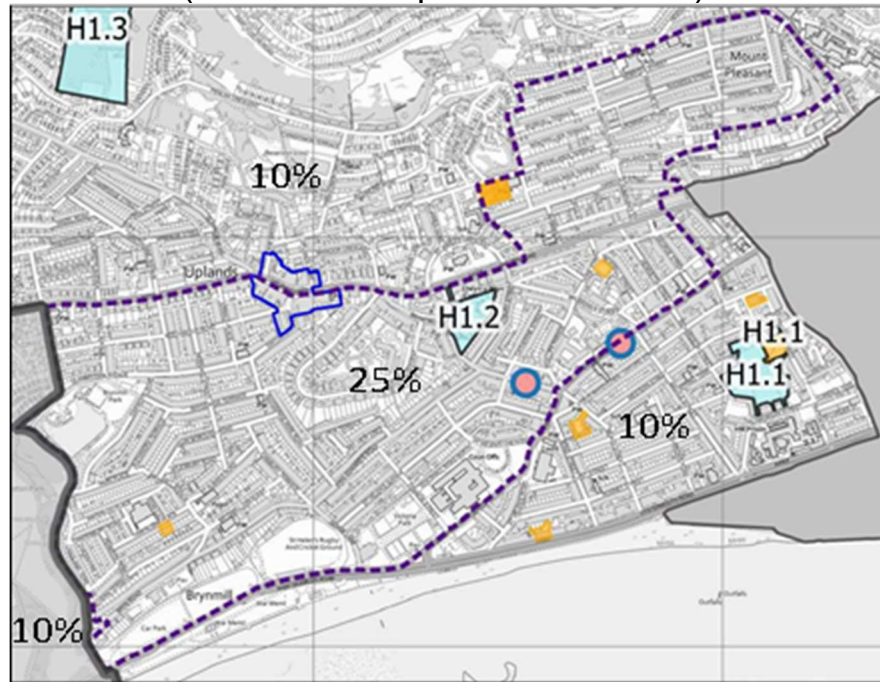
harmful concentration or not. These tests are summarised in Figure 1. Further detailed advice and guidance on how each of these tests are to be applied is provided in Sections 3.2 – 3.4 of this SPG

3.1.2 Please explain “Potentially Harmful Concentration” And how this is clear Robust, and then evidence based.

3.2.3 The concentration of HMOs should be ascertained by calculating the proportion of HMOs as a percentage of all **residential units** within a 50 metre (m) radius of the application property. Where the proportion exceeds the defined threshold, the concentration arising will be deemed unacceptable, unless there are exceptional circumstances or overriding material considerations³ that demonstrably outweigh concentration concerns

THAT LDP STATES ALL RESIDENTIAL PROPERTIES, NOT CLEAR ROBUST NOT EVIDENCE BASED

Figure 2: HMO Management Area (within the Purple Hatched Line)



3.2.3 Please explain how rooms above a shop “Categorized”

Please Clarify the terms [Application Property] versus [Application Residential Property]??

Which is the correct term taken from the LDP?? Methodology and Data Sources

3.2.1 Policy H 9 sets out the methodological approach that should be followed to undertake the radius test. The basic formula for ascertaining the concentration of HMOs is as shown below in Figure 3.

3.2.2

3.2.3 **AS STATED IN 2.5.96 ALSO SEE H9 POLICY PAGE 72**

Figure 3: Radius Test Formula

$$\begin{array}{r} \text{HMO} \\ \text{Concentration} \\ \text{n} \\ \% \end{array} = \frac{\begin{array}{c} \text{No. of HMOs} \\ \text{(Numerator)} \end{array}}{\begin{array}{c} \text{No. of residential} \\ \text{units} \\ \text{(Denominator)} \end{array}} \times 100$$

3.2.4 For the purpose of the radius test, the concentration of HMOs should only consider the relevant properties within a 50 m radius of the planning application. Further guidance on which properties are relevant in this regard is set out below.

Internal note as stated on SPG

Guidance on potential 'exceptional circumstances' and/or 'overriding material considerations' is provided in Section 3.7 of this SPG.

3.2.3

3.2.4

3.2.5

3.2.6

3.2.7 To determine the appropriate denominator for the Radius Test Formula (see Figure 3), all individual residential units that fall within the 50m radius that are categorised as either Use Class C3, C4 or Unique Use HMO will be counted. The most up to date Local Land and Property Gazetteer (LLPG)5 information should be referenced in order to ascertain the number and location of residential units to be applied.

THAT RESIDENTIAL UNITS ARE STATED WITHIN THIS PARAGRAPH AND NOT STATED WITHIN LDP THAT ALL RESIDENTIAL PROPERTIES ARE STATED

3.2.8. For the avoidance of doubt, a residential unit includes social rented homes, individual flats and other units that are situated on upper floors. These homes will be counted as part of the denominator to ensure all residential units within the radius are counted. 3.2.8. Please clarify what is meant by [other units]

3.2.9. In the case of flats and/or residential units on upper floors, these will be counted where the majority of the principal elevation of the building within which the unit is located (i.e. over 50% of this elevation) is contained within the radius. Each multiple unit within the building will be counted as an individual residential unit for the purpose of the calculation e.g. a building containing four flats will be counted as four residential units.

Base of page 12 Principal elevation is defined in Welsh Government Technical Guidance.

The Local Land and Property Gazetteer (LLPG) is a comprehensive address database maintained by the Council.

3.2.9. Please explain the 50% rule with worked example

3.2.10 Care homes, children's homes, hostels, hotels, student halls of residence, and commercial properties will not be counted.

3.2.10. Why has social Housing been chopped out of the list

Why has the LPA used a [Truncated List] ??

3.2.14 Properties with a lawful use as a HMO will be counted as such, irrespective of whether a relevant planning consent has actually been implemented at the time of determination of a planning application. Some properties have become lawful for use as a HMO by virtue of the time they have been in operation for such a use, even though there is no planning permission or Lawful Development Certificate (LDC) for HMO use on record. This is reflective of the previous provisions of the Planning Act and the Use Class Order, which did not require the use of residential properties as small HMOs to be subject to any planning control. Where the LPA considers there is substantive evidence available to demonstrate that a property was being used as a HMO prior to the implementation of the new C4 Use Class category (in February 2016), and is satisfied that it has not reverted to any other uses in the meantime, such a property will be considered a lawful HMO notwithstanding the lack of any relevant planning permission or LDC for HMO use. The LPA will need to be satisfied that such a property would be considered appropriate to be issued with a LDC if such an application was made, however it is not within the scope of the Planning Act to require a third party to submit an LDC application to formalise the use class of a property.

BOTTOM OF PAGE public consultation in 2019 on a new HMO licensing policy that could expand the Additional Licensing Area to include the St Thomas Ward.

JOHN EXPLAIN REASONABLE CHECKS??? WILL THESE HMOS BE CHECKED FOR A NEW LICENCE WHEN WE HAVE ADDITIONAL LICENCING IN ALL RESIDENTIAL PROPERTIES

3.2.15. The calculation of the HMO concentration that applies at the time of determining a planning application is clearly influenced by accurately ascertaining, as far as is possible, the lawful existing use of all properties situated within the defined radius at that time. Where information is available to indicate a property may be a HMO but is not recorded as such on the records available at www.swansea.gov.uk/hmos, the LPA will carry out all reasonable checks using any other publicly available information and/or any submitted evidence in order to ascertain whether such a property should be considered a HMO for the purpose of the calculation. In this regard the LPA is required to act within the requirements of the General Data Protection Regulation (GDPR) relating to maintaining the privacy of personal data.

3.2.15. Please Explain “Accurately Ascertaining”_as far as possible & explain “All reasonable Checks” Using other residential Properties Existing Lawful publicly available .

3.2.16 The Council's planning officers undertake site visits as part of the standard procedure for considering planning applications and consider all material planning matters in the determination of proposals. This includes the observations of Officers within other

Council departments such as Highways and the Housing and Public Health Service. Members of the public will also be consulted on every planning application. This process provides the opportunity for the LPA to be made aware of any properties they consider might be a HMO which do not appear on the Licensing and planning consent lists. Properties will only be considered a HMO for the purpose of the calculation where they meet the descriptions of such in the Planning Use Class Order.

WE WANT THE LPA ONLY TO THE SITE VISIT TO TAKE ROOM SIZES OF ALL THE ROOMS THAT YOUNG STUDENTS HAVE TO LIVE IN, TO MAKE SURE THAT THERE ARE APPROPRIATE ROOM SIZES ,

3.2.17 Set out in Appendix 2 are a number of worked examples. These are intended to help demonstrate how the assessment methodology works in practice and further illustrate how the radius test will be implemented. **JOHN SET OUT IN APPENDIX 2 EXAMPLES**

3.2.18 Breaching the Threshold

The threshold is considered to be breached if granting planning permission would take the percentage of residential properties that are HMOs above the specified threshold limit. For example, granting planning consent for a HMO within a 50m radius that currently contains 20 residential properties and only 1 other HMO would yield a concentration of exactly 10% (i.e. 2 out of 20 properties), which would not breach the threshold outside the HMO Management Area

3.2.19. The two tier approach set out above in respect of different threshold levels is specifically intended to impose a restrictive regime for any further concentration or intensification of HMOs within the defined HMO Management Area to the existing general limit of 25% HMOs that has become established. This approach will serve to restrict HMO growth within the areas where there are already existing high concentrations of HMOs, such as parts of Brynmill and Uplands. There may be small pockets within these areas where further HMOs will not breach the threshold when applying the radius approach, but these opportunities are likely to be limited. This containment approach is based on evidence available, which indicates that significant further HMO growth is likely to exacerbate amenity impacts in these areas and any negative effects on community cohesion. This approach also recognises that these areas already have an

established mixed character, in comparison to other residential areas of Swansea, with an existing average concentration of around 25% HMOs.

3.2.19. Please explain Containment Application & Evidence to be produced every time, with checked worked examples-
IN ERROR

3.2.19. Please explain OPERATION of Planning Balance

CCS LPA DOES NOT HAVE ALL THE RELEVANT EVIDENCE, WHICH WILL MEAN THAT MORE HMOs WILL BE PASSED.

3.2.20 LDP Policy H 9 states that HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification. Examples of exceptional circumstances or overriding material considerations are provided in Section 3.7 of this SPG

THAT THIS IS EXCEPTIONAL CIRCUMSTANCES TO ALL PARAGRAPHS THE EXCEPTIONAL CIRCUMSTANCE SHOULD BE STATED TO OTS FULL MEANING ON THE PLANNING APPLICATION LPA RE HMO, ?? WILL ALL HMOs HAVE OVERIDING MATERIAL CONSIDERATIONS?? AND WILL THIS POINT THAT HAS ENABLED THIS APPLICATION TO BE APPROVED, BE STATED TO ITS FULL EXTENT / WORDING TO ENABLE THIS APPLICATION HAS BEEN APPROVED

3.2.21

3.2.22

3.2.23

3.3.53.

3.3.6 For the avoidance of doubt, for the purpose of LDP Policy H 9 and this SPG, the intersection of a longer street to become a small street occurs where both sides of the street with the same name are dissected by another street, resulting in between 11 and 34 properties on the dissected street. Appendix 2 provides a number of examples of scenarios that would, and would not, be classed as small streets.

APPENDIX 2

3.3.7 Defining a Disproportionate Concentration

Defining the concentration of HMOs in a small street will be examined using the same data sources as set out for the radius test (see Section 3.2 of this SPG). JOHN SEE SECTION 3.2 OF THIS SPG

3.3.8

3.3.9 A further analysis of the range of potential exceptional circumstances or overriding **material considerations** that could demonstrably outweigh concentration concerns are provided in Section 3.7.

A FURTHER ANALYSIS OF THE RANGE OF POTENTIAL EXCEPTIONS? EXEMPTIONS? CIRCUMSTANCES OF OVERRIDING MATERIAL CONSIDERATION THAT COULD DEMONSTRABLY OUTWEIGH CONCENTRATIONS [CONCERNS ARE PROVIDED IN SECTION [3.3.7]

Decision of the Planning Court

Applying these principles to this case, the Planning Court dismissed the claim finding for the defendants on both grounds. In doing so, it considered whether the draft plan was a material consideration as the claimants alleged but decided that the council was entitled to take the view that it was not a material change in circumstances of which the inspector ought to be made aware. The draft plan was still at an early stage of the adoption process and therefore only attracted “minimal weight”. In addition, given the fact that the claimants had failed to draw any link between the draft plan and the site in question, or provide a copy to the inspector as a document that she ought to take into account at the planning inquiry, it was not open to them to seek to quash a decision on the basis that the inspector failed to have regard to the plan.

What this case highlights is the fact that the courts will not be quick to assume that a decision-maker has failed to take into account a material consideration simply because that consideration is not referred to in the decision. Therefore, if a claimant wishes to challenge a decision on the basis of a failure to take into account a material consideration that is not a main controversial issue, they should aim to produce actual evidence that this issue was not considered, rather than a mere absence of reference in the decision itself. For more information on decision-making, see **LINK Practice notes, Decision-making by public bodies: avoiding legal challenge** and **Duty to give reasons**. **CHECK THIS LINK DETERMINING APPLICATIONS <https://www.gov.uk/guidance/determining-a-planning-application>**

3.3.10 Set out in Appendix 2 are a number of worked examples to demonstrate how the small streets test will be

implemented. These examples include an illustrated case where the proposal would lead to an unacceptable disproportionate over-concentration of HMOs in the small street. An example is also provided of a scenario where although the 1 in 8 ratio is exceeded in the small street, the street is quite long, there are only properties on one side of the majority of the street, and the existing HMOs are located at the extreme opposite end of the small street from the planning application, and so the proposal would be less likely to result in a harmful HMO concentration within the small street, even though it would numerically exceed the 1 in 8 ratio.

SET OUT IN APPENDIX 2 WORKED EXAMPLES TO DEMONSTRATE HOW SMALL STREETS TEST WILL BE IMPLEMENTED [EXAMPLES] STREET FEWER THAN 11 PROPERTIES

3.3.11

3.3.12 Whilst the numbers of HMOs on streets of fewer than 11 will be capped at these levels, it will not always follow that a HMO proposal that does not exceed the capped number will always be permitted. The decision maker must always consider all other material considerations that apply, such as potential 'sandwiching' of properties between HMOs, which could be a deciding factor in deciding whether a proposal is considered acceptable.

REFER TO NONSANDWHICING TEST

3.4.1

3.4.2 Planning applications for HMOs that would result in a C3 dwelling being 'sandwiched' between adjoining HMOs sharing the same street frontage will be refused, unless there are exceptional material considerations that demonstrably outweigh the identified concerns. Examples of exceptional circumstances or overriding material considerations are provided in Section 3.7.

EXAMPLES OF EXCEPTIONAL CIRCUMSTANCES ECT EXAMPLES 3.7 THIS IS NOT WITHIN LDP DOCUMENT

3.4.3

Test 1 – ‘Radius Test’

- Within the HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs.
- Outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs.

Test 2 – ‘Small Streets Test’

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

Test 3 – ‘Non-sandwiching Test’

3.4.4.

3.4.5

3.4.6 Set out in Appendix 2 are a number of worked examples to demonstrate when sandwiching will be deemed to have occurred or not.

IT IS NOT CLEAR WHERE THIS HAS COME FROM, NOT IN LDP DOCUMENT, IS SOUND AND ROBUST NO NEED FOR EXAMPLE

3.5 Property Suitability for HMO Use

Overview

3.5.1 LDP Policy H 9 makes clear that the property being proposed for use as an HMO needs to be suited for such a HMO in terms of its size, layout and ability to safeguard the amenity of residents affected. Specifically, proposals must demonstrate that the property is suitable for occupation as a HMO by the specific number of occupiers stipulated in the application . **PROPERTY SUSTAINABILITY—DEFINE!**

3.5.2 To be considered suitable for HMO use, the property should provide satisfactory private amenity space and appropriate room sizes. Further guidance on what will be expected to be provided, is set out below. Sufficient details, including scale plans should be submitted with the planning application to demonstrate that satisfactory provision will be made. Scale plans should include existing and proposed site plan, block plan and floor plans .

NOT ALL ROOM SIZES ARE GIVEN

3.5.3

3.5.4

3.5.5 **H9 iv.** The property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and **v.** There would be no unacceptable adverse impacts caused by noise nuisance and general disturbance. **IT IS CLEAR IN THE LDP POLICY THAT HHMO PROPERTIES NEED TO HAVE APPROPRIATE ROOM SIZES TO BE CONSIDERED ON ALL APPLICATIONS, PROPOSAL THAT WOULD RISE TO CRAMPED LIVING CONDITIONS FOR FUTURE OCCUPIERS WILL BE RESISTED A RESPONSE STATED THAT PARAGRAPH 3.5.5 MAKES IT QUITE CLEAR THERE MUST BE A MEASURE BY THE PLANNING DEPARTMENT TO MAKE SURE THESE MEASURES ARE CORRECT BEFORE PASSING THESE APPROPRIATE ROOM SIZES ALSO THESE MINIMUM ROOM SIZES ARE NOT FIT FOR PURPOSE** , THE NEW SPG ARE PUTTING YOUNG STUDENTS INTO CRAMPED LIVING SPACE / CONDITIONS WE WOULD REQUIRE A GREATER SIZE TO THE MINIMUM ROOM SIZES **??WHAT ARE THE MAXIMUM ROOM SIZES??**

3.5.6 LDP Policy PS 2 'Placemaking and Place Management' similarly states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. The supporting text to Policy PS2 states that internal floor dimensions of living spaces are considered an important element of maintaining appropriate amenity standards and providing for healthy and attractive environments. This applies to both new buildings and conversions. For example, the conversion of existing buildings for residential use must not result in an over-intensive use of that building, such as giving rise to cramped living conditions

and/or rooms with insufficient windows.

Cross Reference	Ref	Indicators – Core/ Local/Contextual	Policy Target	Trigger Point	Data Source
Policy PS 1: Sustainable Places					
LDP Policy PS 1, PS 2, SD 1, IO 1 LDP Objective All SA Objective All	1	Local Indicator: Number of planning applications for development permitted outside defined settlement boundaries of the urban area and Key Villages.	Development in the countryside to be limited to exceptional circumstances.	One planning application permitted outside settlement boundaries contrary to the policy framework.	CCS database
	2	Local Indicator: Provision of community facilities and infrastructure on SDAs in accordance with the Site Masterplan and policy.	All development on SDAs to be supported by community facilities and infrastructure.	Community facilities and infrastructure not delivered in accordance with the policy framework or within the agreed phased period on an SDA.	CCS database
	3	Local Indicator: SDAs to be delivered in accordance with the Placemaking principles set out in the site policy and masterplan.	All SDAs to be delivered in accordance with Placemaking principles set out in the site policy and masterplan, unless exceptions are justified by evidence.	One planning application permitted not in accordance with the site policy and masterplan without sufficient justification.	CCS database
	4	Local Indicator: Number of planning applications permitted which deliver infrastructure measures identified in Appendix 3 of the Plan.	Development addresses the impact on communities through the provision of new or improved infrastructure measures as identified in Appendix 3 of the Plan.	One planning application permitted which does not deliver the infrastructure identified in Appendix 3.	CCS database
Policy PS 3: Sustainable Housing Strategy					
LDP Policies H 1 – H 11 LDP Objectives 1, 9, 14, 17 SA Objectives 1, 4, 6, 8, 10	5	Core Indicator: The housing land supply, taken from current JHLAS measured in years' supply.	Housing land supply of 5 or more years.	The housing land supply falls below 5 years as determined by the JHLAS in any given year.	CCS database

LDP POLICY PS 2 ROY CAN WE PLEASE HAVE A COPY COUNCIL ADOPTED PAGE
[24.25.26 OF LDP](#)

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.

Depending on the nature, scale and siting of the proposal, development should also:

- I. Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas;
- II. Ensure neighbourhoods benefit from an appropriate diversity of land uses, community facilities and mix of densities that in combination are capable of sustaining vibrancy;
- III. Create or enhance opportunities for Active Travel and greater use of public transport;
- IV. Integrate effectively with the County's network of multi-functional open spaces and enhance the County's Green Infrastructure network;
- V. Enhance public realm quality, incorporating public art where appropriate;
- VI. Provide for a hierarchy of interconnected streets and spaces;
- VII. Ensure active frontages onto streets and spaces to provide natural surveillance and character;
- VIII. Provide an accessible environment for all;

- IX. Provide appropriate parking and circulation areas for cars, cycles, motor bikes and service vehicles;
- X. Deliver new, and/or enhance existing, connections to essential social infrastructure and community facilities;
- XI. Maximise opportunities for sustainable construction, resource efficiency and contributions towards increased renewable or low carbon energy generation;
- XII. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space;
- XIII. Avoid unacceptable juxtaposition and/or conflict between residential and non-residential uses;
- XIV. Ensure no significant adverse impact on natural heritage and built heritage assets;
- XV. Ensure resilience is not undermined and does not result in significant risk to human health, well-being or quality of life;
- XVI. Ensure that commercial proposals, including change of use proposals:
 - a. Incorporate active frontages and shopfront designs that make a positive contribution to the streetscene,
 - b. provide appropriate enclosure,
 - c. relate well to the character of the host building,
 - d. do not compromise the ability to deliver priority regeneration schemes.
 and
- XVII. Have regard to the implications for infrastructure and services.

2.2.6 The importance of placemaking is a cornerstone of the national planning agenda in Wales and the sustainable development objectives which underpin it. All new development can contribute in some form to the making of places, and influence how that place will be experienced and enjoyed (i.e. its 'sense of place'), which will stand as a legacy for future generations of occupants and visitors. The above policy therefore provides a yardstick against which proposals should measure its intended and likely effects. The Plan is committed to a holistic Placemaking and Place Management approach being applied in all areas and at a range of scales, in order to create a genuine sustainable legacy in accordance with the Well-being of Future Generations (Wales) Act 2015 (WBFG Act). The policy is therefore applicable to all development across the County, and relates to development at a variety of different scales and types.

2.2.7 An integral part of Placemaking and holistic planning is to create and manage places that seek to ensure social inclusion, equality of opportunity and access for all. This includes all aspects of development including the physical environment, land uses and transportation. The principle of access for all encompasses all elements of society and is applicable to all developments in all locations.

2.2.8 Ensuring proposals exhibit high quality, sustainable design credentials that respond to local context will be consistently pursued in the interests of elevating the County into a new era of prosperity, desirability and distinctiveness. Design encompasses matters of layout, scale, form, massing, height, density, colour, materials and specific detailing that will vary considerably between development proposals. Crucially, creating successful places, or achieving positive changes in existing places, requires a holistic approach that brings together a number of different disciplines. In this context "good design" is about much more than addressing the physical appearance of buildings and a focus on details alone will not create a successful place. The mixture of uses within a development, and the way in which buildings relate to one another and surrounding streets, are also key elements of creating safe and attractive places. In this sense the policy embraces the wider principles of good design for delivering sustainable places, as advocated by the Design Commission for Wales.²¹



Image credit: © Urban Village Project, Swansea High Street, Holder Matthias Architects and Coastal Housing Association

Figure 9: Placemaking Themes



Image credit: © Welsh Government

²¹ Good Design and the Local Development Plan Process, DCFW, 2014.
²² TAN18: Transport and Manual for Streets.

2.2.9 The policy sets out the elements of sustainable Placemaking considered essential to the delivery of the Plan's Vision of creating sustainable, distinct communities that are supported by good quality infrastructure, community facilities and opportunities for recreation. It thereby enables a response to inequalities in terms of the distribution of, and accessibility to, a range of good quality social and community facilities and infrastructure. Addressing this issue is essential to creating vibrant community life and to addressing variations in social deprivation across the County.

2.2.10 The policy also recognises the role that the County's unique historic and cultural heritage plays in defining a community's sense of place, and highlights the importance of the Green infrastructure network which, as well as being important for its amenity value, provides enhanced opportunities for Active Travel and promotes improved health and well-being. Ensuring connectivity for all forms of movement, but especially by Active Travel and sustainable modes, is key to achieving the creation of successful places.²² To this end, the design and function of streets must be treated as an integral aspect of Placemaking and must not be considered in isolation.

2.2.11 Poor design not only detracts from the character and appearance of an area, but can harm neighbours' quality of life. Potential impacts on people's amenity will be assessed by considering elements such as visual impact, loss of light, overlooking, privacy, disturbance and likely traffic movements. Internal floor dimensions of living spaces are also considered an important element of maintaining appropriate amenity standards and providing for healthy and attractive environments. This applies to both new buildings and conversions. For example, the conversion of existing buildings for residential use must not result in an over-intensive use of that building, such as giving rise to cramped living conditions and/or rooms with insufficient windows.

2.2.12 Natural surveillance is an important design measure that can ensure safer places and reduce the need to implement additional physical security measures, in the interests of achieving more inclusive development.

2.2.13 Ensuring resilience is not undermined will require development to consider opportunities for building adaptation and/or the use of measures such as delivering green spaces within development that will allow endangered species to migrate.

2.2.14 The character of buildings are defined by elements such as materials, colours and other details, which must be assessed by means of a robust analysis of relevant context, and communicated through a Design and Access Statement (DAS) to be submitted in support of planning applications. In circumstances when a DAS is not required, justification for the design should still be provided in order to convey the rationale for design choices. There will be particular expectations of quality in areas of valued and distinctive character such as conservation areas and the Gower AONB. In addition, there will be areas where it is not desirable to reflect the existing character and where new development will provide an opportunity to raise the quality of the local built environment through good design.

2.2.15 Good design precludes cramped and/or over intensive development, including inappropriate tandem development or ribbon development. In some instances infill or backland development will not be appropriate within settlements, for example where it is detrimental to the amenity of occupiers in surrounding properties and/or the character of an area, such as an area characterised by its openness and/or relatively large gaps between dwellings. Furthermore, in some instances, vacant urban land may be more appropriately retained as an area of openness, including for recreation, amenity or nature conservation purposes. Proposals for sub-dividing existing dwelling plots, developing on land behind dwellings and infilling gaps between properties will be assessed for their potential impact on the existing properties, their effect on the area, and the conditions that will be created for the new property.

2.2.16 The policy is expanded upon by SPG, that address a range of development types and areas covered in relevant Plan policies. These include guidance relating to:

- Residential Development
- Infill and Backland Developments
- Householder Extensions
- Tall Buildings
- Shopfronts and Commercial Frontages
- Design Guide for the Gower AONB
- Conservation Areas; and
- Various Area Specific Development Frameworks

3.5.7 In order to provide clarity to developers on what the Authority considers to be appropriate room size standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy⁷ regarding minimum floor areas for bedrooms and kitchens in licensed HMOs regardless of whether the property is located within the Additional or Mandatory Licensing Area and whether the property requires a Licence under the Housing Act. These standards are set out below: [7 HMO Amenity Standards – A Guide for Landlords of Bedsits, Shared Housing, and Other Housing in Multiple Occupation. Appendix A HMO Licensing Policy 2016. City & County of Swansea. January 2016.](#)

THE PROPOSED SHOULD IN ACCORDANCE WITH GUIDANCE SET OUT IN COUNCIL ADOPTED HMO LICENCING POLICY REGARDING MINIMUM FLOOR AREAS FOR BEDROOM AND KITCHEN, [RESPONSE] FOR EXAMPLES 1 PROPERTIES MUST BE OF SUFFICIENT SIZE, [DWELLING UNITS]

[3.5.8.? 3.5102?](#)

LDP STATES APPROPRIATE ROOM SIZES, SPG IT DOES NOT SAY [SOME] ROOM SIZES These are the minimum room sizes that are accepted for the purpose of licensing. They offer an appropriate and consistent benchmark for the determination of planning applications and represent the minimum room sizes that will be expected. **ROY PLEASE STATE MINIMUM ROOM SIZES**

2.5.11 It is evident that the majority of the County wide need will need to be delivered through mechanisms outside of the measures set out in the policy, such as through the Council's own 'More Homes' social housing programme. Given this, the delivery of both social rented and Intermediate tenures on residential sites will represent valuable contributions towards addressing the overall County wide level of need. Residential proposals will need to have regard to the housing need in the LHMA and the latest available evidence that applies to the local area such as social housing waiting lists, which should be considered within the context of the Council's key objective to maximise the delivery of affordable housing and ensure the creation of sustainable balanced communities in accordance with the Well-Being of Future Generations Act.

2.5.12 Providing housing within rural and semi-rural areas presents particular challenges, which the Plan must seek to address if it is to be successful in creating sustainable and balanced communities. Policy H 2 Affordable Housing Strategy provides a framework to respond to the evidence in the LHMA in regard to such areas, recognising that the level of affordable housing need in the Gower and Gower Fringe SHPZs is higher than the planned housing delivery for these areas. The LHMA identifies a need to provide 200 affordable homes within the Gower AONB SHPZ and 300 affordable homes within Gower Fringe SHPZ over the Plan period. The LHMA also identifies that demand for rural homes in Gower SHPZ is high and house prices reflect this. The Gower and Gower Fringe SHPZs are both relatively prosperous with high levels of owner occupation and have both seen significant price rises in recent times. The natural operation of the market allows households who can afford to move to these areas to do so. However, housing need is a constant issue in these higher value rural communities. High house prices result in out-migration as younger, less affluent households leave to meet their housing requirements elsewhere, giving rise to issues of long term sustainability.

3.5.8 These are the minimum room sizes that are accepted for the purpose of licensing. They offer an appropriate and consistent benchmark for the determination of planning applications and represent the minimum room sizes that will be expected.

3.5.9 When considering whether room sizes are appropriate, account should be taken of what is the habitable floor space, including consideration of ceiling heights and headroom.

WHEN CONSIDERING APPROPRIATE ROOM SIZE , CRAMPED CONDITIONS, ACCOUNT WILL BE TAKEN OF CEILING HEIGHTS , FOR EXAMPLE WHERE THERE ARE SLOPPING CEILINGS, THE ROOM FLOOR SIZE / SPACE WILL BE HABITABLE AND ONLY Parts of the room with an appropriate ceiling height will be counted, CEILING HEIGHT APPROXIMATE TO ASFFORD GOOD STANDARD OF LIVING SHOULD DEMONSTRATE AS PART OF THE APPLICATION. EXAMPLE THE FOLLOWING PROCEDURE GUIDANCE ON WHAT WILL BE CONSIDERED HABITABLE SPACE, HABITABLE ROOM SPACE SHOULD HAVE A MINIMUM ROOM SIZE OF 2METRE

3.5.10

3.5.1 In planning terms, a lounge area for occupiers to congregate is considered an important aspect of providing satisfactory private amenity space for HMO occupiers to ensure suitable living conditions. The lack of any communal lounge can lead to occupants being reliant entirely on a bedroom for relaxation and

leisure time, which is not conducive to the objective of promoting good health and wellbeing.

NO ROOM SIZES!!!!

3.5.11 The size of the lounge provision must be appropriate for the number of occupants proposed within the HMO, and should be capable of accommodating sufficient areas for seating and socialising, and must not give rise to cramped living conditions. **NO MINIMUM SIZES LOUNGE TO SECURE SATISFACTORY LIVING CONDITIONS**

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3.5.15 Occupants should have access to usable, private outdoor amenity space, which includes 'functional' areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide satisfactory living conditions. The range of functions that such spaces provide include children's play areas, gardening areas, a place for drying clothes, and areas for sitting out and relaxing in a private setting. **OUTDOOR PRIVATE AMENITY SPACE**

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3.5.21 LDP Policy H 9 requires that HMO proposals do not give rise to unacceptable adverse impacts as a result of noise or general disturbance. It states (LDP para 2.5.98) that consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. Whilst this matter is primarily the preserve of Building Regulations, the LPA may deem it necessary to attach planning conditions to require the installation of sound insulation to properties that are proposed for HMO use, such as soft closing **NOISE**

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3.5.31 Refuse Storage

LDP Policy H 9 requires HMOs to have dedicated areas for refuse storage. It states (para. 2.5.81) that all HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where

relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. These bins should be provided in a dedicated refuse store which is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local street scene will not be permitted.

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3.5.37 Planning applications that cannot demonstrate suitable dedicated areas for refuse storage will not be permitted Vehicle Parking and Bicycle Storage

LDP policies T 2 and T 6 require the provision of appropriate vehicle and cycle parking. A requirement for development to create and enhance opportunities for Active Travel is set out under Policy PS 2: Placemaking and Place Management. The Council has adopted SPG relating to Parking Standards, which is also material to decisions on HMO planning applications. Having regard to the SPG, the LPA will adopt a two tier approach for parking requirements for HMOs:

1.For smaller HMOs (C4 Use Class):

- a. For conversion to C4 or new build C4 HMOs, the same maximum parking standards will be applied as a C3 dwelling house – defined as ‘Houses (General Purpose)’ in the current Parking SPG.

2.For larger HMOs (Unique Use Class):

If the proposal is for a conversion to an Unique Use HMO, the LPA will consider the planning application’s compliance against the ‘Houses in Multiple Occupation’ section in the Council’s adopted Parking Standards taking into account the

current use's parking requirements (i.e. 3 car parking spaces for up to 6 sharing in a C3 dwelling and 1 space per additional bedroom thereafter).

- 3.6.2 For new build large HMOs in Zone 1, the same maximum parking standards will be applied as for PBSA in the current Parking SPG. However in Zones 2-6, the HMO criteria in the Parking SPG apply and the fall-back position in terms of the existing use and the demand for parking for the existing use should be specified.

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3.5.39

JUMP 3.7

3.7 Exceptional Circumstances and Material Considerations

Policy H 9 highlights that there may be certain instances when specific material considerations and/or exceptional circumstances demonstrably outweigh the outcome of the concentration 'tests' in the planning balance. That is, whether or not a proposal is found to comply or not comply with the 50m radius threshold test will not on every occasion be the final determining factor as to whether planning permission for a HMO is approved or refused.

3.7.5 HMO properties can sometimes generate 'To Let' advertising boards, which collectively can detract from the appearance of the streetscene. The potential for a proposed HMO to give rise to a To Let board is not in itself a material consideration in determining the planning merits of the proposal. The control of the display of 'To Let' boards is, however, covered by national regulations (the Town and Country Planning (Control of Advertisements) Regulations 1992) and the Council has a voluntary code for advertisers regarding such signage

WE WOULD LIKE TO ADOPT POLICY TO APPLY REGULATION AS CARDIFF –CONTROL LETTING BOARDS--

JUMP 3.7.6

I have been contacted by constituents in St Thomas Ward. They say that the SPG takes away rather than adds to the LDP. Concerned regarding the use of clustering and sandwiching to increase the number of HMOs

These are the requirements we need in the SPG as protection for our communities.

- H 9: HOUSES IN MULTIPLE OCCUPATION

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

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

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

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

- 2.5.88 The policy defines specific thresholds, above which further concentrations of HMOs will normally be deemed a harmful concentration. The thresholds have been identified based on an understanding of current HMO concentrations, likely future demand, current HMO supply, and other available evidence including the findings of national research undertaken by the Welsh Government.
- 2.5.90 The Management Area approach will effectively encourage future HMO provision to be more dispersed to areas outside existing concentrations in a suitably managed way. Outside the defined HMO Management Area, a threshold of 10% of all residential properties being HMOs will be used as the maximum limit. The proportions of HMOs in most of these areas are substantially less than 10% and as such the threshold will allow for an appropriate small level of growth in such accommodation. National research has identified that 10% is a general 'tipping point' beyond which the evidence indicates

that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households. This is an evidence based approach that provides a robust rationale for applying a 10% threshold for all areas outside the HMO Management Area.

- 2.5.91 In considering whether a proposal breaches the defined threshold level for that area, the Planning Authority will assess the concentration of HMO properties within a 50 metre radius of the property that is subject to the HMO planning application. The radius will be measured from the centre-point of the proposed property's street frontage. All residential properties falling into planning Use Class C3, C4, and large HMOs (sui generis) that are located within this defined radius will be counted as part of the analysis, if the majority of its street facing entrance is contained within the radius. If the HMO property is located within the HMO Management Area but the geographic area of the radius extends into the 10% threshold area, the 25% threshold will be applied, and vice-versa. In some areas, residential property plots may be large or development particularly sparse meaning a 50m radius may capture only a handful of properties. In such cases, the Council will apply the relevant threshold to an area that contains at least 10 properties. Should a 50m radius fail to capture the required number of properties, the Council will select the nearest properties from the same side of the street as the proposed HMO so that at least 10 properties are captured.
- 2.5.92 In order to understand the full extent of HMOs within the 50m radius, the LPA will draw upon all available records within the public domain to inform the calculation. In addition, the Council's public register of licensed HMOs will be used as the basis for the calculation for any proposals in the Uplands and Castle wards, since these areas are within a designated 'Additional Licensing Area' which requires all HMO properties to be officially licensed. In addition, when calculating the proportion of HMOs, the LPA will consider representations received as part of the consultation process on planning applications in order to establish the use of properties. The Council is reviewing the need for further Licensing Areas within other parts of the County under the provisions of the Housing Act, which if designated will provide a further register of HMOs to assess concentrations.
- 2.5.93 Planning permission will be required to change the use of a small HMO to a large HMO, or to intensify the use of a lawful large HMO by increasing the number of occupiers. In this instance however the threshold limit will not be triggered as the HMO has already been established in the street and, therefore, would not be assessed as numerically leading to further concentration of HMOs and the balance and mix of households in the local community. These types of planning application

will be assessed on their own individual merits on a case by case basis against the criteria in this policy and other policies in the Plan, including impact on the character of the area, residential amenity and parking.

- 2.5.94 The policy recognises that there are some street patterns and layouts that are characteristic of particular areas of Swansea, including areas of Sandfields and St Thomas, where applying the 50m radius test would not sufficiently protect against harmful concentration of HMOs. In particular this applies to 'small streets' where a relatively low number of HMOs concentrated within that street can have a disproportionate adverse impact. For the purpose of this policy, small streets are those that have between 11 and 34 properties inclusive. This includes small streets formed by the sub-division of larger streets from intersecting roads. In the case of these small streets, the LPA will consider whether a HMO proposal will lead to an over concentration having regard to the number of HMOs that would be created on that particular small street, as well as considering compliance with the 50m radius threshold test. A ratio of more than 1 in 8 within a small street will normally be considered a disproportionate over concentration of HMOs.
- 2.5.95 In the case of streets of 10 or fewer properties, within the HMO Management Area a maximum of 2 HMO properties will be permitted within the street. In the case of streets of 10 or fewer properties outside the HMO Management Area, a maximum of 1 HMO property will be permitted within the street.
- 2.5.96 Further details on the implementation of the threshold approach, and the exceptional circumstances that may apply, will be set out in a document that provides SPG on HMO developments. This will provide worked examples of compliance and non-compliance with the policy.
- 2.5.97 During the lifetime of the Plan it is recognised that there may be specific material considerations and/or exceptional circumstances that apply to a particular proposal, which could demonstrably outweigh the outcome of the 50m radius 'threshold test' as the overriding factor(s) in deciding whether a HMO proposal is appropriate. Given this, whether or not a proposal is found to comply or not with the 50m radius threshold test will not in every circumstance be the final determining factor as to whether planning permission for a HMO is approved or refused. In such exceptional circumstances, the applicant must submit supporting evidence and information to sufficiently demonstrate that the specific circumstances justify a departure from the threshold test. An exceptional circumstance may arise in the case of a HMO proposal within a street that has a very high existing HMO concentration, for a property that is shown through evidence to be significantly less attractive for a non-shared use. It is appropriate to apply a degree of flexibility in such circumstances, in order to respect the fact that

certain C3 residential properties can be inherently more suited to a HMO use. This is particularly so in the case of certain larger dwellings or properties that have multiple kitchens and bathrooms that will require significant works to be remodelled to provide a family house. In these exceptional instances, it may be more appropriate to take a flexible approach to ensure the sustainable use of these properties rather than have C3 properties standing vacant for long periods. In such instances, HMO proposals must be accompanied by a comprehensive assessment that will need to adequately justify a departure from the threshold test, including:

- a) Evidence that the property has been unsuccessfully marketed for a C3 use at a reasonable asking price for a period of at least 6 months
 - b) Reasons why, and evidence to justify, the property is unviable for C3 use (e.g. financial viability of any renovations needed; lack of demand for traditional family accommodation in that area)
 - c) Any particular characteristics of the property (e.g. scale or layout) which make it suited to HMO use and unsuitable for other uses such as C3.
 - d) Any other evidence considered relevant by the applicant to justify why a HMO use is more appropriate than a C3 residential use.
- 2.5.98 Due to the nature of higher density living in HMOs, in some instances this can lead to noise and general disturbance issues. In order to avoid unacceptable adverse impacts arising from such issues, consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. Whilst this is primarily the preserve of Building Regulations it may be deemed necessary to attach planning conditions which require the installation of sound insulation to properties in certain circumstances, such as soft closing fire doors and/or soundproofing measures. The principles of the Council's Design Guide for Householder Development will be applied to HMOs to protect residential amenity. Maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.

We want to change consider to must have

- 2.5.99 In-line with the City & County of Swansea Parking Standards, lower levels of off-street car parking may be permitted for HMO proposals in the Swansea Central Area, particularly where there is good public transport accessibility and where the use of the private car is to be discouraged. Secure cycle parking should be provided on the basis of 1 stand per 2 bedrooms. There may be circumstances where increased provision in cycle storage could be considered as part of an applicant's justification for lower car parking provision. However the LPA will consider each case on its own merit. Cycle storage should be provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles

required. Where rear access arrangements allow, cycles **should** be stored to the rear of properties, rather than in front gardens. The Council's Parking Standards SPG contains further information on this standard.

Cycle must be at the rear of the property. Front Garden is for flowers

- 2.5.100 All HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. These bins should be provided in a dedicated refuse store which is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local streetscene will not be permitted.
- 2.5.101 The policy resists proposals to create a new HMO use adjoining a C3 residential property where that property already adjoins a HMO property on its other side, in order to prevent 'sandwiching' of a C3 use between HMOs. This approach will only apply where the properties share the same street frontage i.e. it would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets. The approach aims to prevent the potential for negative amenity impacts upon residents as a result of C3 dwellings being isolated between two HMOs, including the potential for increased levels of disturbance associated with multiple households within a property, and the negative effects of transient households on both sides. The majority of HMOs in the Uplands area are, for example, occupied by students and as such it is often the case that such properties are vacated during summer months. This approach will also serve to prevent clustering of HMOs and avoid over concentrations at a very localised level.
- 2.5.102 Not all proposals that comply with the 50m radius threshold test will be considered suitable for change of use to a HMO, and applications will be considered against all policy criteria. For example the policy requires that properties must be of a sufficient size to permit the creation of individual dwelling units with satisfactory private amenity space and appropriate room sizes. Proposals that would give rise to cramped living conditions for future occupiers will be resisted. All bedrooms and shared living spaces within the property will be required to have windows that provide sufficient light and outlook. In order to provide clarity to developers on what the Authority considers to be appropriate standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy, regardless of whether the property is located within or outside the HMO Management Area. Proposals must not give rise to a Category 1 hazard under Part 1 of

the Housing Act 2004 using the Housing Health and Safety Rating System or conflict with the requirements of Part X of the Housing Act 1985. Further details of amenity standards, including minimum room sizes, will be set out in a document that provides SPG on HMO developments.

1. **We want all HMO's to be inspected and all room sizes to be measured for accurate sizes, not by landlords application.**

These are the minimum sizes we require:-

Single bedroom – 7.5m²

Double bedroom – 11.5m²

Kitchen used by 1 – 5 residents – 8.5m²

Kitchen used by 6 – 10 residents –12m²

2. **There will be no use of the equivalence of C3 use with C4 use by simply counting numbers of Adult residents and allowing HMO's on the basis of similarity of use but solely on the 50 metre radius threshold on density**
3. **We want all advertising boards for HMO's to have **REG 7 Letting Board Controls (Cardiff)****
4. **Every application for HMO's which there are exceptional circumstances etc to be put in their application and explained Why. Prior to the Planning Committee making a decision.**
5. **All applications to be shown to have clear C3 to C4 conversion – Validation Checklist**
6. **Call in procedures to be made automatic for certain types of C3 – C4 conversions – Where Exceptional Conditions are pleaded.**
7. **Transparent and WORKED examples Check on 50m radius check and Density Calculation within Circle methodology**
8. **Site Visits on all Applications relating to C4 HMOs , to establish room sizes, Communal Areas, Fire Safety Control, All Health & Safety requirements are stated within Delegated Panels Report**

9. Site Visits to establish Car Parking T6 requirements of the Applications relating to C4 HMO Application, with a cross check of permits and residential Parking certificates that have been approved to C3 & C4 properties.

10. Anti Cluster provision

11. Councillors to have a list of properties involved in 50 metre calculation for a fair time scaled objection and Strategic Planning Response uploaded to application file for objections to be met within the 21 days timescale.

12. A toilet and a bathroom must have 2 doors between the toilet / bathroom and kitchen as they have always been a requirement under planning in the East Side (Swansea) for years and obviously unhygienic and could be detrimental to health.

13. LPA states that more clarity should be made all documentation made available including Fire, Health & Safety including all Constraint Comments and Building Control documentation available for scrutiny on ALL planning application relating to C4 HMO

Thank you for the opportunity to respond to the above consultation.

The Residential Landlords Association (RLA) represents the interests of landlords in the private rented sector (PRS) across England and Wales. With over 30,000 subscribing members and an additional 20,000 registered guests who engage regularly with the Association, the RLA is the leading voice of private landlords. Combined, the RLA members manage over a quarter of a million properties.

The RLA provides support and advice to members and seeks to raise standards in the PRS through its code of conduct, training and accreditation. Many of the RLA's resources are available free to non-member landlords and tenants.

The Association campaigns to improve the PRS for both landlords and tenants, engaging with policymakers at all levels of Government to support its mission of making renting better.

Context

We note that your consultation on the Supplementary Planning Guidance (SPG) for Houses of Multiple Occupation (HMOs) has been amalgamated with the SPG for Purpose Built Student Accommodation (PBSA.) We assume this is no coincidence and due to a relatively high proportion of students attending both the University of Wales, Swansea and Swansea Metropolitan University being accommodated within the HMO Management Area.

However, we would like to draw attention to the fact that HMOs not only provide housing for students, but for families, older people, contract workers, the low waged as well as some of the most vulnerable people in society. Given the pockets of severe deprivation within the City and County of Swansea, we understand that HMOs do provide housing options for vulnerable people within the area. Without these options, we are concerned that many more vulnerable people will increasingly become at increased risk of homelessness.

Turning to your proposals on PBSA, which we will discuss in greater detail further in the consultation, the policy trajectory appears to be to discourage students from living in HMOs within the HMO Management Area and to seek accommodation within PBSAs. However, across Wales including other areas with large concentrations of student populations, the student take up of PBSA has been at best, mixed with many places being left surplus and being opened up to residential use to cover costs.

The HMO Management Area has enjoyed the economic benefit that housing students brings for many years. Like many Welsh communities, the area is experiencing difficult economic challenges, especially following the relocation of Swansea City Football Club and the Ospreys to the Liberty Stadium to the North of the City resulting in several pubs, cafes and shops closing.

We have reservations that migrating students away from the area will add further economic challenges to small businesses.

In our experience, PBSA offer high quality accommodation to students and that clearly students' expectations of their accommodation have vastly increased. We welcome this change in expectations as it has ensured that landlords letting to students have improved their accommodation with additionality such as high broadband speeds being almost an essential criterion. However, while PBSA undoubtably offers a high quality of accommodation – it often comes at a high cost and one that is often out of reach for many domiciled students. Demand for PBSA has often been taken up by students from overseas and given the already high cost of tuition fees for overseas students, these students usually come from the most affluent families. With the UK withdrawal from the European Union and the fall in the Chinese economy, it is increasingly difficult to see which students will be able to take up PBSA without a radical change in pricing policies.

Comments on the radius concentration test, small streets test and non-sandwiching test.

While we have some reservations over the necessity of the policy, we do believe the definitions for all three tests are clear.

If indeed one of the primary reasons for the policy is to tackle waste management, noise pollution and anti-social behaviour, phenomena that is often and sometimes unfairly associated with HMOs, we would welcome clarity on what further resources the council will use to tackle these problems?

As a further general question, we would welcome clarity on what data the local authority are using to determine how many HMOs are in the area?

With regards to room sizes, while on the one hand we appreciate that accommodation should not be over-crowded and should be comfortable for tenants, often outlining minimum bedroom size can often be overly prescriptive and unhelpful especially as the priority should be maximising the use of buildings and ensuring high quality accommodation.

It is particularly important to be flexible when considering the existing layout of the building. It would be more sensible if the minimum bedroom size was a guidance with exception being given to those designs that are being considerate the building foot print and have provided extra effort in innovative storage space in design to counter the smaller foot print.

There is a danger that by limiting the size of bedrooms, there could be a negative impact on housing options especially for the low waged. We believe that there are many examples of good accommodation that may fall below the proposed levels. In addition, there is also a possibility that the size stipulations could restrict development potential in some instances, due to the floor plan and financial viability of conversions. In these circumstances, we believe smaller sizes should be considered.

We agree that dwellings should include a lounge area. However, again there should not be a prescriptive minimum size as this would surely only further reduce the opportunities for communal space.

Generally, we recognise the benefit of providing satisfactory outdoor private amenity space, especially for drying clothing and recreational use. However, this is not always possible for individual rooms within HMOs.

Essentially, we believe that all accommodation within the PRS including HMOs should be of a high standard and we support the authority's comments in relation to HMOs ensuring individual privacy, preventing noise pollution and not being to a detriment to the local area. We also agree that accommodation should provide adequate means for recycling and waste management and that this should cater for the number of persons living in the overall dwelling.

Vehicles and cycling parking

With regards to the storage of bicycles, we believe it is not always possible to provide specific cycle storage outside of corridors or informal arrangements and that it is especially prohibitive with larger converted units. The provision of cycling stands would be a significant barrier to many landlords and may not even be logistically possible in many circumstances.

We believe that it is fair to consider parking issues and highways safety in the application of HMOs as these are clearly material factors and we also acknowledge the justification in parking restrictions for both C4 and sui generis classifications.

PBSA

Definition of PBSA

We believe the definition of what a PBSA is clear for the purposes of LDP Policy H 11. While we understand the definition states that the purpose is to house students for both further and higher education, we would appreciate clarification on use for residential purposes especially as some sites in other areas have been opened to part residential use.

In terms of the availability and suitability in the Central Area, we would welcome an assessment on the impact to both residential and commercial properties as the land use is important for commercial purposes.

We would also like clarity on minimum room sizes for PBSA. Surely if HMOs are subject to these restrictions, PBSA should also? Afterall, students require space to relax and study just as much as ordinary tenants.

Design and amenity in respect of PBSA

We welcome the local authority's appreciation that PBSA should be sensitive to local characteristics. Regrettably, there have been many cases where PBSA have failed to achieve this by marketing the design of accommodation supposedly to users tastes. Accordingly, we welcome the requirement for a Townscape and Visual Impact Assessment and/or Heritage Impact Assessment, depending on the location of the site and surrounding characteristics. Given the nature of PBSA, we also welcome assessments in to the impact high rise buildings will have on the local area.

Refuse/recycling storage

Given that PBSA are in their very nature, purpose built, we welcome the requirement for PBSA to have adequate storage, recycling and other sustainable management of waste.

Car and bicycle parking

We believe that there should be more stringent policies on the allocation of car parking spaces for PBSA. It is inevitable that students living in PBSA will have travelled from other parts of Wales, the UK and overseas. Consequently, many students will require a car parking space with additional spaces required for visitors. We believe that the current policy of 1 space per 25 beds is insufficient and could result in parking pressures in adjacent residential areas.

We do welcome the current provision for bicycle provision as incorporated into a wider active travel plan and to reduce the dependence of motor vehicles.

Management plan

We welcome the consideration of a management plan to monitor the potential impact on surrounding communities. However, we would appreciate greater clarity into what resources will the authority use to mitigate against potential adverse impacts such as poor waste management and anti-social behaviour?

Additional Comments

When consulting our landlord members, some of whom are also small property developers, there were concerns over what was perceived to be an unlevel playing field in terms of planning constraints for PBSA and those subject to smaller developers.

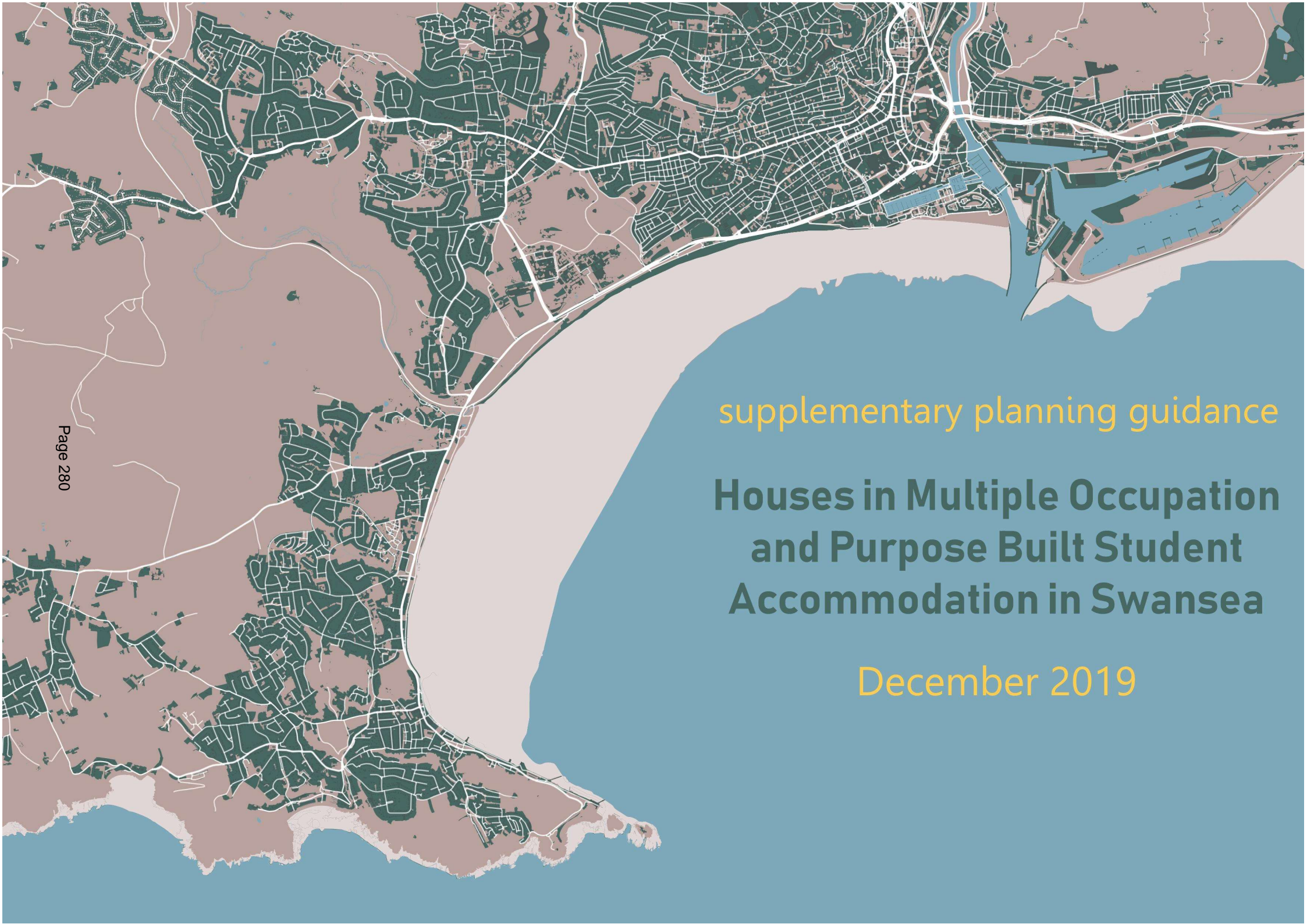
Given the 'sui generis' planning classification of PBSA, unlike smaller residential developments, they are not subject to affordable housing contributions and it appears there is less emphasis on other contributions such as S106 agreements. Furthermore, PBSA are almost exclusively built by large building firms and international corporations who could almost certainly afford to provide a greater financial contribution to the wider community.

We would like to take this final opportunity to thank the City and County of Swansea for the opportunity to highlight our concerns in this area. We look forward to reading the collated response and final recommendations.

Appendix B:

Houses in Multiple Occupation and Purpose Built Student Accommodation SPG

(Final Version as amended following public consultation)



supplementary planning guidance

Houses in Multiple Occupation and Purpose Built Student Accommodation in Swansea

December 2019



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If you would like this document in a different format, please contact:

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1. Introduction

- 1.1 This *Supplementary Planning Guidance* (SPG) will be taken into account as a material consideration in the determination of planning applications relating to Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA). The purpose of the SPG is to augment policies of the Swansea *Local Development Plan* (LDP). It provides information to assist decision makers in determining whether or not a proposed development is acceptable in planning terms.
- 1.2 Section 2 provides a summary of relevant underpinning national planning guidance and legislation. It also highlights the key LDP policies that this SPG supplements.
- 1.3 Guidance relating to HMO development is set out in Section 3 of the SPG, and guidance for PBSA development is in Section 4.

2. Legislation and Policy Context

2.1 National

- 2.1.1 Planning Policy Wales¹ (PPW) sets out the overarching national principles relating to planning and *placemaking*. These principles underpin the formation of local planning policies and inform individual decisions on development proposals. PPW states that planning decisions must seek to promote

sustainable development and support the well-being of people and communities across Wales. It requires that this be done by addressing seven well-being goals, one of which is to Foster Cohesive Communities, emphasising the importance of appropriate combinations of land uses.

- 2.1.2 PPW makes clear that *placemaking* and sustainable development principles are essential to development at all scales. They are therefore pertinent to proposals for HMO and PBSA development. This national guidance also highlights that good *placemaking* should consider the context, function and relationships between a development site and its surroundings, including the need to consider: the amenity impact of development on neighbouring properties and people; the balance and distribution of land uses and densities; and the need to create places where people want to be and can happily interact with others.
- 2.1.3 No specific reference is made in PPW as to how planning decisions should be made in relation to HMOs or PBSA development. A Ministerial letter (dated February 2018) emphasised the need to put in place robust local evidenced based policies in LDPs against which planning applications for HMOs can be assessed, and also highlighted the appropriate role that SPG should play to augment such policies. Swansea Council's evidenced based policies relating to HMO development are set out in the Swansea LDP at www.swansea.gov.uk/ldp.

¹ Planning Policy Wales, Welsh Government, 2018.

2.1.4 Under planning legislation, the requirement to obtain planning permission applies to proposals for new building work and also changes in the use of buildings or land. The Town and Country Planning (Use Classes) Order 1987 (as amended) places uses of land and buildings into various categories known as ‘Use Classes’. HMOs come under two *Use Classes*, dependent on their size. These are:

(i) Small HMOs – ‘C4’ class: a shared dwelling house that can accommodate between 3-6 unrelated persons who share basic amenities. It should be noted that, under the terms of the Order, the following are excluded from the C4 Use Class:

- Social rented housing
- Care homes
- Children’s homes
- Bail hostels
- Properties occupied by students managed by an education establishment; and
- Properties occupied by a religious community whose main occupation is prayer, contemplation, education and the relief of suffering; and

(ii) Large HMOs – ‘Unique Use’ class (formerly known as Sui Generis): **a shared dwelling house with more than 6 unrelated persons sharing basic amenities.**

2.1.5 Changing the Use Class of a property to either a C4 or Unique Use HMO requires planning permission.

This includes the intensification of an existing C4 HMO to an Unique Use HMO, and proposals that would lead to an increase in the number of occupants consented to live in an Unique Use HMO. More detailed information on HMO planning *Use Classes* can be found in Welsh Government guidance².

2.1.6 **PBSA** developments have in recent years become an increasingly common feature in University cities across the UK, including within Swansea. Such development, which is typically large-scale residential accommodation, is specifically designed for occupation by students that attend higher or further education institutions. The reference to ‘purpose built’ in this description includes both new build development and the conversion of existing premises, such as office space. It includes accommodation developed by education institutions, as well as the private sector and any other organisation. The key factor in such proposals are that the accommodation is designed for use specifically by students.

2.1.7 PBSA generally does not fall within any specific use class and so is regarded as an Unique Use in terms of the Use Class Order. Internal layouts of PBSA developments can take varying forms, including dormitory, cluster or individual room arrangements.

2.1.8 National Guidance states that, in order for planning applications to be duly submitted they must contain sufficient information to be considered ‘valid’ applications. Technical guidance on the requirements

² Houses in Multiple Occupation: Practice Guidance, Welsh Government 2017

for valid planning application is provided nationally by the Welsh Government³, which is consistent with the legal requirements set out in the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and related statute.

2.2 Local

2.2.1 The adopted Swansea LDP sets the policy framework against which all planning applications are determined. It provides a detailed, evidence based local planning framework for making effective and consistent planning decisions in the public interest. The LDP includes specific policies to manage the location and concentration of HMOs, and to direct the location of PBSA to the most appropriate, sustainable areas. The LDP policies are set against a context that recognises the important role that HMOs and PBSA play in providing a relatively affordable, **convenient** housing choice for a growing population, whilst also acknowledging the negative impacts that can arise without appropriate sustainable development.

HMOs

2.2.2 **LDP Policy H 9 ‘Houses in Multiple Occupation’**, provides a prescriptive, evidenced based approach to managing the future demand for new HMOs. The key policy aim is to control the future provision of HMOs in a sustainable manner, thereby helping to foster cohesive communities and avoid instances of over-

concentration that can be to the detriment of residential amenity and community balance.

2.2.3 LDP Policy H 9 will be used to determine any proposal for the conversion of a dwelling or non-residential property to a HMO, or the intensification of use of a C4 property to an Unique Use HMO.

2.2.4 The key provisions of LDP Policy H 9 are that:

- A 2-tier ‘maximum threshold’ applies within designated areas, above which further HMO concentrations will typically be resisted
- Proportions of HMOs will be defined by calculating the number of HMOs as a % of all residential units within a 50m radius of a proposal
- The ‘sandwiching’ of Class C3 residential properties between HMOs will be resisted
- Specific protection will be afforded to ‘small streets’ that are characteristic of certain residential areas of Swansea
- Criteria will be applied to ensure proposed HMOs are suitable for their intended use and will not result in unacceptable adverse impacts caused by noise and general disturbance
- Sufficient flexibility will be applied in the case of exceptional circumstances, or overriding *material considerations*, where these demonstrably outweigh concerns regarding harmful concentration or intensification.

³ Development Management Manual, Section 7 Planning Applications - Lists of Validation Requirements, Welsh Government, 2017.

2.2.5 A copy of LDP Policy H 9 and its supporting text is provided in Appendix 1a.

PBSA

2.2.6 PBSA developments are a means of providing bespoke accommodation to meet the needs of students. Whilst these developments may offer the potential to reduce the demand for HMO accommodation, there is currently no conclusive evidence to this end. They are, however, typically highly dense developments and can accommodate large numbers of people at a single location, which reinforces the importance of ensuring they are appropriately located.

2.2.7 The LDP contains **Policy H 11 ‘Purpose Built Student Accommodation’**, which states proposals for PBSA should be located within the *Swansea Central Area*, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- The site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and
- In the case of the Swansea University Bay Campus, the development would not give rise to

an additional number of residential units at the Campus than the number permitted by any extant planning permission; and

- The development would give rise to an overall benefit to the vitality and viability of the *Swansea Central Area*.

2.2.8 A copy of LDP Policy H 11 and its supporting text is provided in Appendix 1b.

Other Development Plan Policies

2.2.9 The LDP includes a number of other policies that this SPG provides supporting guidance for, including:

- **Policy PS 2** ‘Placemaking and Place Management’
- **Policy T2** ‘Active Travel’
- **Policy T6** ‘Parking’
- **Policy SI 8** ‘Community Safety’
- **Policy EU 2** ‘Renewable and Low Carbon Energy’
- **Policy RP 10** ‘Sustainable Waste Management’



3. Guidance on HMO Development

3.1. Overview

- 3.1.1 LDP Policy H 9 sets out a number of criteria that HMO proposals should address. **Full consideration should be given to all the criteria in the policy, as well as the relevant supporting text in the LDP, to ascertain which of the policy criteria will apply to the planning application submitted.**
- 3.1.2 Policy H9 includes criteria that relate to preventing unacceptable concentrations of HMOs. These criteria set out certain ‘tests’ that will inform the decision making process to help ascertain whether a proposal would lead to a potentially harmful concentration or not. These tests are summarised in Figure 1. Further detailed advice and guidance on how each of these tests are to be applied is provided in Sections 3.2 – 3.4 of this SPG.
- 3.1.3 It should be noted that where development proposals pertain to a property that is already a lawful HMO (i.e. it is an established HMO in land use planning terms having regard to Use Class categories), the concentration ‘tests’ set out in Figure 1 will not apply. This is due to the property in question having already become established as a HMO within the area. It would be illogical in such circumstances to maintain that a proposal would give rise to any numerical increase in the concentration of HMO properties.

Notwithstanding this, HMO planning applications relating to existing HMO properties will still be assessed against the other relevant criteria in Policy H 9 and other LDP policies as appropriate.

- 3.1.4 The references in this SPG and the LDP to ‘Small HMOs’ relates to Class C4 properties. Reference to ‘Large HMOs’ are those defined as an Unique Use (formerly Sui Generis).

Figure 1: HMO Concentration Tests

Test 1 – ‘Radius Test’

- Within the HMO Management Area, HMO proposals should not lead to more than 25% of all residential properties within a 50 metre radius of the proposal being HMOs.
- Outside the HMO Management Area, HMO proposals should not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs.

Test 2 – ‘Small Streets Test’

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

Test 3 – ‘Non-sandwiching Test’

The development would not result in a Class C3 dwelling being ‘sandwiched’ between adjoining HMO properties.

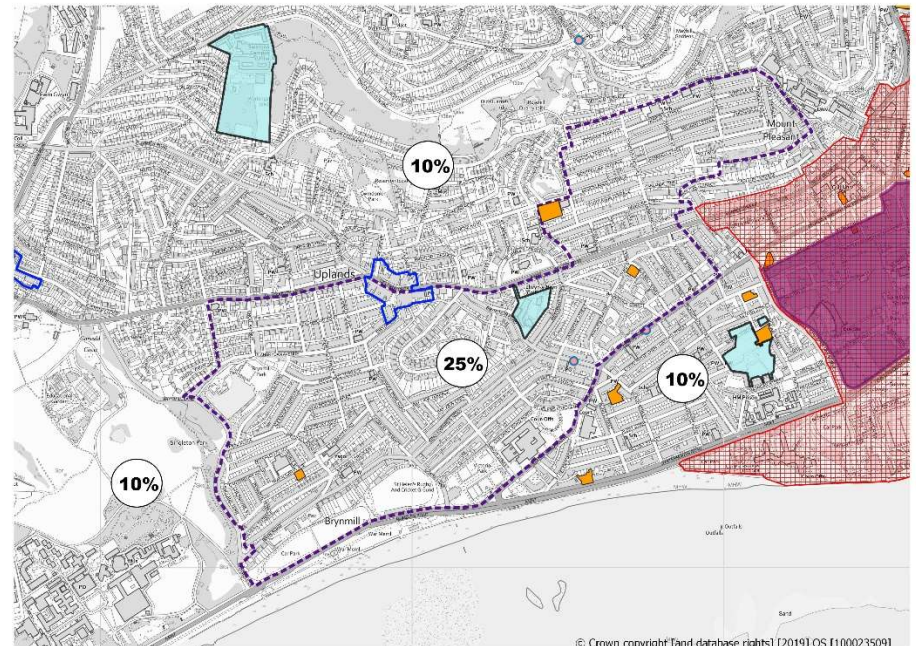
3.2 Radius Test

Thresholds

- 3.2.1 All proposals submitted for a change of use to establish a new HMO will be subject to the 'radius test' as described in LDP Policy H 9 (criteria i. and ii). The radius test will be used to define the proportion of HMOs within a specific area surrounding a proposal, both before and after the proposed development.
- 3.2.2 **The threshold level that applies depends on whether the planning application is located within the defined HMO Management Area (where a 25% HMO limit applies) or outside of this HMO Management Area (where a 10% HMO limit applies).** The boundary of the HMO Management Area is designated on the *LDP Proposals Map*. It is also illustrated in Figure 2 of this SPG for ease of reference.
- 3.2.3 The concentration of HMOs should be ascertained by calculating the proportion of HMOs as a percentage of all residential units **within a 50 metre (m) radius of the application property**. Where the proportion exceeds the defined threshold, the concentration arising will be deemed unacceptable, **unless there are exceptional circumstances or overriding material considerations that demonstrably outweigh concentration concerns**. Guidance on potential 'exceptional circumstances' and/or

'overriding material considerations' is provided in Section 3.7 of this SPG.

Figure 2: HMO Management Area (within the Purple Hatched Line)



Methodology and Data Sources

- 3.2.4 Policy H 9 sets out the methodological approach that should be followed to undertake the radius test. The basic formula for ascertaining the concentration of HMOs is as shown below in Figure 3.

Figure 3: Radius Test Formula

$\text{HMO Concentration \%} = \frac{\text{No. of HMOs (Numerator)}}{\text{No. of residential units (Denominator)}} \times 100$

3.2.5 For the purpose of the radius test, the concentration of HMOs should only consider the relevant properties within a 50 m radius of the planning application. Further guidance on which properties are relevant in this regard is set out below.

3.2.6 The radius should be drawn from the centre-point of the application property frontage, where the curtilage meets the street. The centre point will always be defined in relation to the property's *principal elevation*, regardless of where the front entrance to the property is located⁴. There may be instances when the radius cuts through residential properties, i.e. not all of the property is contained within the radius drawn. In such cases, the properties that will be counted in the analysis will be those where the majority of the street facing entrance is contained within the radius. This is defined as more than 50% of the width of the 'street facing' *principal elevation* of a property.

3.2.7 To determine the appropriate *denominator* for the Radius Test Formula (see Figure 3), all individual residential units that fall within the 50m radius that are categorised as either *Use Class C3, C4 or Unique Use* HMO will be counted. The most up to date *Local Land and Property Gazetteer (LLPG)* information can be used to ascertain the number and location of residential units to be applied.

3.2.8 For the avoidance of doubt, a residential unit includes *social rented homes*, individual flats and **residential units** that are situated on upper floors above other uses **(e.g. above shops)**. These homes will be counted as part of the *denominator* to ensure all residential units within the radius are counted, **in order to arrive at a representative measure of concentration within an area.**

3.2.9 In the case of flats and/or residential units on upper floors, these will be counted where the majority of the *principal elevation* of the building within which the unit is located (i.e. over 50% of this elevation) is contained within the radius. Each multiple unit within the building will be counted as an individual residential unit for the purpose of the calculation e.g. a building containing four flats will be counted as four residential units.

⁴ *Principal elevation* is described in Welsh Government Technical Guidance documents, including 'Permitted development for householders'

- 3.2.10 Care homes, children's homes, hostels, hotels, student halls of residence, and commercial properties will not be counted.
- 3.2.11 In order to determine the appropriate *numerator* for the Radius Test Formula, the Council's Register of Licensed HMOs (the 'Licensing Database') should be referenced, which is a publically available data source that can be viewed online at www.swansea.gov.uk/hmos. This register is regularly updated to provide an up to date record of the latest licensed properties. It should be noted that where properties are identified as being flats but registered as HMOs under Section 257 of the Housing Act (i.e. they are HMOs only because they do not conform to Building Regulations requirements), they will not be counted as HMOs in the numerator element of the radius calculation, having regard to the definitions in the Planning Use Class Order.
- 3.2.12 Due to differences in the Licensing (Housing Act) and Planning legislation, not all small HMOs in Swansea will be licensed, in particular those that are located outside of the Council's *Additional Licensing Areas*⁵. Outside these Wards, *Mandatory Licensing* requires that only large HMOs (i.e. properties of three or more storeys with 5 or more people) are licensed. As such, reference to the Licensing Database will not always

⁵ The current Additional Licensing Area for HMOs encompasses the Castle and Uplands wards. The Council is consulting on whether an Additional Licensing Area will also apply within the St Thomas Ward.

identify the full number of HMOs located within the defined radius. Reference should therefore also be made to records of properties that have obtained planning permission to become HMOs since the C4 Use Class came into operation in February 2016. These records are also available online at www.swansea.gov.uk/hmos. In addition, planning record searches can also be used to highlight larger HMOs that became established prior to February 2016, given that such uses required planning permission prior to the C4 Use Class change.

- 3.2.13 The information on licensed HMOs and the records of planning consents for HMOs issued by the Planning Authority (www.swansea.gov.uk/hmos) are regularly updated data sources, which can be viewed by potential applicants and any other interested party, as well as the Local Planning Authority (LPA).
- 3.2.14 Properties with a lawful use as a HMO will be counted as such, irrespective of whether a relevant planning consent has actually been implemented at the time of determination of a planning application. Some properties have become lawful for use as a HMO by virtue of the time they have been in operation for such a use, even though there is no planning permission or Lawful Development Certificate (LDC) for HMO use on record. This is reflective of the previous provisions

of the Planning Act and the Use Class Order, which did not require the use of residential properties as small HMOs to be subject to any planning control. Where the LPA considers there is substantive evidence available to demonstrate that a property was being used as a HMO prior to the implementation of the new C4 Use Class category (in February 2016), and is satisfied that it has not reverted to any other uses in the meantime, such a property will be considered a lawful HMO notwithstanding the lack of any relevant planning permission or LDC for HMO use. **In order to count an existing property as a HMO for the purpose of applying the policy criteria, the LPA will need to be satisfied, having regard to the available evidence and given the balance of probability, that it would be appropriate at that time to issue that property with a LDC, if such an application was made.** It is not however within the scope of the Planning Act to require a third party to submit an LDC application to formalise the use class of a property.

3.2.15 The calculation of the HMO concentration that applies at the time of determining a planning application is clearly influenced by accurately ascertaining, as far as is possible, the lawful existing use of all properties situated within the defined radius at that time. Where information is available to indicate a property may be a HMO but is not recorded as such on the records available (see www.swansea.gov.uk/hmos), the LPA will carry out all reasonable checks using any

publicly available information and/or any submitted evidence, in order to ascertain whether such a property should be considered a HMO for the purpose of the calculation. In this regard the LPA is required to act within the requirements of the *General Data Protection Regulation (GDPR)* relating to maintaining the privacy of personal data.

3.2.16 The Council's planning officers undertake site visits as part of the standard procedure for considering planning applications, and consider all material planning matters in the determination of proposals. This includes the observations of Officers within other Council departments such as Highways and the Housing and Public Health Service. Members of the public will also be consulted on every planning application. This process provides the opportunity for the LPA to be made aware of any properties they consider might be a HMO which do not appear on the Licensing and planning consent lists. Properties will only be considered a HMO for the purpose of the calculation where they meet the descriptions of such in the Planning Use Class Order.

3.2.17 A number of worked examples are set out in Appendix 2. These are intended to help demonstrate how the assessment methodology works in practice and further illustrate how the radius test will be implemented.

Breaching the Threshold

- 3.2.18 The threshold is considered to be breached if granting planning permission would take the percentage of residential properties that are HMOs **above** the specified threshold limit. For example, granting planning consent for a HMO within a 50m radius that currently contains 20 residential properties and only 1 other HMO would yield a concentration of exactly 10% (i.e. 2 out of 20 properties), which would not breach the threshold outside the HMO Management Area.
- 3.2.19 The two tier approach set out above in respect of different threshold levels is specifically intended to impose a restrictive regime for any further concentration or intensification of HMOs within the defined HMO Management Area to the existing general limit of 25% HMOs that has become established. This approach will serve to restrict HMO growth within the areas where there are already existing high concentrations of HMOs, such as parts of Brynmill and Uplands. There may be small pockets within these areas where further HMOs will not breach the threshold when applying the radius approach, but these opportunities are likely to be limited. This containment approach is based on evidence available that indicates significant further HMO growth is likely to exacerbate amenity impacts in these areas and any negative effects on community cohesion. This approach also recognises that these areas already have an established mixed character, in comparison

to other residential areas of Swansea, with an existing average concentration of around 25% HMOs.

- 3.2.20 LDP Policy H 9 states that HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh any concerns regarding harmful concentration or intensification. Examples of exceptional circumstances or overriding *material considerations* are provided in Section 3.7 of this SPG.

3.3 Small Streets Test

Defining Small Streets

- 3.3.1 In certain parts of Swansea there are street layouts where applying just the radius test in order to ascertain HMO concentration could fail to adequately safeguard against unacceptable intensifications of HMO uses. Specifically, this can occur in instances of 'small streets' that fall within the defined 50m radius, where there is potential for a disproportionate concentration of HMOs to sometimes arise. This can occur where there are few or no HMOs on other streets within a drawn radius, and the incidence of HMOs are concentrated within a single small street. In this scenario a proposal may comply with the radius threshold test but would still be considered to create a harmful concentration of HMOs in the small street.

- 3.3.2 LDP policy H 9 states that, **in the case of small streets, if the radius threshold is not exceeded by the proposed HMO, consideration should nonetheless be given as to whether the proposal would create a disproportionate concentration in that small street. The small streets test only needs to be applied if the proposal passes the radius test.**
- 3.3.3 A 'small street' is one that has between 11 and 34 properties inclusive. Streets of 35 properties or more are not defined as small streets. This upper limit is based on the street sizes and configurations that are characteristic of various residential communities in Swansea, including the Sandfields and St Thomas areas, where a grid street pattern prevails.
- 3.3.4 Under this definition, in certain instances 'small streets' are created where they are intersected by other streets. In such instances they become subsections of a longer street, even though they have the same street name.
- 3.3.5 Set out in Appendix 2 are a number of worked examples to demonstrate how the small streets test will be implemented, which includes an example of a scenario where a long street is sub-divided by intersecting streets forming a 'small street'.
- 3.3.6 For the avoidance of doubt, for the purpose of LDP Policy H 9 and this SPG, the intersection of a longer street to become a small street occurs where both

sides of the street with the same name are dissected by another street, resulting in between 11 and 34 properties on the dissected street. Appendix 2 provides a number of examples of scenarios that would, and would not, be classed as small streets.

Defining a Disproportionate Concentration

- 3.3.7 Defining the concentration of HMOs in a small street will be examined using the same data sources as set out for the radius test (see Section 3.2 of this SPG).
- 3.3.8 The consideration of whether or not a disproportionate concentration would arise involves a judgement to be made **having regard to both the number of properties on a street (i.e. both HMOs and non-HMOs) and also the relative location of such properties.** The LDP at paragraph 2.5.94 provides a general guide that applications for HMOs that breach (i.e. are less than) a 1:8 ratio within small streets will normally be resisted. This ratio guide will be used as the starting point to judge whether a disproportionate concentration would arise. It is recognised however that there could feasibly be a scenario where a ratio less than 1:8 could not reasonably be judged to give rise to any significant degree of concentration, for example having regard to the relative location of HMOs and the size of the street. As such, a sensible and pragmatic approach will be taken to determine whether the specific ratio that would arise as a result

of a HMO proposal is considered appropriate having regard to all *material considerations*.

- 3.3.9 Set out in Appendix 2 are a number of worked examples to demonstrate how the small streets test will be implemented. These examples include an illustrated case where the proposal would lead to an unacceptable and disproportionate over-concentration of HMOs in the small street. An example is also provided of a scenario where although the 1 in 8 ratio is exceeded in the small street, the street is quite long, there are only properties on one side of the majority of the street, and the existing HMOs are located at the extreme opposite end of the small street from the planning application, and so the proposal would be less likely to result in a harmful HMO concentration within the small street, even though it would numerically exceed the 1 in 8 ratio.

Streets of Fewer than 11 Properties

- 3.3.10 Where streets are even smaller than the above definition of ‘small streets’ (i.e. they comprise of fewer than 11 properties), the following caps to the number of HMOs permissible will be strictly applied as a measure of disproportionate concentration of HMOs in that street (as described in the LDP para 2.5.95):
- Within the HMO Management Area, a maximum of two HMO properties will be permitted within streets of fewer than 11 properties.

- Outside the HMO Management Area, a maximum of one HMO property will be permitted within streets of fewer than 11 properties.

- 3.3.11 Whilst the numbers of HMOs on streets of fewer than 11 will be capped at these levels, it will not always follow that a HMO proposal that does not exceed the capped number will always be permitted. The decision maker must always consider all other *material considerations* that apply, such as potential ‘sandwiching’ of properties between HMOs, which could be a deciding factor in deciding whether a proposal is considered acceptable.

3.4 Non-sandwiching Test

- 3.4.1 LDP Policy H 9 (criterion iii) seeks to preclude an existing C3 dwelling from being ‘sandwiched’ between adjoining HMO properties in order to **avoid potential negative effects upon a residential property that can arise from having HMO properties as neighbours on both sides, having particular regard to impacts on amenity and community cohesion. This can include instances of increased likelihood of disturbance, residents being unable to forge long term associations/relationships with transient neighbours on both sides of their property, and exacerbated wider impacts such as waste management issues.**

3.4.2 Planning applications for HMOs that would result in a C3 dwelling being ‘sandwiched’ between adjoining HMOs sharing the same street frontage will not normally be supported as a matter of principle. In order to approve a HMO application that would ‘sandwich’ a C3 dwelling (non HMO property), the decision maker will need to clearly justify that there is a particular, overriding *material consideration* that applies to the specific application that they consider is a defining issue that outweighs this principle in the planning balance. Any approval of planning permission for a HMO that would result in a C3 dwelling being ‘sandwiched’ must acknowledge that this would be a departure to LDP Policy H 9.

3.4.3 The LDP at paragraph 2.5.78 provides commentary on specific exceptional circumstances for consideration in relation to proposals that breach the maximum thresholds defined in Policy H9 i.e. criteria i and ii. For the avoidance of doubt, the issue of ‘sandwiching’ set out in criteria iii of the policy is self-evidently not a maximum threshold test.

3.4.4 Consistent with the principle of preventing sandwiching to safeguard amenity, proposals for non-HMO properties that are already ‘sandwiched’ between two existing HMOs to become HMOs may be considered favourably, even where this would lead to the threshold in the area being exceeded. Such a scenario is an example of an exceptional

circumstance that can justify a HMO threshold being exceeded (as described in Section 3.7 of this SPG).

3.4.5 LDP policy H 9 (para 2.5.101) clarifies that ‘sandwiching’ will only be deemed to occur where the properties share the same street frontage. This will include where adjacent properties on the same street frontage are separated by a pedestrian alleyway, since in such cases there is still not sufficient separation between the properties.

3.4.6 Sandwiching will not be deemed to occur however where the properties are separated by an intersecting classified road, or where properties have a back to back relationship on different streets.

3.4.7 Set out in Appendix 2 are a number of worked examples to demonstrate when sandwiching will be deemed to have occurred or not.

3.5 Property Suitability for HMO Use

Overview

3.5.1 LDP Policy H 9 makes clear that the property being proposed for use as an HMO needs to be suited for such a HMO in terms of its size, layout and ability to safeguard the amenity of residents affected. Proposals must demonstrate that the property is suitable for occupation as a HMO by the specific number of occupiers stipulated in the application.

3.5.2 To be considered suitable for HMO use, the property should provide satisfactory private amenity space and appropriate room sizes. Further guidance on what will be expected to be provided, is set out below. Sufficient details, including scale plans should be submitted with the planning application to demonstrate that satisfactory provision will be made. Scale plans should include existing and proposed site plan, block plan and floor plans.

3.5.3 LDP Policy H 9 also requires HMOs to have no unacceptable adverse impacts caused by noise or general disturbance.

3.5.4 A wide range of issues that fall under the banner of 'property suitability' are described under the sub headings that follow.

Room Sizes

3.5.5 LDP Policy H 9 is clear that HMO properties will need to have appropriate room sizes to be considered acceptable. It states (LDP para 2.5.102) proposals that would give rise to cramped living conditions for future occupiers will be resisted.

3.5.6 LDP Policy PS 2 'Placemaking and Place Management' similarly states that the design, layout and orientation of proposed buildings, and the spaces

between them, should provide for an attractive, legible, healthy, accessible and safe environment. The supporting text to Policy PS2 states that internal floor dimensions of living spaces are considered an important element of maintaining appropriate amenity standards and providing for healthy and attractive environments. This applies to both new buildings and conversions. For example, the conversion of existing buildings for residential use must not result in an over-intensive use of that building, such as giving rise to cramped living conditions and/or rooms with insufficient windows.

3.5.7 In order to provide clarity to developers on what the Authority considers to be appropriate room size standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy⁶ regarding minimum floor areas for bedrooms and kitchens in licensed HMOs regardless of whether the property is located within the *Additional* or *Mandatory Licensing Area* and whether the property requires a Licence under the Housing Act. These standards are set out below:

- Single bedroom - 6.5 m²
- Double bedroom – 10.2 m²
- Kitchen (used by 1-5 persons) – minimum 7 m²

⁶ HMO Amenity Standards – A Guide for Landlords of Bedsits, Shared Housing, and Other Housing in Multiple Occupation. Appendix A HMO Licensing Policy 2016. City & County of Swansea. January 2016.

- Kitchen (used by 6-10 persons) – minimum 10.5 m²

3.5.8 These are the minimum room sizes that are accepted for the purpose of licensing. They offer an appropriate and consistent benchmark for the determination of planning applications and represent the minimum room sizes that will be expected.

3.5.9 When considering whether room sizes are appropriate, account should be taken of what is the habitable floor space, including consideration of ceiling heights and headroom.

Communal Space

3.5.10 In planning terms, a communal space for occupiers to congregate is considered an important aspect of providing satisfactory private amenity space for HMO occupiers to ensure suitable living conditions. The lack of suitable communal space, such as a lounge area, can lead to occupants being reliant entirely on bedrooms for relaxation and leisure time, which is not conducive to the objective of promoting good health and wellbeing.

3.5.11 The size of the communal space provided must be appropriate for the number of occupants proposed within the HMO, and should be capable of accommodating sufficient areas for seating, socialising and where relevant dining. Fundamentally, the proposed communal space must not give rise to

cramped living conditions. Regard must be had to the size of the kitchen provision within the property in deciding whether or not an area for dining will need to be provided within the communal space. The minimum room size standards for kitchens defined in this SPG are not considered likely to incorporate sufficient space for dining within the kitchen area.

Securing Satisfactory Living Conditions

3.5.12 When granting planning permission, the Council may apply a planning condition that requires the HMO use of the property to be limited to a maximum number of persons having regard to the appropriate number of bedrooms, and that no more occupants shall be at any one time occupying the property, in accordance with the internal layout indicated on the approved floor plans. This approach can help to prevent an increase in the numbers of occupiers of a property without scrutiny of a planning application, and thereby safeguard against detrimental amenity impacts associated with cramped living conditions and reduced shared spaces.

3.5.13 Additional occupiers of a dwelling (in excess of the number specified on a planning application as the total to share a HMO) would likely result in the need for extra bedrooms within the property. This could only be achieved by amending the layout of the approved HMO by means of either creating smaller bedrooms through sub-division or removing the

shared living room. This could result in bedrooms that are cramped and/or without windows, and can result in a lack of communal space, all of which would be unacceptable to both amenity and the future well-being of the occupiers. Whilst planning conditions are not typically used to control internal spaces, the LPA will consider the need for any such planning conditions in the case of HMO proposals, if it is considered they are necessary to secure satisfactory future living conditions having regard to the nature of the property and the potential impact upon neighbouring occupiers should such alterations be likely to lead to further intensification of the use.

- 3.5.14 The Council may also grant planning permission subject to a condition that removes permitted development rights to extend the property without the benefit of planning permission. The LPA will consider the need for such a planning condition having regard to whether the specific nature of the dwelling, and its relationship with adjoining properties, gives rise to particular concerns that future permitted development extensions could lead to unacceptable intensification.

Satisfactory Outdoor Private Amenity Space

- 3.5.15 Occupants should have access to usable, private outdoor amenity space, which includes 'functional' areas necessary for refuse storage, bicycle and car parking, as well as more generally to provide

satisfactory living conditions. The range of functions that such spaces provide include children's play areas, gardening areas, a place for drying clothes, and areas for sitting out and relaxing in a private setting.

- 3.5.16 The requirement to provide outdoor private amenity space can be met through the provision of a communal area (such as a rear garden or roof terrace), so long as it is of sufficient size and layout to provide for every occupant of the property that it serves. It can also include a private balcony, or a combination of these.
- 3.5.17 Areas to the front of a building visible to the public highway will not be considered to fulfil the requirement for satisfactory outdoor private amenity space.
- 3.5.18 Access for occupants of the property to the outdoor private amenity space must be from a communal part of the dwelling, and not from a private bedroom (except in the case of private balconies). The amenity space should not result in inappropriate overlooking of bedroom windows within the HMO or result in significant adverse impacts on the amenity of neighbours.
- 3.5.19 Where part of a non-residential building being converted into a HMO remains in use for commercial purposes, or where there are adjoining commercial premises, it must be possible to provide outdoor space without adversely impacting upon the servicing

and security of neighbouring business properties, as well as safeguarding the amenity of the occupants of the residential property.

- 3.5.20 Extensions to existing HMOs to increase accommodation must not unacceptably compromise the ability of existing areas of outdoor private amenity space to provide satisfactory levels of amenity space for residents.

Noise, General Disturbance and Privacy

- 3.5.21 LDP Policy H 9 requires that HMO proposals do not give rise to unacceptable adverse impacts as a result of noise or general disturbance. It states (LDP para 2.5.98) that consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. Whilst this matter is primarily the preserve of Building Regulations, the LPA may deem it necessary to attach planning conditions to require the installation of sound insulation to properties that are proposed for HMO use, such as soft closing fire doors and/or soundproofing measures.
- 3.5.22 Policy PS 2 states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity. The

supporting text (para 2.2.11) states that poor design not only detracts from the character and appearance of an area, but can harm neighbours' quality of life. Potential impacts on people's amenity will be assessed by considering elements such as visual impact, loss of light, overlooking, privacy, disturbance and likely traffic movements.

- 3.5.23 HMOs are likely to be used by people less connected to each other than a dwelling house. This can result in a greater number of movements and disturbance to those living within, and nearby a HMO. The propensity for such disturbance to arise will be a factor in the determination of HMO proposals.
- 3.5.24 Rooms should be arranged and designed in a manner that minimises the potential for noise and general disturbance.
- 3.5.25 Conversion schemes should reduce the transmission of sound (e.g. from music and televisions) between floors, ceilings, adjoining rooms and properties by means of acoustic insulation. Where such measures are considered necessary to make the proposed change of use to a HMO acceptable, the Council may use planning conditions to require that insulation be installed in the interests of providing and safeguarding reasonable living standards.
- 3.5.26 HMOs that are above other premises such as shops or offices should have their own separate access to the street frontage, and not share an entrance, to

avoid conflict with the commercial properties on the lower floor(s).

- 3.5.27 Rear or side access will only be acceptable as the primary access if it is well lit and already extensively used for this purpose. External staircases at the back of the property, for example from a back alley, will not be acceptable as the main access as they result in a loss of privacy for neighbouring properties.
- 3.5.28 LDP supporting text 2.5.98 sets out that the principles of the Council's Design Guide for Householder Development (available at www.swansea.gov.uk/spg) will be applied to HMOs to protect residential amenity. Maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.
- 3.5.29 All habitable rooms will be required to have windows as a means of outlook, light and ventilation. As an example, a living room or bedroom reliant on roof lights or having an immediate outlook at a high wall is likely to result in a sense of enclosure and is not acceptable. Lounges, kitchens, other communal areas and bedrooms should have sufficient outlook without compromising the privacy of occupants' bedrooms or neighbouring properties. It will not be acceptable to obscure glaze a habitable room in order to avoid overlooking issues.
- 3.5.30 In cases where it may be appropriate to split larger rooms into smaller rooms, it is not appropriate in

terms of design for bedrooms to share an existing window.

Refuse Storage

- 3.5.31 LDP Policy H 9 requires HMOs to have dedicated areas for refuse storage. It states (para. 2.5.81) that all HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. These bins should be stored within a dedicated, covered refuse store of an appropriate design and size that is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local street scene will not be permitted.
- 3.5.32 Where refuse storage is not practical at the rear of the property, the applicant should provide justification and demonstrate that all refuse storage areas visible from the public realm will be well integrated into the street scene.

- 3.5.33 External refuse storage areas must not have an adverse impact on the availability of outdoor private amenity space.
- 3.5.34 For the avoidance of doubt, sufficient information should be submitted to accompany the planning application in order that the LPA is able to determine the design, siting and capacity of the proposed refuse storage arrangements.
- 3.5.35 The LPA will consult where necessary with the Council's Waste Management Service and Housing and Public Health Service to ascertain whether the refuse storage arrangements, including the size of the storage area, are considered sufficient for the size of the property.
- 3.5.36 The Council is likely to impose a planning condition that the approved details should be implemented prior to the beneficial use of the development and thereafter be retained in perpetuity and not used for any other purpose.
- 3.5.37 Planning applications that cannot demonstrate suitable dedicated areas for refuse storage will not be permitted.

3.6 Vehicle Parking and Bicycle Storage

- 3.6.1 LDP policies T 2 and T 6 require the provision of appropriate vehicle and cycle parking. A requirement for development to create and enhance opportunities

for *Active Travel* is set out under Policy PS 2: Placemaking and Place Management.

- 3.6.2 The Council has adopted SPG on Parking Standards (available at www.swansea.gov.uk/spg), which is also material to decisions on HMO planning applications. Having regard to the Parking Standards SPG, the LPA will adopt a two tier approach for parking requirements for HMOs:

1. For Small HMOs (C4 Use Class):

Proposals for the conversion of a property to C4 Use Class (and proposals to build a new C4 HMO) will be subject to the same maximum parking standards that apply to C3 dwelling houses. C3 dwellings are defined in the current Parking Standards SPG as 'Houses (General Purpose)'.

2. For Large HMOs (Unique Use Class):

a. Proposals for the conversion of a property to an Unique Use HMO, will be subject to the parking standards that apply for 'Houses in Multiple Occupation' as defined in the current adopted Parking Standards SPG, taking into account the parking requirements for the existing use of the property (i.e. 3 car parking spaces for up to 6 sharing in a C3 dwelling and 1 space per additional bedroom thereafter).

- b. Proposals for new build Unique Use HMOs within the area defined as 'Zone 1' in the current Parking Standards SPG will be subject to the same maximum parking standards that apply for PBSA in the SPG. However proposals for Unique Use HMOs within all other areas will be subject to the parking standards that apply for 'Houses in Multiple Occupation' as defined in the current adopted Parking Standards SPG. The fall-back position in terms of the existing use of a property, and the demand for parking for that existing use, should be considered.
- 3.6.3 Evidence relating to particular parking and highway safety issues that exist in the locality will be considered as a material consideration for HMO proposals. This includes evidence relating to numbers of accidents and whether there are any particular land uses in the locality that generate high levels of traffic and car parking.
- 3.6.4 Applications that propose a level of parking less than the standard requirements, will need to justify such proposals having regard to the Sustainability Matrix set out in the Council's SPG for Parking Standards.
- 3.6.5 Where there is evidence that there is a parking issue in the area, the LPA may seek to apply planning conditions which remove the opportunity for occupants to apply for a parking permit.
- 3.6.6 Covered and secure cycle parking should be provided in HMO proposals on the same basis as for PBSA, which require 1 stand per 2 bedrooms. There may be circumstances where increased provision in cycle storage could be considered as part of an applicant's justification for lower car parking provision. However the LPA will consider each case on its own merit.
- 3.6.7 Cycle parking and storage provision should be integrated into the design of a HMO from the outset. Cycle storage in habitable rooms and internal communal or circulation areas is not an acceptable solution. To encourage this sustainable mode of travel, and safeguard the visual amenity of the locality and the residential amenity of future occupiers, cycle storage should be provided in a secure, dedicated undercover cycle storage area which is able to accommodate the maximum number of cycles required. Where rear access arrangements allow, cycle storage should be provided to the rear of properties, rather than in front gardens. All cycle storage areas visible from the public realm should be well integrated into the street scene and visually unobtrusive. Further information is provided in 'Places to Live: Residential Design Guide SPG' (available at www.swansea.gov.uk/spg).
- 3.6.8 Applicants must provide sufficient information to enable the LPA to determine whether the design, siting and capacity of the cycle storage proposed is appropriate. The Council is likely to impose a planning

condition requiring that approved details are implemented prior to the beneficial use of the development and that thereafter these facilities are retained in perpetuity and not used for any other purpose.

3.7 Exceptional Circumstances and Material Considerations

3.7.1 Policy H 9 highlights that there may be certain instances when specific *material considerations* and/or exceptional circumstances demonstrably outweigh the outcome of the maximum threshold 'tests' in the planning balance. That is, whether or not a proposal is found to comply or not comply with the 50m radius threshold test will not on every occasion be the final determining factor as to whether planning permission for a HMO is approved or refused.

3.7.2 In some instances a **HMO proposal may be considered by the LPA to be unacceptable development at variance with Policy H 9 (or other relevant LDP policy), even though it would not give rise to the threshold limit being exceeded within the 50m radius.** Whether or not a *material consideration* would on balance render a proposal unacceptable, notwithstanding the 'threshold test' being satisfied, will depend on consideration of the particular circumstances pertaining to the application

and whether evidence exists that a significant adverse effect would arise.

3.7.3 *Material considerations* refer to matters that should be taken into account when making a decision on an application for planning permission, including the determination of an appeal. Such considerations must be relevant planning matters, having regard to national guidance. It is not possible to produce an exhaustive list of every possible *material consideration* that could affect the outcome of a decision. *Material considerations* are varied and the relevance of the issue will depend on the individual circumstances of each application. By way of examples however they include matters relating to:

- Highway safety
- Loss of privacy
- Loss of light or overshadowing
- Parking
- Noise
- Effect on *listed building and conservation areas*
- Visual appearance, design and layout
- Government policy
- Previous planning decisions (including appeal decisions)
- A community's need for affordable housing.

3.7.4 Common matters that are not relevant to the planning decision making process (i.e. non-material planning considerations) include, for example:

- Matters controlled under building regulations
- Loss of property value
- The identity/characteristics of potential future occupiers of a HMO property.

3.7.5 HMO properties can sometimes generate 'To Let' advertising boards, which collectively can detract from the appearance of the streetscene. The potential for a proposed HMO to give rise to a To Let board is not in itself a material consideration in determining the planning merits of the proposal. The control of the display of 'To Let' boards is, however, covered by national regulations (the Town and Country Planning (Control of Advertisements) Regulations 1992) and the Council has a voluntary code for advertisers regarding such signage www.swansea.gov.uk/planning.

3.7.6 Whilst the LPA will normally seek to resist HMO proposals that would breach maximum permitted thresholds, the LPA will consider on a case by case basis whether exceptional circumstances apply. This includes instances of HMO proposals within areas already subject to 'very high' existing concentrations of HMOs. The LPA will carefully consider whether any specific supporting evidence and information submitted to accompany the planning application sufficiently demonstrates that exceptional circumstances justify a departure from the threshold test. This approach recognises that, for example, there can be specific circumstances where evidence

indicates the market for certain C3 residential properties is demonstrably weaker and/or the application property is more suited to a HMO use than non-shared accommodation, particularly in the case of certain larger dwellings or properties requiring significant repair works within a very high concentration of other HMO uses. In these exceptional instances, it may be more appropriate to take a flexible approach to ensure the sustainable use of these properties rather than have C3 properties standing vacant for long periods.

3.7.7 **Proposals that would introduce further HMOs beyond the maximum thresholds stated in LDP Policy H9 in criteria i and ii** must be accompanied by a comprehensive assessment that considers all of the following criteria, in order to enable the Council to fully assess whether there are exceptional circumstances that justify a departure from the threshold test:

- a) Evidence of whether the property has been marketed for a C3 use at a reasonable asking price for a period of at least 6 months using recognised estate/lettings agents. This should include evidence of the advertising particulars, including the asking price, and proof of the marketing dates, along with information on the numbers of viewings and offers received regarding the property. The Council will consider the appropriateness of the asking price compared to other similar properties in the area.

b) Reasons why, and evidence to justify, that the property is unviable for C3 use (e.g. financial viability of any renovations needed). This information should be submitted with the planning application including evidence of quotes received for required renovation works.

c) Any particular characteristics of the property (e.g. its large scale or specific layout) which make it suited to HMO use and unsuitable for other uses such as C3. For example, whether or not **the property has been used for commercial use and there is evidence submitted to show this extant use is no longer viable will be considered.** The information should be submitted with the planning application and may relate to the evidence regarding the level of interest received when marketing the property.

d) Any other evidence considered by the applicant to justify why a HMO use is more appropriate than a C3 residential use. This could include for example, whether the property is located in a mixed use area and/or in close proximity to commercial uses already subject to noise disturbance.

3.7.8 Another potential exceptional circumstance includes HMO proposals relating to properties in C3 residential use that are already 'sandwiched' between two HMOs. Exceeding the threshold in the area may be considered permissible in such circumstances, if the

applicant is experiencing adverse amenity impacts from such a scenario. Such circumstances can reasonably be considered the 'flipside' of the objective of Policy H9 to avoid sandwiching. That is, given the purpose of this element of the policy is to safeguard the amenity of C3 property occupants by precluding new HMOs that would lead to sandwiching, it follows that planning decisions should also consider the amenity concerns of occupants that are already sandwiched.

3.7.9 It is imperative that sufficient information is submitted as part of any planning application for the LPA to be in a position to fully consider whether, on balance, a proposal for an additional HMO is acceptable even though the proposal would self-evidently further breach the threshold. In such cases the proposal must otherwise accord with Policy H 9 and other LDP policy.



4. Guidance on PBSA Development

4.1. Definitions

4.1.1 For the purposes of LDP Policy H11, and this SPG, a proposal is considered to fall under the definition of PBSA if the development:

- is designed to provide accommodation for students at higher or further education institutions, and
- provides accommodation arranged in the form of single or shared rooms, which may or may not have en-suite facilities, and that share the use of a kitchen, as well as potentially sharing other communal spaces and amenities provided within the development. These shared spaces and amenities can include a shared bathroom, communal lounge, common room, laundry room, and/or other facilities.

4.1.2 PBSA schemes can comprise new build development or the conversion of existing premises, such as office space.

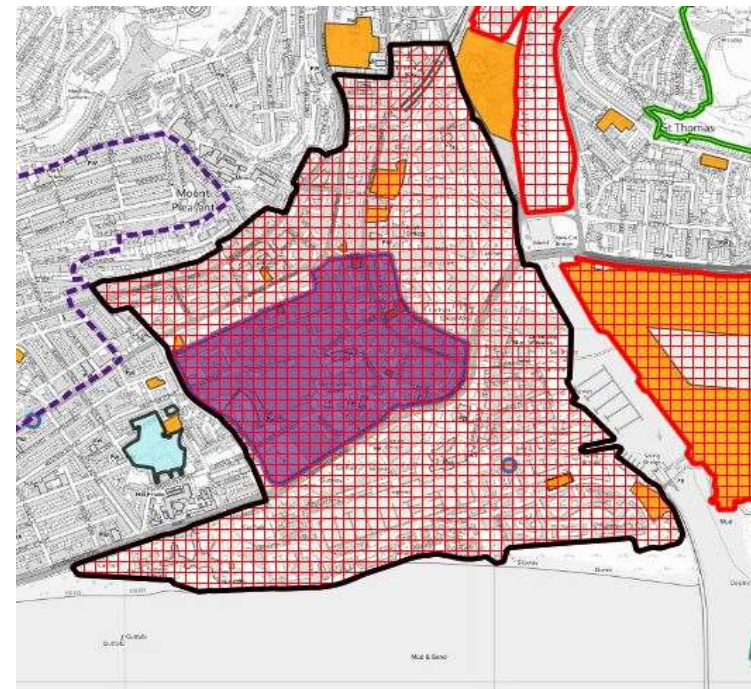
4.1.3 Whilst there is no specific size at which a property falls to be considered a PBSA, these developments will be larger than HMO properties. Having regard to evidence on typical maximum sizes of Large HMOs, a development would not be considered a PBSA if it contains fewer than 10 individual bedrooms. PBSA proposals are capable of providing accommodation

into the many hundreds of units, and in many instances can be large scale, dense developments.

4.2 Assessing the Availability and Suitability of Potential Sites

4.2.1 LDP Policy H 11 emphasises that proposals for PBSA should normally be located within the *Swansea Central Area* or within a Higher Education campus. The extent of the *Swansea Central Area* is defined on the *LDP Proposals Map*. It is also illustrated in Figure 4 of this SPG for ease of reference.

Figure 4: SD J – Swansea Central Area



4.2.2 *Swansea Central Area* has good access to services, facilities and public transport connections to Swansea's higher and further education buildings. Locating PBSA development within the *Swansea Central Area* accords with the Council's aims to increase City Centre living and levels of footfall in the area, thereby contributing towards enhancing the City Centre's vitality and viability. The Council wishes to avoid development of student accommodation that is unsustainable, in terms of access to services, facilities and availability of public transport, and also ensure such development would not be to the detriment of the regeneration aims for the *Swansea Central Area*.

4.2.3 Applicants proposing PBSA must therefore, in the first instance, assess the availability and suitability of potential sites and premises in the *Swansea Central Area*, unless the proposed site is within a Higher Education Campus and is in accordance with the exception criteria (i), (ii) and (iii) stipulated in LDP Policy H11. To assess the availability of potential sites and premises within the *Swansea Central Area*, the assessment should include information on site availability and suitability. Under each of these two themes are set out guidance on what information will be necessary to demonstrate a robust assessment has been undertaken into site/premises availability.

Site Availability

4.2.4 Site Ownership and Land Assembly:

- What is the land ownership / land assembly arrangement of the site/premises and why would this have the potential to constrain the future development of the site?
- Is the site/premises within single or multiple ownership?
- Are there any ransom strips, covenants and/or public rights of way which would restrict its availability?

4.2.5 Marketing:

- Is the site or premises vacant?
- Is the site or premises being advertised for sale on the open market?
- Are there any known marketing issues that would constrain the future development of the site in terms of its availability to purchase?

4.2.6 If the availability of the site or premises is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

Site Suitability

4.2.7 To assess the suitability of potential sites and premises within the *Swansea Central Area*, the assessment must include adequately detailed information on the following five themes. Under each theme are set out some of the considerations which should be drawn upon to demonstrate a robust assessment has been undertaken into the suitability of sites/premises for PBSA.

1. Site size and capacity:

- Is the site or premises a sufficient size to accommodate the proposed development?

2. Policy merits / constraints:

- What site-specific policies contained within the LDP are relevant to the site or premises and do these make it unsuitable for PBSA development?
- What is the current use and condition of the potential site or premises?
- Are there any other considerations which make the site or premises unsuitable for development? e.g. is PBSA compatible with the surrounding land uses, are unacceptable amenity impacts likely to occur?, etc.

3. Planning History:

- What is the known planning history of the site or premises? Applicants can refer to the Council's

online planning history database to access this information.

- Is the site or premises subject to an extant planning permission for another form of development? If so, what is the likelihood/timescale of permission being implemented?
- Does the planning history/status represent a potential constraint to the future development of the site or premises?

4. Accessibility:

- How accessible is the site or premises to key facilities and services via sustainable transport modes?
- How accessible are the existing University campuses via sustainable transport modes?
- Are there any other site or premises specific access constraints which mean the site is not suitable?

5. Any other constraints:

- Are there any other constraints that would restrict the future development of the site or premises e.g. drainage capacity, or land contamination?

4.2.8 If any of the above criteria regarding the suitability of the site is unknown, the applicant must demonstrate as part of the assessment that reasonable steps have been undertaken to establish the relevant information.

4.3 Design and Amenity

4.3.1 In accordance with the requirements of LDP Policy PS2 Placemaking and Place Management, all new PBSA development should be designed such that it responds to its local context and improves the overall standard of the built environment.

4.3.2 PBSA proposals, by their nature, are usually high-density developments. The LPA supports the principle of high density living and energy efficient design, provided it is appropriately located, is sensitively designed and would suitably integrate with surrounding areas. The LPA will expect evidence within the planning application to show how the applicant has arrived at the design and how this positively relates to its context. This may require a Townscape and Visual Impact Assessment and/or Heritage Impact Assessment, depending on the location of the site and surrounding characteristics. Proposals for new development should have regard to the desirability of preserving the setting of any *listed building*, as the setting of such structures are often a key part of its character.

4.3.3 Although provision of PBSA will be encouraged within the *Swansea Central Area*, careful consideration will be given to the potential impact on the amenity of, or potential for conflicts with, surrounding uses. The LPA will resist inappropriate development where it would be detrimental to the amenity of occupants

within neighbouring development and within the proposed development itself. This may be due to overlooking, overshadowing or adverse micro-climatic conditions. This is particularly relevant for a tall building proposal. Proposed buildings should be designed to maximise the living conditions of its inhabitants. All habitable rooms should benefit from natural light, a means of outlook, ventilation, and a level of privacy.

4.3.4 Planning conditions will generally be used to restrict occupation of PBSA to students. Any proposal to convert an approved PBSA development to C3 residential use will be required to submit a full and separate planning application, since such developments do not typically provide appropriate accommodation or facilities for unrestricted 'open market' residential use.

4.3.5 PBSA developments provide a distinct form of residential accommodation for a specific user (i.e. students), in particular providing accommodation that is used by tenants on a transient basis – typically during term time and for less than a year – after which time the tenant moves on. In addition, a student's bedroom and related habitable areas within a PBSA does not usually provide that person's sole residence. Given this, the full extent of amenity spaces and standards that applies to C3 residential development providing permanent homes (for example access to a minimum size of private or shared garden) may not be

a requirement of a PBSA development. A residential C3 use of a PBSA building is also likely to generate additional parking requirements that may not be capable of being provided on site, which could give rise to unacceptable impacts. Having regard to the differences between PBSA and 'unrestricted' C3 residential development, the Council would anticipate significant works would often be required to a PBSA to change the size, layout and configuration of the habitable space within it, as well as providing appropriate parking provision, in order for a C3 residential use to be considered acceptable. Certain PBSA may ultimately not be capable of conversion to C3 residential use, and the suitability for such proposals will be considered by the LPA on a case by case basis.

4.3.6 Any proposals for a change of use from PBSA to residential development would be considered having regard to all the relevant policies in the LDP, which includes the requirements set out in the Plan for residential development to provide affordable housing. Unlike a proposed change of use from a commercial property (such as office) to C3 residential use, a change of use proposal from PBSA to C3 residential use would not be exempt from LDP policies requiring affordable housing to be provided on residential developments.

4.3.7 Planning applications for PBSA development should include an Adaptability Statement to consider how the

proposal would not prejudice future uses, such as a hotel use.

- 4.3.8 Landscaping plays an important part in helping to integrate new development into the surroundings and PBSA developments will be expected to include appropriate levels of Green Infrastructure, including landscaping, for aesthetic and functional purposes. The LPA encourages the use of indigenous species in such schemes and on-going management of these areas will be secured via Section 106 agreements in certain circumstances.
- 4.3.9 PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting in-line with LDP Policy SI 8. Access routes should be designed to be over-looked by building frontages, wherever possible, and security lighting used to minimise the risk of crime whilst avoiding unnecessary light pollution. The Council's SPG relating to 'Planning for Community Safety' (available at www.swansea.gov.uk/spg) provides further guidance on increasing community safety and reducing crime and the fear of crime, in order to improve the quality of life for existing and future students and residents.
- 4.3.10 Proposals for tall PBSA developments will need to have regard to the Council's Tall Buildings Strategy SPG (available at www.swansea.gov.uk/spg). The SPG defines tall buildings as a 'building that is more

than twice the height of adjacent buildings’. The guidance identifies zones within the *Swansea Central Area* where tall buildings are ‘welcomed’ and other areas where they may be ‘considered’. There is a general presumption against tall buildings outside of the areas identified for visual and infrastructure reasons. The guidance also sets out guidelines for the design of such tall buildings. Taller, higher density PBSA, are unlikely to be supported in locations within or adjoining existing residential neighbourhoods, as this is likely to conflict with the existing character and amenity of the area.

4.4 Refuse and Recycling Storage

4.4.1 All PBSA proposals will be required to incorporate 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 in-line with LDP Policy RP 10: Sustainable Waste Management for New Development.

4.4.2 The following information should be provided as part of the planning application, to demonstrate how waste will be managed:

- Scale plans demonstrating an adequate footprint for the internal and external on-site waste, recycling, composting, separation and storage facilities; and

- Details of proposed access routes for 26 tonne recycling and refuse collection vehicles, including adequately sized access pathways and service roads with suitable dropped kerbs and crossovers. These requirements will need to be considered in accordance with the User Hierarchy as featured in Manual for Streets.

4.5 Car and Bicycle Parking

Parking Standards – Cars

4.5.1 Parking provision for PBSA will be assessed against the adopted maximum parking standards set out within the Council’s SPG relating to Parking Standards. These parking standards will be material to decisions on individual planning applications. The current maximum standards for PBSA are as follows:

Figure 5: Current Maximum Parking Standards for PBSA

PBSA – Maximum Car Parking Standards		
	Residents	Visitors
ZONE 1	1 space per 25 beds for servicing, wardens and drop-off areas	Nil
ZONE 2 TO 6		1 space per 10 beds (for students & or visitors)

Source: Swansea Council SPG Parking Standards

4.5.2 Notes 1-8 of the current SPG Parking Standards will still be applied.

4.5.3 The guidance figures given are maximum standards and flexibility can be justified in appropriate circumstances in accordance with the sustainability matrix (as set out in Appendix 5 of the Car Parking Standards SPG). Furthermore, the supporting text to LDP Policy T 6 (para 2.12.35) states that a degree of flexibility in the operation of existing guidelines may be appropriate where *Swansea Central Area* developments have been vacant for long periods of time and a relaxation of the parking requirements would contribute to the wider regeneration strategy for the City Centre.

4.5.4 In terms of the Sustainability Matrix, points will be awarded to developments in terms of walking distance to local facilities, public transport, cycle routes and the frequency of local public transport. Where an applicant wishes a reduced standard of parking to be considered, the form within Appendix 5 of the Car Parking Standards SPG should be completed and submitted, and be accompanied by relevant evidence.

4.5.5 In instances where parking cannot be provided on site, or it is judged as not being required on other grounds beyond the Sustainability Matrix (this could be, for example, there is no available on street parking nearby; or there are overriding regeneration objectives), the applicant may be required to provide a financial contribution towards alternative transport measures where appropriate or identified parking management arrangements.

4.5.6 Other than for Zone 1 locations, a reduction shall not be applied unless an acceptable travel plan is also submitted. In addition to this, a condition requiring a legal tenancy agreement to prevent students parking on neighbouring streets within a 3 mile radius of the accommodation building may also be applied to some developments. Additional car parking management details will need to be included within a submitted Management Plan to demonstrate, for example, how tenancy agreements and car parking will be managed to avoid highway issues arising, etc.

Parking Standards - Bicycles

4.5.7 In terms of bicycle parking the following standards will be required for PBSA as set out in the Parking Standards SPG.

Figure 6: Bicycle parking standards for PBSA

PBSA – Cycle Parking		
	Long Stay	Short Stay
All Zones	1 stand per 2 bedrooms	No requirement

Source: Swansea Council SPG Parking Standards

4.5.8 In some instances, increased bicycle provision may be included as part of a case to justify a reduction in car parking. The LPA will consider the appropriateness of this approach on a case-by-case basis. Further detail on motorcycle parking is outlined in the Parking Standards SPG, which states the

amount of motorcycle parking provision should be based on 5% of total car parking provision.

4.6 Management Plan

- 4.6.1 A Management Plan will be required to be submitted as part of any PBSA planning application. This must detail how it will be ensured that the development will conform to LDP policy and continue to do so once in operation. The Management Plan will need to include information on how the development is intended to be managed to deliver a safe and positive environment for students, whilst reducing the risk of negative impacts on neighbouring areas and residents.
- 4.6.2 The Management Plan should, at a minimum, include the following:
1. Information on the general maintenance and management of the site, including external amenity / landscape space
 2. The arrangements in place in terms of servicing – deliveries and waste/recycling storage and collection
 3. A travel plan, including the management of (residents and visitor) parking. This will also need to demonstrate the measures in place to encourage use of sustainable methods of transport and how any tenancy agreement will be managed

4. Details on the management of traffic particularly at the beginning and end of term
5. Measures relating to site safety and security (such as CCTV, adequate lighting and intercom systems, security doors, etc.) in order to create a safe environment for occupants and to reduce the opportunities for crime
6. Procedures for minimising and managing community complaints, such as issues relating to noise, and anti-social behaviour. Details may include soundproofing, noise control measures, code of conducts for student behaviour, complaints procedures, University / Student liaison officer, etc.
7. Details of the tenancy agreement

Appendices

Appendix 1a - LDP Policy H9

H 9: Houses in Multiple Occupation

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

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

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

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

2.5.68 It is likely that there will continue to be a need for new *Houses in Multiple Occupation (HMOs)* over the lifetime of the Plan to meet both an occupier demand and a societal need, including need arising from the effects of welfare reforms and the increase in student numbers associated with Swansea's expanding universities. It is important however that future HMO provision is managed sustainably in the interests of fostering cohesive communities, including avoiding instances of over-concentration of HMO properties to the detriment of residential amenity and community balance.

2.5.69 The policy defines specific thresholds, above which further concentrations of HMOs will normally be deemed a harmful concentration. The thresholds have been identified based on an understanding of current HMO concentrations, likely future demand, current HMO supply, and other available evidence including the findings of national research undertaken by the Welsh Government.³²

2.5.70 The policy sets out a two tier approach to defining thresholds beyond which further HMO uses will be considered to have a harmful effect. This approach is reflective of the established uneven concentrations of HMOs across Swansea and the particular demand within certain urban areas that have key facilities. Within the HMO Management Area, as defined on the Proposals Map, there are existing community sustainability and cohesion issues that have resulted from concentrations of HMOs. The Management Area incorporates part, but not all, of Uplands and Castle wards where there are significant existing concentrations of licensed HMOs. The 25% maximum HMO threshold to be applied is broadly comparable with the average concentration of HMOs across the Management Area, however there are some pockets of much higher concentrations such as parts of Brynmill closest to the Swansea University Singleton Campus.

³² Welsh Government 2015. Houses in Multiple Occupation Evidence Gathering, Report of Findings.

Applying the 25% threshold in the HMO Management Area will therefore serve to significantly restrict opportunities for additional HMOs within existing areas of high concentration, where further intensification of HMOs is not favoured. This approach strikes an appropriate balance between recognising the established character of different streets and areas, whilst also supporting sustainable communities.

2.5.71 The Management Area approach will effectively encourage future HMO provision to be more dispersed to areas outside existing concentrations in a suitably managed way. Outside the defined HMO Management Area, a threshold of 10% of all residential properties being HMOs will be used as the maximum limit. The proportions of HMOs in most of these areas are substantially less than 10% and as such the threshold will allow for an appropriate small level of growth in such accommodation. National research has identified that 10% is a general 'tipping point' beyond which the evidence indicates that a concentration of HMOs can begin to have an adverse impact on the character and balance of a community. This tipping point is described as a threshold beyond which a community can 'tip' from a balanced position in terms of demographic norms and impacts, towards a demographic that is noticeably more mixed in terms of shared and family households. This is an evidence based approach that provides a robust rationale for applying a 10% threshold for all areas outside the HMO Management Area.

2.5.72 In considering whether a proposal breaches the defined threshold level for that area, the LPA will assess the concentration of HMO properties within a 50 metre radius of the property that is subject to the HMO planning application. The radius will be measured from the centre-point of the proposed property's street frontage. All residential properties falling into Planning Use Class C3, C4, and large HMOs (sui generis) that are located within this defined radius will be counted as part of the analysis, if the majority of its street facing entrance is contained within the radius.

If the HMO property is located within the HMO Management Area but the geographic area of the radius extends into the 10% threshold area, the 25% threshold will be applied, and vice-versa. In some areas, residential property plots may be large or development particularly sparse meaning a 50m radius may capture only a handful of properties. In such cases, the Council will apply the relevant threshold to an area that contains at least 10 properties. Should a 50m radius fail to capture the required number of properties, the Council will select the nearest properties from the same side of the street as the proposed HMO so that at least 10 properties are captured.



- 2.5.73 In order to understand the full extent of HMOs within the 50m radius, the LPA will draw upon all available records within the public domain to inform the calculation. In addition, the Council's public register of licensed HMOs will be used as the basis for the calculation for any proposals in the Uplands and Castle wards, since these areas are within a designated 'Additional Licensing Area' which requires all HMO properties to be officially licensed. In addition, when calculating the proportion of HMOs, the LPA will consider representations received as part of the consultation process on planning applications in order to establish the use of properties. The Council is reviewing the need for further Licensing Areas within other parts of the County under the provisions of the Housing Act, which if designated will provide a further register of HMOs to assess concentrations.
- 2.5.74 Planning permission will be required to change the use of a small HMO to a large HMO, or to intensify the use of a lawful large HMO by increasing the number of occupiers. In such instances however, the threshold limit will not be triggered as the HMO has already been established in the street and, therefore, would not be assessed as numerically leading to further concentration of HMOs and the balance and mix of households in the local community. These types of planning application will be assessed on their individual merits on a case by case basis against the criteria in this policy and other policies in the Plan, including impact on the character of the area, residential amenity and parking.
- 2.5.75 The policy recognises that there are some street patterns and layouts that are characteristic of particular areas of Swansea, including areas of Sandfields and St Thomas, where applying the 50m radius test would not sufficiently protect against harmful concentration of HMOs. In particular this applies to 'small streets' where a relatively low number of HMOs concentrated within that street can have a disproportionate adverse impact. For the purpose of this policy, small streets are those that have between 11 and 34 properties inclusive. This includes small streets formed by the sub-division of larger streets from intersecting roads.

In the case of these small streets, the LPA will consider whether a HMO proposal will lead to an over concentration having regard to the number of HMOs that would be created on that particular small street, as well as considering compliance with the 50m radius threshold test. A ratio of more than 1 in 8 within a small street will normally be considered a disproportionate over concentration of HMOs.

- 2.5.76 In the case of streets of 10 or fewer properties, within the HMO Management Area a maximum of 2 HMO properties will be permitted within the street. In the case of streets of 10 or fewer properties outside the HMO Management Area, a maximum of 1 HMO property will be permitted within the street.
- 2.5.77 Further details on the implementation of the threshold approach, and the exceptional circumstances that may apply, will be set out in a document that provides SPG on HMO developments. This will provide worked examples of compliance and non-compliance with the policy.
- 2.5.78 During the lifetime of the Plan it is recognised that there may be specific material considerations and/or exceptional circumstances that apply to a particular proposal, which could demonstrably outweigh the outcome of the 50m radius 'threshold test' as the overriding factor(s) in deciding whether a HMO proposal is appropriate. Given this, whether a proposal is found to comply or not with the 50m radius threshold test will not in every circumstance be the final determining factor as to whether planning permission for a HMO is approved or refused. In such exceptional circumstances, the applicant must submit supporting evidence and information to sufficiently demonstrate that the specific circumstances justify a departure from the threshold test. An exceptional circumstance may arise in the case of a HMO proposal within a street that has a very high existing HMO concentration, for a property that is shown through evidence to be significantly less attractive for a non-shared use. It is appropriate to apply a degree of flexibility in such circumstances, in order to respect the fact that certain C3 residential properties can be inherently more suited to a HMO use.

This is particularly so in the case of certain larger dwellings or properties that have multiple kitchens and bathrooms that will require significant works to be remodelled to provide a family house. In these exceptional instances, it may be more appropriate to take a flexible approach to ensure the sustainable use of these properties rather than have C3 properties standing vacant for long periods. In such instances, HMO proposals must be accompanied by a comprehensive assessment that will need to adequately justify a departure from the threshold test, including:

- a. Evidence that the property has been unsuccessfully marketed for a C3 use at a reasonable asking price for a period of at least 6 months.
- b. Reasons why, and evidence to justify, the property is unviable for C3 use (e.g. financial viability of any renovations needed; lack of demand for traditional family accommodation in that area).
- c. Any particular characteristics of the property (e.g. scale or layout) which make it suited to HMO use and unsuitable for other uses such as C3.
- d. Any other evidence considered relevant by the applicant to justify why a HMO use is more appropriate than a C3 residential use.

2.5.79 Due to the nature of higher density living in HMOs, in some instances this can lead to noise and general disturbance issues. In order to avoid unacceptable adverse impacts arising from such issues, consideration will be given to the use of noise insulation measures having regard to the design and layout of the properties that would be affected. Whilst this is primarily the preserve of Building Regulations it may be deemed necessary to attach planning conditions which require the installation of sound insulation to properties in certain circumstances, such as soft closing fire doors and/or soundproofing measures. The principles of the Council's Design Guide for Householder Development will be applied to HMOs to protect residential amenity. Maintaining privacy between HMOs and neighbouring properties will be carefully considered as part of each planning application.

2.5.80 In-line with the City & County of Swansea Parking Standards, lower levels of off-street car parking may be permitted for HMO proposals in the Swansea Central Area, particularly where there is good public transport accessibility and where the use of the private car is to be discouraged. Secure cycle parking should be provided on the basis of 1 stand per 2 bedrooms. There may be circumstances where increased provision in cycle storage could be considered as part of an applicant's justification for lower car parking provision. However the LPA will consider each case on its own merit. Cycle storage should be provided in a dedicated cycle storage area which is able to accommodate the maximum number of cycles required. Where rear access arrangements allow, cycles should be stored to the rear of properties, rather than in front gardens. The Council's Parking Standards SPG contains further information on this standard.

2.5.81 All HMOs will be required to incorporate adequate and effective provision for the storage, recycling and other sustainable management of waste, and where relevant allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel. All refuse and recycling for HMOs should be suitably stored in landlord provided bins pending disposal. These bins should be provided in a dedicated refuse store which is able to accommodate the maximum number of bins required, based on an assessment of refuse emerging. All refuse storage areas should be located to the rear of properties where possible. Proposals for refuse storage to the front of properties that would detract from the local streetscene will not be permitted.

2.5.82 The policy resists proposals to create a new HMO use adjoining a C3 residential property where that property already adjoins a HMO property on its other side, in order to prevent 'sandwiching' of a C3 use between HMOs. This approach will only apply where the properties share the same street frontage i.e. it would not apply where the properties are separated by an intersecting road or where properties have a back to back relationship in different streets.

The approach aims to prevent the potential for negative amenity impacts upon residents as a result of C3 dwellings being isolated between two HMOs, including the potential for increased levels of disturbance associated with multiple households within a property, and the negative effects of transient households on both sides. The majority of HMOs in the Uplands area are, for example, occupied by students and as such it is often the case that such properties are vacated during summer months. This approach will also serve to prevent clustering of HMOs and avoid over concentrations at a very localised level.

- 2.5.83 Not all proposals that comply with the 50m radius threshold test will be considered suitable for change of use to a HMO, and applications will be considered against all policy criteria. For example the policy requires that properties must be of a sufficient size to permit the creation of individual dwelling units with satisfactory private amenity space and appropriate room sizes. Proposals that would give rise to cramped living conditions for future occupiers will be resisted. All bedrooms and shared living spaces within the property will be required to have windows that provide sufficient light and outlook. In order to provide clarity to developers on what the Authority considers to be appropriate standards, all HMO proposals should accord with the guidance set out in the Council's adopted HMO Licensing Policy, regardless of whether the property is located within or outside the HMO Management Area. Proposals must not give rise to a Category 1 hazard under Part 1 of the Housing Act 2004 using the Housing Health and Safety Rating System or conflict with the requirements of Part X of the Housing Act 1985. Further details of amenity standards, including minimum room sizes, will be set out in a document that provides SPG on HMO developments.

Appendix 1b - LDP Policy H11

H 11: Purpose Built Student Accommodation

Proposals for purpose built student accommodation should be located within the Swansea Central Area, and must in the first instance assess the availability and suitability of potential sites and premises at this location, unless:

- i. The proposed site is within a Higher Education Campus and is in accordance with an approved masterplan for the site; and
- ii. In the case of the Swansea University Bay Campus, the development would not give rise to an additional number of residential units at the Campus than the number permitted by any extant planning permission; and
- iii. The development would give rise to an overall benefit to the vitality and viability of the Swansea Central Area.

2.5.88 Higher Education makes an important contribution to the local economy with in the region of 16,500 full time students³³ living in the area. Many live in former family homes converted to HMOs and as a consequence parts of the County experience significant community cohesion issues resulting from harmful concentrations of such dwellings.

³³ Higher Education Statistics Agency (HESA) Student Record and LLWR (Lifelong Learning Wales Record), published by HESA / Welsh Government, 2015



It is preferable that student needs are met as far as possible by modern purpose built and managed schemes with the space and facilities more suited to students' needs in appropriate Swansea Central Area locations where there is good access to services, facilities and public transport to the University buildings. Such development accords with City Centre living aims and would increase footfall, and so contribute towards enhancement of City Centre vitality and viability. It may also lead to a reduction in HMOs and promote the reinstatement of dwellings to family use.

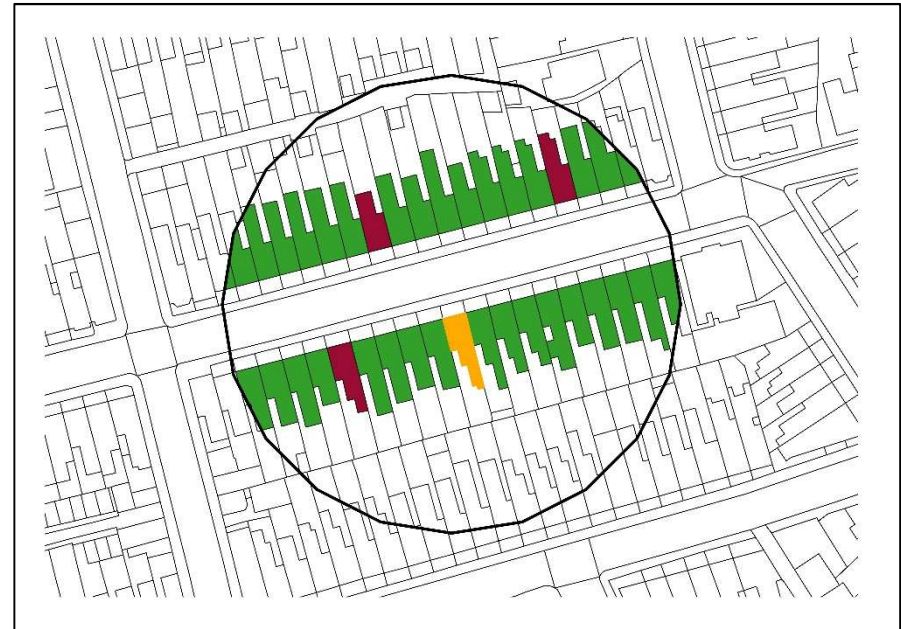
- 2.5.89 The Swansea Central Area boundary is defined in Policy RC 1. The Council wishes to avoid development of student accommodation that is unsustainable (including in terms of access to services, facilities and public transport) or to the detriment of the regeneration aims for the Central Area. Therefore proposals for student accommodation will not be supported outside of the Swansea Central Area unless the exception criteria are met. Although provision of such purpose built student accommodation will be encouraged within the Central Area, careful consideration will be given to the potential impact on the amenity of, or potential for conflicts with, surrounding uses.
- 2.5.90 There is a development opportunity to expand the Swansea University Bay Campus to the west of the existing Bay Campus site currently located within the boundary of NPT. Development proposals for education facilities to support the continued growth of the University will be supported at this location. Proposals for student accommodation will only be permitted within the expansion area where the total quantum of bedrooms does not exceed the number approved by the outline planning permission for the Bay Campus scheme, consented by NPT. This approach is enshrined within the cross boundary masterplan produced by the Swansea and NPT Councils. Any such proposals for student accommodation within the expansion area must be supported by evidence that the quantum of unbuilt student accommodation on the existing Bay Campus has been, or will be, reduced by the corresponding number of units.
- 2.5.91 The Council may apply a condition to restrict occupation of the development to students. Where proposals are to convert an existing property (such as above shop development), applicants should also refer to Policy H 9 Houses in Multiple Occupation and Policy PS 2 Placemaking and Place Management.

Appendix 2 - Worked Examples

Worked Example 1 – Radius Test

- A.1 Example 1 below shows a simple example of a 50m radius calculation for a HMO proposal located outside of the HMO Management Area.
- A.2 The 50m radius has been drawn from the centre point of the street frontage of the proposed HMO property's *principal elevation* (shaded yellow). The radius cuts through residential properties and so only those properties where the majority (over 50%) of the width of the street facing, *principal elevation* of the property is within the radius, are counted. This has been applied in the example and the properties to be counted are shaded.
- A.3 34 residential units are identified from the *LLPG* as being within the 50m radius (shaded green). There are 3 properties with an existing lawful use as a HMO identified from the Licensing Database and public list of C4 Use Class planning consents (shaded maroon) along with the proposed HMO (yellow) located within the radius. Therefore, post implementation, HMOs would comprise 11.8% of all residential units within the 50m radius of the application property, and at this location outside of the HMO Management Area, the proposal would fail the radius test by exceeding the threshold, and be deemed to cause a harmful

concentration of HMOs, unless there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh the concentration concerns.



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Worked Example 2 – Radius Test

A.4 In some parts of Swansea, residential property plots may be large or development particularly sparse, meaning a 50m radius may capture only a handful of properties. In such cases, the Council will apply the relevant threshold to an area that contains at least 10 residential properties (LDP para 2.5.91) by selecting the nearest properties from the same side of the street as the proposed HMO.



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A.5 To clarify how this would work in practice, in the worked example above, due to the large size of the residential curtilages on this street, only 7 residential properties are captured by the 50m radius drawn from the proposed HMO property street frontage (shaded yellow). Therefore, to ensure 10 properties are included, 3 further residential properties are selected for the calculation (shaded light green), by selecting the nearest properties from the same side of the street as the proposed HMO.

Worked Example 3 – Radius Test

A.6 Worked example 3 below illustrates that if the planning application property is located inside the HMO Management Area but the geographic area of the 50m radius extends into the 10% threshold area, the 25% threshold will be applied within the radius (as noted in the Policy supporting text (LDP para 2.5.91)).



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- A.7 In Worked Example 3, 26 residential units are identified from the LLPG as being within the 50m radius (shaded green). There are 7 properties with an existing lawful use as a HMO identified from the Licensing Database and public list of C4 Use Class planning consents (shaded maroon) along with the proposed HMO (yellow) located within the radius. Therefore, post implementation, HMOs would comprise 30.77% of all residential units within the

50m radius of the application property. At this location, the radius extends into the area outside of the HMO Management Area, but the 25% threshold would apply. The proposal would fail the radius test by exceeding the threshold, and be deemed to cause a harmful concentration of HMOs, unless there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh the concentration concerns.

Worked Examples 4 – Small Streets Test (11-34 Properties)

- A.8 Worked Example 4 illustrates a scenario where a proposal on a small street has not exceeded the radius threshold test (shown in the first diagram below) since in addition to the proposed HMO, there is only 1 other existing lawful HMO in the radius out of a total of 28 residential properties. If the planning application was approved it would only yield a 7.1% concentration and would not exceed the 10% threshold that applies at this location outside of the HMO Management Area.



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- A.9 In the other example shown below, this proposal is located on a small street of between 11 and 34 properties that has been created by intersecting roads. In this case there are 3 existing lawful HMOs and so the proposed HMO would result in 4 of the 28 residential properties in the small street becoming HMOs (a 1 in 7 ratio) which is in excess of the 1 in 8 ratio stated in the LDP for small streets. The proposal

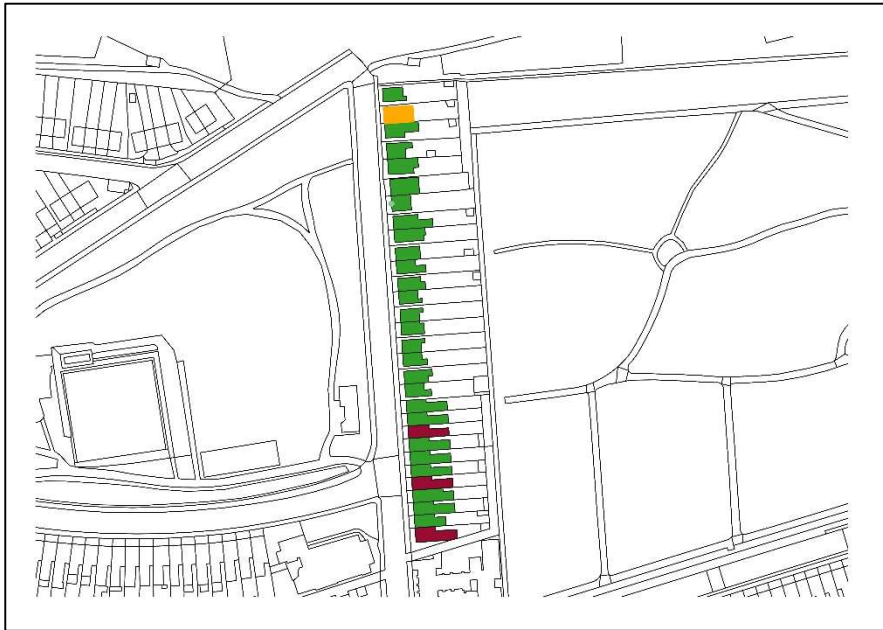
would fail the small streets test by exceeding the threshold, and be deemed to cause a harmful concentration of HMOs, unless there are exceptional circumstances or overriding *material considerations* that demonstrably outweigh the concentration concerns.



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Worked Example 5 - Small Streets Test (11-34 Properties)

A.10 In worked example 5, the HMO proposal is located on a small street of between 11 and 34 properties.



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A.11 Analysis of the Licensing Database and list of C4 planning consents has shown that there are 3 other properties in the street with a lawful HMO use and 27

residential properties in total. Therefore, post implementation, HMOs would comprise a ratio of less than 1 in 8, the threshold level stated in the LDP that will normally be applied. However, the small street is relatively long, there are generally only properties on one side of the street, and the existing HMOs are located at the extreme opposite end of the small street from the planning application. As such the individual circumstances would indicate the proposal could not reasonably be considered to give rise to an over-concentration within the small street, even though it would numerically exceed the 1 in 8 ratio.

Worked Example 6 – Streets of Fewer than 11 Properties

A.12 Worked example 6 below illustrates (LDP para 2.5.91) a scenario where the proposed HMO (shaded yellow) is located on a street even smaller than the defined 'small streets' (i.e. it comprises of fewer than 11 properties) and located inside of the HMO Management Area.



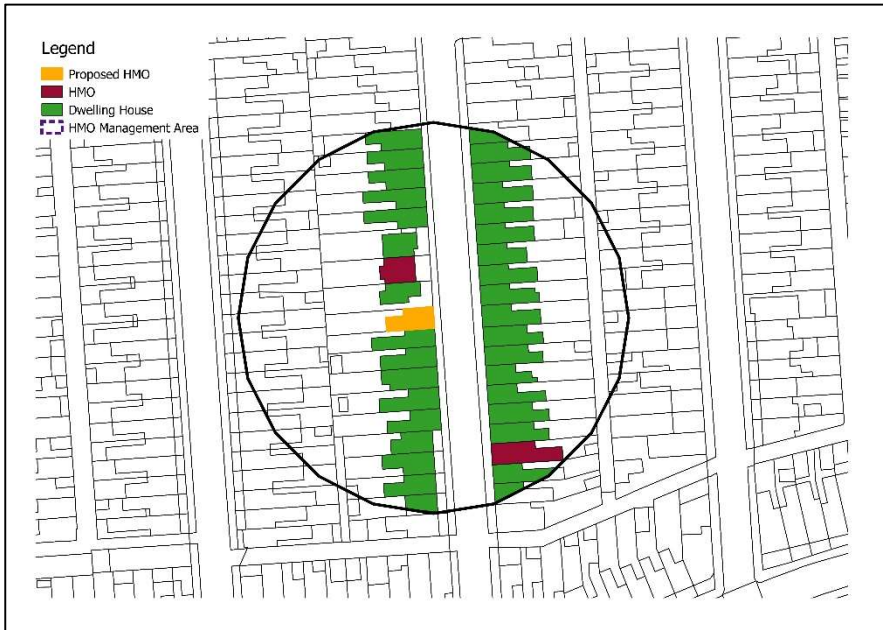
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A.13 Analysis of the Licensing Database and list of C4 planning consents has shown that there are no other properties in the street with a lawful HMO use. Therefore, post implementation, HMOs would comprise 1 out of the 7 residential units within the street. This would be within the defined maximum levels (as described in the LDP para 2.5.95 - inside the HMO Management Area, a maximum of 2 HMO properties will be permitted within streets of fewer than 11 properties).

A.14 It should be noted that the supporting text to Policy H9 refers to these as maximum levels. That is, whilst they are capped at this level, in some instances other *material considerations* may justify a lesser number of HMOs be maintained in a particular street.

Worked Example 7 – Sandwiching

A.15 Worked example 7 shows a simple example of a HMO proposal adjacent to a C3 residential use which is adjoined by a lawful HMO use on the other side and where the properties share the same street frontage.



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A.16 The planning application for a HMO would result in a C3 dwelling being ‘sandwiched’ between adjoining HMOs sharing the same street frontage, and so would fail the sandwiching test unless there are *material*

considerations that demonstrably outweigh the identified concerns.

Worked Example 8 – Non-Sandwiching

A.17 Worked example 8 illustrates a planning application for a HMO adjacent to a C3 use located on the corner of a street and where there is an existing lawful HMO located in the property immediately across that street. The proposal would not be determined to cause sandwiching since the properties are separated by an intersecting road.



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Worked Example 9 – Sandwiching

- A.18 Worked example 9 illustrates a planning application for a HMO use in a property separated from an adjacent C3 dwelling by a pedestrian alleyway and where the C3 property is adjoined by a lawful HMO use on its other side.
- A.19 A pedestrian alleyway does not provide sufficient separation between the properties as it is not wide enough to prevent the amenity impacts therefore sandwiching will be deemed to occur.



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Appendix 3 - Glossary

Active Travel	Active Travel means using walking or cycling as an alternative to motorised transport (cars, buses, etc.) for the purpose of making every-day journeys. The term "walking" includes all non-motorised users, i.e. wheelchairs, electric wheelchairs, mobility scooters and other mobility aids.
Additional Licensing Area	Additional Licensing applies in the Castle and Uplands wards in the centre of Swansea. All HMOs, irrespective of size, with only a few legal exemptions, have to be licensed in these two wards. This includes HMOs that are exempt from the <i>mandatory licensing</i> scheme.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance. There are currently 31 Conservation Areas in the County. They vary greatly in character, due to the diverse mix of settlements found in the area, from small rural villages like Penrice and Cheriton in Gower, to towns such as Morriston and other urban areas such as Wind Street and Mumbles.
Denominator	The number below the line in a fraction.
General Data Protection Regulation (GDPR)	The basic objective of the GDPR is to enforce stronger data security and privacy rules among organisations when it comes to protecting personal data.
Listed Building	Buildings are 'Listed' because they are considered to be of special architectural or historic interest and as a result require special protection. Listing protects the whole building both inside and out and possibly also adjacent buildings if they were erected before 1st July 1948. The prime purpose is to protect the building and its surroundings from changes which will materially alter the special historic or architectural importance of the building or its setting. There are 500+ Listed Buildings within the boundaries of the County ranging from telephone boxes, domestic residences and commercial premises.
Local Development Plan	The required statutory development plan for each local planning authority area in Wales under Part 6 of the Planning and Compulsory Purchase Act 2004, which sets out the policies and proposals for the use of land and buildings within that area.
Local Land and Property Gazetteer	The Local Land and Property Gazetteer is a comprehensive address database maintained by the Council.
Mandatory Licensing	This applies to HMOs which are three or more storeys high with five or more occupiers. The number of storeys includes habitable basements and attics. Mandatory licensing applies across the whole of Swansea.

Material Considerations	Material considerations refer to matters that should be taken into account when making a decision on an application for planning permission, including the determination of an appeal. Such considerations must be relevant planning matters, having regard to national guidance. It is not possible to produce an exhaustive list of every possible material consideration that could affect the outcome of a decision. Material considerations are varied and the relevance of the issue will depend on the individual circumstances of each application. Examples are listed under paragraph 3.7.3 of this SPG document.
Numerator	The number above the line in a fraction.
Placemaking	A process and planning principle that collectively seeks to ensure development and the public realm are designed and managed to engender quality places where people want to live and work, and that support good health and well-being.
Principal Elevation	The elevation of a dwelling house which by virtue of its design or setting, or both, is the main or “principal” elevation. Principal elevation is defined further in Welsh Government Technical Guidance.
Social Rented Homes	Provided by local authorities and registered social landlords where rental levels have regard to the Welsh Government guidance rents and benchmark values
Supplementary Planning Guidance	Guidance written by the authority to supplement, elucidate and exemplify the policies within a <i>Development Plan</i> . It sets out more detailed thematic or site specific guidance on how certain policies will be applied.
Swansea Central Area	A defined area of Swansea City Centre that is delineated in the Swansea LDP. The regeneration of Swansea Central Area is a corporate priority of the Council, and the area has the potential to create extensive economic growth, and be a key driver of economic prosperity in the Swansea Bay City Region.
Use Classes	The Town and Country Planning (Use Classes) Order 1987 establishes groups of uses with similar planning impacts and describes these as classes. Changes of use within classes do not require planning permission but changes to uses in different classes or to uses not in a specified class do require permission if there is a ‘material change of use’.

Appendix 4 - Consultation Process

A draft version of the SPG was subject to a seven week public consultation and engagement process, which involved a wide range of awareness raising and engagement activities. Further details on this process are set out in the Consultation Report available at www.swansea.gov.uk/spg

Equality Impact Assessment (EIA) Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form. If you would like further guidance please contact the Access to Services team (see guidance for details).

Section 1

Which service area and directorate are you from?

Service Area: **Planning and City Regeneration**

Directorate: **Place**

Q1(a) WHAT ARE YOU SCREENING FOR RELEVANCE?

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

(b) Please name and describe here:

Name: Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation and Purpose Built Student Accommodation

Description: The SPG provides supplementary planning guidance to support the implementation of policies in the adopted Swansea Local Development Plan (LDP) on Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA).

Following a public consultation process, the SPG document has been reviewed and amended where appropriate (in-line with Welsh Government planning guidance) before being presented to Planning Committee for approval to be adopted as planning guidance.

It should be noted that the SPG does not introduce new policy, it provides worked examples and detailed clarification on the relevant policies set out in the LDP, which have been subject to EIA and Examination by the Planning Inspectorate.

Q2(a) WHAT DOES Q1a RELATE TO?

Direct front line
service delivery

(H)

Indirect front line
service delivery

(M)

Indirect back room
service delivery

(L)

(b) DO YOUR CUSTOMERS/CLIENTS ACCESS THIS...?

Because they
need to

(H)

Because they
want to

(M)

Because it is
automatically provided to
everyone in Swansea

(M)

On an internal
basis
i.e. Staff

(L)

Q3 WHAT IS THE POTENTIAL IMPACT ON THE FOLLOWING...

	High Impact (H)	Medium Impact (M)	Low Impact (L)	Don't know (H)
Children/young people (0-18) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Older people (50+) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any other age group →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race (including refugees) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Asylum seekers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gypsies & travellers →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or (non-)belief →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Welsh Language →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Poverty/social exclusion →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Carers (inc. young carers) →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community cohesion →	<input type="checkbox"/>	<input checked="" type="checkbox"/> *	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity →	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

*The aim of the document is to improve community cohesion by supporting the implementation of LDP policies on managing the concentration of HMOs in different parts of Swansea, and guiding PBSA to sustainable locations.

Q4 WHAT ENGAGEMENT / CONSULTATION / CO-PRODUCTIVE APPROACHES WILL YOU UNDERTAKE?

The draft SPG document was subject to a 6 week period of consultation, which is an integral part of the process towards adoption as formal planning guidance to inform decisions (as set out by Welsh Government planning guidance for preparing SPG). The consultation was carried out during September and October 2019.

The consultation allowed Councillors, the public, stakeholders and other interested parties to make their views and contribute to the final version of the guidance. The aim is to ensure that there is a broad consensus of support for its objectives. It was emphasised during the consultation that the SPG document cannot, under planning legislation, introduce new policy but is instead an opportunity to augment what is already contained in the adopted LDP policies.

The public and stakeholder consultation process made use of a variety of consultation methods to raise awareness and maximise the involvement of the community, including:

- articles in the local media
- a public drop-in consultation afternoon/evening event at the Civic Centre for the public and stakeholders to attend (where Officers will be available to explain the draft document and invite feedback)
- targeted email consultation of local planning agents
- All information will be readily available at the Civic Centre and libraries serving the Sketty, Uplands, Castle and St Thomas Wards.
- The consultation will be hosted on a Council web page where consultation forms will be available for those who wish to comment.

All comments received were recorded, evaluated and where appropriate fed into the revised final version of the SPG document. A full detailed schedule of representations will be published as part of a Consultation Report. This report sets out the public consultation comments received, and any amendments made to the SPG as a result of these, and will be presented to Members when they are asked to approve the final amended version as adopted SPG.

Q5(a) HOW VISIBLE IS THIS INITIATIVE TO THE GENERAL PUBLIC?

High visibility <input type="checkbox"/> (H)	Medium visibility <input type="checkbox"/> (M)	Low visibility <input checked="" type="checkbox"/> (L)
---	---	---

(b) WHAT IS THE POTENTIAL RISK TO THE COUNCIL'S REPUTATION?
(Consider the following impacts – legal, financial, political, media, public perception etc...)

High risk <input type="checkbox"/> (H)	Medium risk <input type="checkbox"/> (M)	Low risk <input checked="" type="checkbox"/> (L)
---	---	---

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes No If yes, please provide details below

Q7 HOW DID YOU SCORE?
Please tick the relevant box

MOSTLY H and/or M → HIGH PRIORITY → EIA to be completed
Please go to Section 2

MOSTLY L → LOW PRIORITY / NOT RELEVANT → Do not complete EIA
Please go to Q8 followed by Section 2

Q8 If you determine that this initiative is not relevant for an EIA report, you must provide a full explanation here. Please ensure that you cover all of the relevant protected groups.

An Equality Impact Assessment Screening has been undertaken and it has identified mostly low impacts. The SPG seeks to facilitate community cohesion by assisting the implementation of the relevant LDP policies. The LDP policies have already been subject to EIA and are based on a comprehensive, and up to date evidence base, which has been found sound by the Planning Inspectorate. The SPG balances the need for providing affordable, flexible housing for people in housing need with managing growth in a sustainable manner. A significant amount of engagement has already been completed in the formulation of the policies with the public; and key stakeholders, including Swansea University and University of Wales Trinity St David, local private landlords, Registered Social Landlords, The Wallich, Swansea Student Liaison Forum, Council Officers and Local Councillors. Furthermore a comprehensive 7 week consultation was carried out with opportunities for engagement via a range of methods, and the

document was reviewed and amended where appropriate (in-line with Welsh Government planning guidance) before being presented to Planning Committee for approval to be adopted as planning guidance. Public consultation and engagement is a central element of producing planning guidance.

Section 2

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email – no electronic signatures or paper copies are needed.

Screening completed by:	
Name:	David Rees
Job title:	Senior Planning Officer
Date:	18/11/2019
Approval by Head of Service:	
Name:	Phil Holmes
Position:	Head of Service
Date:	18/11/2019

Please return the completed form to accesstoservices@swansea.gov.uk