



## City and County of Swansea

### Notice of Meeting

You are invited to attend a Meeting of the

## Planning Committee

**At:** Remotely via Microsoft Teams

**On:** Tuesday, 6 October 2020

**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

**Watch Online:** <https://bit.ly/3cm21Bw>

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### Agenda

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<b>3 Minutes.</b> To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 5
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**Next Meeting:** Tuesday, 3 November 2020 at 2.00 pm

*Huw Evans*

**Huw Evans**  
**Head of Democratic Services**  
**Tuesday, 29 September 2020**  
**Contact: Democratic Services - 636923**

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# Agenda Item 3



City and County of Swansea

## Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Thursday, 3 September 2020 at 2.00 pm

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

**Councillor(s)**

C Anderson  
M B Lewis  
T M White

**Councillor(s)**

P M Black  
R D Lewis  
L J Tyler-Lloyd

**Councillor(s)**

L S Gibbard  
D W W Thomas  
M H Jones

Also Present:

Councillors J A Hale, M A Langstone & C E Lloyd

**Officer(s)**

Gareth Borsden  
Matthew Bowyer  
Ian Davies  
Sally-Ann Evans  
Liam Jones  
Jonathan Wills

Democratic Services Officer  
Principal Telematics Engineer  
Development, Placemaking & Heritage Manager  
Lead Lawyer  
Area Team Leader  
Lead Lawyer

**Apologies for Absence**

Councillor(s): W Evans and P B Smith

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**73 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:

**74 Minutes.**

**Resolved** that the Minutes of the Planning Committees held on 17 & 22 July and 4 & 7 August 2020 be approved and signed as correct records.

**75 Items for Deferral/Withdrawal.**

**(Item 2) – Planning Application 2020/0097/FUL - Construction of a 328 bed high rise purpose built student accommodation with associated car parking, access and infrastructure works at Land North Of Jockey Street, Swansea.**

Application deferred to allow further information to be considered on highway matters.

**76 Determination of Planning Applications under the Town and 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 (#)  
(Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting)

**Resolved** that

1) the undermentioned planning application **Be Deferred for a Site Visit.**

**#(Item 1) – Planning Application 2018/2634/FUL - Residential development (31 dwellings) with associated road infrastructure, drainage provision and landscaping at Land Off Higher Lane, Langland, Swansea.**

Prior to deferral:

A detailed visual presentation was given.

Fiona Power (objector) addressed the Committee and spoke against the proposals.

Jason Evans (agent) addressed the Committee and spoke in support of the proposals.

Councillor M A Langstone (Local Member) addressed the Committee and spoke against the proposed development.

Report updated as follows:

3 late e mail/letters of objections reported.

Updates to conditions:

Condition 2 has been updated to remove reference to a plan that has since been superseded (Drawing 18051-SK200E refuse tracking SSD visibility splay 23<sup>rd</sup> January 2020) as replacement plans were provided with the following references: 'B01 D proposed site access swept path analysis, B02 D proposed site access swept path analysis, B03 D proposed turning head swept path analysis' received 6th April 2020.

Condition 2

Amended as follows:

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

112 proposed boundary images, 101 C site location plan, 107 F street scenes, 108 C site section, 109 boundary sections, 110 A route of proposed new footpath, 200 C plots 1-4 floor plans, 201 C plots 1-4 elevations, 202 D plots 5-6 floor plans, 203 E plots 5-6 elevations, 204 E plots 7-8 plans, 205 E plots 7-8 elevations, 206 C plots 9, 10, 17, 18, 23 & 24 plans, 208 E plots 9, 10, 17, 18, 23 & 24 elevations, 209 F plots 11 & 16 plans, 210 F plots 11 & 16 elevations, 211 F plots 12 & 15 plans, 212 E plots 12 & 15 elevations, 213 D plot 25 plans, 214 E plot 25 elevations, 215 C plots 19-22 plans, 216 C plots 19-22 elevations, 217 C plots 26-27 plans, 219 C plots 28-31 plans, 220 A carports (single) plans and elevations, 222 B carports (twin with rear store) plans and elevations, 223 B foul pumping station enclosure plans and elevations, 302 PL03 public open space layout, extended phase 1 habitat and bat survey received 23rd January 2020.

Natural resources material plan, tree protection plan, A01 H proposed site access and associated highway improvements off Higher Lane, A02 A proposed access - visibility splay Southern turning head and plot 22-23 manoeuvres, B01 D proposed site access swept path analysis, B02 D proposed site access swept path analysis, B03 D proposed turning head swept path analysis, B04 B proposed site swept path analysis fire tender, badger survey received 6th April 2020.

100 T proposed site layout, 102 R external works layout, 103 L materials layout, 104 M storey heights layout, 105 M affordable layout, 106 L parking arrangement layout, 111 E management company layout, 101 J levels plan, 102 K drainage plan, interim travel plan, transport statement, 301 P15 soft landscaping plan, arboricultural impact assessment, arboricultural impact assessment and arboricultural method statement, D100 G drainage strategy received 21st May 2020.

218 D plots 26-27 elevations , 219 D plots 28-31 elevations received on 22nd May 2020.

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

### Condition 3

Amended to insert an 'informative' regarding the future marketing of a property as follows:

The dwelling-houses identified as "local needs housing" shall not be occupied otherwise than by a person with a local connection, or the widow or widower of such a person and any dependents of such a person living with him or her, unless the property has been marketed for sale for a period of at least 16 weeks at market value price, as detailed in informative 1 below, and at the end of the 16 week period a person with a local connection has not been identified as a purchaser.

This process must be repeated for every successor in title (repeat sale) to each individual dwelling.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who before taking up occupation of the dwelling satisfies one of the following conditions:

(1) The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week immediately prior to occupation; or

(2) The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means a level of care that is identified as being of a 'substantial' nature by an appropriate medical doctor or relevant statutory support agency; or

(3) The person has been continuously resident in the Locality defined for three years immediately prior to the occupation of the dwelling and is need of another dwelling resulting from changes to their household as detailed in informative 1 below:

- The 'Locality' is defined as the Council's administrative wards of Bishopston, Fairwood, Gower, Mayals, Newton, Oystermouth, Pennard, Penclawdd and West Cross

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or chargee or any receiver appointed by such a mortgagee or chargee or any person deriving title through such a mortgagee, chargee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

#### Informative 1

The marketing of the property of sale for at least 16 weeks requires the dwelling to be advertised by an estate agents in the Locality and on a well-used property agency website. Only where the Local Planning Authority is satisfied that there have been no appropriate offers of purchase from a person with a local connection, can the property may be marketed to, and subsequently purchased by, a person that does not meet the local need criteria. The 16 week marketing period can only begin from the time at which the sale prices of the properties are publically available and a show home/sales office has been established for interested purchasers to visit to inform their decision to buy the property.

Circumstances where a person is 'in need of another dwelling resulting from changes to their household' include (but is not limited to), getting married, divorced, having children, requiring more space for a growing family, downsizing to a more manageable home or adult children forming new households and purchasing a property for the first time, or where a person is returning to the Locality defined within 12 months of the completion of undertaking full-time postsecondary education or skills training.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) meet an identified local social or economic need.

Page 140 - Amend '104 Pennard Drive' to '104 Higher Lane'.

2) the undermentioned planning application **Be Approved** subject to the conditions in the report.

**#(Item 3) – Planning Application 2020/0401/FUL - Construction of a single storey drive thru unit (Class A1) with 22 associated car parking spaces and landscaping works at Fabian Way, Port Tennant, Swansea.**

A visual presentation was given.

Councillor C Lloyd addressed the Committee and read out a letter of objection from Mrs Linda Summonds (local resident) against the proposed development.

Councillors C Lloyd and J Hale (Local Members) addressed the Committee and both spoke against the proposed development.

Report updated as follows:

Late e mail of objection reported.

The meeting ended at 3.50 pm

**Chair**

# Agenda Item 4



## Report of the Chief Legal Officer

Planning Committee – 6 October 2020

### **Public Rights of Way – Application for Modification Order to Upgrade Part of Footpath Number 18 to a Restricted Byway**

#### **Community of Ilston**

<b>Purpose:</b>	To consider whether to accept or reject an application made to this Authority to make a Modification Order to upgrade a part of public footpath number 18 to a restricted byway and thus recording as such on the Council's Definitive Map of Public Rights of Way.
<b>Policy Framework:</b>	The Countryside Access Plan: Policy No.4.
<b>Statutory Test:</b>	Section 53 Wildlife and Countryside Act 1981 Section 31 Highways Act 1980
<b>Reason for Decision:</b>	The evidence is not considered sufficient to satisfy the statutory tests set out in this report and to make a Modification Order to record a restricted byway on the Definitive Map and Statement.
<b>Consultations:</b>	Legal, Finance and Access to Services and all the statutory consultees, including local members, landowners and the prescribed organisations.
<b>Recommendation:</b>	It is recommended that the application be refused and that no Modification Order is made to upgrade the status of part of public footpath number 18.
<b>Report Author:</b>	Kieran O'Carroll
<b>Finance Officer:</b>	Aimee Dyer
<b>Legal Officer:</b>	Jonathan Wills
<b>Access to Services Officer:</b>	Catherine Window



## **1. Introduction**

- 1.1 An application was made to this Authority on the 5<sup>th</sup> December 2014 for a Modification Order to upgrade part of footpath no. 18 to a restricted byway along its length running from the north end of Park Wood to the B4271 at Llethryd. A plan showing the route of the claimed restricted byway A-B can be viewed on the map attached to this report. (See Appendix I)
- 1.2 The application is based on evidence of long-term use by the public of the claimed route for cycling. Twenty-nine users have submitted completed evidence questionnaires in support of the application.
- 1.3 The purpose of this report is to establish whether it would be possible to acquire restricted byway rights based on this evidence of use and if so, whether this evidence is sufficient to show that there has been dedication of the route claimed as a restricted byway.

## **2. The Law**

- 2.1 The application was made under the provisions of the Wildlife and Countryside Act 1981. Section 53(3)(b) requires the Council to modify the Definitive Map and Statement following the expiration of any period such that the enjoyment by the public of a way raises a presumption that the way has been dedicated as a public path.
- 2.2 Section 31 of the Highways Act 1980 raises the presumption that a way has been dedicated as a highway if the route has been used by the public “as of right” (not by force nor stealth nor permission) and without interruption for a period of 20 years unless there is sufficient evidence that there was no intention during that period to dedicate it. This is known as “statutory dedication”.
- 2.3 If the tests for “statutory dedication” are not satisfied, it may be appropriate to consider whether there has been “common law dedication”. This would require consideration of three issues; whether any current or previous owners of the land had the capacity to dedicate, whether there was express or implied dedication and whether there was acceptance of the highway by the public.
- 2.4 For “common law dedication” the landowner would need to have not just acquiesced to public use but also in some way facilitated or encouraged that use and a lesser period than twenty years may be sufficient. Evidence of use by the public ‘as of right’ may support an inference of dedication and may also show acceptance by the public.
- 2.5 The different classes of highway that can be recorded on a Definitive Map and Statement are as follows:

- 2.5.1 A footpath – this is a highway over which the public have a right of way on foot only but which is not a pavement or footway at the side of a public road.
- 2.5.2 A bridleway – this is a highway over which the public have a right of way on foot and on horseback or leading a horse. It should be noted that if a way is classified as a bridleway then since section 30 of the Countryside Act 1968 was introduced, such a highway may also be used by cyclists, but in exercising that right cyclists shall give way to pedestrians and persons on horseback.
- 2.5.3 A Byway Open to All Traffic (BOAT) – this is a highway over which the public have a right of way for vehicular use and all other kinds of traffic, but which is used by the public mainly for the purposes for which footpaths and bridleways are used.
- 2.6 A Restricted byway is a new category of highway introduced by Section 47 of the Countryside and Rights of Way Act 2000. It is defined as a highway over which the public have a right of way on foot, on horseback or leading a horse, and in a vehicle other than a mechanically propelled vehicle, thereby giving a right of way for pedal cyclists and drivers of horse drawn vehicles.
- 2.7 The Countryside and Rights of Way Act 2000 amended the provisions of the Wildlife and Countryside Act 1981 to include express reference to restricted byways. Section 53(3)(b) above is therefore amended and thus requires the Council to modify the Definitive Map and Statement following the expiration of any period such that the enjoyment by the public of a way raises a presumption that the way has been dedicated as a public path or restricted byway.
- 2.8 Applications for Modification Orders to amend the Definitive Map by the addition of or the upgrading to a public restricted byway are therefore made in the same manner as for footpaths and bridleways under section 53(2) of the Act.
- 2.9 Section 31(1A) has also been inserted into Section 31 of the Highways Act 1980 by the Natural Environment and Rural Communities Act 2000 so the test set out in paragraph 2.2 above now applies in relation to the dedication of a restricted byway by virtue of use for non-mechanically propelled vehicles as it applies in relation to the dedication of any other description of highway.

### **3. Preliminary Considerations**

- 3.1 If the section of footpath number 18 subject to this claim (A-B) were to be upgraded to a restricted byway it would not link to another highway of similar or equal status, as the path would continue through the forestry land to the South of point B on the plan as a public footpath.

This would create a cul-de-sac path for cyclists. There would be no legal right for cyclists to proceed from point B.

- 3.2 There is an official Natural Resources Wales sign south of point B on land owned by NRW that states 'Pedestrian access only'. (See Appendix II). However, a representative of Natural Resources Wales (NRW) has advised that the public are permitted by the NRW to cycle over the forestry land to the south of point B.
- 3.3 As the NRW has advised and the applicant has conceded that he is aware that cyclists use the forestry land with the permission of NRW, if the application was granted, the restricted byway that would be recorded along A-B would lead to the NRW land which is not a public highway and which is land used subject to a revocable permission.
- 3.4 Section 31(1) of the Highways Act 1980 states that a right can only be established over a way if it is a way of such a character that could give rise to statutory dedication. The case of *Oxfordshire County Council v Oxfordshire City Council* [2004] considered the true meaning of this statement. Put more clearly the use must be a 'right of passage' over a more or less defined route. This definition excludes ways which do not connect to any other highway, ways that do not connect to a highway at one end or ways when use depends on a revocable permission to use an access route at an end of the way.
- 3.5 In this application, the route in question is therefore not a route of such a character that public use could give rise to a presumption of dedication, as the claimed route would form a dead end for cyclists or any other users who claim to use the route as a restricted byway. Therefore, this application does not satisfy the legal test under Section 31 of the Highways Act 1980 and statutory dedication cannot be deemed to have occurred.

#### **4. Consultations**

- 4.1 Those consultees listed on the first page of this report have been informally consulted regarding the application in accordance with advice given in Welsh Government Guidance to Local Authorities and a draft version of this report was sent to the applicant and the landowner for comment.

#### **5. Evidence for Statutory Dedication**

##### **(a) Calling into Question**

- 5.1 The character of the way is just one part of the legal test under section 31 of the Highways Act 1980 in order to establish whether statutory dedication can be deemed to have taken place. It would also be necessary to consider whether the length of use of the way is sufficient. The relevant twenty-year period described in paragraph 2.2 of this

report would first need to be determined. This period has to be calculated retrospectively from the date when the right of the public to use the way was brought into question. This can occur when the path is obstructed to public use or when the landowner makes it clear to the users of the way that he or she does not consider that a public right of way exists for that particular category of user. This could be by the erection of signs showing his non-intention to dedicate. In the absence of a clear calling into question, the Natural Environment and Rural Communities Act 2006 has established that the date of the application can be taken to be a calling into question and thus can be used to calculate the relevant twenty-year period.

- 5.2 Section 31(3) of the Highways Act 1980 states the following: Where the owner of the land has erected in such manner as to be visible to persons using the way a notice inconsistent with the dedication of the way as a highway, and has maintained the notice after the 1st January 1934, or any later date on which it was erected, the notice, in the absence of proof of a contrary intention, is sufficient evidence to negative the intention to dedicate the way as a highway.
- 5.3 In the present case it is therefore necessary to consider the signs erected on the footpath, which refer specifically to cycling on the path.
- 5.4 The Council erected a no cycling sign on the gate at point A on the accompanying map, facing the southerly direction, (See Appendix III) and another such sign on the gate at point B on the accompanying map facing the northerly direction. (See Appendix IV) These signs were erected in 2003 and remain in situ. Therefore, it is accepted that the right of the public to use the way was brought into question in 2003. As such, the relevant twenty year period described in paragraph 2.2 is calculated retrospectively from this date, and will be recognised as 1983 to 2003.

**(b) User Evidence**

- 5.5 Twenty-nine witnesses have submitted witness questionnaires as evidence in support of the application, twenty-three of whom claimed to use the path for all or part of the relevant period.
- 5.6 Three of the twenty-nine witnesses did not indicate a period during which they used the path, and three others claimed to use the path outside of the relevant twenty year period.
- 5.7 Several witnesses have claimed to have used the path many years before the relevant period, one as far back as the 1950's, and many through the 1970's.

5.8 Of the twenty-three witnesses who have submitted relevant evidence for consideration, all twenty-three have said that they use the path to cycle, and most of those have also said that they use the path on foot.

## **6. Conclusion**

6.1 The route in question is not a route of such a character that public use could give rise to a presumption of dedication, as the claimed route would form a dead end for cyclists or any other users who claim to use the route as a restricted byway. This does not mean that the path is a dead end in terms of a physical obstruction but rather a dead end as the legal right for cyclists to pass along the route would suddenly terminate at point B. Therefore this application does not satisfy the legal test under Section 31 of the Highways Act 1980

6.2 As it is recognised that Statutory Dedication has not occurred, it is necessary to consider whether dedication has occurred under Common Law.

6.3 Common Law dedication cannot be deemed to have occurred in this case as the landowner has not set out a path for use and has not encouraged the public to use the path for cycling.

6.4 Therefore it is recommended that the claim be rejected.

## **7. Financial Considerations**

7.1 There are no financial implications to this report.

## **8. Equality and 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.

Our Equality Impact Assessment process ensures that we have paid due regard to the above.

8.2 An EIA Screening Form has been completed with the agreed outcome that a full EIA report was not required.

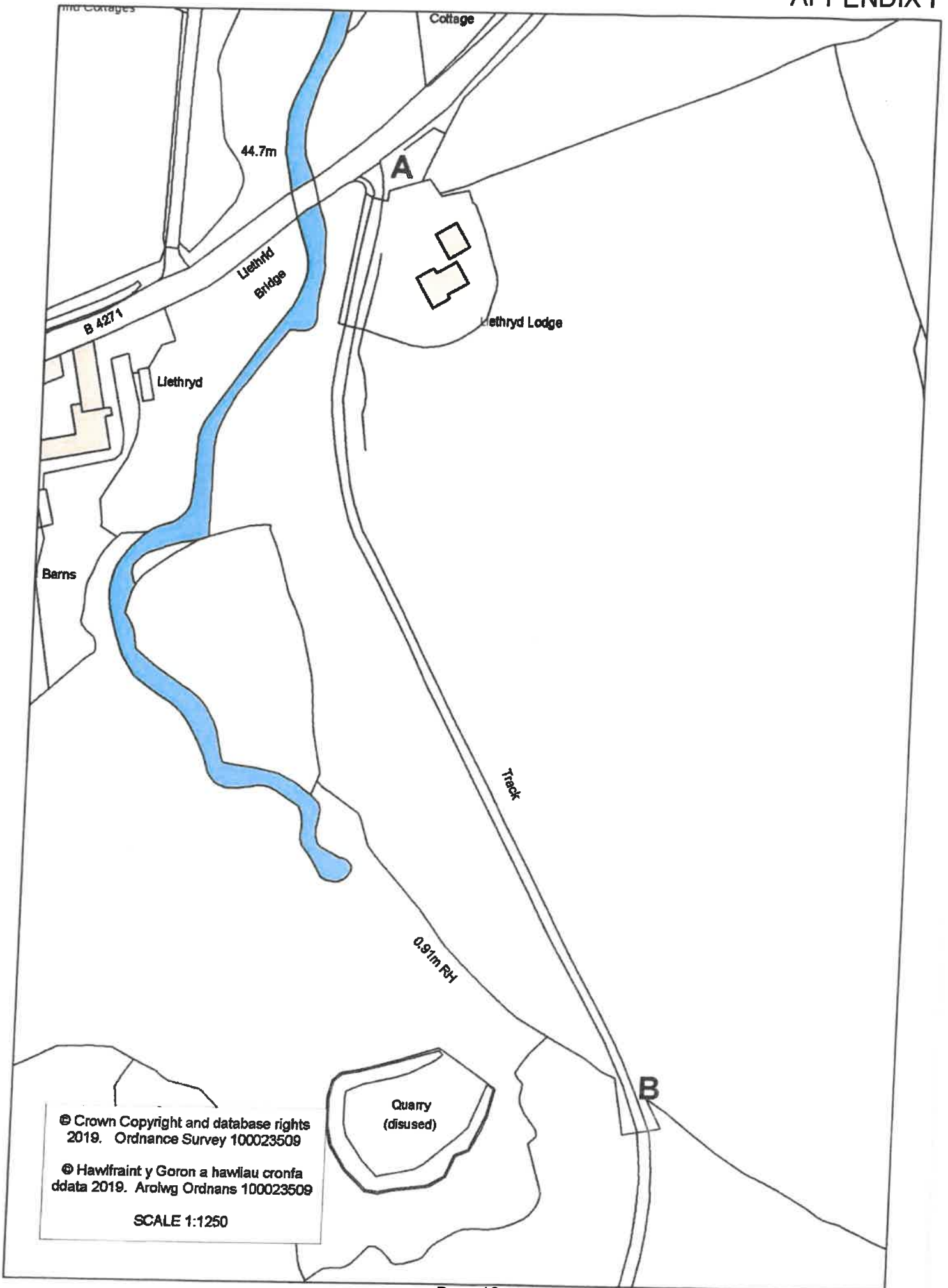
## **Background Papers**

1. ROW-00204090/KAO

## 2. EIA Screening Form

### **Appendices:**

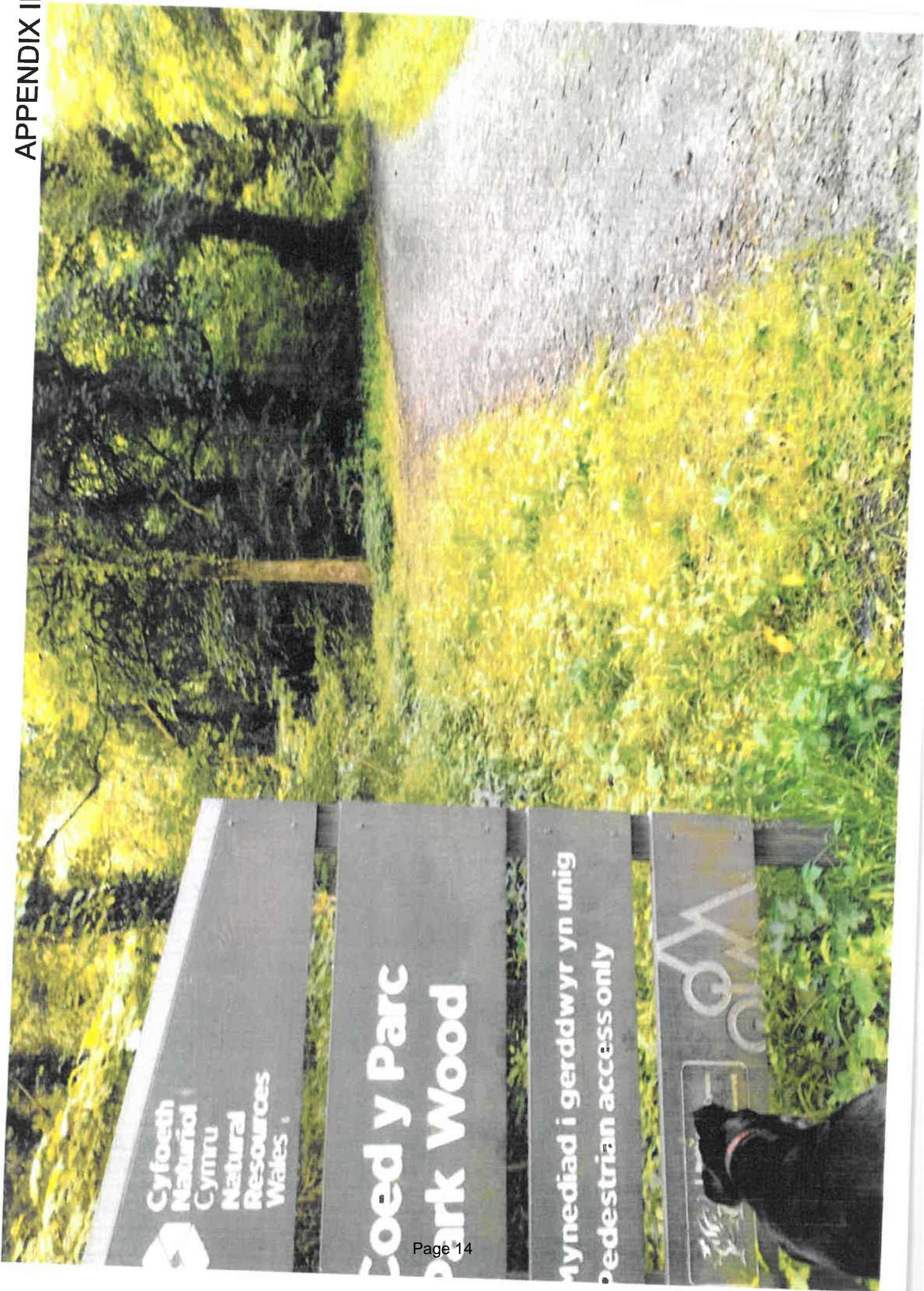
Appendix I	Plan showing route claimed as a Restricted Byway.
Appendix II	Photograph of sign at Point B on the plan at Appendix I, erected by Natural Resources Wales asserting that the path and beyond (in a southerly direction towards Parkmill) is to be used for pedestrian access only. However, NRW have confirmed they grant permission for cycling on their land beyond point B.
Appendix III	Photograph of sign at Point A on the plan at Appendix I, facing the claimed route in a southerly direction and showing an illustrative sign indicating that cycling is not permitted, and a no cycling sign.
Appendix IV	Photograph at Point B on the plan at Appendix I, facing the claimed route in a northerly direction towards Llethryd Bridge, and showing a no cycling sign.



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APPENDIX IV



# 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: 6th October 2020

<b>Bay Area</b> Team Leader: Liam Jones - 635735	<b>Area 1</b> Team Leader Andrew Ferguson - 633947	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Gorseinon Landore Llangyfelach Llansamlet Mawr Morryston Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Cockett Dunvant Fairwood Gower Gowerton Killay North Killay South Kingsbridge Lower Loughor Newton Penclawdd Pennard Upper Loughor

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

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



## TWO STAGE VOTING

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

The first vote is taken on the officer recommendation.

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

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

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

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

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

## Contents

Item	App. No.	Site Location	Officer Rec.
1	2018/2634/FUL	Land Off Higher Lane, Llangland, Swansea, <b>Residential development (31 dwellings) with associated road infrastructure, drainage provision and landscaping</b>	Approve
2	2020/1482/FUL	151 Hanover Street, Swansea, SA1 6BP <b>Change of use from two residential flats to a HMO for up to 6 people</b>	Approve
3	2020/1443/106	Former Pines Country Club, 692 Llangyfelach Road, Treboeth, Swansea, SA5 9EL <b>Modification of Section 106 agreement dated 5th March 2018 linked to 2017/2572/FUL dated 7th March 2018 to allow for the restricted residential use of 690 Llangyfelach Road in association with 688 Llangyfelach Road.</b>	Approve Subj. S106



Item 1 (Cont'd)

Application Number:

2018/2634/FUL

### Update for Committee – 6<sup>th</sup> October 2020

The application was originally presented for determination at the Planning Committee meeting on 3<sup>rd</sup> September 2020 and members deferred for a Committee Site Visit.

Since the previous Committee three additional letters of objection have been received, which raise similar points to those already summarised in the main below report. The Applicant has also provided the following amended plans and documents:

- 100 REV U Proposed Site Layout
- 105 REV N Affordable Housing Layout
- 18051-102 REV L Proposed Drainage Plan
- 18051/D100 REV H Drainage Strategy

The changes to the proposed site layout and affordable housing layout do not impact the position of the dwellings but only a change to the nature of the type of affordable housing. The change is to the designated 'Shared Ownership' housing which has now been changed to 'Intermediate Affordable Housing'. This alteration was made at the request of the Swansea Housing Department, who advised that Intermediate Housing allows for both Shared Ownership and Intermediate Rented, and gives more flexibility to the housing association. This will be secured by the S106 if the application is approved.

The alterations to the drainage strategy and plan was to remove an erroneous referral to "free discharge". The Authority's Drainage Officer confirmed that the alteration does not impact their assessment or recommendations. It was not considered that these minor amendments constituted a need for a public re-consultation.

In regard to the points raised at the previous Planning Committee by Members the following information is given.

#### Securing Affordable Housing

At the last Planning Committee, a concern was raised by members regarding 'staircasing' and the possibility of the Affordable Housing Units being lost. Staircasing is a process where an owner of a shared ownership property purchases further shares of the property from the Registered Social Landlord. This scheme is approved by Welsh Government.

The section 106 agreement shall require the affordable housing units be kept as such in perpetuity. In the event that a property is staircased to full ownership by the owner, the RSL is required to recycle the capital scheme monies to provide replacement affordable housing in line with the terms of the objectives of the RSL. To that effect there would be no net loss of affordable housing.

#### Driveways

A point was raised in discussion in regard to requiring driveways to be constructed from permeable materials. Whilst this could be conditioned as part of a planning permission it is noted that the proposed drainage strategy demonstrates that there will be no additional run-off from the site.

Item 1 (Cont'd)

Application Number:

2018/2634/FUL

The Authority's Drainage Team has agreed with the strategy and has not required permeable surfaces to driveways. The Applicant has also indicated that permeable surfaces will represent a rise in costs not only during construction but also future maintenance, which will result in additional costs on Coastal Housing.

#### LVIA Update

An amended LVIA has been received to correct the typographical errors with the previously submitted document. The changes made do not impact or alter the conclusions or methodology of the original assessment. On this basis the conclusions previously reached can be considered accurate and sound in line with the Committee Report. Taking account of the fact that the changes are relatively minor it was not considered that a re-consultation was necessary.

#### Residential Amenity

It is also noted that there is potential concern over the impact of the proposals on the amenity of No.104 Higher Lane in regard to overlooking. The Authority's Residential Design Guide recommends that a minimum distance of 21m be achieved between first floor habitable room windows, which are in back-to-back layouts. Further to this there should be a minimum of 10m from first floor bedroom windows to neighbouring private external amenity spaces. If there is a change in land levels between the sites, then these minimum distances can be increased by 2m for every change in level. For example, in back-to-back circumstances, if the neighbouring land is 1m lower, then the its garden should be increased by 2m to compensate for any increased overlooking. If these minimum standards are met, then it is considered that any overlooking impact is acceptable in planning terms.

In the case of plots 16 to 20, where the first floor rear windows of the proposed properties directly face No.104, the rear elevation of each property is a minimum distance of at least 11m from the shared boundary. In regard to plots 27 and 28 which also share a border with No.104 these properties are bungalows with no first floor windows. Whilst there are secondary habitable ground floor room windows to the side elevations of the proposed properties which face No.104, it is not considered that these windows would result in any unacceptable overlooking impacts. At ground floor level the existing hedge will mitigate any views from the windows and there are permitted development rights which allow for the erection of a 2m boundary enclosure if deemed necessary.

In regard to the potential overlooking from the first floor windows of No.104 to plots 27 and 28, it is not considered that there would be any unacceptable impacts. The South Western facing window is positioned approximately 15m from the rear garden of plot 28 and approximately 19m from the proposed side elevation window at an oblique angle. The window to No.104 is positioned approximately 24m from the proposed side habitable room window of the dwelling to plot 27. There is a change of levels between the properties but even accounting for this, the distance is considered sufficient to prevent any unacceptable overlooking. The first floor North Western facing window to No.104 will be positioned approximately 15m from the side habitable room window of the proposed dwelling to plot 28.

It is therefore considered that the distances involved are compliant with the minimum standards in the Authority's adopted Residential Design Guide and on that basis there will not be any unacceptable loss of privacy on the existing neighbour or future occupants of the proposed dwellings.



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The report presented below represents the original report which was considered by members at the Planning Committee on 3<sup>rd</sup> September 2020 but has been updated to reflect the minor changes to the affordable housing type along with relevant plans condition updated.

## **Background Information**

### **Policies**

#### 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 - H2 - Affordable Housing Strategy

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

#### LDP - H5 - Local Needs Housing Exception Site

Local Needs Housing Exception Sites - Sites are allocated at 6 locations for local needs housing to meet an identified social and/or economic need. Development proposals for the allocations exception sites must provide a minimum of 51% affordable housing for local needs and a maximum of 49% enabling Local Needs Market Housing, and comply with relevant policy principles.

#### LDP - SI1 - Health and Wellbeing

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

#### LDP - SI3 - Education Facilities

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.

#### 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.

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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 - SI8 - Community Safety

LDP - ER1 - Climate Change

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.

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.

LDP - ER4 -Gower Area of Outstanding Natura Beauty (AONB)

Gower Area of Outstanding Natura Beauty (AONB) - Development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area in accordance with policy criteria. Cumulative impact will also be taken into consideration. Development proposals that are outside, but closely interlinked with the AONB must not have an unacceptable detrimental impact on the natural beauty of the AONB.

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.

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**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.

**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 - 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 - RP10 - Sustainable Waste Management for New Development**

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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**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2017/2628/PRE	Pre-application - Residential Development - Construction of 39 dwellings	MIXPR E	28.11.2018
2018/2634/FUL	Residential development (31 dwellings) with associated road infrastructure, drainage provision and landscaping (Amended plans received)	PDE	

**Procedural**

This application is reported to Planning Committee for determination due to the scale of the development meeting the threshold as set out in the Council’s Constitution. It has also been subject of a ‘call in’ request from Local Ward Member Councillor Myles Langstone.

During the processing of the application on 25th April 2019 the Welsh Government notified the Council by letter that the Welsh Ministers had been asked to call in the application for their own determination. The letter set out that Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority.

On this basis the application is reported to Planning Committee for resolution but any formal decision to be made by the Council to approve the application could not be made without authorisation of the Welsh Ministers given this holding direction.

**Site Location**

The application site comprises an irregular rectangular field measuring 1.25 hectares, located to the south of Higher Lane and to the east of Beaufort Avenue. The site falls gently downwards in a north to south direction. The site currently comprises of an agricultural field.

The site is bound by a mature hedgerow and Higher Lane to the north, a mature hedgerow, a public footpath and the rear gardens of Beaufort Avenue to the west, to the south by a mature hedgerow and to the east by a mature hedgerow and No.104 Higher Lane. Agricultural fields and the coastline lie to the South.

The site is located within Gower Area of Outstanding Natural Beauty (AONB) and has an agricultural land classification of 3a - Good Quality (Best and most versatile Land).

The site is designated as a 'Local Needs Housing Exception Site' within the adopted Local Development Plan 2010-2025 (LDP).

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## Description

Full planning permission is sought for the construction of 31 residential dwellings with associated road infrastructure, drainage provision and landscaping.

Of the 31 dwellings, 16 (51.6%) are proposed to be for affordable housing, comprising 2 x one bed bungalows, 4 x two bed bungalows, 6 x two bed houses and 4 x three bed houses.

15 (48.4%) are proposed to be for 'local needs' open market housing comprising 4 x two bed houses and 11 x three bed houses. The access to the site is from Higher Lane.

The proposal includes an informal play area / greenspace which will include an earth mound, stepping logs and benches, along with soft landscape elements including bulbs and trees, and would be located towards the southern part of the site.

The existing hedgerow facing Higher Lane on the northern boundary is proposed to be 'translocated' and there is to be a native hedge mix to put along the southern and south west corner boundary.

The application site is essentially to be made up of green infrastructure elements throughout comprising of strong hedgerow boundaries and 'fingers' of green infrastructure seeking to break up the scheme and form links with the surrounding landscape.

The application has been subject to a series of different amendments and additional information throughout its processing and full details of this is provided on the planning file. In terms of submissions the applicant has provided the following information in support of the application:

- Design and Access Statement (including supplemental Design and Access Statement
- Planning Statement
- Transport Statement
- Extended Phase 1 Habitat Survey and Bat Assessment
- Badger Survey
- Landscape and Visual Impact Assessment
- Agricultural Considerations Report
- Archaeology Report
- Tree Survey
- Tree Protection Plan
- Affordable Housing Needs Note
- Housing Demand Report
- Natural Resources Material Plan
- Interim Travel Plan

In accordance with the Planning (Wales) Act 2015 and the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 the applicant submitted a Pre-application Consultation Statement (PACS). This set out the original scheme, consultations undertaken with responses received and applicant response.

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## Policy Issues

### National Planning Policy

#### Planning Policy Wales (10th Edition – December 2018) ('PPW')

PPW sets out the land use planning policies of Welsh Government and is supplemented by a range of Technical Advice Notes (TANs), Welsh Government Circulars and Policy clarification letters, which together with PPW provide the national Planning policy framework for Wales.

#### Well-being of Future Generations (Wales) Act 2015

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

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

#### Technical Advice Notes

**Technical Advice Note 2: Planning and Affordable Housing (2006):** This TAN provides advice and guidance in relation to the provision of affordable housing. The guidance requires local planning authorities to:

- Include an affordable housing target in the development plan which is based on the housing need identified in the local housing market assessment.
- Indicate how the target will be achieved using identified policy approaches.
- Monitor the provision of affordable housing against the target (via the Local Development Plan Annual Monitoring Report) and where necessary take action to ensure that the target is met.

**Technical Advice Note 5: Nature Conservation and Planning (2009):** This Technical Advice Note provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. This TAN brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities.

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**Technical Advice Note 10: Tree Preservation Orders (1990):** This TAN provides guidance on where local planning authorities are to make adequate provision for the preservation and planting of trees when granting planning permission through the process of making Tree Preservation Orders (TPOs).

**Technical Advice Note 12: Design (2016):** The purpose of this TAN is to equip all those involved in the design of development with advice on how 'Promoting sustainability through good design' and 'planning for sustainable building' may be facilitated through the planning system.

This TAN defines good design and stresses the importance of good design. Specifically in relation to Residential Development it states that achieving more sustainable residential environments is dependent on linking development to public transport and other uses and services, providing access to local services, and securing the most efficient use of land. For a successful residential area, the design of housing should establish a sense of place and community, with the movement network used to enhance these qualities, and to incorporate features of environmental sustainability. This TAN gives detail advice on good design and states that development proposals, in relation to housing design should aim to:

- create places with the needs of people in mind, which are distinctive and respect local character
- promote layouts and design features which encourage community safety and accessibility
- focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles
- avoid inflexible planning standards and encourage layouts which manage vehicle speeds through the geometry of the road and building
- promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards
- secure the most efficient use of land including appropriate densities
- consider and balance potential conflicts between these criteria.

**Technical Advice Note 15: Development and Flood Risk (2004):** This TAN sets out the advice and guidance in relation to development and flood risk. It sets out the way in which the risk of a development flooding and its consequences is to be assessed.

**Technical Advice Note 18: Transport (2007):** This TAN provide advice and guidance on transport issues including the design and location of the development, parking requirements, walking and cycling, public transport, assessing impacts and managing implementation.

**Technical Advice Note 24: The Historic Environment (2017):** The purpose of this TAN is to provide guidance on how the planning system considers the historic environment during development plan preparation and decision making on planning and Listed Building (LBC) applications. This TAN provides specific guidance on how the following aspects of the historic environment should be considered:

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- World Heritage Sites
- Scheduled monuments
- Archaeological remains
- Listed buildings
- Conservation areas
- Historic parks and gardens
- Historic landscapes
- Historic assets of special local interest.

**Local Development Plan**

The Swansea Local Development Plan ('LDP') was Adopted in February 2019 and the relevant policies in connection with the proposed development are as follows:

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.

PS3: Sustainable Housing Strategy – land is identified for the development of 17,106 homes to promote the creation and enhancement of sustainable communities.

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

H2: Affordable Housing Strategy - provision will be made to deliver a minimum 3,420 affordable housing units over the Plan period.

H5: Affordable Housing – Sites are allocated for local needs housing to meet an identified social and/or economic need.

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

SI6: Provision of New Open Space – open space provision will be sought for all residential development proposals with capacity for 10 or more units. This will include the creation of new on site facilities, or the improvement of existing local provision off site, along with appropriate maintenance contributions.

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



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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.

ER4: Gower Area of Outstanding Natural Beauty (AONB) – Within the AONB, development must have regard to the designation to conserve and enhance the natural beauty of the area.

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 offsite 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.

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.

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

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.

RP10: 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.

Three key LDP policies that are directly applicable to this application are listed in full below:

## **H 5: LOCAL NEEDS HOUSING EXCEPTION SITES**

Sites are allocated at the following locations for local needs housing to meet an identified social and/or economic need:

- H 5.1: Land at Monksland Road, Scurlage
- H 5.2: Land to the east of Gowerton Road, Three Crosses
- H 5.3: Land adjoining Tirmynydd Road, Three Crosses
- H 5.4: Land adjoining Pennard Drive, Pennard
- H 5.5: Land at Summerland Lane, Newton
- H 5.6: Land at Higher Lane, Llangland

Development proposals for the six allocated Exception Sites must provide:

- A minimum of 51% (the majority proportion) Affordable Housing for Local Needs; and
- A maximum of 49% (the minority proportion) enabling Local Needs Market Housing that meets an identified housing need within the Locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

The occupancy of the Local Needs Market Housing will be restricted to “persons with a local connection” to be used as “their only or principal home” and will be formally tied to planning consent by means of legal agreements and/or conditions.

Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of “persons with a local connection” within the Locality will not be permitted.

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## **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; and
- 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.
- xvii. Have regard to the implications for infrastructure and services.

## **GOWER AREA OF OUTSTANDING NATURAL BEAUTY (AONB)**

Within the AONB, development must have regard to the purposes of the designation to conserve and enhance the natural beauty of the area. In assessing the likely impact of development proposals on the natural beauty of the AONB, cumulative impact will also be taken into consideration.

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Development must:

- i. Not have a significant adverse impact on the natural assets of the AONB or the resources and ecosystem services on which the local economy and well-being of the area depends;
- ii. Contribute to the social and economic well-being of the local community;
- iii. Be of a scale, form, design, density and intensity of use that is compatible with the character of the AONB;
- iv. Be designed to an appropriately high standard in order to integrate with the existing landscape and where feasible enhance the landscape quality; and
- v. Demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.

Development proposals that are outside, but closely interlinked with the AONB must not have an unacceptable detrimental impact on the natural beauty of the AONB.

### **Supplementary Planning Guidance**

The following Supplementary Guidance Notes ('SPG') are also relevant:

Places to Live - Residential Design Guide (Adopted January 2014),  
Parking Standards (Adopted March 2012),  
Planning Obligations (Adopted March 2010),  
Planning for Community Safety (Adopted December 2012),  
The Protection of Trees on Development Sites (October 2016),  
Gower AONB Design Guide (2011), and;  
Lighting Scheme Guidance for Gower AONB (October 2010).

### **Responses to Consultations**

Since the application was submitted in December 2018 it has been amended by the applicant to address concerns raised as part of the application process and furnish the Local Planning Authority with additional information.

The original scheme proposed 33 No. dwellings whereas this has been reduced to the current scheme of 31 No. dwellings. Amendments have largely been made to the layout and form of the scheme.

Each phase of consultation has been provided in the report below. Concerns that have been raised by statutory consultees have been addressed throughout the process and so early responses noted below will not be the final response of the consultee. Neighbours and objectors to the application have been kept informed by way of consultations throughout and the different stages of application consultation were as follows:

- Original Consultation of 7th January 2019
- Re-Consultation of 26th September 2019 (reduction in number of dwellings to 31)

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- Further Re-Consultation of 28th January 2020 (Additional and amended plans/reports received)
- Further Re-Consultation of 1st May 2020 (Additional and amended plans/reports received)
- Additional Amended plans/reports received 21st May 2020 but no additional re-consultation with public due to minor changes

**Original Consultation (7th January 2019)**

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. 104, 109 and 111 Higher Lane, 5 and 6 Channel View, and 40, 42, 44, 46, 48, 50, 52, 54 and 56 Beaufort Avenue 20th December 2018. A site notice was also posted within the vicinity of the application site and an advert was placed in the local press on 7th January 2018.

672 letters of objection were received and 1 letter of support, the reasons for objection are summarised below:

- Negative impact on character of the local area.
- Negative impact on infrastructure including doctors, dentists and hospitals of the local area.
- Negative impact on local environment.
- Site access will impact highway safety.
- Application is pre-mature as the LDP has not been adopted and under the UDP the site was considered inappropriate for development.
- Does not accord with national planning policy, as it has not been demonstrated that there is an overriding need, there would be no negative impact on local economy if this specific development wasn't taken forward and that there are no other viable alternatives.
- 2500 objections to candidate site as part of LDP demonstrates community feeling.
- Application does not demonstrate need or justify development.
- Application does not assess the impact on the historic environment.
- Loss of amenity area.
- Loss of right of way.
- Site extends outside of the candidate as set out in the LDP.
- Landscaping assessment is not details enough and does not follow best practise.
- Sufficient visual testing from wider public vantages has not been undertaken.
- Potential for land instability.
- The traffic trip generation figures are underestimated and was conducted at the least busy time of the year.
- The bat survey is not sufficiently robust.
- Development will cause flooding.
- Build-up of area will negatively impact tourism.
- Impact on the Costal Path through land instability.
- Unacceptable impact on the Gower AONB, which should not be developed.

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- Increase in traffic in Mumbles and parking demand.
- Housing is not needed in the local area.
- Access lane is unsuitable for site.
- Insufficient school places in catchment area.
- Loss of greenspace.
- Urbanisation of a village.
- Development should not be considered until the Summerland Lane site has been developed.
- Other more suitable development site in the wider area.
- Loss of wildlife, including badgers and life within hedgerows.
- Negative impact on medieval landscape.
- No demand for affordable housing.
- Further traffic on lane will impede emergency services.
- Why can't the affordable housing go into vacant properties in the local area?
- No need from more high end properties.
- Negative impact on coastal landscape.
- Loss of good agricultural land (Best and Most Versatile Land) without justification.
- Criticism of the Authority for considering the application.
- The need for affordable housing does not override the need to conserve and enhance the AONB. AONB would be irreversibly damaged.
- No need is justified for the development of the undeveloped coast.
- Location is not sustainable and therefore not in line with National Policy.
- Development is not compliant with the AONB Design Guide.
- Detrimental impact on the local community.
- Potential damage to neighbouring community through land instability.
- Impact on neighbouring residential amenity through overlooking, overbearing and overshadowing.
- Loss of neighbouring outlook.
- Badger sets have not been considered.
- Constitutes urban sprawl into the countryside.
- Negative impact on air quality.
- Site clearance that was undertaken prior to the submission of the application damaged the local wildlife.
- Dispute the accuracy of the ecological investigations.
- Over-intensification of the site.
- Sets a precedent for future development
- Drainage concerns over surface water and future erosion.
- Accusations that the Council is corrupt.
- Erodes the natural break between the urban, countryside and coastal landscapes.
- Development in terms of layout, scale and house type does not integrate with the local character.
- The application has been carried out in an underhand manner.
- PAC process has not fully or properly addressed the concerns of the residents and the public consultation was not appropriate.
- Boundary on the application is not correct.
- Facilities are not as close as the supporting statements make out.

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- Does not support the dark sky reserve status that the Gower is working towards.
- Increased noise and disturbance.
- Light Pollution.
- The proposed drainage details are inaccurate, insufficient and do not comply with SUDS.
- Subsequent paving of front gardens will result in increased surface water runoff.
- Questions over the validity and capability claims of the pumping station, which is already in a waterlogged part of the site. There is no emergency overflow provided.
- The land has only recently been used for farming but prior to that was more ecologically diverse.
- Scheme offers no compensation for loss of habitat.
- Proposed houses are of a poor design
- Application will contravene the Bowed Ratio
- Concerns that the developer could apply at a later date to reduce the number of affordable houses.
- Risk of pollution to the sea.
- Damage to roads and noise during construction.
- Disparity between the affordable and open market housing.
- Negative impact on social cohesion
- Contrary to the Wellbeing and Future Generations Act

### Gower Society

We have studied this application and request that you consider our findings as follows :

1. This site was put forward under the UDP's previous examination; the Inspector stated at that time 'the site was not appropriate to satisfy local housing needs' and the Gower Society feels that this rationale is the same today.
2. This location is shown on NRW's water maps as being at a high risk of flooding from surface water, which could cause instability to surrounding/adjacent homes, due to works which would be required to make the development safe i.e. drilling into the rocks. In the Applicant's Pre-App NRW stated that no fencing, structures, dwellings should be proposed for this area without a full investigation into the site. This does not appear to have been carried out. There is also concern that additional works on this land could cause a risk to the coastal path stability. NRW's concerns do not appear to have been addressed on this aspect either.
3. The sewerage system is over 'full' capacity and there does not appear to be any details to address this situation.
4. Gower Society has always maintained that it appreciates the need for local housing, however, no records of local housing needs exist within the Council. This has been borne out by other recent developments within Gower where occupation by local residents appears very tenuous.
5. The Applicant has not taken into account that the site is within the ANOB and strict Design Guidelines should be adhered to.

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6. The re-routing of the footpath is a legal requirement, which will take time and might not be successful.
7. Schooling: the local schools within the area are full to capacity, again there is no mention of funding towards additional infrastructure to meet the site's needs. The Applicant has not mentioned the adoption of the roadways, footpaths and amenity areas within the site. Should these not be adopted, then the cost of repairing the road surfaces/footpaths and grass cutting would be down to the individual householder. As it is proposed to have 51% affordable houses - who will pay for their share of the costs?

For the above reasons we formally Object to this application and ask that you take into consideration our concerns.

### **Mumbles Community Council**

The Mumbles Community Council Planning Committee met on 18 February 2019 and considered the application for 33 dwelling on land off Higher Lane

The Committee voted unanimously to object to the application on the following grounds

1. Access and egress to the site is difficult and the development will generate significantly increased traffic with the road network will not be able to cope with.
2. The development has poor access to services and facilities, including schools which is likely to generate increased car use which will be harmful to the environment and not support sustainability.
3. The proposed development will be an over development and over intensification of the site. The development would be contrary to the National Policy that a 'major development' should not be permitted in an AONB.
4. The development will have a significant impact on the AONB and would not preserve or enhance the natural beauty of the AONB
5. The need for affordable housing should not be permitted at the expense of the need to preserve the AONB.
6. The development will have a considerable impact on the enjoyment of the residents, wider community and tourists using the right of way through the site.
7. There would be a loss of the Best and Most Versatile land which should be protected unless an over-riding need to develop the land can be established.
8. Alternative sites are available for development so the need to develop this site is not proven



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### Councillor

Oystermouth Ward Member Councillor Myles Langstone has called in the application for determination at the Swansea Planning Committee.

### Rebecca Evans Assembly Member – 27/01/19

Ref No: 2018/2634/FUL - Land off Higher Lane, Langland, Swansea

In the past few days I have had several pieces of correspondence from constituents who are expressing opposition to the above planning application. You will recall that I have previously made representations on behalf of constituents expressing concern about the proposals, going back to January 2018.

My constituents make the following key arguments:

- This major development would conflict with 'Planning Policy Wales' (PPW 10), and the principles of sustainable development included in the 'Well-being of Future Generations Act' (2015)
- It would significantly affect the Gower AONB, as the proposed site is an intrinsic part of a fieldscape with outstanding landscape, historical and cultural value
- It could give rise to substantial controversy beyond the immediate area, as permitting "major development" in the AONB, without robust demonstration of criteria explicitly required by National Planning Policy, and without full compliance with International Regulations, including the SEA regulations, would set a legal precedent, and could be contrary to many existing UK and EU case law rulings on such matters;
- This is an area of outstanding natural beauty and an area which a great many people enjoy when out walking. The footpath and the open greenspace it provides represent a significant amenity to the surrounding community and to tourists alike, including regular walkers, who all value the outstanding landscape and seascape vistas and the direct connection to the Wales Coastal Path.
- The application was submitted the day after the close of consultation on the pre-application documents (13th December), just prior to the close of consultation on the LDP Matters Arising Changes and the revised sustainability appraisal (14th December). This was a cause of much frustration to the community.

I would be grateful if these issues could be given serious consideration.

### Welsh Government

The Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination.

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Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 enables the Welsh Ministers to give Directions restricting the grant of planning permission by a Local Planning Authority. I am authorised by the Minister for Housing and Local Government to issue such Directions and, in exercise of this authority, I hereby direct your Council, with effect from the date of this letter, not to grant planning permission in respect of:

- a) Application no.2018/2634/FUL referred to in the heading to this letter; or
- b) any development of the same kind which is subject of the application on any site which forms part of or includes the land to which the application relates;

without prior authorisation of the Welsh Ministers.

I issue the Direction to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination.

The Direction prevents your Council only from granting planning permission; it does not prevent the Council from continuing to process or consult on the application. Neither does it prevent the Council from refusing planning permission.

Your attention is drawn to article 31 of the above Order which provides for the Welsh Ministers to vary or cancel this direction in respect of both the land and type of development covered.

We aim to determine call-in requests within 21 days of receipt of the Officer's Report. To ensure we are able to process the requests as quickly as possible we ask you forward a copy of the Report as soon as it is available. I will ensure you are informed of the Welsh Ministers' decision on whether the application is being called in, as soon as it is made.

Consultee Responses

### Housing Enabling

In response to the attached planning consult 2018/2634, Land off Higher Lane, Thistleboon, Swansea, I can confirm the housing service supports the scheme, it falls within an area of high affordable housing need and this scheme has a majority 51% affordable housing on site.

We support the proposed AH unit sizes, type and location on site. I have discussed the tenure mix and unit size with Coastal the RSL who will be managing the AH units and they confirmed need. The affordable housing units must be DQR compliant, the design and specification must be of equivalent quality to those used in the Open Market Units.

### Education

#### Review of the effect on Catchment Schools of Proposed Development: -

1. **Planning Application: 2018/2634/FUL – Land off Higher Lane, Thistleboon, Swansea.** Residential development – construction of 33 dwellings with associated road infrastructure, drainage provision and landscaping. Comprising of 2 x 1 bed bungalows, 10 x 2 bed bungalows, 12 x 2 bed housing, 5 x 3 bed housing and 4 x 4 bed housing.

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**2. Catchment Schools, capacity and projected capacity**

2.1. The development is in the Oystermouth **Ward**, and the catchment schools are:

	Catchment schools	Number of unfilled places <b>January 2018</b>	%	Forecast Number of unfilled places <b>September 2024</b>	%
English Medium Primary	<b>Oystermouth Primary</b>	15	7.01%	5	2.34%
English Medium Secondary	<b>Bishop Gore Comprehensive</b>	176	12.50%	57	4.05%
Welsh Medium Primary	<b>YGG Llwynderw</b>	22	6.90%	4	1.25%
Welsh Medium Secondary	<b>YG Gwyr</b>	119	11.48%	-176	-16.97%

**3. Demountables**

3.1. It should be noted that there are currently one single and three double demountable buildings at YG Gwyr. There is also 1 single demountable at YGG Llwynderw.

**4. SPG Pupil Generation:**

<b>Oystermouth Ward</b>	<b>Total Pupil Numbers</b>	<b>£</b>	<b>Pupil Numbers rounded up/down WM</b>	<b>£</b>	<b>Pupil Numbers rounded up/down EM</b>	<b>£</b>
<b>WM 12.5%</b>			<b>12.5%</b>		<b>87.50%</b>	
Primary	<b>9.61</b>	<b>£99,674.92</b>	<b>1</b>	<b>£10,372.00</b>	<b>8</b>	<b>£82,976.00</b>
Secondary	<b>6.82</b>	<b>£108,083.36</b>	<b>1</b>	<b>£15,848.00</b>	<b>6</b>	<b>£95,088.00</b>
Post 16 provision	<b>1.24</b>	<b>£21,096.12</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>£17,013.00</b>
<b>Total</b>		<b>£228,854.40</b>		<b>£26,220.00</b>		<b>£195,077.00</b>

5. Existing Commitments

School	Pupil numbers	PA – Description
<b>Oystermouth Primary</b>		
	Nil	
<b>Oystermouth Primary Cumulative Totals</b>	<b>Nil</b>	
<b>Bishop Gore Comprehensive</b>		
	10	Former Walkers Crisp Factory
	2	Land at Milford Way, Penlan
<b>Bishop Gore Comprehensive Cumulative Totals</b>	<b>12</b>	
<b>YGG Llwynderw</b>		
	3	Former Bible College
	2	Land Off Summerland Lane, Newton
<b>YGG Llwynderw Cumulative Totals</b>	<b>5</b>	
<b>YG Gwyr</b>		
	3	(DM Site) Former Clayton Works
	4	Beilli Glas, Glebe Road, Loughor
	2	Former Bible College
	3	Former Cefn Gorwydd Colliery,
	2	Former Walkers Crisp Factory
	2	Hendrefoilan Student Village
	2	Honeybee Nursery, Clos Cwrt y Carne, Penyrheol
	4	Land at Cae Duke, Loughor Rd.
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	3	Land at Heol Pentrebach, off Frampton Road
	1	Land at Vivian Rd / Gower Rd
	1	Land off 16 Frampton Rd,
	2	Land off Loughor Road, Loughor
	1	Land Off Summerland Lane, Newton
	2	Land south of Beauchamp Walk
	4	Land South of Glebe Road,
	5	Land south of Loughor Road,
	1	Land South of Pen y Dre,

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	5	Land to North of Bryn-y-Mor Rd
	2	Land to rear of 188 St Teilo St., Pontarddulais
	2	Land to the West of Parc Y Bont, Pontarddulais
	1	Land off Lon Masarn, Cefn Coed Hospital
	2	Former Council offices, Penllergaer. (Civic)
	2	Land at The Yard, Cambrian Place, Pontarddulais
	1	Land off The Croft, Castle Street., Loughor
<b>YG Gwyr Cumulative Totals</b>	<b>60</b>	

6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Oystermouth Primary	0	0
Bishop Gore Comprehensive	2360	519.2
YGG Llwynderw	% of above and other applications	
YG Gwyr	% of above and other applications	

7. Position of capacity:

7.1 Primary:

7.1.1. **English-medium:** the English medium catchment school currently has very limited capacity (7.01%); and having less than 10% surplus capacity leaves the school with limited flexibility. With the pupils generated from this development, it would then reduce the schools flexibility further.

7.1.2. **Welsh-medium:** the Welsh medium primary school of YGG Llwynderw has current capacity (6.9%), however, the projections are predicting a decrease of unfilled places to (1.25%) in 2024.

7.2. Secondary:

7.2.1. **English-medium:** whilst there is currently capacity (12.5%) at Bishop Gore Comprehensive, the projections are predicting a decrease of unfilled places to (4.05%) in 2024.

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7.2.2. **Welsh-medium:** The Welsh medium secondary school (YG Gwyr) based on January 2018 figures had 11.48% unfilled places, however by September 2024 is expected to be over capacity (-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.

## 8. Requested Contribution:

8.1 Providing the information above, the request for a Developer's Contribution from this proposed development is that Education request a full English Medium primary and secondary Developer's Contribution due to the lack of capacity in the Primary and Secondary schools concerned: There will be no request for contributions towards the Welsh Medium Primary and Secondary schools due to the low impact this development will have on these schools and the impact any funds could have on the capacity of the Welsh Medium Schools.

8.1.1. **Primary:** The full contribution for EM primary of £82,976.00 plus indexation is requested towards Oystermouth Primary.

8.1.2. **Secondary/Post 16 Provision:** Education request £95,088.00 English Medium Secondary provision and £17,013 for Sixth form English Medium provision plus Indexation towards Bishop Gore Comprehensive School. Whilst there will be a deficit of Welsh Medium secondary places, the contribution from this development would not be enough to provide the additional infrastructure to support the increase in pupil place, therefore on this occasion there is no request for WM secondary contribution.

8.1.3 The contributions will be utilised to facilitate enhancements to better accommodate the increased pupil numbers and the specific project will be identified at reserved matters.

## Countryside Access Team

Footpath Mumbles 5 (MU5) crosses this site and is affected by the proposed development.

In the first instance, a temporary closure would have to be applied for in the interests of public safety before any works near the path were to commence. It appears that the developer is also looking to divert this footpath on a permanent basis, there is a legal process which needs to be adhered to, to officially move the path onto any new alignment.

The diversion of the footpath as shown on the newest plan actually links to an adopted highway / prowl, so would be acceptable from a rights of way point of view. A previous version of the plan showed the public footpath as ending as a dead end, which was not acceptable. This does not mean that the diversion of the footpath to the route chosen will be acceptable to members of the public and it can be objected to. See below

Due to the fact that the opportunity to walk in the countryside may be lost to a certain extent due to this development, the Countryside Access Team has suggested an extra public footpath that the developer / landowner could dedicate to allow people to continue achieving the feeling of being in the countryside, as they will have had prior to the development taking place. This will also link into the public footpath network and promote sustainable and green travel links.

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The Countryside Access Team has severe reservations with regards to the proposed drainage from the site.

Currently the fields are very wet (after a couple of days of rainfall) and have standing water on them in various areas. This obviously prevents the water from adversely effecting footpath MU2, one of the busiest sections of the All Wales Coast Path. The existing drain that the developers are planning to use is already eroding back towards the all wales coast path and should not have any more water diverted into it. The countryside access team believes that any extra water allowed into this water coarse will exacerbate an already apparent problem. See images

The countryside access team has already spent in excess of £150,000 completing works on the coast path between Limeslade and Caswell, with another £75,000 planned in the near future. We do not want this section of coast path put under any undue pressure.

### **Drainage Officer**

We have reviewed the submitted information and while we have no objection in principle to the proposed development there are some issues that do not appear to have been considered sufficiently as part of the report and therefore we recommend that the application be withdrawn or deferred.

The Drainage and Coastal Management section met the applicant's consultant on site to discuss a drainage strategy on 15 November where a possible discharge point was identified. However, issues surrounding the condition of the watercourse were also identified that at the present time and in the absence of a scheme to resolve them preclude the Authority from agreeing to a connection. The outfall at the coastal/beach end is clearly eroding backwards (see attached) and as the development's connection represents an increase in flow a scheme to control this risk must be presented/included as part of the strategy along with how it will be secured and delivered as part of the development, this was discussed during the site meeting but does not appear to be within the drainage strategy itself. This issue has also been identified by the Authority's Countryside Access Team where they have identified a the risk to the coastal path.

The section of the report entitled 'Positive Drainage Connection' refers to the channel having a capacity of 600l/s however this is based on gradients alone and doesn't appear to translate to a level within the concrete channel, no assessment has also been carried out of the culvert that crosses underneath the coastal path and whether it is capable of taking the unrestricted flows proposed.

To progress this application any further a proper assessment of the capacity of the concrete channel is required including the existing incoming pipe at the u/s end in combination with the proposed flows from the development site for the whole length of watercourse which is approximately 200 metres along with a scheme to protect

### **Placemaking and Heritage Team**

The above application is for development of 33 no. residential units comprising a mixture of bungalows and 2 storey houses and associated parking and infrastructure.

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Comments:

#### Development Character

- The proposals comprise of a mixture of 1 & 2 storey dwellings which are appropriate to the established character of Higher Lane and the wider locality.
- However, the existing dwelling are characterised by generous set-backs from the highway which the proposals do not have. The minimal front garden areas to the proposed dwellings are not characteristic of locality and therefore not considered to be an appropriate design response in this locality.
- The retention of established hedgerows within the site is positive and welcomed to help maintain the rural character of site and help to tie the development into the existing context whilst also minimising the visual impact of development, which is especially important given the presence of surrounding, well used Public Rights of way (PROW) footpaths.
- The majority of the dwellings have a detached or semi-detached nature which are characteristic of the locality and are an appropriate response to the local context. That said there is one instance of a short terraced row of 3 dwellings at plots 1–3 which are not only an incongruous addition to the development but also the streetscene of Higher Lane as well as the wider locality. Terraced dwellings are typically found in built up urban locations and given the semi-rural/suburban fringe location of the site which are typically characterised by lower density dwellings (i.e. detached or semi-detached) within larger plots, the terraced nature of these dwellings is not considered acceptable.
- The building heights plan shows the 2 storey dwellings within the site (excluding those fronting Higher Lane) to be all sited to be fronting the main internal street. However, it is noted that there is one pair of bungalows located within the cluster/row of these 2 storey dwellings which results in an odd appearance to this grouping which detracts from the legibility of the streetscene and wider site structure. The visibility of this incongruously sited pair of bungalows from the site entrance exacerbates the detrimental impact in visual terms. This pair of bungalows should therefore be sited in a more appropriate location within the site.

#### Amenity

- A number of the dwellings have undersized gardens which do not meet the absolutely bare minimum standard of being the same size of the footprint of the dwelling they serve. These include plots 1, 2, 3, 4, 21, 30, 31, 32 and 33. This approach is not acceptable and all garden sizes should be increased to meet this standard as an absolute minimum.
- It should be noted that with the exception of plot 21, all of the unacceptably garden sizes relate to the plots fronting on Higher Lane and as such the approach to the layout of this area will need to be reconsidered.
- In addition to the unacceptably small gardens highlighted above it is noted that the gardens of plots 11, 16, 19 and 20 are on the threshold of the absolute minimum acceptable standard. With regards to plot 11 there are further points of consideration in relation to the large and 2 storey nature of this dwelling and its close proximity to the retained hedgerow behind as well as the triangular garden size which measures barely 3m at its shortest depth, 6m at its midpoint depth and 10m at its longest depth.



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Taking these points onto consideration also, this garden area is also not considered to be acceptable to serve the proposed size of dwelling on this plot.

- Due to the minimal garden depths of plots 21 & 22 (8m depth) and the layout of the plots to the rear, the rear of these dwellings lie in extremely close proximity to the side of the dwelling at plot 20 (9m and 9.5m respectively to this side). Given that there are windows to habitable rooms to the rear of the dwellings at plots 21 & 22 and also to the side of the dwelling at plot 20 there will be significant overlooking impacts between these dwellings, particularly from the 2 storey dwellings at plots 21 & 22 to the bungalow at plot 20. This is not acceptable.
- In addition to this the close proximity and height/storey relationship between these dwellings there will likely be an unacceptable overshadowing impact from the 2 storey dwellings to the bungalow also. Again this highlights the unacceptably tight/close relationship between these dwellings.
- Furthermore, it is noted in the Residential Design Guide SPG that a back to side relationship between 2 dwellings should be a minimum of 12m between proposed dwellings (para. 15.16 (pg. 63)) in order to avoid an overbearing impact on habitable rooms. The relationship between plots 21 & 22 to plot 20 therefore results in an unacceptable overbearing impact also.
- It is noted that there are 2 areas of open space proposed to the development. The first of these is located in the south western corner of the site and is labelled on the plans as a 'Community Orchard' comprising of a few formally planted rows of small trees, however this is tucked behind a proposed foul pumping station and between existing hedgerows to be retained. Given the fringe and disconnected location of this space from the remainder of scheme, its uncomplimentary relationship to the proposed foul pumping station as well as the lack of overlooking from dwellings to this, there are concerns with regards to the quality of this space and how it will be used, given that it appears to be left over space which is poorly integrated into the scheme.
- Considering the central, linear green space this is well located however it is narrow and tucked between the main access street and a shared access drive and thus not particularly useable for many recreational activities. As a part of any subsequent amendments this space should be increased in size/width in order to provide a more useable space for the benefit of future residents.
- The dwellings at plots 18, and 28 & 29 are wedged between parking areas which detract from the character and appearance of these dwellings and the wider layout as well as raising concerns with regards to the impact upon the amenity of these dwellings from vehicle movements to a from these spaces.

#### House Types & Designs

- It is noted that there are 9 different house types proposed for this development (letters A – J, excluding I) and with the variations of both the B & F types with different roofs this results in a total of 11 different house types which is highly excessive for a scheme of 33 dwellings and results in a confused character and appearance to the scheme. The number of house types therefore needs to be reduced and rationalised as a part of a comprehensive redesign which addresses all of the concerns raised.
- It is noted that the proposed dwellings are to be finished predominantly in 2 different colours of render which would help to provide some variation in the scheme whilst also retaining an overall sense of unity to the character.

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However, it is noted that there are what appears to be 3 randomly chosen units which are to be finished in another additional render colour and questions are raised as to this approach? Either the colour palette should be reduced to 2 colours or the increased to 3 colours but with a more even spread/balance between the colours throughout the scheme.

- The proposed dwellings have traditional house forms with pitched roofs and materiality, however it is proposed to incorporate an uncharacteristic mixture of non-traditional full height windows (and Juliet balconies in some instances) as well as other smaller window sizes. This results in a confused character and appearance to all of the proposed dwellings which does not reflect the character of existing traditional dwellings in the locality or the wider area. This approach has not been justified and is not considered acceptable.
- In addition to this the proposed mixture of windows (and Juliet balconies) on all of the elevations results in an unbalanced appearance to these which is not considered acceptable.
- The dwellings in the row at plots 12 – 15 are the only dwellings with 2 storey, central gable features, which are an incongruous addition to the remainder of the scheme and diminish the sense of unity between the various dwellings. It is noted that it is also proposed to finish these in weatherboard which is the only use of this material on site and further exacerbates the incongruous character and appearance of these features.
- The roof forms of the dwellings on plots 8 & 9 do not match between the plans and elevations.

In summary there are a number of concerns with regards to the layout which when considered as a whole suggest that the current proposals represent an overdevelopment of this site. By reducing the number of dwellings on the site and providing additional plot sizes for the remaining dwellings as well as sufficient 'breathing space' between these and the plots generally, this will make addressing the highlighted layout issues easier to address. Given the concerns with regards to the quality of the public open space provided as well as the relative isolation of the site in walking terms, the revised layout should be developed around a centrally located and useable green space.

Considering the house types, there are a number of concerns with regards to the current design approach to these due to the number of different types proposed which diminish the sense of unity and place within the scheme. Further to this, the confused approach to the pattern of fenestration as well as the occasional addition of incongruous features and materials further diminishes the sense of unity and place within the proposed development. The house types should therefore be rationalised and if a more contemporary approach to these is sought then these should be justified in a supporting statement clearly setting out the rationale for these choices against a clear analysis of the wider context of the locality.

Therefore, as the proposals currently stand, these are not considered acceptable in design terms and are recommended for refusal. In order for the proposals to be supported in design terms these will need to address all of the above concerns and this will require a number of amendments to both the layout and house types in order to achieve this.

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## NRW

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach the condition listed below. Otherwise we would object to the proposal.

Condition: Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in this letter. To be agreed by your Authority's Planning Ecologist.

## Gower AONB

As the proposal is within Gower Area of Outstanding Natural Beauty (AONB), we wish to highlight that the Local Authority (LA) has a duty under Section 85 of the Countryside and Rights of Way Act 2000, which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty (AONB) are conservation and enhancement of natural beauty.

We note the submission of the document entitled; 'Landscape and Visual Statement', dated 8 November 2018, by Soltys Brewster Ltd. Along with the; 'Zone of Theoretical Visibility (ZTV) Drawing (Figure No. 1873201 - SBC - 00 - NA - GA - L - 103 - P01)', also dated November 2018.

In our recent statutory pre-application consultation response for the above site (dated 6 December 2018), we requested that additional photographs/photomontages should be provided in order to support the Landscape and Visual Statement.

We have reviewed the additional information submitted with the application, which comprises of photographs from three viewpoints, and wish to point out that the photographs do not appear to be taken in line with: Landscape Institute Advice Note 01/11 - Photography and photomontage in landscape and visual impact assessment.

Furthermore, as the photomontages have not been provided, it is unclear whether the proposed design and site layout will have a negative impact on the AONB.

Therefore, your Authority may wish to consider that a revised Landscape and Hedgerow Management Plan, may be required in order to minimise any negative impacts.

In addition, given that the proposal lies within the AONB and that areas of open countryside extend to the south, we advise that the potential effects of increased lighting on the AONB should be minimised, through careful design and the provision of a detailed Lighting Plan / Strategy, which deals with both the ecological and landscape aspects highlighted in this letter.

The Landscape and Visual Statement contends that there would be no significant effects on landscape character and visual amenity and that the proposal does not conflict with policy.

However, we would remind your Authority that the AONB policy requires the conservation and enhancement of natural beauty. Policy EV26 of the Swansea UDP states that within the Gower AONB the primary objective is the conservation and enhancement of natural beauty.

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The proposed Policy ER4 of the Deposit LDP states that within the AONB development must have regard to the purpose of the designation. In addition, criterion (v), states that development must demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.

We would advise that you discuss the current proposed design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current proposal has met these tests and whether the current proposal is a design and layout which is in-keeping with the character of the AONB and which minimises any adverse effects.

#### Geoscience / Surface Water Disposal

The proposed development is located on a greenfield site and a Principal Aquifer, which is underlain by Limestone Bedrock. In circumstances, where a discharge to ground water was being proposed, the applicant should be made aware of our Groundwater Protection Position Statements, in particular Groundwater Protection Position Statements G1.

However, the document entitled; 'Drainage Strategy: Proposed Residential Development Thistleboon, Swansea (Ref: 18051/D100A)', dated November 2018, by Shear Design, indicates that for this application, surface water is to be discharged to an existing watercourse.

Therefore, providing this remains the case, and as the drainage system design is ultimately a matter for your Authority Drainage Engineers, we would advise that you consult them, to ensure that they are satisfied with the proposals.

#### Ecology and Protected Species

We welcome the provision of the document entitled; 'Land at Thistleboon, Swansea: Extended Phase 1 Habitat Survey and Bat Assessment', dated 8 November 2018, by Soltys Brewster Ltd.

We note that the surveys were conducted on the 30 May and 12 July 2018 and sought to update a previous survey, which was carried out in 2014. Since the previous survey the land has changed from semi-improved grassland, to arable. The site is described as being bounded mainly by species-poor hedgerows, with some young trees and fringing tall vegetation. However, the western boundary comprises of a sunken lane with a hedge on either side and a 'somewhat more diverse field layer'.

#### Bats

The site is described as being of low potential for foraging and commuting bats and as part of the survey effort a transect was walked for three hours, after dusk on the 12 July 2018, along with the use of Anabat detectors (on the eastern and western hedges), for a period of 5 nights in July.

Section 3.2.1 of the report states that trees at the site are young, with no features which could support roosting bats. As a result, the site is considered to be of negligible value to support bat roosts.

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Nevertheless, the Anabat detectors did record bat activity along the eastern, and in particular the western hedgerows at the site. Therefore, we would support the recommendations laid down in Section 5.8 of the report and advise that these boundary hedgerows should be retained and strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be agreed with your Authority's Planning Ecologist.

We also advise that your Authority may wish to request the provision of a Lighting Strategy (as mentioned previously), in order to avoid any light spill onto the boundary hedgerows and also to minimise any additional intrusive lighting within the AONB.

We also recommend that you discuss this and the other recommendations laid down in Section 5 of the report with your Authority's Planning Ecologist, as they may wish to comment on other habitats and species, which lie within their remit, along with the presence of the Langland Bay to Mumbles Head and Mumbles Head SINC, which is located approximately 200m south of the site.

#### Protected Sites

The Langland Bay (Rotherslade) SSSI is a geological site and is located a short distance from the proposed development. Providing that an appropriate Construction Environmental Management Plan (CEMP) and pollution prevention measures are implemented and followed, we do not anticipate any impacts to the site.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/businesssectors/planning-and-development/our-role-in-planning-and-development/our-role-inplanning-and-development/?lang=en>).

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

#### Strategic Planning Team

##### Appraisal

[The extant UDP is scheduled to be replaced by the LDP within weeks, and therefore the following appraisal focusses on the relevant policy framework set out in the replacement development plan as modified by the binding recommendations known as 'Matters Arising Changes' (MACs) in the Inspectors Report]

In terms of the principle of development at this location, the site lies adjacent to the settlement boundary as defined within the Swansea UDP, however the sites status has changed significantly and is now subject to a specific allocation, within the settlement boundary.

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The application site is referenced under LDP Policy H5 'Local Needs Housing Exception Sites' as 'H.5.6 Land at Higher Lane, Langland' (as proposed for amendment via MAC 179-180). It is one of six sites allocated for local needs housing to meet an identified social and/or economic need. The Policy seeks to deliver both Local Needs Market Housing and Affordable Housing for Local Needs, specifically in order to meet the identified need in the Gower, Gower Fringe and West Strategic Housing Policy Zones.

The Policy states that proposals must provide a minimum of 51% affordable housing for local needs and a maximum of 49% of an enabling local needs market housing that meets an identified housing needs within the locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability. The minority local needs 'market' housing permitted by the Policy is not solely focused on addressing issues of affordability. Issues of affordability are clearly addressed through the minimum 51% of the scheme which is to provide affordable housing for local needs. The manner in which the local needs 'market' element of the allocations will meet need local is: firstly, by ensuring that the nature of the homes to be delivered will provide opportunities for those households who require assistance in accessing the market; and secondly, by applying local occupancy criteria to initial and subsequent purchasers of the dwellings. The occupancy of the Local Needs Market Housing will be restricted to "persons with a local connection" to be used as "their only or principal home" and will be formally tied to planning consent by means of legal agreements and/or conditions. Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of "persons with a local connection" within the locality will not be permitted. Having regard to the proposed ratio of affordable housing and market housing detailed in the scheme, the applicant has met this particular requirement of Policy H5.

LDP Policy PS 1 (as proposed for amendment by MAC 117-118) emphasises that the Plan's settlement boundaries are a key mechanism for helping to manage future growth by defining the area within which development would normally be permitted, subject to material planning considerations. The distribution of future sustainable growth across the County follows a simple settlement hierarchy consisting of the urban area, key villages and the countryside. As set out above, the proposed site is within the settlement boundary and development at this location would therefore in principle be in accordance with the Plan strategy.

LDP Policy H2 (as proposed for amendment by MAC 173) sets out the Plans Affordable Housing Strategy that seeks to deliver a minimum 3,518 affordable homes over the Plan period through the following measures through a variety of measures. This includes the allocations for local needs housing exception sites (i.e. under Policy H5), which will deliver local needs affordable housing as a majority proportion of homes on such sites, supported by minority element of market housing to meet local need.

The site is located within the West Strategic Housing Policy Zone (SHPZ) where evidence shows that housing opportunities for first time buyers and low income households are limited compared to others due to high land values and redevelopment costs. The sites allocated in LDP Policy H5 have been identified to meet local needs housing across the Gower, Gower Fringe and West SHPZs, and as such H5 sites that are located in close proximity to other SHPZs can reasonably be expected to help meet a need for that zone (as well as the zone within which it is located).

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Site H5.6 is located in close proximity to the Gower Fringe SHPZ and will help meet demand in that zone, as well as the West Zone. Evidence underpinning the policy identifies that Oystermouth Ward has a high proportion (>30%) of detached; 4+ bedroom; and 2 bedroom or less housing types. There is therefore a need for 3 bedroom houses and the market element of the scheme needs to address this.

The sensitive location of the site has been acknowledged throughout the site assessment and selection process as part of the LDP process, and was also discussed during the examination of the Plan. To this end, Policy H5 has included modifications introduced following Plan Examination that, having regard to the sensitive location and potential visual impacts of development, emphasise that scheme design should not unacceptably impact on the sensitive nature of the AONB and coastal features. It is noted that a Landscape and Visual Impact Assessment has been submitted as part of the application and consideration must be given to the outcomes of the assessment and how the development integrates into the landscape and consider wider seascape impact and impact on Wales Coast Path. The design, scale, form, layout and height of the development must have regard to the outputs of the LVIA and be of an appropriately high standard to integrate with the landscape and be compatible with the character of the Gower AONB and coastal zone.

LDP Annex 1 (as amended by MAC modifications) provides specific developer key site requirements and site informatives for all sites allocated in the Plan (see below).

Throughout the development of the LDP, including the candidate site assessment stage and discussions during Examination, it has been emphasised that the development needs to be 'low lying' in order to reduce the visual impact on the AONB/cliff path. The scale of the buildings in the current application therefore remains a primary concern. The applicant has shown an awareness of such concerns, and has undertaken necessary scheme reviews, including amending a pre-application scheme to include house types and configurations that meet an evidenced local need, including an increase in the overall number of single storey bungalow type developments on the site.

Notwithstanding this, at present the market element of the scheme only contains 2 bungalows. The applicants own evidence, as produced by John Francis clearly states that bungalows achieve a premium return and therefore there would not appear an obvious financial viability constraint to not including more of that type of unit in the 'market' portion of the development. The introduction of more low lying dwellings has the potential to achieve a more favourable type of development – as envisioned throughout the LDP process when deciding to allocate the site.

Ultimately the Council will need to be satisfied that the necessary balance has been struck between: achieving appropriate design and placemaking standards; meeting local housing needs in a manner which contributes to the sustainability of the local community; ensuring the Council meets its statutory duty in relation to the AONB by mitigating the landscape impact on the AONB; and arriving at a financially viable scheme that allows a development scheme to come forward. I would encourage a continuing dialogue between relevant Council departments and the applicant to ensure a positive outcome in this regard. Should there be any dispute between parties as to the financial viability / deliverability of the scheme (considering any necessary planning obligation/S106 requirements), the applicant should be asked to meet the costs of an independent appraisal from a qualified viability expert who would be able to provide a genuine third party view.

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It should be noted that in order to further comply with LDP Policy H5, a local occupancy criteria should be applied to the local need market homes and formally tied to an appropriate planning mechanism and/or legal agreement and to ensure that the dwellings are not used as a second home/holiday home. This will address the issue that a significant proportion of dwellings within the ward currently have no usual residents (i.e. are holiday or second homes).

LDP Policy IO 1 (as proposed for amendment by MAC 165-167) will be used to ensure that the affordable housing on the site is retained in perpetuity through the use of Planning Obligations in accordance with the legislative and policy framework provided in PPW, Community Infrastructure Levy Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions).

LDP Policy PS 2 (as proposed for amendment by MAC 181) 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. 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 and have particular regard to the following Policy criteria: i. The proposed development should have regard to landscape, 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; xii. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space; and xiv. Ensure no significant adverse impact on natural heritage and built heritage assets.

Policy PS2 Paragraph 2.2.10 states 'There will be particular expectations of quality in areas of valued and distinctive character such as the Gower AONB'. Such a requirement links to Policy ER4 that emphasises the particular issues for consideration for proposals with the AONB.

The Open space Assessment (2016) indicates that Oystermouth ward has a total of total of 2.2ha per 100 head of population of FIT provision within the ward which equates to 0.2ha under the recommended target and there is a significant area of deficiency in the Thistleboon locality. There is therefore a requirement for some provision in the application site. Developments of between 10-200 dwellings would normally be expected to provide a LAP and a LEAP. Ultimately the Council will have to be satisfied that if the applicant does not provided provision within the site, having regard to matters such as scheme viability and the provision of other forms of open space and amenity areas within the vicinity.

Oystermouth ward has 31.7ha per 1000 head of population of Accessible Natural Green Spaces (ANGS); 29.7ha above the recommended target. Nevertheless, the site does not form ANGS and the proposed development would not lead to a deficiency of ANGS within the ward.

The proposals will need to maintain, protect and enhance any ecological networks and features of importance for biodiversity (Policy ER9 refers). The site has mature hedgerow boundaries which contain some mature trees. LDP Policy ER 11 (as proposed for amendment by MAC 251-252) prohibits development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services.



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Further information is required from the applicant in relation as to how the proposal complies with this aspect and how the existing hedgerow would be maintained.

The ecological report indicates presence of bats and the retention of the hedgerows will be important in this regard. The Gower Lighting Guide SPG should be referenced to ensure the potential impact of the development on the AONB and ecology is minimised.

LDP Policy ER 2 (as proposed for amendment by MAC 227-232) highlights the importance of protecting and enhancing existing green spaces that afford valuable ecosystem services, and resisting development that compromises the integrity of such green spaces. The policy is not intended to preclude any form of development on areas of open land. The policy sets out how development proposals should seek to enhance the multi-functional role of green infrastructure and facilitate connectivity, including effective integration within development sites of appropriate green infrastructure. The submitted proposals include the retention of hedgerows, providing a green corridor on the eastern boundary, and a community orchard provides a good example of an integrated measure that provides an additional measure that could enhance ecosystem provision. The observations of the Council's biodiversity team could be sought in this regard.

The developer is also encouraged to also integrate green roofs into the scheme to enhance green infrastructure opportunities.

Having regard to landscaping matters, PPW embeds the principles of the circular economy into design choices, site selection, treatment and associated construction practices and the principles should underpin the principles of development. Paragraph 5.12.4 states that as 'part of site treatment, the cut and fill balance of materials excavated should be assessed so as to avoid the creation of waste which cannot be effectively re-used due to lack of suitable storage facilities, such as 'urban quarries', and re-processing facilities. Developers should design proposals to achieve an earthwork balance by submitting a natural material management plan as part of development proposals which seeks to minimise cut and fill or which may provide for remediation of land elsewhere in the area.' Therefore, the Council should request a natural material management plan to accompany any planning application, detailing how any excavated soil will be used in site design.

In accordance with LDP Policy T6 (as proposed for amendment by MAC 295), proposals must be served by appropriate parking provision in accordance with maximum parking standards and highway colleagues should be consulted to ensure the proposal meets those standards. The design and layout of the proposal needs to allow for the safe and convenient movement of people and transport modes, in accordance with LDP Policies T5, with priority afforded to Active Travel. Consideration of this should include consulting with waste management officers to ensure the proposal allows for the access of refuse collection vehicles and personnel (Policy RP9). The proposed layout incorporates the existing PROW, which is a developer requirement having regard to those set out in the LDP Appendix – Annex 1 (see below), and would accord with LDP Policy T7.

Any drainage scheme would have to ensure that there would be no detriment to any water course in accordance with LDP Policy RP3. The Council would have to be satisfied with any submitted drainage strategy in accordance with LDP Policy RP4 (as proposed for amendment by MACs 303-304). Furthermore, sewerage connections and associated drainage infrastructure will have to be in accordance with Policy IO2 and EU 4 (as proposed for amendment by MAC 298).

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LDP Annex 1 (amended as proposed within the MAC Schedule) provides specific developer key site requirements and site informatives for all sites allocated in the Plan. The Appendix provides additional detail to the requirements set out in the site allocation policies and sets out clearly where the Council will require infrastructure to be provided to support development. The Appendix also clearly sets out where Plan policies will require further assessments to be carried out to establish the impact of development of the allocated site in relation to known issues, constraints and designations. The Appendix is supported by the Infrastructure Delivery Plan (IDP), which is a standalone document which does not form part of the plan. The extract for the application site is below. It is imperative that the applicant meets all the requirements listed.

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SHPZ - West

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

Provision of open space accordance with the FiT guidance set out in Six Acre Standard Document, Policy SI 6 Open Space, Council's open Space Assessment and Open Space Strategy.

Open Space

Provide green infrastructure network throughout the site in accordance with Policy ER 2.

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: Air, Noise or Light Pollution, RP 3: Water Pollution and the Protection of Water Resources).

RP 5: Land Contamination, RP 6: Land Instability.

Transport

PROW: Connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: MU5, MU4, MU2, MU6 and MU10.

DCWW WWTW

Swansea Bay WwTW: No issues in the WwTW accommodating the foul flows from the allocation.

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DCWW HMA Foul Water - No  
DCWW HMA Clean Water - No  
Compensatory Surface Water Removal – No

Flood Risk - No  
Welsh Language Action Plan - No

SINCS - No

Other Informatives

With Gower AONB and the coastal zone. Consult with NRW. Use the Gower AONB Design Guide, Gower AONB Landscape Character Assessment and Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment to guide the design and development of this site. A Landscape and Visual Impact Assessment will be required at planning application stage to ensure careful integration of site into landscape and consider wider seascape impact and impact on Wales Coast Path. Preferable 'low lying' buildings with suitable landscaping to ensure minimal adverse impact on landscape/seascape. See Policy ER 4: Gower Area of Outstanding Natural Beauty (AONB).

Probable Grade 3a agricultural land. An agricultural land classification survey will be required  
Summary

The proposal is a departure to the extant UDP. However, this note sets out the circumstances that apply to the site in respect of a new and emerging planning framework (including the Council endorsed Developer Guidance Note and LDP Policy).

The new framework provides a mechanism that would allow a departure to the extant development plan at this location, if the detailed scheme (including details of design and dwelling types to be provided) are otherwise considered consistent with the relevant LDP policy requirements. The LPA will need to be satisfied that the proposal, as well as complying with Policy H5, is also acceptable having regard to the wider planning principles that apply. This includes with reference to placemaking requirements (Policy PS2, LDP Annex 1) and environmental safeguarding (Policies ER2, ER4, ER9 and ER11). Specifically, and importantly, the visual impact of the site and the developments integration within the AONB landscape and sensitive coastal location must be a material consideration in the assessment of this application.

Proposals must also provide the necessary planning obligations generated by the development (Policy IO1) if the scheme is to be acceptable.

Subject to meeting the requirements set out above, the proposals provide an opportunity to bring forward a high quality scheme that delivers a significant number of affordable and market homes that will serve to address a particular local need. This would represent 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.

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## Planning Ecologist

### Bats

At least 5 species of bats were recorded over the site, foraging and commuting, particularly along the western hedge.

The following informative applies:

All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal. If evidence of bats is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

Pre-construction/site clearance checks for bats must be undertaken (including of any trees destined for felling).

### Breeding birds

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

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

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

Pre-construction breeding bird checks must be undertaken to ensure no nests have become established in the intervening period, which could be affected by the proposed works.

### Badger

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).

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The 2018 survey report (section 3.20) states that 'Some evidence of use of the wider site by Badger, from latrines, footprints or hairs was noted during the Extended Phase 1 Habitat survey in 2014. However, no setts were found. The nearest evidence to the present site was a latrine c60 m to east. No evidence of badger was found on or within 100m of the site during the present survey'.

However, please note that a site visit inspection by the LPA Ecologist on 4 Feb 2019 recorded photographic evidence of badger activity within the site fence. A badger sized entry hole was located under the fence on the eastern boundary. Approximately 18 inches beyond this, an obvious spoil heap was also located. It is not clear, due to recent weather conditions, whether the sett is active or not, or the direction of underground tunnels. There is also abundant evidence of badger digging/disturbance on lawns in the adjacent property. This evidence suggests that the entire site and boundaries require further investigation.

It is important to extend the initial/further surveys beyond the boundary of the proposed development, in order that an assessment can be made of the extent of the badger territory, and to establish whether any setts are currently active.

Therefore, a further in-depth badger survey of the entire site is required to be undertaken and submitted to the LPA.

If setts are found to be active, the ideal objective is to ensure that the development will not result in the loss of setts and fully incorporates the badgers' foraging needs, thereby enabling them to remain in the area and find sufficient food. Appropriate mitigating measures should, therefore, be included within the proposal to facilitate this.

Where development is taking place in the general vicinity of an active sett and there is a risk of accidental damage or disturbance occurring, it is good practice to take the appropriate measures to protect the sett during the construction phase and, in some cases, thereafter. The boundary of a protection zone should be at least 30 metres from the nearest sett entrance. Before any work starts on site, the protection zone should be clearly demarcated by using coloured tape or some other form of obvious visible marking. Scrub and vegetation should not be cleared from the sett area. Furthermore, the creation of a 'buffer zone' of undeveloped land between the nearest gardens and the periphery of the protection zone will further enhance the security afforded to the badgers.

Pre-construction checks for badger setts must be undertaken up to 100m from the development site.

All trenches and excavations must be fenced off or covered-over at night to prevent any badgers (or other animals such as hedgehogs) 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 badgers (and other wildlife) each morning before starting construction activities. This should be included as a statement in the CEMP.

#### Reptiles

Slow worm, adder and common lizard are likely to be recorded on the site, and are known from within 500m.

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Therefore, please be aware that 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 (01792634 960).

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

To mitigate for loss of reptile habitats, new habitats can be created within buffer strips. These linear features can provide corridors to link other patches of reptile habitat together. Management of field corners could also provide valuable reptile habitat. Reptiles hibernate over winter and are active from February/March to October. During the active period they require vegetation cover so, for management of grassland and scrub, it is best to extend the 'non-cutting season' to coincide with this time.

### Hedgehogs

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

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

### Habitats

Habitats particularly along the site boundary must be retained to keep bat commuting routes and to ensure connectivity with other habitats. No vegetation must be removed or cut back along this boundary to ensure a dark corridor is retained for bat use.

The valuable habitats (including trees, hedgerows, grassland and scrub) on site should be retained, enhanced and managed to maintain their value.

The field edges are recommended to be retained within the scheme, maintaining a green corridor along the edges in line with local planning policy. These features can be enhanced to create more robust edges which link with hedgerows around the edges of the site, creating a network of strong linear features across the landscape.

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It is considered that there are opportunities within the red line boundary to enhance significantly the diversity of the hedgerows and edge habitats, creating a more naturalised edge to such habitats as well as provide a more diverse species assemblage. These features would benefit a range of species and ensure that landscape connectivity is maintained within the scheme.

### Hedgerows

There should be a scheme for enhancing and restoring the retained hedgerows and infilling gaps with native species of local provenance. The hedgerows should be managed for biodiversity and to increase connectivity with surrounding habitats. This scheme must be submitted as part of the Landscape and Planting Scheme. A Hedgerow Mitigation Strategy is also required, including a method statement for any hedgerow translocation.

Native hedgerows should ideally be managed on a rotational basis to maintain flower and fruit protection, dense structure, varying heights, and the establishment of standard trees within the hedgerow.

Wherever feasible a strip of grassland and/or tall-herb between 0.5-2m wide should be allowed to develop along either side of the hedge and be managed by cutting 1-2 times per year, preferably with at least some sections cut every other year.

### Landscaping

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

However, it is recommended that the edges of the site are retained to support a range of species including birds and small mammals and create dispersal opportunities for a range of species. This will also create more diverse and robust habitat linkages across the site and into the wider landscape.

The hedgerows and site boundaries should be enhanced and any gaps filled to create a more robust habitat edge which provides a greater level of diversity than is currently present. Hedgerows help to provide a layering of different habitats that can be utilised by a wide variety of species. Species that can be planted include blackthorn, hawthorn, hazel, field maple, holly, elder, alder, guelder rose and dog rose.

Hedgerow edges can be planted with herbaceous plants and bulbs. These will attract bees, butterflies and other insects as well as providing ground cover for smaller animals. Seeds that are tolerant of semi-shade and are suitable for sowing beneath newly planted or established hedges should be used eg

- Yarrow (*Achillea millefolium*)
- Agrimony (*Agrimonia eupatoria*)
- Common knapweed (*Centurea nigra*)

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- Wild basil (*Clinopodium vulgare*)
- Hedge bedstraw (*Galium album*)
- Wood avens (*Geum urbanum*)
- Oxeye daisy (*Leucanthemum vulgare*)
- Ribwort plantain (*Plantago lanceolata*)
- Cowslip (*Primula veris*)
- Red campion (*Silene dioica*)

**Lighting**

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 to the LPA. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be agreed with the LPA Planning Ecologist.

The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance. The lighting strategy must be placed as a condition on any planning permission granted.

**INNS**

An updated pre-construction INNS survey is required together with an INNS strategy for the site. A method statement for removal of any INNS must be submitted for agreement with the LPA.

**Mitigation**

Proposed mitigation for any impacts on protected species or habitats must be submitted to the LPA for approval.

**Ecological enhancement**

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3 states that 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement...'

In addition, The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). Under this Duty, development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

TAN 5 confirms that under Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006, every public authority has a duty to "have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity".



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Paragraph 2.1 of Tan 5 also states that the town and country planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1);

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks and bird boxes (for particularly swifts, sparrows, starling to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1); and other species) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and log piles to provide habitats for reptiles, amphibians and other species would also be desirable, together with hedgehog friendly fencing. Tree planting and infilling gaps in hedgerows along the site boundary of native species of local provenance is also desirable.

## SUDS

From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more require sustainable drainage to manage onsite surface water. Although this application was received before this date, and the submitted Drainage Strategy () is noted, it is advised that reference is made to the draft Swansea Council LDP. In particular:

### RP 3: 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.
- Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for flood plain capacity.
- Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

SuDS work by making use of landscape and natural vegetation to control the flow of surface water and reduce the risk of flooding. Designs can include ponds, permeable paving and swales, which slow down the discharge of surface water more than conventional piped drainage. There is a wetland area on the southern part of the site where it is recommended that the area is kept and enhanced as a wildlife/attenuation pond.

See also RP 1: SAFEGUARDING PUBLIC HEALTH AND NATURAL RESOURCES.

Further details with Matters Arising Changes (MACS) schedule can be found at:

<https://www.swansea.gov.uk/ldp>

## Green Infrastructure

Draft LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system.

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This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The emerging LDP policy now requires that compensatory measures should maintain and enhance the green infrastructure network. The emerging policy criteria set out the type of measures that could be incorporated into a development scheme to achieve this.

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

**Education – Updated Comments**

**Review of the effect on Catchment Schools of Proposed Development: -**

1. **Planning Application: 2018/2634/FUL – Land off Higher Lane, Thistleboon, Swansea.**  
Residential development – construction of 33 dwellings with associated road infrastructure, drainage provision and landscaping. Comprising of 2 x 1 bed bungalows, 10 x 2 bed bungalows, 12 x 2 bed housing, 5 x 3 bed housing and 4 x 4 bed housing.

**2. Catchment Schools, capacity and projected capacity**

2.1. The development is in the Oystermouth **Ward**, and the catchment schools are:

	Catchment schools	Number of unfilled places <b>January 2018</b>	%	Forecast Number of unfilled places <b>September 2024</b>	%
English Medium Primary	<b>Oystermouth Primary</b>	15	7.01%	5	2.34%
English Medium Secondary	<b>Bishop Gore Comprehensive</b>	176	12.50%	57	4.05%
Welsh Medium Primary	<b>YGG Llwynderw</b>	22	6.90%	4	1.25%
Welsh Medium Secondary	<b>YG Gwyr</b>	119	11.48%	-176	-16.97%

**3. Demountables**

3.1. It should be noted that there are currently one single and three double demountable buildings at YG Gwyr. There is also 1 single demountable at YGG Llwynderw.

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**4. SPG Pupil Generation:**

Oystermouth Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
<b>WM 12.5%</b>			<b>12.5%</b>		<b>87.50%</b>	
Primary	9.61	£99,674.92	1	£10,372.00	8	£82,976.00
Secondary	6.82	£108,083.36	1	£15,848.00	6	£95,088.00
Post 16 provision	1.24	£21,096.12	0	0	1	£17,013.00
<b>Total</b>		<b>£228,854.40</b>		<b>£26,220.00</b>		<b>£195,077.00</b>

**5. Existing Commitments**

School	Pupil numbers	PA – Description
<b>Oystermouth Primary</b>		
	Nil	
<b>Oystermouth Primary Cumulative Totals</b>	<b>Nil</b>	
<b>Bishop Gore Comprehensive</b>		
	10	Former Walkers Crisp Factory
	2	Land at Milford Way, Penlan
<b>Bishop Gore Comprehensive Cumulative Totals</b>	<b>12</b>	
<b>YGG Llwynderw</b>		
	3	Former Bible College
	2	Land Off Summerland Lane, Newton
<b>YGG Llwynderw Cumulative Totals</b>	<b>5</b>	
<b>YG Gwyr</b>		
	3	(DM Site) Former Clayton Works
	4	Beilli Glas, Glebe Road, Loughor
	2	Former Bible College
	3	Former Cefn Gorwydd Colliery,
	2	Former Walkers Crisp Factory
	2	Hendrefoilan Student Village

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	2	Honeybee Nursery, Clos Cwrt y Carne, Penyrheol
	4	Land at Cae Duke, Loughor Rd.
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	3	Land at Heol Pentrebach, off Frampton Road
	1	Land at Vivian Rd / Gower Rd
	1	Land off 16 Frampton Rd,
	2	Land off Loughor Road, Loughor
	1	Land Off Summerland Lane, Newton
	2	Land south of Beauchamp Walk
	4	Land South of Glebe Road,
	5	Land south of Loughor Road,
	1	Land South of Pen y Dre,
	5	Land to North of Bryn-y-Mor Rd
	2	Land to rear of 188 St Teilo St., Pontarddulais
	2	Land to the West of Parc Y Bont, Pontarddulais
	1	Land off Lon Masarn, Cefn Coed Hospital
	2	Former Council offices, Penllergaer. (Civic)
	2	Land at The Yard, Cambrian Place, Pontarddulais
	1	Land off The Croft, Castle Street., Loughor
<b>YG Gwyr Cumulative Totals</b>	<b>60</b>	

6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Oystermouth Primary	0	0
Bishop Gore Comprehensive	2360	519.2
YGG Llwynderw	% of above and other applications	
YG Gwyr	% of above and other applications	

7. Position of capacity:

7.1 Primary:

7.1.1. **English-medium:** The English medium catchment school currently has very limited capacity (7.01%); and having less than 10% surplus capacity leaves the school with limited flexibility. With the pupils generated from this development, it would then reduce the school's flexibility further.

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7.1.2 **Welsh-medium:** The Welsh medium primary school of YGG Llwynderw has current capacity (6.9%), however, the projections are predicting a decrease of unfilled places to (1.25%) in 2024.

**7.2. Secondary:**

7.2.1. **English-medium:** whilst there is currently capacity (12.5%) at Bishop Gore Comprehensive, the projections are predicting a decrease of unfilled places to (4.05%) in 2024.

7.2.2. **Welsh-medium:** The Welsh medium secondary school (YG Gwyr) based on January 2018 figures had 11.48% unfilled places, however by September 2024 is expected to be over capacity (-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.

**8. Requested Contribution:**

8.1. Providing the information above, the request for a Developer's Contribution from this proposed development is that Education request a full English Medium primary and secondary Developer's Contribution due to the lack of capacity in the Primary and Secondary schools concerned: There will be no request for contributions towards the Welsh Medium Primary and Secondary schools due to the low impact this development will have on these schools and the impact any funds could have on the capacity of the Welsh Medium Schools.

8.1.1. **Primary:** The full contribution for EM primary of £82,976.00 plus indexation is requested towards Oystermouth Primary to contribute towards improving facilities in Foundation Phase and resource areas to increase capacity'.

8.1.2. **Secondary/Post 16 Provision:** Education request £95,088.00 English Medium Secondary provision and £17,013 for Sixth form English Medium provision plus Indexation towards Bishop Gore Comprehensive School to contribute towards amending the toilet provision to comply with Education Premises Regulations 1999 which will need to be under taken to facilitate any increase in pupil numbers at the school. Whilst there will be a deficit of Welsh Medium secondary places, the contribution from this development would not be enough to provide the additional infrastructure to support the increase in pupil place, therefore on this occasion there is no request for WM secondary contribution.

**GGAT**

Thank you for consulting us about this application; consequently, we have reviewed the detailed information contained on your website and can confirm that the proposal has an archaeological restraint.

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The information in the Historic Environment Record, curated by this Trust, shows that the proposed application is situated in the Gower Registered Historic Landscape (HLW (WGI) 1), specifically within the Thistleboon Fieldscape Character Area (HLCA024), as defined within the Register of Landscapes of Outstanding Historic Interest in Wales. The Historic Landscape Character Area of Thistleboon, was once part of a wider medieval agricultural landscape of clustered settlements, scattered farmsteads and open strip field system integrated with open access to the common land nearby along the cliff tops. The field systems within this Character Area has remained intact and unchanged from the First Edition Ordnance Survey map (1880), apart from the removal of a few field boundaries. A Survey of Important Hedgerows on Gower was undertaken in 2014 by The Glamorgan-Gwent Archaeological Trust (Projects), on behalf of the Gower Landscape Partnership, in which the hedgerows within the area of Thistleboon were deemed to be of considerable significance with the potential of the survival of the pre-1845 field system estimated to be at 75 to 100 per cent. Additionally, a number of prehistoric and Roman finds have also been recovered within the immediate area of the proposed application site.

The proposed application is for the residential development of 33 dwellings to include associated road infrastructure, drainage provision and landscaping. A review of the historic ordnance survey mapping (1880 to 1918) shows that proposed development area has remained relatively unchanged, indicating that the ground has been relatively undisturbed from previous development; consequently, there is a possibility for the survival of archaeological remains. We note the application's supporting documents, in particular the Landscape and Visual Statement undertaken by Soltys Brewster Consulting (Dated 8th November 2018), which concludes that the proposed development will not be visible from the Scheduled Ancient Monument Sites (Oystermouth Castle, Caswell Cliff Fort and St. Peters Chapel and Well, Caswell Bay) located within the wider study area (Section 9.0).

However, from the documentation submitted with this application the developers do not appear to have considered the impact of the development on the potential buried archaeological remains or the significant risk that the discovery of such remains could have on the viability of their proposed development. In such circumstances, Planning Policy Wales 2018 (Edition 10) Section 6.1.26 notes that:

*“Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and development may be reconciled, and potential conflict very much reduced, through early discussion and assessment.”*

More detail on this guidance can be found in TAN24 sections 4.7 and 4.8. It is our assertion that a field evaluation is appropriate in this particular case.

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

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We recommend that this work be undertaken to a brief approved by yourselves and upon request, we can provide a suitable document for your approval.

### Planning Ecologist – Additional Comments

#### Badger

In response to my request for further investigation, following a site visit which had revealed more badger evidence, additional survey work was undertaken by Soltys Brewster in Feb 2018 and a new report submitted.

The report concluded that there was evidence of irregular badger activity on the eastern and southern boundaries of the application site re: outlier setts. In addition, pathways and latrines were recorded in the south and east of the site, with activity concentrated in fields and hedgerows. The main sett is possibly located 200m east/SE of the application site on scrub/woodland.

This current survey and the findings of previous surveys has concluded that there is a badger social group present in the local area.

Conditions must therefore be attached to any planning that the Council is minded to approve:

1. The detail given in 4.4 of the Badger Report must be adhered to regarding NRW license required for construction of Plot 27 and car parking spaces for plots 27, 28 and 29 which are only 20-30 metres from the sett.
2. An NRW license will also be required to cover proposed construction work for the access road leading to the southern part of the site.
3. The recommendations outlined in 4.5 of the Badger Report must be adhered to regarding development work, if approved to start in Spring 2020.
4. Pre-construction checks for badger setts must be undertaken up to 100m from the development site.
5. All trenches and excavations must be fenced off or covered-over at night to prevent any badgers (or other animals such as hedgehogs) 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 badgers (and other wildlife) each morning before starting construction activities.

Please note the following informative:

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).

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Please also see previous response and actions therein. Your attention is drawn to the following: Where development is taking place in the general vicinity of an active sett and there is a risk of accidental damage or disturbance occurring, it is good practice to take the appropriate measures to protect the sett during the construction phase and, in some cases, thereafter. The boundary of a protection zone should be at least 30 metres from the nearest sett entrance. Before any work starts on site, the protection zone should be clearly demarcated by using coloured tape or some other form of obvious visible marking. Scrub and vegetation should not be cleared from the sett area. Furthermore, the creation of a 'buffer zone' of undeveloped land between the nearest gardens and the periphery of the protection zone will further enhance the security afforded to the badgers.

### Tree Officer

The Authority's Arboricultural Officer raised no objection to the proposals.

### Landscaping Officer

Comments on other external features / means of enclosure/ Rights of Way by others.

Comments on Thistleboon, Swansea, Soft Landscape Plan.

1873201 - SBC - 00 - NA - GA - L – 301.

While I have seen the notes on the drawing as to the relationship of tree pits and root barriers to paved surfaces and services. If the carriageways and pavements are to be adopted please advise and obtain greater levels of detail for comment. I do not have sufficient detail to comment on protection from tree roots from adoption. I note the intention to provide tree pits to 2m deep, this is excessive and depending on the porosity of the non-compressible soils plastic crates used in tree pits could be to the detriment of tree growth.

The proposed planting lacks sufficient variation of species or planting forms with regard to trees and hedges as the setting for homes; A similar planting scheme would work well enough when viewed by passing motorists or in amenity areas.

In general, the proposed translocation of hedging is fine and generally forms external boundaries to the development. Infill planting to include those species described below.

Hedging:

Native hedge planting would benefit from greater variety in the mixture to include *Cornus sanguinea*, *Corylus avellana*, *Euonymus europaeus*, *Quercus robur*, *Rosa canina*, *Sambucus nigra*, *Sorbus aucuparia*, *Viburnum opulus* and occasional *Malus sylvestris* Omit *Cornus alba* and keep *Ligustrum* to approx. 5%

*Ligustrum* as hedging – omit and replace with ornamental shrub (garden) species with greater variety, biodiversity and seasonal variation.



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*Carpinus betulus* is a useful hedging species and would do a job at this location if the ground remains wet after development; however, Beech (*Fagus sylvatica*) has greater and persistent year round interest while serving an almost identical function.

The hornbeam does lose its leaves and retains keys over the Winter while Beech has a more attractive colour from Autumn to break of bud in the spring time.

Tree planting:

Street tree planting propose a very limited number of species and in turn most of those species are varietal forms that have regular shapes. In practice, the tree species selection is very limited and to the detriment of the setting of people's homes, the resilience of the planting scheme going forward and in the creation of Place.

*Acer campestre* Streetwise is acceptable at the location shown as it associates well with the adjacent native hedge and is unlikely to cause issues to adjacent pedestrians or house occupiers. Consideration to be given to the underplanting of this frontage to the rear of the adjacent 'wall' fronting Plots 1-6, 28-31; I note this planting could be left to householders and that the roadside hedge will provide visual separation from the highway.

*Quercus ilex* (holm oak) is an evergreen species that develops a wide spreading and very large canopy that would dominate the development to its detriment. It should be used sparingly, if at all on this development. Elsewhere and nearby on Mumbles Hill it has become a maintenance issue as it suppresses native species and is being removed with grant aid.

The large central space should have more informality, diversity and year round interest; in particular, the proposed *Sorbus Majestica* in the central area would dominate with a grey colour in early Spring and would provide a formality of fairly regular shapes for the rest of the year and should be omitted from this location, the formality would also be reinforced by the proposed line of *Prunus Sunset Boulevard* planting to the frontages of plots 17-25 (see suggestions below). A more varied and interesting structure and year round character for the central area could include multistem Birch and the occasional evergreen to act as a backdrop to the Birch (being mindful of retaining sight lines and natural surveillance). Do not mix multi stem and standard Birch within the same visual sphere as the former look like they have been damaged and regrown in mixed form planting; As the site is set back from salt laden winds selection of Birch species is largely a matter of taste and for biodiversity consider using native species or cultivars such as *B. pendula*, *B. papyrifera* (Kenaica?), *B. nigra* etc. I understand the current ground conditions are wet but that this is likely to change significantly following development. I note other accent species (*Pinus nigra* – Austrian Pine) and shrub backdrops contribute to the character of the central area that I will address below. The *Sorbus Cardinal Red* is also overspecified on the site, is variable in performance in the area, there are opportunities for using native *Sorbus aucuparia* in the native hedging mix and for other and greater variety of species as free standing trees.

Re tree planting to frontages of plots 17-25 I would suggest planting a number of species that could include the *Prunus Sunset Boulevard*, as well as *Acer Elsrijk*, *Acer rubrum* Scanlon, *Alnus glutinosa* Laciniata, *Alnus Spaethii*, *Crataegus* spp., *Malus trilobata*, *Prunus padus* vars. *Prunus avium* Plena, *Sorbus aucuparia*\* (see note above about limiting use as a standard tree and for inclusion in native hedging.) or similar for autumnal contrasts and seasonal variation.

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Where there is space (not in narrow verges or between parking bays) the planting of larger growing species is to be encouraged e.g. Hornbeam, Sycamore etc.

These suggestions are not meant to be restrictive and should not prevent the designers from specifying other alternatives.

Shrub planting:

A great deal of the shrub level planting is provided by hedging, the native woodland edge / hedgerow planting would benefit from greater diversity. As above the hedging to the frontages of properties is generally limited to *Carpinus betulus* (hornbeam) or *Ligustrum ovalifolium* (Privet). The use of repetitive single species hedgerows between adjacent plots is somewhat mundane. The occasional use of single species hedging with seasonal interest as detailed for the area separating the central space from plots 12-14 by Hornbeam (or an alternative) is logical as is its use to hedges to plots 6 and 31 as an entrance to the development. I understand that the existing ground conditions are wet, but on the assumption that this is going to be mitigated by changes to ground levels Beech (*Fagus sylvatica*) could provide a very similar hedge with greater year round colour (Beech tends to retain its leaves overwinter from the previous year whereas Hornbeam hold their keys but lose their leaves.) I note the wildlife merits of using Hornbeam.

The extent of the suggested use of Privet is excessive and is somewhat reminiscent of older housing estate boundaries of the fifties; there are innumerable evergreen or mixed evergreen and more floriferous deciduous species that create attractive, biodiverse settings for homes to provide delight as well as function. Given that this is a new development and planting will be required to be retained for the time set by condition this proposed style of planting is mundane, where there is an opportunity for variety, diversity, delight and resilience.

The small scale planting associated to individual properties is OK. I note that some shrubs are proposed immediately adjacent the buildings and would suggest a small 'race' or similar between the planting / grass and the buildings to shed water away from the building that may also benefit ongoing maintenance. If there is paving intended around the base of the buildings it should be shown on the plan.

I note the *Cornus elegantissima* between plots 27 and 28 is repeated in 3 blocks; I assume this is an oversight.

I note that S1 and S13 to the base of the entrance pillars could be swapped out for other more vigorous spp. such as *Euonymus Emerald Gaiety*, *Berberis* and *Bergenia* with equal attractive qualities.

### **Re-consultation (26th September 2019)**

Additional and amended plans and reports were received, which included a change to the description of the proposal to reduce the number of proposed dwellings to 31. A full re-consultation of neighbours was made on and the application was advertised by means of three notices placed within the vicinity of the site on 26th September 2019.

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602 additional letter of objection were received and 1 letter of support, the contents of the letters of objection are summarised below:

- Site should be restricted to affordable housing only.
- Housing will not be available to local people
- Negative visual impact on landscape and character of the local area.
- Pressure on local services including schools, doctors surgeries and dentists.
- Lacks suitable urban greenspace
- An inference that this proposal is about making money.
- Building over a right of way
- Lack of parking
- Loss of farmland
- Objection to building on AONB
- Impact on wildlife
- Loss of open space
- More suitable building sites elsewhere
- Does not meet local need
- Buildings are too high for the site
- Impact on highway safety through new layout including traffic, pedestrian impact and egress from existing properties
- Impact on Swansea airport exclusion zone
- Increase in air pollution
- Impact on sewage capacity
- Setting a precedent for future development
- Disruption to residents during construction work
- Current roads aren't suitable for supporting construction
- Impact on Tourism
- Drainage and flooding concerns
- Impact on mental health from loss of greenspace
- Development is not low lying
- Housing will cause pollution
- Authority does not listen to residents
- Empty houses should be used first
- Allegations of corruption against the Council
- Site is laid out for future development of adjacent field
- Landscape and visual impact assessment is inadequate
- Negative impact on SSSI
- Traffic survey is insufficient and inaccurate
- Site is not in a sustainable location
- Screening opinion not done in statutory timeframes and not robust.
- Ancient hedgerows are not sufficiently protected
- Ground instability
- Does not follow the Gower Design Guide
- Housing density not in-keeping with local development
- PPW states major development should not occur in the AONB
- Impact on climate change

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- Does not promote equality, vibrant culture or solve social problems.
- Potential for buildings to cause erosion to coastline
- Loss of right of way
- Removal of waiting area outside of neighbouring house through highway restructuring
- LVIA is unsuitable
- Planners/developers not engaging with the community
- Overdevelopment of site that is not reflective of the character of the local area.
- Concerns over unfairness given neighbouring small scale applications have been refused.
- Loss of view
- Not enough site notices displayed within the local area.

### Gower Society

We have studied this revised application and request that you consider our findings as follows:

1. As far as our Society is concerned there has been relatively minimal change since our letter/objection dated 16th January 2019 and we refer you to specifically to the following paragraphs:
2. This site was put forward under the UDP's previous examination; the Inspector stated at that time 'the site was not appropriate to satisfy local housing needs' and the Gower Society feels that this rationale is the same today.
3. Gower Society has always maintained that it appreciates the need for local housing, however, no records of local housing needs appear to exist within the Council. This has been borne out by other recent developments within Gower where occupation by local residents appears very tenuous.
4. The Applicant has not taken into account that the site is within the AONB, that no satisfactory alternative to the present ancient footpath issue has been found, that to propose two storey buildings on this site represents an extra overbuild on this dense site as well as interrupting long views to the sea from certain angles. Strict Design Guidelines should be adhered to.
5. We have studied the recent excellent professional Report by Lichfields that was commissioned by Mumbles Community Council. They make valid important professional points. We totally support this Report and ask that it be fully appraised.
6. We note the comments by NRW and request that all of their concerns are attended to.
7. It goes without saying that the AONB Design Guide should be followed as well as the lighting guide, a point that the NRW mention. The newly published Carmarthen Bay, Gower & Swansea Bay Local Seascape Character Assessment is also an important document. There is no excuse for not adhering to these documents.
8. Our main concerns still remain that there is a responsibility to "conserve and enhance the natural beauty" of the AONB. There is a duty to place conditions that enhance the area by landscaping and in particular a comprehensive and meaningful tree planting scheme. Any landscape scheme that is approved must be maintained for at least a 10 year period i.e. to maturity. This proposal is yet another incursion in to the AONB and in an area where very little natural beauty remains other than at the coast and with conurbation extending from Caswell to the city centre save, at present, at Limeslade and Bracelet Bays. There are now 25 two story houses that is too much for this location

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We again register our strong OBJECTION to this scheme but that you should make every effort to mitigate the impact upon the area.

### Statutory Consultee Responses

#### Countryside Access Team

With regards to the Countryside Access Team's comments;

- Public footpath MU5 is to be diverted along the street plan of the estate to ensure continued access for the public to the coast path, (MU2)
- A temporary closure of public footpath MU5 will have to be applied for whilst works are ongoing – see previous comments with regards to timescales / costs.
- A new footpath link will be created to link from the bottom of the new estate to public footpath MU3 as detailed in previous correspondence. This will have to be legally dedicated by the landowner.
- The open drainage that the site will link into will be upgraded to ensure that no water overflows the coast path, (MU2), or footpath (MU5) As long as drainage section are happy that nothing will overflow, at all, ever. We are happy
- The culvert under the footpath is to be replaced as discussed in previous correspondence and a section of the coast path will be refurbished to the Countryside Access Teams current project specifications in grit stone concrete. This is to prevent the Countryside Access Team having to dig up this section of path when repair / upgrade works reach this point. As long as drainage section are happy that nothing will overflow, at all, ever. We are happy
- Works will be undertaken by the developer to prevent the coast eroding back towards the coast path MU2 as per the scheme supplied by the developer.
- The countryside access team has also asked for £25,000 s106 contribution towards improvement works on the coast path MU2.

As long as this is what is being agreed to, the Countryside Access team has no further comments.

### Education

#### Review of the effect on Catchment Schools of Proposed Development: -

1. **Planning Application: 2018/2634/FUL – Land off Higher Lane, Thistleboon, Swansea.** Residential development – construction of 31 dwellings with associated road infrastructure, drainage provision and landscaping. Comprising of 2 x 1 bed, 18 x 2 bed, 7 x 3 bed and 4 x 4 bed dwellings. **(1-bed dwellings not included in the SPG calculation).**

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**2. Catchment Schools, capacity and projected capacity**

2.1. The development is in the Oystermouth **Ward**, and the catchment schools are:

	Catchment schools	Number of unfilled places <b>January 2019</b>	%
English Medium Primary	<b>Oystermouth Primary</b>	14	6.54%
English Medium Secondary	<b>Bishop Gore Comprehensive</b>	160	11.55%
Welsh Medium Primary	<b>YGG Llwynderw</b>	15	4.70%
Welsh Medium Secondary	<b>YG Gwyr</b>	104	9.73%

**3. Demountables**

3.1. It should be noted, that there are currently one single and three double demountable buildings at YG Gwyr.

**4. SPG Pupil Generation:**

Oystermouth Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
<b>WM 12.0%</b>			<b>12.00%</b>		<b>88.00%</b>	
Primary	8.99	£93,244.28	1	£10,372.00	8	£82,976.00
Secondary	6.38	£101,110.24	1	£15,848.00	5	£79,240.00
Post 16 provision	1.16	£19,735.08	0	0	1	£17,013.00
<b>Total</b>		<b>£214,089.60</b>		<b>£26,220.00</b>		<b>£179,229.00</b>

**5. Existing Commitments**

School	Pupil numbers	PA – Description
<b>Oystermouth Primary</b>		
	Nil	
<b>Oystermouth Primary Cumulative Totals</b>	<b>Nil</b>	
<b>Bishop Gore Comprehensive</b>		
	10	Former Walkers Crisp Factory
<b>Bishop Gore Comprehensive Cumulative Totals</b>	<b>10</b>	
<b>YGG Llwynderw</b>		
	2	Land Off Summerland Lane, Newton

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YGG Llwynderw Cumulative Totals	2	
YG Gwyr		
	4	Beilli Glas, Glebe Road, Loughor
	2	Former Walkers Crisp Factory
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	1	Land Off Summerland Lane, Newton
	4	Land South of Glebe Road,
	1	Land South of Pen y Dre,
	5	Land to North of Bryn-y-Mor Rd
	1	Land to rear of 188 St Teilo St., Pontarddulais
	1	Land off Lon Masarn, Cefn Coed Hospital
	1	Land at The Yard, Cambrian Place, Pontarddulais
	1	Land off The Croft, Castle Street., Loughor
YG Gwyr Cumulative Totals	24	

## 6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Oystermouth Primary	0	0
Bishop Gore Comprehensive	2360	519.2
YGG Llwynderw	% of above and other applications	
YG Gwyr	% of above and other applications	

## 7. Position of capacity:

### 7.1 Primary:

7.1.1. **English-medium:** the English medium catchment school currently has very limited capacity (6.54%); and having less than 10%, surplus capacity leaves the school with limited flexibility. With the pupils generated from this development, it would then reduce the schools flexibility further.

7.1.2. **Welsh-medium:** the Welsh medium primary school of YGG Llwynderw currently has limited capacity (4.70%)

### 7.2. Secondary:

7.2.1. **English-medium:** Whilst there is currently limited, capacity (11.55%) at Bishop Gore Comprehensive currently has limited capacity (11.55%) and there are some suitability issues at the school.

7.2.2. **Welsh-medium:** the Welsh medium secondary school (YG Gwyr) based on January 2019 figures had 9.73% unfilled place. 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.

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**8. Requested Contribution:**

8.1. **Primary:** The full contribution for EM primary of £82,976.00 plus indexation is requested towards Oystermouth Primary to contribute towards improving facilities in Foundation Phase and resource areas to increase capacity across the whole school. There is no request for WM contribution due to the low impact of the development and impact such a contribution would make.

8.1.2. **Secondary/Post 16 Provision:** Education request £79,240.00 English Medium Secondary provision and £17,013 for Sixth form English Medium provision plus Indexation towards Bishop Gore Comprehensive School to contribute towards amending the toilet provision to comply with Education Premises Regulations 1999, which will need to be undertaken to facilitate any increase in pupil numbers at the school. Whilst there will be a deficit of Welsh Medium secondary places, the contribution from this development would not be enough to provide the additional infrastructure to support the increase in pupil place, therefore on this occasion there is no request for WM secondary contribution.

**NRW**

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales on the above application, which we received on 26 September 2019. We note that there has been a reduction in the number of proposed dwellings and a change in the proposed site layout. Having reviewed the additional information submitted in support of the above proposal, we wish to make the following comments.

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

Condition:

Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in this letter. To be agreed by your Authority's Planning Ecologist.

**Gower AONB**

As the proposal is within Gower Area of Outstanding Natural Beauty (AONB), we wish to highlight that the Local Authority (LA) has a duty under Section 85 of the Countryside and Rights of Way Act 2000, which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty (AONB) are conservation and enhancement of natural beauty.

We note the submission of the document entitled; 'Landscape and Visual Statement', dated 8 November 2018, by Soltys Brewster Ltd. Along with the; 'Zone of Theoretical Visibility (ZTV) Drawing (Figure No. 1873201 - SBC - 00 - NA - GA - L - 103 - P01),' also dated November 2018.



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As part of our statutory pre-application response and our most recent reply to the above planning application (dated: 14 January 2019), we requested that additional photographs/photomontages should be provided to support the Landscape and Visual Statement.

As previously highlighted, the additional information (in the form of photographs from three viewpoints), to not appear to be have taken in line with: Landscape Institute Advice Note 01/11 - Photography and photomontage in landscape and visual impact assessment.

Furthermore, as the photomontages do not appear to have been provided, it is unclear whether the proposed amended design and revised site layout will have a negative impact on the AONB.

Therefore, your Authority may wish to consider that a revised Landscape and Hedgerow Management Plan, may be required in order to minimise any negative impacts.

In addition, given that the proposal lies within the AONB and that areas of open countryside extend to the south, we advise that the potential effects of increased lighting on the AONB should be minimised, through careful design and the provision of a detailed Lighting Plan / Strategy, which deals with both the ecological and landscape aspects highlighted in this letter.

The Landscape and Visual Statement contends that there would be no significant effects on landscape character and visual amenity and that the proposal does not conflict with policy.

However, we would remind your Authority that the AONB policy requires the conservation and enhancement of natural beauty. Policy EV26 of the Swansea UDP states that within the Gower AONB the primary objective is the conservation and enhancement of natural beauty.

The proposed Policy ER4 of the Deposit LDP states that within the AONB development must have regard to the purpose of the designation. In addition, criterion (v), states that development must demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.

We would advise that you discuss the revised design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current proposal has met these tests and whether the current proposal is a design and layout which is in-keeping with the character of the AONB and which minimises any adverse effects.

#### Ecology and Protected Species

We note the submission of the new document entitled: 'Land at Thistleboon, Swansea: Badger Survey', dated February 2019, by Soltys Brewster Ltd.

The survey identified badger activity at the eastern and southern boundaries of the site, in the form of two single hole 'Outlier' setts. Higher levels of badger activity (pathways, latrines, dung-pits), were also noted outside the site boundary, again to the east and south.

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The survey acknowledges that proposed construction works for a number of plots at the site would fall within 20-30m of the sett, resulting in the need for a licence.

Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.

If development is to take place within 30m of a badger sett then a licence may be required under Section 10 (d) of the Protection of Badgers Act 1992 before any development can proceed.

We do not intend to provide detailed comments as part of our planning response, however we strongly advise that the applicant contacts the NRW Licencing Team, at the earliest opportunity, to discuss the proposal.

To undertake the works within the law, the applicant can obtain further information on the need for a licence from Natural Resources Wales on: 0300 065 3000, or via:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welsh-government/?lang=en>

In addition, we recommend that you discuss this matter with your Authority's Planning Ecologist, as they may have additional comments and requirements.

We also note the provision of the document entitled; 'Land at Thistleboon, Swansea: Extended Phase 1 Habitat Survey and Bat Assessment', dated 8 November 2018, by Soltys Brewster Ltd.

It is stated that surveys were conducted on the 30 May and 12 July 2018, and that these sought to update a previous survey, which was carried out in 2014. Since the previous survey the land has changed from semi-improved grassland, to arable. The site is described as being bounded mainly by species-poor hedgerows, with some young trees and fringing tall vegetation. However, the western boundary comprises of a sunken lane with a hedge on either side and a 'somewhat more diverse field layer.'

Please note; the findings of any ecological and species surveys will remain valid for a period of 2 years, from the date they were carried out. Should development at the site not begin until after the 2 years has elapsed, we would advise that you discuss the need for updated surveys, with your Authority's Planning Ecologist.

## Bats

The site is described as being of low potential for foraging and commuting bats and as part of the survey effort a transect was walked for three hours, after dusk on the 12 July 2018, along with the use of Anabat detectors (on the eastern and western hedges), for a period of 5 nights in July.

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Section 3.2.1 of the report states that trees at the site are young, with no features which could support roosting bats. As a result, the site is considered to be of negligible value to support bat roosts.

Nevertheless, the Anabat detectors did record bat activity along the eastern, and in particular the western hedgerows at the site. Therefore, we would support the recommendations laid down in Section 5.8 of the report and advise that these boundary hedgerows should be retained and strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be agreed with your Authority's Planning Ecologist.

We also advise that your Authority may wish to request the provision of a Lighting Strategy (as mentioned previously), in order to avoid any light spill onto the boundary hedgerows and also to minimise any additional intrusive lighting within the AONB.

We also recommend that you discuss this and the other recommendations laid down in Section 5 of the report with your Authority's Planning Ecologist, as they may wish to comment on other habitats and species, which lie within their remit, along with the presence of the Llangland Bay to Mumbles Head and Mumbles Head SINC, which is located approximately 200m south of the site.

#### Protected Sites

The Llangland Bay (Rotherslade) SSSI is a geological site and is located a short distance from the proposed development. Providing that an appropriate Construction Environmental Management Plan (CEMP) and pollution prevention measures are implemented and followed, we do not anticipate any impacts to the site.

#### Geoscience / Surface Water Disposal

The proposed development is located on a greenfield site and a Principal Aquifer, which is underlain by Limestone Bedrock. In circumstances, where a discharge to ground water was being proposed, the applicant should be made aware of our Groundwater Protection Position Statements, in particular Groundwater Protection Position Statements G1.

However, the document entitled; 'Drainage Strategy: Proposed Residential Development Thistleboon, Swansea (Ref: 18051/D100A)', dated November 2018, by Shear Design, indicates that for this application, surface water is to be discharged to an existing watercourse.

Therefore, providing this remains the case, and as the drainage system design is ultimately a matter for your Authority's Drainage Engineers, we would advise that you consult them, to ensure that they are satisfied with the proposals.

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>).

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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.

### Planning Ecologist

It is noted that there has been a reduction in the number of proposed dwellings and a change in the proposed site layout.

#### Badger

The survey identified badger activity at the eastern and southern boundaries of the site. Higher levels of badger activity were also noted outside the site boundary, again to the east and south.

The survey acknowledged that proposed construction works for a number of plots at the site would fall within 20-30m of the sett.

A NRW licence will therefore be required. Further details from <https://naturalresources.wales/permits-and-permissions/protected-specieslicensing/uk-protected-species-licensing/badger-licences-issued-by-naturalresources-wales-and-the-welsh-government/?lang=en>

A copy of the license must be submitted to the LPA.

Please also refer to my previous comments of 11/3/19 which still relate to the amended plans.

#### Condition:

Pre-construction checks for badger setts shall be undertaken up to 100m from the development site.

#### Hedgerows/Landscaping

It is noted that the western and eastern hedgerows are to be retained, and that new hedgerow will be planted on the northern and southern boundaries. These shall be strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing bat flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be submitted and agreed with the LPA. The condition of the retained trees and hedgerows must be monitored and any dead ones replaced with new planting.

#### Condition

The details contained in the Constraints, Opportunities and Landscape Strategy Plan, August 2018 and in the Soft Landscape Plan, May 2018 drawings must be adhered to.

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Condition

A Landscape and Hedgerow Management Plan shall be submitted to the LPA for approval, prior to any determination.

Condition

All landscaping (trees, shrubs, hedgerows) shall be retained and replaced if they fail. The condition of the retained and newly planted vegetation shall be monitored

Hedgehog.

The addition of hedgehog access holes shown in the External Works layout plan, regarding the close board fencing and the stone screen wall is noted and very welcomed.

Condition:

Boundary treatments ie. close board fencing and stone screen walls shall incorporate 180 mm diameter holes to provide hedgehog access to the site, as per details in the External Works plan, November 2018.

Reptiles

Condition:

Pre-construction checks for reptiles shall be undertaken. Any vegetation clearance shall avoid the main hibernation period October to March inclusive.

Construction Environmental Management Plan (CEMP)

A CEMP is required to be submitted to the LPA for approval, outlining and assessing all necessary pollution prevention measures (especially regarding the adjacent Langland Bay SSSI and any waterbodies). Pollution prevention measures outlined in the CEMP shall be implemented and followed during the construction and operational phase of the development.

Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

Reason: Prevent pollution of controlled waters and the wider environment.

Ecological enhancement

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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.

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. 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.

Lighting Strategy

Condition

A sensitive lighting plan shall be adopted to protect bats and other nocturnal species, and to protect nearby habitats. A plan showing location and specification for any proposed lights on the site shall be submitted to the LPA for approval, prior to any determination. The lighting plan should reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance.

Please also refer back to all previous comments of 7/2/19 and 11/3/19 which apply to this amended plan and recently submitted information.

**GGAT**

Thank you for consulting us about this application; consequently, we have reviewed the detailed information contained on your website.

You will recall our previous responses to this application (most recently September 2019) in which we had recommended an archaeological evaluation to be undertaken in order to further inform on the nature and extent of the archaeological resource that may be impacted upon by the proposed development. This was undertaken during July 2019 by Archaeology Wales (August 2019, report reference 1825).

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Apart from the recovery of possible drainage features, which could not be dated, and a small quantity of late post-medieval and modern pottery from topsoil deposits, the results of the archaeological evaluation were largely negative.

It was our opinion that the impact of the proposed development upon the archaeological resource is considered to be low; and as the archaeological advisors to your Members, we had no objections to the positive determination of this application. The amendments do not change our understanding of the archaeological resource and therefore our response remains the same.

The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

### Landscaping Officer

General observations:

Planting

Trees:

I note the increased diversity of tree and hedging species; I note that a large proportion of trees remain as *Sorbus aucuparia* and vars. I would want to see greater diversity and resilience in the mixture, in reality the 2 types of Mountain ash are very similar, albeit that the Cardinal Red looks like a vigorous version of its relative and both are very variable in their growth in the area, particularly as standard trees, as opposed to hedging. I note the increased use of *Alnus glutinosa*; I have previously suggested the inclusion of a few larger growing species, the location to the rear of plot 26 would seem to be suitable for a larger growing species (as well as other locations).

While recognising that Holm oak will survive on this site it is likely to be a problem in due course both within (in casting shade) and beyond by its ability to spread into the local exposed coastal environment. This is a non-native that we should not encourage when there are sufficient locally established species that will grow well. Consider planting 2-3 *Acer pseudoplatanus* as large long lived tree species within open spaces (also as alternatives to Holm Oaks), as well as inclusion in the scrub species mix.). Suggest the inclusion or protection of oaks in hedgerows as standards as well as hedgerow plants and as standards in open grassland or rear gardens.

Shrubs:

In plot 11 S5 *Choysia ternata* may outgrow its location adjacent to the front door, consider swapping with shrubs to the outside edge of the building or using *Ch.ternata* 'Sundance'.

In plot 26 Note the location of *Viburnum opulus Nana* adjacent the footpath, this is a stiff branched shrub that may be better swapped with *Vinca minor*.

I am also mindful of how rampant and invasive *Vinca major Variegata* is, spreading to 1.5 to 2m in diameter that will swamp *Armeria maritima* (Thrift); reconsider this association.

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Bulb Planting: do not plant within 1m of paved surfaces to allow for mechanical maintenance prior to and after flowering and so that, depending on species (not specified beyond Narcissus), do not collapse over paving.

Access to Benches: provide access and static spaces for wheelchair users and double buggies as an equal status; extend concrete base to allow for circulation in front of and through benches as well as parking spaces for wheelchairs and buggies and to prevent erosion of grassed areas.

### **Housing Enabling**

I can confirm that Housing accepts the proposed Affordable Housing layout, just to confirm all affordable housing must be built to DQR standard.

### **Strategic Planning Team**

This appraisal provides comments in relation to a revised site layout and additional evidence submitted in support of the planning application. The amended plans reduce the number of dwellings on site from 33 to 31.

The site is allocated under LDP Policy H5 'Local Needs Housing Exception Sites' as 'H.5.6 Land at Higher Lane, Langland'. It is one of six sites allocated for local needs housing to meet an identified social and/or economic need. The Policy seeks to deliver both Local Needs Market Housing and Affordable Housing for Local Needs, specifically in order to meet the identified need in the Gower, Gower Fringe and West Strategic Housing Policy Zones.

The Policy states that proposals must provide a minimum of 51% affordable housing for local needs and a maximum of 49% of an enabling local needs market housing that meets an identified housing needs within the locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability. The minority local needs 'market' housing permitted by the Policy is not solely focused on addressing issues of affordability. Issues of affordability are clearly addressed through the minimum 51% of the scheme which is to provide affordable housing for local needs. The manner in which the local needs 'market' element of the allocations will meet need local is: firstly, by ensuring that the nature of the homes to be delivered will provide opportunities for those households who require assistance in accessing the market; and secondly, by applying local occupancy criteria to initial and subsequent purchasers of the dwellings. The occupancy of the Local Needs Market Housing will be restricted to "persons with a local connection" to be used as "their only or principal home" and will be formally tied to planning consent by means of legal agreements and/or conditions. Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of "persons with a local connection" within the locality will not be permitted. Having regard to the proposed ratio of affordable housing and market housing detailed in the scheme, the applicant is proposing 16 affordable dwellings and 15 market dwellings and has met this particular requirement of Policy H5.

LDP Policy PS 1 emphasises that the Plan's settlement boundaries are a key mechanism for helping to manage future growth by defining the area within which development would normally be permitted, subject to material planning considerations.



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The distribution of future sustainable growth across the County follows a simple settlement hierarchy consisting of the urban area, key villages and the countryside. As set out above, the proposed site is within the settlement boundary and development at this location would therefore in principle be in accordance with the Plan strategy.

LDP Policy H2 sets out the Plans Affordable Housing Strategy that seeks to deliver a minimum 3,518 affordable homes over the Plan period through the following measures through a variety of measures. This includes the allocations for local needs housing exception sites (i.e. under Policy H5), which will deliver local needs affordable housing as a majority proportion of homes on such sites, supported by minority element of market housing to meet local need.

The site is located within the West Strategic Housing Policy Zone (SHPZ) where evidence shows that housing opportunities for first time buyers and low income households are limited compared to others due to high land values and redevelopment costs. The sites allocated in LDP Policy H5 have been identified to meet local needs housing across the Gower, Gower Fringe and West SHPZs, and as such H5 sites that are located in close proximity to other SHPZs can reasonably be expected to help meet a need for that zone (as well as the zone within which it is located). Site H5.6 is located in close proximity to the Gower Fringe SHPZ and will help meet demand in that zone, as well as the West Zone. Evidence underpinning the policy identifies that Oystermouth Ward has a high proportion (>30%) of detached; 4+ bedroom; and 2 bedroom or less housing types. There is a need for 3 bedroom houses in the area and the revised layout indicates 3 x 3-bed market homes and 4x 3-bed affordable homes. However, there remains a significant number of 2-bedroom dwellings (8 market homes and 10 affordable units).

The sensitive location of the site is a major factor to take into account when assessing the proposal. Policy H5 emphasises that scheme design should not unacceptably impact on the sensitive nature of the AONB and coastal features. It is note that a further Landscape and Visual Impact Assessment has been submitted. I note that LDP policies referenced in the document are from the Deposit Plan, and not the adopted LDP, however it is doubtful whether this will have an impact on the conclusions of the LVIA. The determination of this application will necessitate full consideration be given to this LVIA in order to decide whether it adequately considers how the proposed development would integrate into the landscape and consider wider seascape impact and impact on Wales Coast Path. It is certainly noted that the design and layout of the development has sought to respond to the outputs of the LVIA.

LDP Appendix 3 provides specific developer key site requirements and site informatives for all sites allocated in the Plan (see below). Throughout the development of the LDP, including the candidate site assessment stage and discussions during Examination, it was been emphasised that the development needs to be 'low lying' in order to reduce the visual impact on the AONB/cliff path. It is noted that the scale and massing of the buildings in the current application has been amended in order to try and address these concerns, which is welcomed.

Notwithstanding this, the revised scheme appears to show only 3 single storey buildings, all of which are social rented homes. Discussions held during the iterations of the scheme have highlighted to the applicant that single storey market housing (particularly dwellings designed to a 'lifetime home' standard) provides a means to address a recognised social need for elderly persons and/or those with additional care needs.

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As stated in comments made on earlier iterations of the scheme, the applicants own evidence (as produced by John Francis) states that bungalows achieve a premium return and therefore it is not clear that there are any obvious financial viability constraints preventing more of that type of unit in the 'market' element of the development. The introduction of single storey dwellings/lifetime homes has the potential to ensure one of the key policy objectives are addressed, namely that proposals must provide market housing that 'meets an identified housing need within the Locality by providing an appropriate range of dwelling sizes, types and design". This requirement is of course caveated within the policy in terms of recognising that any proposal needs ultimately to be financially viable. As such it may be that some of the market housing types are included in the interests of securing a viable development. The developer should make clear which units are intended to address the housing need policy objective, and which (if any) are included primarily for financial viability reasons.

Ultimately the Council will need to be satisfied that the necessary balance has been struck between: achieving appropriate design and placemaking standards; meeting local housing needs in a manner which contributes to the sustainability of the local community; ensuring the Council meets its statutory duty in relation to the AONB by mitigating the landscape impact on the AONB; and arriving at a financially viable scheme that allows a development scheme to come forward. The ongoing and continued dialogue between relevant Council departments and the applicant to ensure a positive outcome in this regard has been welcomed. It has been previously highlighted that should there be any dispute between parties as to the financial viability / deliverability of the scheme (considering any necessary planning obligation/S106 requirements), the applicant will be asked to meet the costs of an independent appraisal from a qualified viability expert who would be able to provide a genuine third party view.

It should be noted that in order to further comply with LDP Policy H5, a local occupancy criteria should be applied to the local need market homes and formally tied to an appropriate planning mechanism and/or legal agreement and to ensure that the dwellings are not used as a second home/holiday home. This will address the issue that a significant proportion of dwellings within the ward currently have no usual residents (i.e. are holiday or second homes).

LDP Policy IO 1 will be used to ensure that the affordable housing on the site is retained in perpetuity through the use of Planning Obligations in accordance with the legislative and policy framework provided in PPW, Community Infrastructure Levy Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions).

LDP Policy PS 2 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. 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 and have particular regard to the following Policy criteria: i. The proposed development should have regard to landscape, 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 multifunctional open spaces and enhance the County's green infrastructure network; xii. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space; and xiv.

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Ensure no significant adverse impact on natural heritage and built heritage assets. Furthermore, Policy PS2 Paragraph 2.2.14 states 'There will be particular expectations of quality in areas of valued and distinctive character such as the Gower AONB'. Such a requirement links to Policy ER4 that emphasises the particular issues for consideration for proposals with the AONB. The comments of the Council's Placemaking and Heritage officers will be important to assess whether the key policy criteria in PS2 have been suitably met.

Policy SI 6 states that 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. The Open space Assessment (2016) indicates that Oystermouth ward has a total of total of 2.2ha per 100 head of population of FIT provision within the ward which equates to 0.2ha under the recommended target and there is a significant area of deficiency in the Thistleboon locality. There is therefore a requirement for some provision in the application site. Developments of between 10-200 dwellings would normally be expected to provide a LAP and a LEAP. The revised layout identifying areas of public open space with natural play areas within the site is welcomed and relevant Council officers should be consulted to ensure this is sufficient.

The proposals will need to maintain, protect and enhance any ecological networks and features of importance for biodiversity (Policy ER9 refers). The site has mature hedgerow boundaries which contain some mature trees. LDP Policy ER 11 prohibits development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services. As requested, the applicant has submitted relevant assessments and the Councils Arboriculture officer should be consulted for his comments.

The ecological report indicates presence of bats and the retention of the hedgerows will be important in this regard. The Gower Lighting Guide SPG will shortly be amended and adopted to the LDP. The SPG will reflect the latest technology and Gower's accreditation as a Dark Skies Community. Given the current available evidence of impacts on biodiversity, and consistent with policy advice from Dark Sky Wales and the IDA, the revised SPG will include a 3000 Kelvin level as the maximum for lighting schemes within Gower AONB. Any lighting within the development must accord with this figure in accordance with Policy RP 3.

LDP Policy ER 2 highlights the importance of protecting and enhancing existing green spaces that afford valuable ecosystem services, and resisting development that compromises the integrity of such green spaces. The policy is not intended to preclude any form of development on areas of open land. The policy sets out how development proposals should seek to enhance the multi-functional role of green infrastructure and facilitate connectivity, including effective integration within development sites of appropriate green infrastructure. The submitted proposals include the retention of hedgerows, providing a green corridor on the eastern boundary, and a community orchard provides a good example of an integrated measure that provides an additional measure that could enhance ecosystem provision. The observations of the Council's biodiversity team could be sought in this regard. The developer is also encouraged to also integrate green roofs into the scheme to enhance green infrastructure opportunities.

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Having regard to landscaping matters, PPW embeds the principles of the circular economy into design choices, site selection, treatment and associated construction practices and the principles should underpin the principles of development. Paragraph 5.12.4 states that as 'part of site treatment, the cut and fill balance of materials excavated should be assessed so as to avoid the creation of waste which cannot be effectively re-used due to lack of suitable storage facilities, such as 'urban quarries', and re-processing facilities. Developers should design proposals to achieve an earthwork balance by submitting a natural material management plan as part of development proposals which seeks to minimise cut and fill or which may provide for remediation of land elsewhere in the area.' Therefore, the Council should request a natural material management plan to accompany any planning application, detailing how any excavated soil will be used in site design.

In accordance with LDP Policy T6 proposals must be served by appropriate parking provision in accordance with maximum parking standards and highway colleagues should be consulted to ensure the proposal meets those standards. The design and layout of the proposal needs to allow for the safe and convenient movement of people and transport modes, in accordance with LDP Policies T5, with priority afforded to Active Travel. Consideration of this should include consulting with waste management officers to ensure the proposal allows for the access of refuse collection vehicles and personnel (Policy RP9). The proposed layout incorporates the existing PROW, which is a developer requirement having regard to those set out in the LDP Appendix 3 (see below). The revised plans propose additional linkages to the surrounding PROW network and the proposal would therefore accord with LDP Policy T7.

Any drainage scheme would have to ensure that there would be no detriment to any water course in accordance with LDP Policy RP4. The Council would have to be satisfied with any submitted drainage strategy in accordance with LDP Policy RP5. Furthermore, sewerage connections and associated drainage infrastructure will have to be in accordance with Policy IO2 and EU 4. It is noted that revised drainage strategy has been submitted and colleagues in Rights of Way and drainage should be consulted.

LDP Appendix 3 provides specific developer key site requirements and site informatives for all sites allocated in the Plan. The Appendix provides additional detail to the requirements set out in the site allocation policies and sets out clearly where the Council will require infrastructure to be provided to support development. The Appendix also clearly sets out where Plan policies will require further assessments to be carried out to establish the impact of development of the allocated site in relation to known issues, constraints and designations. The Appendix is supported by the Infrastructure Delivery Plan (IDP), which is a standalone document which does not form part of the plan. The extract for the application site is below. It is imperative that the applicant meets all the requirements listed.

Site Ref & Name H 5.6 - Land at Higher Lane, Langland

SHPZ - West

Education

Off-site financial contributions under s106 to existing Primary and Secondary schools in the catchment area, in accordance with Policy SI 3 Education.

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Green Infrastructure Network

Provision of open space accordance with the FiT guidance set out in Six Acre Standard Document, Policy SI 6 Open Space, Council's open Space Assessment and Open Space Strategy.

Open Space

Provide green infrastructure network throughout the site in accordance with Policy ER 2.

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: Air, Noise or Light Pollution, RP 3: Water Pollution and the Protection of Water Resources).

RP 5: Land Contamination, RP 6: Land Instability.

Transport

PROW: Connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: MU5, MU4, MU2, MU6 and MU10.

DCWW WWTW

Swansea Bay WwTW: No issues in the WwTW accommodating the foul flows from the allocation.

DCWW HMA Foul Water - No  
DCWW HMA Clean Water - No  
Compensatory Surface Water Removal – No

Flood Risk - No  
Welsh Language Action Plan - No

SINCS - No

Other Informatives

With Gower AONB and the coastal zone. Consult with NRW. Use the Gower AONB Design Guide, Gower AONB Landscape Character Assessment and Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment to guide the design and development of this site. A Landscape and Visual Impact Assessment will be required at planning application stage to ensure careful integration of site into landscape and consider wider seascape impact and impact on Wales Coast Path. Preferable 'low lying' buildings with suitable landscaping to ensure minimal adverse impact on landscape/seascape. See Policy ER 4: Gower Area of Outstanding Natural Beauty (AONB).

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Probable Grade 3a agricultural land. An agricultural land classification survey will be required.

### Summary

The proposal, complies with LDP Policy H5, in terms of seeking to provide a majority proportion of affordable homes for Local Needs on the site, alongside a minority element of market housing.

Since early iterations of the scheme were formulated, the applicant has submitted significant further evidence as requested by the LPA in order to demonstrate how the proposal accords with the requirements of the LDP and PPW, including in relation to green infrastructure, agricultural land, trees and hedgerows, ecology and landscape and visual impacts. In particular, further assessment has been given to the visual impact of the site and the integration of the development within the AONB landscape and its sensitive coastal location.

Subject to the LPA being satisfied with the final details submitted in terms of proposed dwelling types and design matters, my view is that the proposals do provide an opportunity to bring forward a high quality scheme that delivers a significant number of affordable and market homes on this 'exception site' that will serve to address an indemnified local need. This would represent 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.

It is imperative that proposals provide the necessary planning obligations generated by the development, and that any planning permission is subject to the abovementioned planning conditions/legal requirements, for the scheme to be acceptable and meet the policy aspirations for development at this location.

### Tree Officer

The Authority's Arboriculturalist raised no objection to the proposals.

### Further Re-consultation (28th January 2020)

Additional and amended plans and reports were received. A full re-consultation of neighbours was made on 26th January 2020 and the application was advertised by means of three notices placed within the vicinity of the site on 28th January 2020.

212 additional letters of objection were received, the reasons for objection are summarised below:

- Amended plans and documents have not overcome previous objections.
- LVIA is not fit for purpose and does not comply with LDP requirements.
- The proposal will neither conserve or enhance the Gower AONB or historic character of the local area.
- Loss of hedgerows, which the Council has a legal duty to protect.
- Visual impact on the proposal, including that the proposal will not comply with the Gower AONB Design Guide and is not 'low lying' as required by the LDP.
- Loss of the right of way, which would not be compensated with a route through the site.

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- Proposal does not include any improvement contributions to local rights of way as required by the LDP.
- Land is unstable and has natural cavities, which have not been fully investigated.
- Impact on views from neighbouring property.
- Unacceptable overlooking impact, impacting Human Rights and contrary to the Well Being of Future Generations Act.
- Impact on traffic, highway safety and demand on parking.
- Negative impact on local facilities and services, including schools.
- Loss of a local field and greenspace.
- Urbanisation of the countryside.
- Flood risk.
- Will not provide affordable housing.
- Negative impact on ecology and animals.
- Development is only for profit.
- Approval will be contrary to the declaration that there is a climate emergency, as well as having an unacceptable impact on climate change, through loss of a carbon sink.
- Not a sustainable location.
- Council is profiteering from the development.
- Development would be better placed on brownfield sites.
- No demand for this development.
- Insufficient sewage infrastructure
- Increase in pollution
- Development is contrary to PPW.
- Results in loss of best or most versatile land.
- Needs for affordable housing does not override protected status of the AONB.
- Negative impact on local tourism
- Development will negatively impact house prices
- Negative impact on neighbouring SSSI and beaches.
- Out-of-keeping with the character of the area.
- Potential impact on coastal erosion.
- The proposed drainage details are not acceptable or accurate, and will result in an unacceptable impact in surface water run-off.
- The transport statement is insufficient, has weak conclusions and the data was collected at an inappropriate time.
- The ecological report is erroneous in its assessment of the ecological value of the site and treated it as farmland, which it was only used as recently for this application.
- The site has a number of protected species to the lower area.
- The marketing information is not accurate.
- The site will be used as second homes.

### **Councillor Myles Langstone**

Following the submission of further documentation by the Developer, I write as County Councillor for Oystermouth to highlight the fact that the significant issues raised by myself and residents previously have not been addressed.

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You will note the independent and professional report by Litchfields, commissioned by Mumbles Community Council, clearly demonstrates how the application is deeply flawed. This remains the case. I am particularly concerned that the Landscape & Visual Impact Assessment which has recently been produced by the Developer is not fit for purpose, contains many fundamental flaws and is not in line with LDP stated requirements for an AONB.

I can see no way that an application, which is so deeply flawed, can progress any further.

### **Mumbles Community Council**

Mumbles Community Council has commissioned a report from Lichfields Planning and Development Consultants into planning application 2018/2634/FUL for 31 dwellings on land off Higher Lane.

The report, which is attached, raised a number of issues and concerns regarding the planning application and was sent to the Developer's planning agent on 24/11/2019 asking that the issues raised in the report be addressed and a response provided to the Community Council.

The Lichfields report was also sent to Swansea Council on 24/11/2019 with a request that the planning application not be considered until the Developer has provided a response to the issues raised in the report.

The attached response has been received from Edenstone which states that they are continuing to engage with the Planning Department to address all relevant planning matters.

At the meeting of Mumbles Community Council held on 11/02/2020, the Council felt that this response was inadequate as it fails to answer any of the issues and concerns regarding the application identified by Lichfields in their report.

The Mumbles Community Council resolved that the Lichfields report should be formally sent to Swansea Council with a request that Swansea Council require Edenstone to address the issues raised in the report prior to the application being considered.

The Community Council also resolved to request that the Welsh Government 'calls in' the higher Lane application.

The Community Council is keen to see Edenstone's detailed response to the issues raised in the Lichfields report so that it can formulate a view, as a statutory consultee, to the application.

The Council is happy to meet with you to outline the issues that it is concerned about in relation to the Higher Lane planning application if that would be useful.

### **Drainage Officer**

The Authority has had detailed discussions on the development of a suitable drainage scheme for this site, having seen a number of iterations involving controlled flows and unrestricted discharges which would involve improvements to the receiving system.



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We note that this scheme is based on restricted/managed Q rate of 2.7l/s which we consider is able to be accommodated in the receiving watercourse. Accordingly, we recommend that the following is appended to any permissions given.

Condition 1

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

Reason.

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

Condition

The site shall not discharge at any rate greater than 2.7l/s as stated in the Drainage Strategy by Shear design reference 18051/D100E dated November 2019.

Reason

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

Any works to the watercourse may require the Authority's prior written consent under Section 23 of the Land Drainage Act 1991 irrespective of any other permissions given.

**Strategic Planning Team**

Regarding your recent request for a report on the above amended plans, and further to my previous observations (dated 28/01/2019) provided on the original plans, my comments are as follows:

- In my previous report on the original plans, I highlighted that LDP Policy H5 states that proposals must provide a minimum of 51% affordable housing for local needs; and a maximum of 49% of enabling local needs market housing specifically geared towards meeting identified housing needs within the locality. This can be done by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

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I highlighted concerns regarding the previously proposed composition of the market housing and the extent to which the nature of the homes proposed would in reality have provided opportunities for households who require assistance in accessing the housing market. I cited evidence underpinning the policy identifying that the Ward has a high proportion of detached 4+ bedroom housing types, and a lack of smaller 3- bedroom houses which the market element of the scheme needed to address. With respect to landscape and visual impact concerns, I also noted that the introduction of more low lying dwellings would have the potential to achieve a more favourable type of development, more in-line with what was envisioned in the LDP process when deciding to allocate the site. I advised that further discussions were required about the range, size and type of local need market homes (within the context of the financial viability of the scheme) to ensure that the requirements of Policy H5 of the LDP are suitably met.

- Over the last 12 months, positive dialogue between the LPA and applicant has seen the original proposals evolve. An amended scheme is now proposed and the market element now comprises 2- and 3- bedroom homes. All of the originally proposed 4- bedroom market properties have been replaced with 3- bed units in the amended plans.
- The application seeks to address the requirements of Policy H5 by securing the following through the proposed form, mix and tenure of the proposed 49% element of the scheme:
  - a) Through entering into the appropriate legal agreement, the proposed units will be occupied by residents as their only or principal home.
  - b) The units will only be available to people within a local geographic area to ensure they do not experience the pressures faced by the existing housing stock from individuals moving from elsewhere within or outside of the County.
  - c) The proposed local needs housing market element and indeed the scheme as whole is dominated by smaller properties in contrast to the existing local housing stock.
  - d) The proposed local needs housing market element includes 9 two bedroom properties (60%), which is over twice the current mix provision found in the locality (26.5%).
- The applicant has specified in its submitted planning statement that: “49% of the units will then be made available for purchase or rent and occupation on the basis of the proposed eligibility criteria set out by the Authority, the details of which are to be finalised with the Authority during the application’s determination. In addition, four of the proposed dwellings will be designed for adaptation to ‘lifetime home’ standards (see accompanying supplemental Design and Access Statement) to provide flexibility in meeting the varied need for such units in the local community” [para. 4.18]
- The amended plans have maintained the 51:49 minimum ratio between affordable (16) and market (15) units in line with the policy.

Given the above comments, on balance I consider that the applicant has gone a substantial way to address the concerns that I raised on the initial plans, in particular with regard to the suitability of the private housing mix for addressing local need.

As noted previously, in order to comply with LDP Policy H5, a local occupancy criteria should be applied to the local need market homes and formally tied to an appropriate planning mechanism and/or legal agreement to ensure that the dwellings meet a local need and are not used as a second home/holiday home. This will address the issue that a significant proportion of dwellings within the ward currently have no usual residents (i.e. are holiday or second homes).

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The proposals provide an opportunity to bring forward a high quality scheme that delivers a significant number of affordable and market homes that will serve to address a particular local need. This would represent a positive and welcome contribution to development needs for the area, on a site that has been endorsed and allocated by the Council as being appropriate in principle for such development.

**Tree Officer**

No objection.

The accompanying tree protection plan and arboricultural methods statement is suitable to protect the few trees on the site.

In the event of approval please could you condition adherence to these documents.

**NRW**

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition: Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in this letter. To be agreed by your Authority's Planning Ecologist.

**Gower AONB**

As the proposal is within Gower Area of Outstanding Natural Beauty (AONB), we wish to highlight that the Local Authority (LA) has a duty under Section 85 of the Countryside and Rights of Way Act 2000, which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty (AONB) are conservation and enhancement of natural beauty.

We note the submission of the new document entitled;

- 'Landscape and Visual Impact Assessment (Issue 4 / Revision PL03)', dated 6 November 2019, by Soltys Brewster Ltd;

Having reviewed the above, we wish to make the following comments. No photomontages appear to have been provided and the viewpoints included in the Design and Access Statement are different to those included in the LVIA.

Therefore, your Authority may wish to ensure that any discrepancies between the Landscape and Visual Impact Assessment (LVIA) and the Design and Access Statement are addressed.

Furthermore, Viewpoints 3, 4 and 5, in the Design and Access Statement show high visibility from the south, but are not produced at the correct scale, or in accordance with the most recent Landscape Institute Guidance (TGN 06/19 Visual Representation of Development Proposals).

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In addition, the Sketch-Up models included with the application are not an accurate visualisation. Therefore, your Authority may wish to request that photomontages from (at least) one of Viewpoints 3, 4 and 5 should be provided to illustrate the visual impact of the proposal from the south

We also note that the proposed density of the development has been reduced (from 33 to 31 dwellings), with a slightly larger open space, increased tree planting and larger-growing species have also been included. While we consider that this would help to mitigate some of the impacts and help to break up the development visually; it should be noted that the hedgerow to the east appears to fall outside the control of the management company.

Therefore, as previously suggested, your Authority may wish to consider that a revised Landscape and Hedgerow Management Plan, is submitted in order to minimise any negative impacts.

In our view, the development should reflect the Gower AONB Design Guide to a greater degree, rather than nearby modern dwellings, although this is a matter you should discuss with your Authority's AONB Team / Officer.

Given that the proposal lies within the AONB and that areas of open countryside extend to the south, we advise that the potential effects of increased lighting on the AONB should be minimised, through careful design and the provision of a detailed Lighting Plan / Strategy, which deals with both the ecological and landscape aspects highlighted in this letter.

We also continue to advise that you discuss the revised design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current design and layout are in-keeping with the character of the AONB and will minimise any adverse effects.

#### Ecology and Protected Species

Our comments remain the same as those made in our previous response and are repeated below.

We note the submission of the document entitled: 'Land at Thistleboon, Swansea: Badger Survey', dated February 2019, by Soltys Brewster Ltd.

The survey identified badger activity at the boundaries of the site, in the form of two single hole 'Outlier' setts. Higher levels of badger activity (pathways, latrines, dung-pits), were also noted outside the site boundary.

The survey acknowledges that proposed construction works for a number of plots at the site would fall within 20-30m of the sett, resulting in the need for a licence.

Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.

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If development is to take place within 30m of a badger sett then a licence may be required under Section 10 (d) of the Protection of Badgers Act 1992 before any development can proceed.

We do not intend to provide detailed comments as part of our planning response, however we strongly advise that the applicant contacts the NRW Licencing Team, at the earliest opportunity, to discuss the proposal.

To undertake the works within the law, the applicant can obtain further information on the need for a licence from Natural Resources Wales on: 0300 065 3000, or via:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welsh-government/?lang=en>

In addition, we recommend that you discuss this matter with your Authority's Planning Ecologist, as they may have additional comments and requirements.

We also note the provision of the document entitled; 'Land at Thistleboon, Swansea: Extended Phase 1 Habitat Survey and Bat Assessment', dated 8 November 2018, by Soltys Brewster Ltd.

It is stated that surveys were conducted on the 30 May and 12 July 2018, and that these sought to update a previous survey, which was carried out in 2014. Since the previous survey the land has changed from semi-improved grassland, to arable. The site is described as being bounded mainly by species-poor hedgerows, with some young trees and fringing tall vegetation. However, the western boundary comprises of a sunken lane with a hedge on either side and a 'somewhat more diverse field layer.'

Please note; the findings of any ecological and species surveys will remain valid for a period of 2 years, from the date they were carried out. Should development at the site not begin until after the 2 years has elapsed, we would advise that you discuss the need for updated surveys, with your Authority's Planning Ecologist.

## Bats

The site is described as being of low potential for foraging and commuting bats and as part of the survey effort a transect was walked for three hours, after dusk on the 12 July 2018, along with the use of Anabat detectors (on the eastern and western hedges), for a period of 5 nights in July.

Section 3.2.1 of the report states that trees at the site are young, with no features which could support roosting bats. As a result, the site is considered to be of negligible value to support bat roosts.

Nevertheless, the Anabat detectors did record bat activity along the eastern, and in particular the western hedgerows at the site. Therefore, we would support the recommendations laid down in Section 5.8 of the report and advise that these boundary hedgerows should be retained and strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be agreed with your Authority's Planning Ecologist.

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We also advise that your Authority may wish to request the provision of a Lighting Strategy (as mentioned previously), in order to avoid any light spill onto the boundary hedgerows and also to minimise any additional intrusive lighting within the AONB.

We also recommend that you discuss this and the other recommendations laid down in Section 5 of the report with your Authority's Planning Ecologist, as they may wish to comment on other habitats and species, which lie within their remit, along with the presence of the Langland Bay to Mumbles Head and Mumbles Head SINC, which is located approximately 200m south of the site.

#### Protected Sites

The Langland Bay (Rotherslade) SSSI is a geological site and is located a short distance from the proposed development. Providing that an appropriate Construction Environmental Management Plan (CEMP) and pollution prevention measures are implemented and followed, we do not anticipate any impacts to the site.

#### Geoscience / Surface Water Disposal

The proposed development is located on a greenfield site and a Principal Aquifer, which is underlain by Limestone Bedrock. In circumstances, where a discharge to ground water was being proposed, the applicant should be made aware of our Groundwater Protection Position Statements, in particular Groundwater Protection Position Statements G1.

However, the document entitled; 'Drainage Strategy: Proposed Residential Development Thistleboon, Swansea (Ref: 18051/D100A)', dated November 2018, by Shear Design, indicates that for this application, surface water is to be discharged to an existing watercourse.

Therefore, providing this remains the case, and as the drainage system design is ultimately a matter for your Authority's Drainage Engineers, we would advise that you consult them, to ensure that they are satisfied with the proposals.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. 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.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

#### Highway Authority

This application has been in the planning system for some time and subject to a number of revisions most recently a masterplan change from 33 dwellings to 31 dwellings.

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There was a pre-application made Reference 2017/2628/PRE this related to 47 dwellings and set out the Highway Authority's position. This set out:

A request for a Transport Statement;

Provision of a new 2 metre footway along the southern section of Higher Lane:

1. Plateau at access to development (to help to reduce speed) – could tie into new footpath to provide easier pedestrian access/crossing facility
2. Signage and markings to complement above
3. Improved bend/chevron warning signs
4. Continue footway adjacent to 109 Higher Lane (currently grassed area)
5. New street lighting to tie into planned plateau location.
6. Possible need for traffic calming either side of access in the form of speed cushions (concern regarding tie into existing highway near Cambridge Road – need to more detail to ensure any improvement does not create higher approach speeds)

The confirmation of a lack of public transport services and the requirement for improvement measures; Confirmation that driveways should be a minimum of 3.2 metres in width; Requirement for visitor parking; Confirmation whether the internal layout is proposed to be offered for adoption; and Further documents such as a Travel Plan and Construction Method Statement.

Following this a PAC was submitted for 33 dwellings and the Highway Authority reiterated the above comments and added:

1. A plateau at the access to act as a traffic calming measure (signage and parking will be required to compliment this)
2. The setting back of the site frontage along Higher Lane to provide a minimum 5.5m width carriageway with a 2m footway complete with adequate drainage and street lighting. All access works/improvements will need to be undertaken under a Section 278 agreement with the Highways Authority.
3. Improved bus stop facilities on Worcester Drive and Cambridge Road.
4. A pedestrian crossing point to the East of the proposed access, which will incorporate a raised table, as an additional traffic calming feature.

There was concern expressed on parking provision being remote from the dwellings and visitor or on street parking being an issue as the swept path assessments indicated that large vehicles require the use of full width of the carriageway.

Within this current application the Highway Authority has provided informal comments through the process requesting more information and providing advice, the comments include:

Requests to update superseded layouts for swept path assessments;

Requests for updated Transport Statement;

Confirmation that refuse vehicle overhang of the footway at the turning area would not be acceptable;

Provided information on the concerns of the neighbouring property, which included the requirement for consideration to be given to the existing driveway access.

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The above history has been taken into account in this consultation response.

#### Current Application

A Transport Statement (TS) and associated plans have been submitted with this application and these have been reviewed.

#### Access

The proposed development of 31 units will be served via a new access onto Higher Lane. This appears to take account of the majority of the requirements with clarity needed on the street lighting requirement and traffic calming only appears to be provided on one side. The TS does not commit to the dimensions of the access road and the drawings do not confirm this detail, confirmation is required that it will be provided to a minimum of 5.5 metres width, potentially wider where required, such as on bends or where visitor parking is located opposite private driveways.

The footway on the opposite side of the carriageway to the development is required to be extended to property 109 and tie in with the proposed crossing point. The details of the crossings either side of the access and how these will tie into the opposite footway, which is at a different gradient, has been suggested to be dealt with at detailed design, within the TS.

The private ownership plans suggest the internal network and the area of new highway with the new areas of highway include within private management. The new areas of highway (and footway) on Higher Lane would be required to be built to adoptable standards and offered for adoption to a point at the back of the junction radii and the plateau.

#### Public Transport:

It has been requested and advised that the applicant will be required to improve public transport facilities and provide measures to deal with the lack of bus services, especially at weekends. The TS does confirm that the applicant is committed to improve the bus stop facility at Worcester Drive and Cambridge Road via S106, but no further measures are proposed in terms of service improvements.

#### Parking:

Parking must be provided in accordance with the adopted supplementary planning guidance. Vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

Parking spaces are required to be provided to the dimensions of 2.6 metres width and 4.8 metres length, this appears to have been provided. Driveways proposed as shown in the layout have been advised to require a minimum of 3.2 metres width. This is not clear from the TS or the parking layout plan.



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The TS advises that all plots will have two parking spaces, this would not be acceptable at this location, as it is unlikely that it would satisfy the requirements for a reduction in parking provision. The Proposed Parking Arrangement Layout plan confusingly contradicts this statement and indicates between two and three parking spaces per plot, mostly unclear. The plan also does not provide the confirmation of bedrooms per house type for the private sector plots. This does not allow review on the parking requirement. It is clear that there seems to be an under provision on social or rented properties. Given the location and the proposed access road layout, this would not be accepted.

There are six spaces provided for visitor use, which is welcomed. The spaces may require repositioning, such as the two closest the junction and those near the road bend, based on the swept path assessment outputs.

**Swept Path Assessments:**

The TS includes Swept Path Analysis (SPA) although Figure 4.4 referred to appears to be missing?

The refuse vehicle SPA confirms that the proposed turning head is inadequate and the vehicle overhangs the footway. This would not be acceptable and the turning head should be extended.

The visitor parking near the access would alter the approach of a large vehicle exiting the site towards the junction and this has not been shown. In a similar way the four spaces near the access road bend would alter vehicle swept paths. There is concern over these parking spaces and this will need to be addressed.

The refuse vehicle is not shown to access the private drive area, therefore confirmation on the refuse collection arrangements, within collection walking distances, will be required to be set out.

**Traffic Impact:**

The TS has sufficiently set out the likely traffic generation of the site and set this against the existing background of traffic on Higher Lane.

The forecast traffic impact of the development is low, this compared to existing traffic movements would be a significant percentage impact, but overall low and not likely to be of concern in capacity terms.

In this location it may be appropriate to consider seasonal variation of traffic which is likely to increase Higher Lane flows in the summer. This would in turn result in a lower development impact in percentage terms.

In consideration, the TS has sufficiently presented adequate information in order to consider the likely traffic impact.

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Travel Plan:

There does not appear to be a Travel Plan submitted within the planning application. The previous advice given was that one would be required.

Construction Traffic Management Plan:

This can be dealt with by way of planning condition.

Neighbouring Property Access:

The driveway of the adjoining property is located in close proximity to the site boundary. With the increase in vehicular and pedestrian traffic, further information is required on whether there is sufficient visibility. There appears to be visibility lines in a grey background although this is not clear. The vegetation between the site will need to be removed sufficiently to enable pedestrians and drivers to see and be seen as they interact in this area.

Conclusion

There were previously a number of concerns with the application and these have been in part addressed as the scheme has evolved. However there are still a number of remaining issues as identified within this consultation response.

It is therefore confirmed that the Highway Authority is not able to support this application.

There is scope for working to resolve these issues, it is advised that these are addressed or the Highway Authority will object to the proposals and recommend that it is refused.

Should the Planning Authority resolve to recommend the scheme for approval, the Highway Authority will require the opportunity to include the necessary planning conditions.

Conditions would be sought to ensure that: visibility splays are provided to standard and splays kept clear of obstructions and third party land; the access is designed to adoptable standards requiring a S278 agreement; turning areas are appropriate for use by multiple types of vehicles; parking provision in accordance with the SPG; a footway of 2.0 metre width is provided across the frontage of the site; the proposed internal road width is adequate, included pedestrian provision; a construction traffic management plan is submitted; and refuse arrangements are in place including adequate areas for turning.

### **Placemaking and Heritage Team**

The latest submission of information for the above scheme raises no concerns in Placemaking terms. The updated DAS provides a good summary of the design process as well as the considerations that have gone into this scheme throughout this process.

There are therefore no objections/comments to this latest submission.

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**Further Re-consultation (1st May 2020)**

Additional and amended plans and reports were received. A full re-consultation of neighbours was made on 30th April 2020 and the application was advertised by means of three notices placed within the vicinity of the site on 1st May 2020.

574 additional letters of objection were received, the reasons for objection are summarised below:

- Unacceptable loss of AONB
- Loss of greenfield
- Potential costal erosion
- Flood risk
- Loss of amenity space
- Negative visual impact
- Loss of environment
- Local services (road and schools) are already overwhelmed
- Loss of tourism
- Suggestions that the application is using loopholes to be approved.
- Impact on wildlife
- Accusations of Officer and Councillor corruption.
- Act as a precedent for future development
- Contrary to the Wellbeing of Future Generations Act
- Amendments have not addressed previous objections
- Impact on climate change
- Pollution
- Highway safety and traffic concerns
- Transport statement is insufficient
- Consultation process should not have restarted during lockdown
- The housing is not needed
- Overshadowing of neighbours
- Overlooking of neighbours
- Potential subsidence due to the land
- Scale and design of proposal does not fit with character of the local area
- Loss of right of way which is not satisfactorily compensated
- No affordable housing provided
- Impact on view
- LVIA is not fit for purpose, does not follow guidance
- Increased noise and disturbance
- A re-submission of previous letters of refusal
- Criticism of the lack of response to previous objections
- Does not comply with national or local policy
- The proposed properties are not low lying
- Does not conserve or enhance the AONB
- Site is not in a sustainable location
- Loss of hedgerow

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- Loss of agricultural land
- Impact on the coastal path
- Surface water run-off and drainage concerns
- Not a sustainable location
- Coastal housing is cheap and unwanted
- Concerns over the geology of the area and the potential hazards during construction and for future residents, including sink holes.
- Boggy nature of the site makes it unsuitable for development
- Historic mining of the area has not been considered.
- Drainage concerns and potential underground spring, which has not been considered.
- Impact on value of neighbouring properties
- Loss of outdoor natural space important for wellbeing.
- Likely to be second homes
- Criticism of the LDP process and conclusions
- Development is not low-lying
- Development does not comply with Gower AONB design guide
- Does not utilise sustainable materials
- Request for review from the Design Commission for Wales
- Impact in regard to the SSSI and drainage has not been satisfactorily assessed.
- Coastal erosion
- Loss of Hedgerow and historical landscape
- Inaccurate screening opinion
- Application does not comply with LDP Policy
- The archaeological investigation was not fit for purpose
- Impact on the water quality of neighbouring beaches
- Inappropriate landscaping strategy
- Light pollution from vehicles on neighbours and environment, due to road layout.
- Breach of human rights
- The arboricultural assessment includes trees on neighbouring land.
- Would prevent maintenance of neighbouring hedge.
- Density of development is not in-keeping with local area

### **Councillor Myles Langstone**

I am writing again, in response to the latest re-consultation, as the County Councillor for Oystermouth Ward to represent the vast majority of my constituents who strongly object to the planning application 2018/2634/FUL for Major Development within the AONB comprising of 31 units. In this objection, I also reflect the views of many people from outside our area who have responded to the consultation.

These comments are in addition to the previous objections I have made, which still stand and are to be considered accordingly.

### **Conservation and Enhancement of the AONB**

The first point that I make is in relation to the Council's legal duty to conserve and enhance the AONB.

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LDP Policy ER4 (Gower AONB) states that development must have regard to the purpose of the designation and must conserve and enhance the natural beauty of the area. In assessing the likely impact of development proposals on the natural beauty of the AONB, cumulative impact needs to be taken into consideration. Development must:

- Not have a significant adverse impact on the natural assets of the AONB or the resources and ecosystem services on which the local economy and well-being of the area depends;
- Contribute to the social and economic well-being of the local community;
- Be of a scale, form, design, density and intensity of use that is compatible with the character of the AONB;
- Be designed to an appropriately high standard in order to integrate with the existing landscape and where feasible enhance the landscape quality; and
- Demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.

Policy ER4 and the LDP site specific requirements for H5.6 (Higher Lane) are also clear that the Gower AONB Design Guide, Gower AONB Landscape Character Assessment and Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment must be used to guide the design and development of this site. The LDP site specific requirements for Higher Lane are clear that a Landscape and Visual Impact Assessment (LVIA) is required and must demonstrate careful integration of the site into landscape and consider wider seascape impact and impact on the Wales Coast Path. In addition, there is an expressed need for 'low lying' buildings with suitable landscaping to ensure minimal adverse impact on landscape/seascape.

The Landscape and Visual Impact Assessment (LVIA) produced by the developer has very significant, shortcomings, including but not limited to the following:

- It uses incorrect baseline information and does not use the appropriate Gower AONB Landscape Character Assessment (policy requirement of the LDP and a specific Site Requirement for H5.6);
- It does not consider cumulative impacts of development, which should include neighbouring development and recently permitted development elsewhere in the AONB (policy requirement of the LDP);
- The baseline information on receptor groups is for the wrong location;
- The LVIA makes no consideration of seascape or coastal impacts in the AONB (including those related to the SSSI, and does not consider the "Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment", despite the site being on the undeveloped coast in the coastal zone – (once again a specific requirements of the LDP);
- The LVIA dismisses the loss of a public right of way through the site (MU5), as a non-significant impact, despite the fact that it is very well used and provides a significant amenity for residents and tourists alike. Views from the right of way offer outstanding views of the landscape and seascape;
- Visualisation of the development are not in line with best practice and they do not appropriately consider views from the Wales Coastal Path, the public right of way through the site or immediately adjacent neighbours – who could suffer a significant loss of privacy and amenity (this has been pointed out many times by NRW in their consultation response – and the impact from neighbouring properties must be assessed with visualisations from those specific properties);

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- There is a significant inconsistency between stated impact assessment approach and the conclusions derived – e.g. where the approach suggests a significant impact, the conclusions state no significant impact;
- Within the planning policy section of the LVIA there is no reference to Policy ER4 (AONB), which is almost an unfathomable omission.

Specifically, with regard to the AONB, the LVIA states that:

- Within the application area and its environs, there is “likely to be a large change in landscape character as development becomes a dominant, long-term feature within the AONB designation”; and
- Within the AONB more generally the overall landscape qualities which define the AONB will “not be completely eroded”, noting that the fundamental requirement is to demonstrate conservation and enhancement, with no deterioration of the features that underpin the designation.

Despite these two points, the LVIA states that overall impacts on the AONB are predicted to be moderate to low, not significant and neutral. This is simply unjustifiable, and the LVIA is not fit for purpose.

We can only assume that the developer has been advised of the significant shortcomings on numerous occasions, and it appears to us that they have simply refused to provide what is required. This is very worrying to many people.

Given the fundamental importance of Landscape and Visual Impacts in the AONB, I expect the Council not to support a planning application that relies on an LVIA and Visualisations that are not fit for purpose.

**Protection of the Langland Bay (Rotherslade) - Site of Special Scientific Interest (SSSI)**

The drainage from the proposed development (shown in the Shear Design – Drainage Strategy Report – March 2020) is intended to flow into an existing drain, which then outflows on the cliff above Lambswell cove. The cliff is wholly within the SSSI, which is designated on the basis of its geological value, which comprises a rare and important occurrence of exposed glacial materials in the coastal zone).

The Shear Design report does not acknowledge the presence of significance of the SSSI, nor does it provide any assessment of impact on the SSSI. This is a significant omission as the existing drain, which takes surface water drainage from Beaufort Avenue, has caused significant erosion of the designated geological deposits, as pointed out by Swansea’s own technical officers.

Additional volumes of water into this drain from the proposed development will be substantial and will clearly exacerbate this situation, leading to further erosion of the protected geology in the SSSI. This is both an environmental and safety issue that greatly concerns many members of the public.

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This has been raised with the Council, but no response has been forthcoming. The response from the developer has been to provide a drawing of some very superficial works to the drain discharge point, but this does nothing to protect the designated geology in the already unstable and deeply eroded ravine (which is used as a pathway to Lamswell).

It is a legal requirement to conserve and enhance SSSI's, which is reflected in LDP policy ER10 (geological and geomorphological sites of value). This policy states that development will not be permitted that would cause significant adverse effect to geological or geomorphological SSSIs.

This matter has not been looked at in any level of detail and impacts have certainly not been assessed in line with accepted best practice.

I would expect the Council, with the support of NRW, to fulfil their legal responsibilities to conserve and enhance the key features of the SSSI, and not to permit drainage as suggested.

It should also be noted that information contained in the Shear Design report indicates that the Wales Coastal Path would be subject to an additional risk of flooding from the proposed development. The impact of this has not been assessed, which is matter of concern given the importance of this route. Not assessing such impacts is not in line with National Policy.

#### Land Instability

As the ward member, I am aware of land instability issues and I understand the significant widespread concern around this.

As identified in a site survey undertaken on behalf of the developer, there are “sink holes” within the development site and in neighbouring areas. Construction works and associated drainage could therefore give rise to land instability and collapses, which could lead to property damage, and potential safety concern to neighbouring residents in Higher Lane and Beaufort Avenue.

The Council will be aware that this area of Gower has one of the highest incidences of collapses from Natural Cavities in the UK. Sink holes and ground collapses have occurred on this site in the past and there is a recorded fault running directly through the middle of the field, which suggests a high potential for additional collapses.

There are several cases of sink holes being activated due to recent house construction works on Beaufort Avenue and Higher lane. These have caused significant damage to property and have necessitated cessation of works, and costly mitigation works (with large insurance claims).

LDP Policy RP 7 (Land Instability) states that any 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 can be satisfactorily demonstrated that proposals to make the land capable of supporting the development are adequate. This has not been done.

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The Council must respond to residents' concerns on this matter and enforce policy obligations in this regard.

#### Loss of the Public Right of Way (MU5)

The loss of the Public Right of Way (Mumbles 5) and the associated area of Open Green Space would be a significant loss of Amenity to residents, the wider community and to tourists, and would impact their well-being. This has not been assessed appropriately.

The Public Right of Way is well-used by residents and tourists, including regular walkers, who value the outstanding landscape and seascape vistas and the direct connection to the Wales Coastal Path.

The footpath also facilitates an accessible and healthy environment for older and less mobile members of the community, who take advantage of the fact that parking on the roadway is readily available next to the entrance of the field. This field and the access and vistas it provides is therefore important to many people's physical and mental well-being, not only because of its aesthetic quality, but because of the cultural, spiritual or historical qualities of the area, allied to the level of accessibility for all and the clear sense of place it provides.

Allowing access through the proposed development, to the footpath to the southwest, cannot be viewed as a viable means of "retaining" the existing footpath, as there would be a significant loss of this amenity, blight of the existing landscape vistas and the loss of Public Open Space - for residents, the community and tourists.

I agree with the Council's PROW technical officer, who stated early on in the consultation process, that the loss of this Public Right of Way represents a significant impact amenity (for the community, tourists, and those who are older and less mobile). This is in conflict with National Policy, LDP policy T2 (Active Travel), and T7 (Public Rights of Way and recreational Routes).

The LDP specific Site Requirement for Higher lane also stated that any development is required to make connections and improvements to on-site and off-site PROW's including MU5, MU4, MU2, MU6, MU10. Clearly this is not achieved in the current proposals. MU5 "on site" is permanently removed, and the other improvements are not provided.

I would expect any proposal to align with National and LDP policy, including the site specific LDP requirements. I see no reason for instance, why the public right of way through the site couldn't be maintained and sympathetically incorporated into any proposed development, to prevent loss of this important amenity.

#### Nature and Quality of Development

National Planning Policy requires that AONBs must both be afforded the highest status of protection from inappropriate development, and that any development must be afforded the highest level of design to carefully integrate it into the landscape in a manner that conserves and enhances the intrinsic qualities of the AONB.



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LDP Policy PS 2 (Place Making and Place Management) 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. 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:

- Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas;
- Integrate effectively with the County's network of multifunctional open spaces and enhance the County's Green Infrastructure network;
- Maximise opportunities for sustainable construction, resource efficiency and contributions towards increased renewable or low carbon energy generation;
- Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space;
- Ensure no significant adverse impact on natural heritage and built heritage assets;
- Ensure resilience is not undermined and does not result in significant risk to human health, well-being or quality of life.

As the proposed development is completely within the AONB, any development must also be in full accordance with the Gower AONB Design Guide.

#### Protection of Important Hedgerows and Historic Landscapes

The proposed development at Higher Lane forms part of the Gower Registered Historic Landscape (HLW ((WGI) 1) and is specifically a core part of the Thistleboon Fieldscape Character Area - HLCA024 – as defined within the Register of Landscapes of Outstanding Historic Interest in Wales.

The field boundaries also represent one of the last remnants of a wider mediaeval agricultural landscape and have remained unchanged for centuries. They are included in the original Tithe maps for Oystermouth and a survey of Important Hedgerows on Gower undertaken by GGAT in 2014, stated that these hedgerows are of considerable significance - as is the medieval sunken lane to the immediate west of the proposed development site.

Planning Policy Wales 10 (PPW10) is clear that local planning authorities have a duty to protect and enhance assets included on the Register of Historic Landscapes in Wales. PPW 10 also states that sharing and use of evidence and assessments undertaken for wider reasons, such as Green Infrastructure Assessments (not completed), should be used to identify and better understand historic landscapes and ensure their qualities are protected and enhanced. The register should be taken into account in decision making when considering the implications of developments, which meet the criteria for Environmental Impact Assessment. This was not considered in the screening opinion by the Council and should have been.

The Council's LDP Policy HC 1 (Historic and Cultural Environment) is also clear that the County's distinctive historic and cultural environment will be preserved or enhanced by:

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- Requiring high quality design standards in all development proposals to respond positively to local character and distinctiveness;
- Identifying and safeguarding heritage assets, sites and their settings.

The Council's LDP Policy ER 11 (Trees and Hedgerows) also states that development that would adversely affect hedgerows of public amenity or natural/cultural heritage value, or that provide important ecosystem services, will not normally be permitted.

The proposals for the development would not protect or enhance the historic landscape and would include removal of the "Important" hedgerow at the front of the site alongside higher lane. These are significant issues to many people and are unacceptable and are not compliant with national and LDP Policy.

**Other Policy Non-Compliances**

There are a number of other policy non-compliances, which amplify the above concerns, including:

- ER 2: Strategic Green Infrastructure Network
- ER 7: Undeveloped Coast
- ER 9: Ecological Networks and Features of Importance for Biodiversity
- T 1: Transport Measures and Infrastructure
- RP 1: safeguarding Public Health and Natural Resources
- RP 3: Air and Light Pollution,
- RP 4: Water Pollution and the Protection of Water Resources
- ER 9: Ecological Networks and Features of Importance for Biodiversity

Previous objections have covered all of these policy issues, and we expect that the Council would not approve any proposal that does not comply with these requirements.

Finally, it would be appropriate for the Council to recognise the scale of opposition to this application, with over 1,700 objections registered on the planning portal. The number of those supporting hasn't even hit double digits. This is a tremendous level of opposition, with objections coming from far and wide, not just the immediate community. It would feel undemocratic and inappropriate for this planning application to proceed in the face of such strong opposition – what's the point in a democratic process if the views of the vast majority and of their elected representatives are overlooked regardless? The process would be flawed and as such it would undermine public trust in the process.

These points of concern must be seriously considered and on the basis of the evidence above, I can see no sound basis for this planning application to receive approval.

**Mumbles Community Council**

Mumbles Community Council objects to this planning application on the grounds of the issues raised in the Lichfield's report commissioned by the Council which have not been addressed by the developer and the Statement of Common Concerns and Expectations produced by the community in response to the latest consultation on the application.

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**Bethan Sayed MS/AS**

I am writing to you on behalf of over 200 local residents, and over 1800 residents of all areas of Swansea plus many, many visitors who have visited this area, and who have objected to the proposed plans to build 31 houses in a field in the Gower AONB.

This site was included within the latest LDP, but it is covered by a large number of conditions.

My concerns are that;

1. The LDP conditions must be adhered to Welsh Planning Policy must be followed Swansea City Council to fulfil their legal requirements.
2. There are over 600 documents on the Planning Portal, and the public have been consulted on four occasions, although it is not clear what, if anything has changed.
3. For such a small site, there is a huge amount of support from the public, who have highlighted Planning Policy non-compliance since December 2018, yet neither the developer nor the Planning officer have acted upon any of these observations.
4. This development cannot be allowed to go through in its current form, as it does not align with National Planning Policy.
5. This is an integral part of the Gower AONB and it is in the Coastal Zone and there is a well-used public right of Way running through it.

Key points include:

All the landscape impact assessment work has failed to consider the appropriate issues, as confirmed by NRW.

LDP conditions state that the development should be low lying and that improvements should be sought to the Public Right of Way, plus four other PRowWs.

This proposed development is for mainly 2 story houses with pitched roofs and the right of way will be a walk along a road in an estate.

LDP conditions also state that the Gower AONB design guide should be used.

An independent report from Lichfield's, commissioned by Mumbles Community Council, states "The house types are standard pattern book designs and could, essentially, belong anywhere – there is little attempt to achieve local distinctiveness.

The standard design of the dwellings is an economic approach driven undoubtedly by viability issues". There is nothing that states how this development will conserve or enhance the AONB. I believe this planning application needs to be called and looked at in detail. I fully support the community's efforts in objecting this development.

**Drainage Officer**

We have reviewed the updated DS and dwg 18051-102 Rev J and offer the following comments.

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Previous iterations of the DS proposed an unrestricted discharge to a nearby watercourse that required upgrades to accept such a proposal. This latest design indicates a controlled discharge of 2.7l/s u/s of a culvert under the coastal path.

Bearing in mind this is a very small discharge we have no concerns with this proposal.

Accordingly, we recommend the following is appended to any permissions given.

**Condition 1**

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

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

**Condition 2**

The development shall not discharge to the watercourse network at any rate greater than 2.7l/s as detailed in the Drainage Strategy reference 18051.D.100F dated 19th March 2020.

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

**Condition 3**

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

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

**Informatives.**

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

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Please also be aware that should there be any changes applied for under Section 73 of the Town and Country Planning Act at a later date the site may then fall under the requirements of Schedule 3 of the Flood and Water Management Act 2010.

### Highway Authority

#### Current Application

A Transport Statement (TS) and associated plans have been submitted with this application and these have been reviewed.

#### Access

The proposed development of 31 units will be served via a new access onto Higher Lane. As set out in the previous consultation response, the proposals appear to take account of the majority of the requirements, with the addition of required clarity outstanding on street lighting and traffic calming that only appears to be provided on one side of the approach to the access.

Previous observations stated that the TS does not commit to the dimensions of the access road, the drawings in the appendix of the TS do now confirm that 5.5 metres width is provided on the access road, it was suggested that this may potentially be required to be made wider on bends or where visitor parking is located opposite private driveways. Swept path assessments have been submitted which demonstrate that designated visitor parking opposite driveways have been orientated in a manner which allows access and egress of private drives.

The details of the crossings either side of the access and how these will tie into the opposite footway, which is at a different gradient, has been suggested to be dealt with at detailed design, within the TS.

The private ownership plans suggest the internal network and the area of new highway with the new areas of highway include within private management. As set out previously, the new areas of highway (and footway) on Higher Lane would be required to be built to adoptable standards and offered for adoption to a point at the back of the junction radii and the plateau.

#### Public Transport:

It has been requested and advised in the past responses that the applicant will be required to improve public transport facilities and provide measures to deal with the lack of bus services, especially at weekends. The TS does confirm that the applicant is committed to improve the bus stop facility at Worcester Drive and Cambridge Road via S106, but no further measures are proposed in terms of service improvements.

#### Parking:

The TS states that all plots will have two parking spaces, however, a review of the masterplan confirms that this is not the case, as set out before this is confusing and contradicts the masterplan. Some units have three spaces and some have two.

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The Proposed Site Layout Rev R should include the number of beds for each type of private sale units for ease of review. A,B,C and D Affordable Housing is shown in persons and beds, E,F,G and H Private Sale does not contain this information. Whilst some information has been gained from reviewing Plot Plans this is not clear given the number and letter referencing not carried through. This was raised previously and has not been addressed for ease of review.

Parking must be provided in accordance with the adopted supplementary planning guidance. Vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

Parking spaces are required to be provided to the dimensions of 2.6 metres width and 4.8 metres length, this appears to have been provided. Driveways proposed as shown in the layout have been advised to require a minimum of 3.2 metres width. This is not clear from the TS or the parking layout plan.

The parking layout includes multiple drives adjacent to each other. CCS generally only accept a maximum of two driveways alongside each other. Given that the layout has shown three driveways for some time, this may be acceptable although not ideal. What cannot be supported is increasing this further to four drives such as that shown for Plots 1,2,3 and 7, this will need to be redesigned in order to be practicable and useable.

There are six spaces provided for visitor use, which is welcomed. The spaces may require repositioning, such as the two closest the junction and those near the road bend, based on the swept path assessment outputs. The two nearest the junction put vehicles on the opposite side of the road on the approach to the junction. This would not be acceptable given the risk of collision with vehicles entering the site.

**Swept Path Assessments:**

The TS includes Swept Path Analysis (SPA). The refuse vehicle SPA confirms that the proposed turning head at the end of the cul de sac is now inadequate following previous issues that were raised.

The visitor parking near the access would alter the approach of a large vehicle exiting the site towards the junction and this has not been shown in detail, but can be seen in part through the fire tender manoeuvres.

The refuse vehicle is not shown to access the private drive area, only the smaller fire tender, therefore confirmation on the refuse collection arrangements were requested. The planning layout includes an area marked BCP which is assumed to be Bin Collection Point. This appears to be within collection walking distances of 30 metres and is acceptable.

**Traffic Impact:**

The TS has sufficiently set out the likely traffic generation of the site and set this against the existing background of traffic on Higher Lane.

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The forecast traffic impact of the development is low, this compared to existing traffic movements would be a significant percentage impact, but overall low and not likely to be of concern in capacity terms.

In this location it may be appropriate to consider seasonal variation of traffic which is likely to increase Higher Lane flows in the summer. This would in turn result in a lower development impact in percentage terms.

In consideration, the TS has sufficiently presented adequate information in order to consider the likely traffic impact.

**Travel Plan:**

The previous consultation response requested that a Travel Plan was submitted. This has now been provided in the form of an Interim Travel Plan.

Measures include potential funding or contributions towards safe routes to schools, appointment of a Travel Plan Co-ordinator and Personalised Travel Planning. These measures will be reviewed further and may be required to contribute additional measures to work to promote sustainable travel.

**Construction Traffic Management Plan:**

This can be dealt with by way of planning condition.

**Neighbouring Property Access:**

The driveway of the adjoining property is located in close proximity to the site boundary. With the increase in vehicular and pedestrian traffic, further information was requested on whether there is sufficient visibility. This has been provided and the vegetation between the site and the neighbouring access will need to be removed sufficiently to enable pedestrians and drivers to see and be seen as they interact in this area. The parking layout and Highway Plans show this as removed although the planning layout and landscape plans show this retained. This will be required to be confirmed to be removed.

**Conclusion**

There were previously a number of concerns with the application and over the iterations carried out these have been in part addressed as the scheme has evolved. However there are still a number of remaining issues as identified within this consultation response.

There is scope for working to resolve this small number of outstanding issues. Until these issues have been confirmed as resolved the Highway Authority is not able to support this application.

Should the Planning Authority resolve to recommend the scheme for approval, the Highway Authority will require the opportunity to include the necessary planning conditions.

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Conditions would be sought to ensure that: visibility splays are provided to standard and splays kept clear of obstructions and third party land; the access is designed to adoptable standards requiring a S278 agreement; turning areas are appropriate for use by multiple types of vehicles; parking provision in accordance with the SPG; a footway of 2.0 metre width is provided across the frontage of the site; the proposed internal road width is adequate, included pedestrian provision; a construction traffic management plan is submitted; and refuse arrangements are in place including adequate areas for turning.

**Tree Officer**

No objection.

The proposed planting pits require a full specification either prior to determination or in the event of approval by means of condition.

**NRW**

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition: Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in our letter of 21 February 2020. To be agreed by your Authority's Planning Ecologist.

We note the provision of the revised plans, drawings and documents in relation to the above proposal, including the: 'Design and Access Statement (Rev D)', dated 27 March 2020, by Edenstone Homes Ltd.

We also wish to take this opportunity to highlight that our comments in relation to landscape and the AONB have been advisory, as in our response of 21st February 2020, in which we recommended that you discuss the revised design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current design and layout are in-keeping with the character of the AONB and will minimise any adverse effects.

We did not ask for any requirements in relation to landscape matters and the only condition that we requested in our response of: 21st February 2020, is the one repeated above. For our comments in relation to: Ecology and Protected Species, Protected Sites and Geoscience / Surface Water Disposal, we would also refer you to the above response.

In relation to recent email from Mr. Tim Smale (Edenstone Homes Ltd), dated: 15 April 2020, we would make the following comments:

We note that the photographic studies are part of their site analysis & concept development, not part of the LVIA. However, photographs are included within an LVIA, and it is right that they form part of the assessment.



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We are also aware that Sketchup models are separate from the LVIA assessment and are an illustrative tool. Although, we note that Sketchup was used to illustrate viewpoints, as part of the submission. However, we would also point out that Sketchup is not recommended as a visualisation tool to support LVIA, within Technical Guidance Note (TGN 06/19), by the Landscape Institute.

It is also stated that the request for additional photomontages at this stage is unnecessary & disproportionate, as they were not requested at scoping and would not affect the conclusions.

However, we would point out that NRW recommended the provision of photomontages as part of our statutory pre-application response to JCR Planning Ltd (dated 6 December 2018), and have also consistently done so in our responses to your Authority.

Following the guidance laid down in TGN 06/19, we consider a Type 3 visualisation appropriate to this scale of development within a sensitive landscape (Gower AONB), to represent the appearance, context, form & extent of the development to accompany an LVIA. We also consider it reasonable that LVIA photographs are produced in accordance with the Landscape Institute (LI) guidance and to request the provision of photomontages.

However, notwithstanding the above, we note the email states that the scope of the assessment was agreed with your Authority and that no photomontages were requested to supplement the LVIA.

Therefore, it would be for you, as the determining Authority, to decide whether you are satisfied with the information provided in support of the application, and whether this allows you to make your decision.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. 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.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

#### **Further Re-consultation (21st May 2020)**

Additional and amended plans and reports were received. These plans represented relatively minor amendments to the previously received and a re-consultation with the public was not required.

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### **Housing Enabling**

In response to the planning consult 2018/2634 Land off Higher Lane, Langland, the Housing Service agrees with the proposal in accordance with Policy H5 of the LDP, over 51% of the proposed dwellings to be affordable housing, designed to DQR standards.

I agree with the siting of the affordable housing and the affordable tenure and house types will meet housing need within the area.

### **Placemaking and Heritage Team**

The scheme has been through a long process of negotiation and detailed discussion to this stage. The current submission comprises of minor amendments which are not considered to significantly change the scheme. Due to the minor nature of these changes the latest amendments are considered acceptable.

### **Tree Officer**

No objection.

The changes make no significant difference to the existing trees.

### **Drainage**

The Authority's Drainage Officer has confirmed that the submitted details are acceptable and has requested that the previously suggested conditions are attached to any consent.

### **NRW**

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 22 May 2020.

We also wish to highlight that NRW received additional information in relation to the Langland Bay (Rotherslade) SSSI, and the potential for future impacts to the site, as a result of the proposals to manage surface water from the site.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following condition to the permission. Otherwise, we would object to this planning application.

Condition: Provision of a detailed Lighting Plan / Strategy, which addresses the ecological and landscape aspects highlighted in this letter. To be agreed by your Authority's Planning Ecologist.

Condition: Prior to commencement of any works the applicant will submit a Construction Environmental Management Plan (CEMP), with specific measures to protect the Langland Bay (Rotherslade) SSSI.

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### Protected Sites

The Langland Bay (Rotherslade) SSSI contains a series of well exposed glacial sediments, which provide the best evidence available for the limit of Late Devensian glaciation on east Gower and help to constrain the extent of the final ice sheet that covered Britain at the time.

NRW were made aware of concerns that the proposed discharge of surface water (into an existing watercourse to the south-west of the site) could impact upon the SSSI, as the water from this watercourse outflows onto the cliff above Lambswell cove.

It is our understanding that this existing watercourse / drain already carries surface water drainage from Beaufort Avenue and that there are already sections of the geological deposits, which have been eroded, within the boundary of the SSSI.

A certain level/amount of erosion need not be detrimental or damaging to the features of the site as one of the main aims for the site at Langland Bay is to ensure that the sediments are exposed and are available to be studied. It is the actions of wind, rain and tide, which can combine to keep the sediments exposed, so that the full range of rock and sediment types can be studied.

At the present time, we are satisfied that the levels of erosion and waterflow are not adversely impacting upon the site. However, additional flows from the proposed development could impact upon the SSSI and therefore we have undertaken a further assessment of the proposals.

We note the recent submission of the document titled; 'DRAINAGE STRATEGY: PROPOSED RESIDENTIAL DEVELOPMENT, THISTLEBOON, SWANSEA (18051/D100. REV G)', dated May 2020, by Shear Design Ltd.

Although this document does not refer to SSSI (which lies outside the red-line site boundary) and does not appear to have considered any potential impacts as a result of the proposed drainage strategy, we have assessed the information provided and conclude that:

- The development site already drains into the gully, through overland flow ('greenfield rate') and small amounts of infiltration.
- There will be a change in total volume in the drain, but there will be some reduction in how 'flashy' the input (water-flow), from the proposed development site is. This is due to a level of attenuation in the tank/surface storage, which will result in a more controlled flow in storm events (i.e. a 'natural' rate).
- The storm inputs (water-flows) from other sources will remain 'flashy' in character.
- Alternative measures for dealing with the surface water from the site would reduce the current flow in the drain and could have a negative effect on the SSSI.

Therefore, our concerns in relation to impact of the finished development on the SSSI (maintaining the feature of interest in good condition) have been reduced. Nevertheless, there will be an impact as a result of the development, in that while the total volume in the watercourse / drain will stay the same, the character will be more controlled (less 'flashy' / more stable).

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Consequently, it is our opinion that this is unlikely to cause damage and/or a change in the condition of the site. However, given that the site already drains into the gully/watercourse and that there is a hydrological link to the SSSI, we advise that appropriate precautionary measures are put in place during any construction to avoid any impacts to the SSSI.

Therefore, we advise that the following condition should be included on any planning permission that the Local Planning Authority (LPA) may be minded to grant.

Condition: No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

Reason: Prevention of pollution to controlled waters and the wider environment.

As a minimum we recommend the CEMP 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.
- 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.

We also advise that the following site-specific details / measures, in relation the SSSI, should also be provided as part of the CEMP:

- How sediment will be prevented from being introduced into the drain/watercourse and onwards into the SSSI.
- How the volume / flow of water from the site, and through the drain into the SSSI will be controlled during the construction phase. As uncontrolled releases / increases in flow could impact upon the site, as could a reduced / lesser flow.
- Confirmation that there will be no upgrading of the drain outside of the development area.

Furthermore, any drains laid must also be protected in a way that prevents dirty water from the construction site entering them

Should any works in relation to the drain / watercourse be considered in the future, then NRW must be contacted prior to any works taking place, for advice and to determine whether any permissions are required.

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Geoscience / Surface Water Disposal

The proposed development is located on a greenfield site and a Principal Aquifer, which is underlain by Limestone Bedrock. In circumstances, where a discharge to ground water was being proposed, the applicant should be made aware of our Groundwater Protection Position Statements, in particular Groundwater Protection Position Statements G1.

However, as indicated in the Drainage Strategy, surface water flows are to be discharged to an existing watercourse. As the drainage system design is ultimately a matter for your Authority's Drainage Engineers, we recommend that you ensure that they are satisfied with the proposals and that the measures outlined above in relation to safeguarding the SSSI, can also be implemented.

Gower AONB

As no new, or additional information appear to have been submitted in relation to landscape and the AONB, we refer your Authority to our previous comments in the letters of: 21st February 2020 and 7th May 2020.

We continue to recommend that you discuss the design and layout with your Authority's AONB Team in order to determine whether they are satisfied that the current proposals are in-keeping with the character of the AONB and that it will minimise any adverse effects.

As the proposal is within Gower Area of Outstanding Natural Beauty (AONB), the Local Authority (LA) has a duty under Section 85 of the Countryside and Rights of Way Act 2000, which requires public bodies to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The statutory purposes of Areas of Outstanding Natural Beauty (AONB) are conservation and enhancement of natural beauty.

We believe that we have been consistent in highlighting to your Authority, matters in relation to landscape and the AONB, that you may wish to consider further or obtain additional information on, in order to assist your determination of the application. In our previous responses, we have also suggested that you consider the provision of a Landscape and Hedgerow Management Plan, to minimise any impacts.

However, notwithstanding the above, it remains our understanding that the scope of the landscape assessment was agreed with your Authority and that no photomontages were requested to supplement the LVIA.

Therefore, it would be for you, as the determining Authority, to decide whether you are satisfied with the information provided in support of the application, and whether this allows you to make an informed decision.

Ecology and Protected Species

Our comments remain the same as those made in our previous responses and are repeated below.

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We note the submission of the document entitled: 'Land at Thistleboon, Swansea: Badger Survey', dated February 2019, by Soltys Brewster Ltd.

The survey identified badger activity at the boundaries of the site, in the form of two single hole 'Outlier' setts. Higher levels of badger activity (pathways, latrines, dung-pits), were also noted outside the site boundary.

The survey acknowledges that proposed construction works for a number of plots at the site would fall within 20-30m of the sett, resulting in the need for a licence.

Badgers and their setts are protected under the Protection of Badgers Act 1992. It is an offence to kill, injure or take any badger or to disturb a badger whilst it occupies a sett. It is also an offence to damage, destroy or obstruct access to a badger sett.

If development is to take place within 30m of a badger sett then a licence may be required under Section 10 (d) of the Protection of Badgers Act 1992 before any development can proceed.

We do not intend to provide detailed comments as part of our planning response, however we strongly advise that the applicant contacts the NRW Licencing Team, at the earliest opportunity, to discuss the proposal.

To undertake the works within the law, the applicant can obtain further information on the need for a licence from Natural Resources Wales on: 0300 065 3000, or via:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protectedspecies-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welshgovernment/?lang=en>

In addition, we recommend that you discuss this matter with your Authority's Planning Ecologist, as they may have additional comments and requirements.

We also note the provision of the document entitled; 'Land at Thistleboon, Swansea: Extended Phase 1 Habitat Survey and Bat Assessment', dated 8 November 2018, by Soltys Brewster Ltd.

It is stated that surveys were conducted on the 30 May and 12 July 2018, and that these sought to update a previous survey, which was carried out in 2014. Since the previous survey the land has changed from semi-improved grassland, to arable. The site is described as being bounded mainly by species-poor hedgerows, with some young trees and fringing tall vegetation. However, the western boundary comprises of a sunken lane with a hedge on either side and a 'somewhat more diverse field layer.'

Please note: The findings of any ecological and species surveys will remain valid for a period of 2 years, from the date they were carried out. Should development at the site not begin until after the 2 years has elapsed, we would advise that you discuss the need for updated surveys, with your Authority's Planning Ecologist.

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#### Bats

The site is described as being of low potential for foraging and commuting bats and as part of the survey effort a transect was walked for three hours, after dusk on the 12 July 2018, along with the use of Anabat detectors (on the eastern and western hedges), for a period of 5 nights in July.

Section 3.2.1 of the report states that trees at the site are young, with no features which could support roosting bats. As a result, the site is considered to be of negligible value to support bat roosts.

Nevertheless, the Anabat detectors did record bat activity along the eastern, and in particular the western hedgerows at the site. Therefore, we would support the recommendations laid down in Section 5.8 of the report and advise that these boundary hedgerows should be retained and strengthened with new planting where required (and a suitable buffer zone), in order to maintain the existing flight-lines at the site. This should be delivered via a Landscape and Hedgerow Management Plan to be agreed with your Authority's Planning Ecologist.

We also advise that your Authority may wish to request the provision of a Lighting Plan / Strategy, in order to avoid any light-spill onto the boundary hedgerows and also to minimise any additional intrusive lighting within the AONB.

We also recommend that you discuss this and the other recommendations laid down in Section 5 of the report with your Authority's Planning Ecologist, as they may wish to comment on other habitats and species, which lie within their remit, along with the presence of the Llangland Bay to Mumbles Head and Mumbles Head SINC, which is located approximately 200-metres south of the site.

#### Historic Landscape

It is also our understanding that the proposed development site lies within the (non-statutory) Register of Landscapes of Outstanding Historic Interest in Wales, as it forms part of the Gower Registered Historic Landscape (HLW ((WGI) 1).

However, as your Authority will be aware, NRW no longer provide planning advice on matters relating to the Register of Historic Landscapes (RHL). The four Welsh Archaeological Trusts (WATs) are now responsible for providing advice relating to the RHL to Planning Authorities where they already provide historic environment planning advice.

If you have not done so already, then we recommend that you consult the relevant local archaeological trust, for their comments in relation to the proposal.

#### Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. 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.

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We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

### Landscape Officer

As part of the LVIA the scheme and its impact has been professionally assessed according to best practice at the time of evaluation and I do not have any adverse issues with the methodology or observations and conclusions.

The landscape scheme has gone through several iterations following pre-application advice and further comments on detail plans. The revised proposed landscape scheme Drawing No 1873201 - SBC - 00 - NA - GA - L - 301 P15 is acceptable subject to the inclusion of the following conditions

#### Pre commencement conditions

1. No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at the same location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.

Reason: To ensure the protection of the retained trees during construction works.

2. A landscape management plan for the whole development to include management responsibilities and maintenance schedules for all landscaped / public realm areas including overhanging trees and hedgerow species from adjacent land shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The landscape management plan is to identify and confirm how those retained existing or planted trees and trees within shared hedgerows are to be managed in perpetuity, including their replacement as and when necessary. The landscape management plan shall be carried out as approved.

Reason: To ensure that the landscaped areas are adequately maintained and trees and shrubs and those trees within hedgerows under such management retained in the interests of visual amenity.

3. The ownership and future responsibility for all trees shown on the landscape plan are to be identified and associated with individual properties or otherwise the responsibility of a management company as appropriate, for identification of future ongoing responsibility for maintenance and replacement of dead trees. It shall be noted that all trees will be protected by the landscape condition described below and thereafter by Tree Preservation Orders.

Reason To ensure the protection of those trees planted as part of the approved landscape plan in perpetuity, in the interests of visual amenity and in the creation of Place.



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4. Details of tree pits and protection between tree roots and structures are to be provided for written approval by the Local Planning Authority prior to the commencement of the development to show adequate root anchorage, capacity for water retention, the provision of drainage, for irrigation and ventilation and construction details to demonstrate the support of both vehicular and pedestrian paving and vehicular traffic and all overlying paving details, the details should clearly identify how tree roots can grow out to the surrounding environment without disruption to paving and services and that the trees can survive to maturity. The above to include confirmation that all paving, structures and building foundations are to be designed and built to take account of ground conditions, proximity to structures and the growth of adjacent tree planting shown on the approved plans to maturity.

Reason: To ensure that the proposed tree planting in hard paved areas has been suitably detailed to ensure the long term viability of trees to maturity in the interest of visual amenity and in the Creation of Place.

Landscape Condition post construction:

5. Landscape Condition post construction.

The approved landscape management plan is a prerequisite of the planning permission that is to be undertaken for the duration of the development. All trees planted as part of the landscape approval are to be retained in perpetuity by the management programme and written agreement that all trees scheduled as such on the approved plans will be retained for the duration of the management regime

6. Any trees, shrubs or plant material planted in properties not otherwise managed by the Landscape management plan, which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of a similar size and species to these already planted, unless otherwise agreed by the Local Planning Authority. Within this period all trees described in private ownership that have been planted as part of the approved landscape plan in mitigation of loss of other trees and or in the creation of Place will subsequently be protected by Tree Preservation Order(s)

Include advisories re disturbance of roosting bats and nesting birds

### Planning Ecologist

OUTCOME OF ECOLOGICAL INVESTIGATION – ADDITIONAL COMMENTS June 2020

PLEASE REFER TO ALL PREVIOUS COMMENTS – THESE ALL STILL APPLY

Following receipt of the drainage information, I have concerns regarding impacts on the Langland Bay (Rotherslade) SSSI, located approx. 200 metres south of the site. Therefore, the Condition for the requirement of a CEMP has been updated as per:

Construction Environmental Management Plan (CEMP)

A CEMP is required to be submitted to the LPA for approval, outlining and assessing all necessary pollution prevention measures (especially regarding the adjacent Langland Bay SSSI and any waterbodies). Pollution prevention measures outlined in the CEMP shall be implemented and followed during the construction and operational phase of the development.

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Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

The following site-specific details / measures, in relation to Llangland Bay (Rotherslade) SSSI, shall also be provided as part of the CEMP:

- Methodology for prevention of introduction of sediment into the drain/watercourse and onwards into the SSSI.
- As uncontrolled releases / increases in flow or a reduced/lesser flow could impact upon the site, methodology of controlling the volume / flow of water from the site, and through the drain into the SSSI.
- Confirmation that there will be no upgrading of the drain outside of the development area.

Reason

Prevent pollution of controlled waters and the wider environment.

#### ECOLOGICAL SURVEYS

It should be noted that the Phase 1 Habitat survey, Soltys Brewster May 2018 is now out of date. It is widely accepted that survey data is only valid for a period of two years. Therefore, I advise that the survey must be repeated and compared to previous results, and any new mitigation requirements included. This updated report shall be submitted to the LPA for approval, prior to any decision. The bat activity report will expire in July, so may also need to be repeated if there is a delay in the application process.

#### LANDSCAPING/GREEN SPACE

I would advise that the Soft Landscape Plan and Green Space Strategy do not go far enough to benefit or enhance biodiversity. There are greater opportunities to increase biodiversity and connectivity with other habitats. This will help meet Swansea Council Policy ER2 and the Council's duty to seek to maintain and enhance biodiversity under the Environment (Wales) Act 2016 – Section 6 Biodiversity and Resilience of Ecosystems Duty.

It is acknowledged that the plans provides for the use of some native tree, hedgerow and shrub species. However, these should be of local or at least Welsh provenance. The incorporation of species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes/meadow mixes for lawns/gardens to enhance the habitat for local birds and invertebrates. Some of this is shown in the plan, but there is scope for wider provision. This will improve ecological connectivity across the site and with other nearby habitats. The green verges should be planted with suitable native and perennial wildflower species.

Due to the coastal location of the site, the proposed landscaping scheme should also incorporate native coastal species, particularly those located on the nearby cliff tops, maritime slopes and headlands around Gower. It is recommended that opportunities should be explored for planting suitable areas on site with some of the following local coastal species:

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sea thrift – *Armeria maritima*  
sea holly – *Eryngium maritimum*  
rock samphire – *Crithmum maritimum*  
golden samphire – *Limbarda crithmoides*  
rock sea spurrey – *Spergularia rupicola*  
sea aster – *Aster tripolium*  
sea thrift – *Armeria maritima*  
kidney vetch – *Anthyllis vulneraria*  
spring squill – *Scilla verna*  
English stonecrop – *Sedum anglicum*  
wild thyme – *Thymus serpyllum*  
bird's foot trefoil – *Lotus corniculatus*  
cowslip – *Primula veris*  
primrose – *Primula vulgaris*  
greater knapweed – *Centaurea scabiosa*  
carline thistle - *Carlina vulgaris*  
bell heather – *Erica cinerea*  
sea campion – *Silene uniflora*  
common rockrose – *Helianthemum nummularium*  
speedwell species – *Veronica* sp.  
eyebright species – *Euphrasia* sp.  
tormentil - *Potentilla erecta*  
ladies bedstraw – *Galium verum*  
rest harrow – *Ononis repens*  
field scabious – *Knautia arvensis*

As previously commented on, hedgerow edges can enhance biodiversity by planting with herbaceous plants and bulbs. These will attract bees, butterflies and other insects as well as providing ground cover for smaller animals. Seeds that are tolerant of semi-shade and are suitable for sowing beneath newly planted or established hedges should be used eg

- Yarrow (*Achillea millefolium*)
- Agrimony (*Agrimonia eupatoria*)
- Common knapweed (*Centurea nigra*)
- Wild basil (*Clinopodium vulgare*)
- Hedge bedstraw (*Galium album*)
- Wood avens (*Geum urbanum*)
- Oxeye daisy (*Leucanthemum vulgare*)
- Ribwort plantain (*Plantago lanceolata*)
- Cowslip (*Primula veris*)
- Red campion (*Silene dioica*)

Therefore, a revised Soft Landscape Plan and Green Space Strategy will be required to be submitted to the LPA for approval, prior to any determination.

**Highway Authority**

Residential development (31 dwellings) with associated road infrastructure, drainage provision and landscaping (Amended plans received)

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## Background

This application has been in the planning system for some time and subject to a number of revisions, of recent note there has been a masterplan change from 33 dwellings to 31 dwellings.

There was a pre-application made Reference 2017/2628/PRE this related to 47 dwellings and set out the Highway Authority's position. This set out:

A request for a Transport Statement;

Provision of a new 2 metre footway along the southern section of Higher Lane:

1. Plateau at access to development (to help to reduce speed) – could tie into new footpath to provide easier pedestrian access/crossing facility
2. Signage and markings to complement above
3. Improved bend/chevron warning signs
4. Continue footway adjacent to 109 Higher Lane (currently grassed area)
5. New street lighting to tie into planned plateau location.
6. Possible need for traffic calming either side of access in the form of speed cushions (concern regarding tie into existing highway near Cambridge Road – need to more detail to ensure any improvement does not create higher approach speeds)

The confirmation of a lack of public transport services and the requirement for improvement measures;

Confirmation that driveways should be a minimum of 3.2 metres in width;

Requirement for visitor parking;

Confirmation whether the internal layout is proposed to be offered for adoption; and

Further documents such as a Travel Plan and Construction Method Statement.

Following this a PAC was submitted for 33 dwellings and the Highway Authority re-iterated the above comments and added:

1. A plateau at the access to act as a traffic calming measure (signage and parking will be required to compliment this)
2. The setting back of the site frontage along Higher Lane to provide a minimum 5.5m width carriageway with a 2m footway complete with adequate drainage and street lighting. All access works/improvements will need to be undertaken under a Section 278 agreement with the Highways Authority. .
3. Improved bus stop facilities on Worcester Drive and Cambridge Road.
4. A pedestrian crossing point to the East of the proposed access, which will incorporate a raised table, as an additional traffic calming feature.

There was concern expressed on parking provision being remote from the dwellings and visitor or on street parking being an issue as the swept path assessments indicated that large vehicles require the use of full width of the carriageway.

Within this current application the Highway Authority has provided informal comments through the process requesting more information and providing advice, the comments include:

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Requests to update superseded layouts for swept path assessments;  
Requests for updated Transport Statement;  
Confirmation that refuse vehicle overhang of the footway at the turning area would not be acceptable;  
Provided information on the concerns of the neighbouring property, which included the requirement for consideration to be given to the existing driveway access.

The above history has been taken into account in this consultation response.

**Current Application**

A Transport Statement (TS) and associated plans have been submitted with this application and these have been reviewed.

**Access**

The proposed development of 31 units will be served via a new access onto Higher Lane. As set out in the previous consultation response, the proposals appear to take account of the majority of the requirements, with the addition of required clarity outstanding on street lighting and traffic calming that only appears to be provided on one side of the approach to the access.

Previous observations stated that the TS does not commit to the dimensions of the access road, the drawings in the appendix of the current version of the TS do now confirm that 5.5 metres width is provided on the access road, it was suggested that this may potentially be required to be made wider on bends or where visitor parking is located opposite private driveways. Swept path assessments have been submitted which demonstrate that designated visitor parking opposite driveways have been orientated in a manner which allows access and egress of private drives. Through ongoing discussions, it was established that the visitor parking show on the planning layouts is for informative purposes only and will not be formally introduced on the ground.

The details of the crossings either side of the access and how these will tie into the opposite footway, which is at a different gradient, has been suggested to be dealt with at detailed design, within the TS.

The private ownership plans suggest the internal network and the area of new highway within will be retained in private management. As set out previously, the new areas of highway (and footway) on Higher Lane would be required to be built to adoptable standards and offered for adoption to a point at the back of the junction radii and the plateau.

**Public Transport:**

It has been requested and advised in the past responses that the applicant will be required to improve public transport facilities and provide measures to deal with the lack of bus services, especially at weekends. The TS does confirm that the applicant is committed to improve the bus stop facilities at Worcester Drive and Cambridge Road via S106, but no further measures are proposed in terms of service improvements. Given that the scheme has reduced in scale over the various iterations, the public transport enhancements are considered broadly in line with expectations.

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**Parking:**

Parking must be provided in accordance with the adopted supplementary planning guidance. Vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

The TS states that the masterplan will accord with the above, after post submission discussions were held and subsequent masterplan revisions, this is confirmed that this to have been carried through to the design proposals.

Parking spaces are required to be provided to the dimensions of 2.6 metres width and 4.8 metres length, from a review of the masterplan this appears to have been provided. Driveways proposed as shown in the layout have been advised to require a minimum of 3.2 metres width. This is confirmed within the TS to be provided within the layout.

The parking layout includes multiple drives adjacent to each other. CCS generally only accept a maximum of two driveways alongside each other. Given that the layout has shown three driveways for some time, this may be acceptable in this location, although not ideal.

There are six spaces provided for visitor use, which is welcomed. As set out earlier in this consultation, the visitor spaces are indicative of where parking opportunities could occur. These spaces will not be set out physically within the completed development layout therefore previous concerns over the spaces nearest the site access junction have been largely overcome. The parking would instead occur within the layout where driveway access allows.

**Swept Path Assessments:**

The TS includes Swept Path Analysis (SPA). The refuse vehicle SPA confirms that the proposed turning head at the end of the cul de sac is adequate following previous issues that were raised and subsequent updates to the design.

As mentioned already in this consultation response, the visitor parking which is indicated near the access would alter the approach of a large vehicle exiting the site towards the junction. This caused initial concern, which has since been worked through by ensuring that the visitor spaces show on the masterplan are for information purposes and will not be formally marked out.

The refuse vehicle is not shown to access the private drive area, only the smaller fire tender, therefore confirmation on the refuse collection arrangements was requested. The current planning layout includes an area marked BCP which is has been confirmed to be 'Bin Collection Point'. This appears to be within collection walking distances of 30 metres and is acceptable.

**Traffic Impact:**

The TS has sufficiently set out the likely traffic generation of the site and set this against the existing background of traffic on Higher Lane.

The forecast traffic impact of the development is low, this compared to existing traffic movements would be a significant percentage impact, but overall low and not likely to be of concern in capacity terms.

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In this location it may be appropriate to consider seasonal variation of traffic which is likely to increase Higher Lane flows in the summer. This would in turn result in a lower development impact in percentage terms.

In consideration, the TS has sufficiently presented adequate information in order to consider the likely traffic impact.

Travel Plan:

The previous consultation response requested that a Travel Plan was submitted. This has now been provided in the form of an Interim Travel Plan.

Measures include potential funding or contributions towards safe routes to schools, appointment of a Travel Plan Co-ordinator and Personalised Travel Planning. These measures will be reviewed further at the stage of formal submission to discharge the relevant planning condition and may be required to contribute additional measures to work to promote sustainable travel. In terms of the Interim Travel Plan which has been submitted, we would advise that a five year commitment to targets and monitoring would be sought, over the three years offered.

Construction Traffic Management Plan:

This can be dealt with by way of planning condition.

Neighbouring Property Access:

The driveway of the adjoining property is located in close proximity to the site boundary. With the increase in vehicular and pedestrian traffic, further information was requested on whether there is sufficient visibility. This information has been provided and the vegetation between the site and the neighbouring access has been included within the highway works package. This will need to be removed sufficiently to enable pedestrians and drivers to see and be seen as they interact in this area. The layout plans now all confirm the removal of this vegetation.

Section 106 Contributions:

The proposals include a number of changes to the local highway network which will be required to facilitate access. These will be dealt under Section 278 works and include, but not limited to, footway provision along the site frontage, traffic calming, pedestrian crossing, footways connections with the northern section of the highway and PRoW diversion works.

In addition to the above, further enhancements are proposed which will form part of a Section 106 Contributions agreement. The applicant will provide dropped kerbs and tactile paving at a new crossing location across the existing junction of Cambridge Road with Higher Lane. The applicant will fund improvements at the Worcester Drive and Cambridge Road bus stop facilities, this will include bus shelters and timetabling information.

Conclusion:

There were previously a number of concerns with the application and over the iterations which have since been carried out these have been largely addressed as the scheme has evolved.

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The Highway Authority removes previous recommendations for objection, subject to appropriate planning conditions attached to any grant of planning permission.

Conditions would be sought to ensure that: visibility splays are provided to standard and splays kept clear of obstructions and third party land; the access is designed to adoptable standards requiring a S278 agreement; turning areas are appropriate for use by multiple types of vehicles; parking provision in accordance with the SPG; a footway of 2.0 metre width is provided across the frontage of the site; the proposed internal road width is adequate, included pedestrian provision; a construction traffic management plan is submitted; and refuse arrangements are in place including adequate areas for turning.

The recommended conditions which should form part of any permitted scheme 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 Higher Lane and the Public Right of Way MU5, 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 development (except demolition) shall commence until full engineering, street lighting and construction details of the internal road layout and footways have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the roads and footways shall be constructed in accordance with the approved details.

Reason: To allow proper consideration of the construction details in the interests of highway and pedestrian safety.

- iii Prior to the first beneficial use of any of the buildings within each phase of the development, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority unless an agreement has been entered into under Section 38 of the Highways Act 1980. 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 satisfactorily maintained and managed streets.



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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.

v No dwelling shall be occupied until the access, turning area and parking works have been completed and made ready for use, these will be required to be provided in accordance with the City and County of Swansea parking standards and with the approved drawings hereby. The parking areas shall be made available for vehicular parking at all times thereafter.

Reason: In the interests of highway safety and general amenity

vi Prior to any of the dwellings hereby approved being brought into beneficial use, the proposed footway along the site frontage, at 2.0 metre width, shall be extended to and connected to the existing footway to the west of the site, and crossing and connection made to the footway to the north of the site, in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests of highway safety

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

Reason: In the interests of highway safety and general amenity

vii Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any order revoking or amending that order), all garages shall be kept available for the parking of motor vehicles at all times and shall not be used as or converted to domestic living accommodation.

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

- ix Prior to the first beneficial occupation of any of the approved dwellings, a site-wide Residential Travel Plan for the residential properties within the development shall be submitted to and approved in writing by the Local Planning Authority. The Residential Travel Plan shall include provision for encouraging and incentivising use of public transport and cycling and include full details of an ongoing review mechanism until all of the phases have been developed and for 5 years of monitoring. The approved Travel Plan shall be implemented upon the first occupation/use of any of the buildings hereby approved.

Reason: In the interests of promoting sustainable modes of movement to the residential properties.

- x No development shall commence until a Stage 1 Road Safety Audit of the access and internal layout, to include amelioration measures where necessary, has been submitted to and approved in writing by the LPA. The approved amelioration measures shall be implemented prior to the first beneficial occupation of any dwelling deriving access from that part of the road/ street.

Reason: To ensure the access and internal road layout is safe for future users.

- xi All boundary treatments forward of the principle building line and/ or immediately adjacent to a parking space shall be kept at a maximum height of 1m.

Reason: In the interests of highway safety to ensure adequate visibility splays are provided for all plots and the interests of visual amenity to ensure the landscaping is maintained across the site.

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](mailto:networkmanagement@swansea.gov.uk)

We would require the works outside of the Higher Lane access area to be completed by way of contribution.

The S278 will include all the improvements required for site access, traffic calming, PRoW diversion, footway provision and connections to the opposite side.

The proposals to provide crossing improvements at Worcester Drive and the bus travel infrastructure would be a S106 process.

We have looked into the potential costs for the purpose of informing the S106 agreement and can confirm the following:

Pedestrian crossings:

To include dropped kerbs, tactile paving, footway construction through existing verge and associated works tie in, design work and site supervision £7,500

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Bus infrastructure:

To include shelters, poles, timetable information, footway tie in and any necessary adjustments, design and site supervision £12,900

The total of contributions is £20,400

### **Countryside Access Team**

The Countryside Access Team wishes to object to the proposed development as we believe that the drainage could detrimentally effect footpath MU2, which is a fundamentally important section of the All Wales Coast Path and one of the busiest footpaths in the county. Throughout this process the Countryside Access Team has endeavoured to protect the footpaths and footpath network for future generations.

The developers are looking to build on a site that has heavy clay soils that are, according to their drainage tests, relatively impermeable. As such, soakaways would not be able to deal with the water. To comply with suds legislation, the developers wish to use an attenuation system featuring a flow restrictor. The water will then be transported to an open drain already in situ off site and be allowed to flow straight into the sea. The water will be transported either by an open drain, or via a submerged pipe. The open drain that the developer wishes to link into is already causing significant erosion at the coast. The concrete drainage channel has broken in numerous places and dropped down the gully that has been formed, (please find images attached).

Currently on site, when it rains, water is slowed by the fields. It is taken up by the grass, trees and hedgerows and pools and ponds in significant amounts in certain areas, some on site, some on adjacent fields. Some of the water finds its way onto footpath Mu5 off site and again disperses through the green fields and vegetation. None of the water currently travels the 230 metres to end up in the drainage channel entering the sea at a point 340 metres away. Some of it will no doubt reach the sea, but this will be in a dispersed manner and at a very slow rate. The proposed system focuses the water for the whole site towards the attenuation tank and then transfers it off site to the open drain, which again focuses a large volume of water towards the area that is already eroding badly. I am aware that a flow inhibitor will prevent the water from all rushing at once to the drain, but it will still at times focus the water for the whole site and, in worst case scenario 2.7 litres of water / second towards the drain. As stated previously this amounts to 162 litres of water a minute, 9.72 tonnes of water / hour, 233 tonnes of water in a 24 hour period. This is a significant amount of water to be discharged onto an already severely eroding site. The Countryside Access Team understands that there is a significant holding tank for the development but believe there will be a constant flow of water to the drain, especially during periods of high rainfall.

The Countryside Access Team is aware of the fact that the drainage team has approved the drainage plan, but we believe that this only takes into account what is required with regards to suds. We do not believe it takes into account what is affected off the site, for example biodiversity, habitats and erosion of council owned land. An email from Dan in drainage states

The Countryside Access Team is aware of the fact that the drainage team has approved the drainage plan, but we believe that this only takes into account what is required with regards to suds. We do not believe it takes into account what is affected off the site, for example biodiversity, habitats and erosion. An email from Dan in drainage states

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The larger issue is the 375mm existing sewer which will be able to discharge full bore which may have an impact although this cannot be quantified without undertaking hydraulic modelling.

The consideration of erosion is incredibly complicated and involves looking at sediment, wave, storm and tidal movements, it would be impossible to pin point this discharge's effect within the confidence limits of any model.

If erosion is a major concern the drainage section is unable to assist in undertaking a formal assessment as it is a very specialised area.”

This excerpt of an email from drainage suggests that the drainage team has not looked at the coastal erosion as such, and does not have the resources to do so. As the land in question is owned by the council, is common land, is within the AONB and is also a S.S.S.I, in the Countryside Access Team's opinion, this erosion needs to be factored in to any planning application due to the potentially devastating effects this could have on the coast path and on council land ownership. There are also other factors that will affect the amount of water leaving the site such as; Future extensions to the houses, paving over of gardens and removal of trees from gardens or surrounding hedgerows to allow more light in. I recall Dan stating he could ask for removal of permitted development rights, which would help reduce the amount of water leaving the side in the future.

With regards to public footpath MU5 being diverted along the street scene, we are happy with this.

With regards to the drainage channel / pipe, linking to the open drain, we would have to see where they wished to run the pipe / open drain and comment further then. We would however prefer a sub-surface drain as there is less chance of someone injuring themselves.

With regards to the new legally dedicated footpath linking over to meet with footpath MU3 from the bottom of the development, we are happy with this.

With regards to the £25,000 section 106 monies to improve the coast path, we are happy with this.

When the development is being built, a temporary closure will have to be applied for to ensure site safety. I don't doubt that people will utilise the lane to the west of the site to gain access to the coast path and this should be taken into account by the developer.

### **Countryside Access Team – Updated Comments**

Following discussion with the Applicant and investigation from the Authority's Coastal Engineers it was decided that a financial contribution via a Section 106 was required to repair and mitigate any damage as a result of the development. A figure of £30,350 has been agreed and on this basis the Authority's Countryside Team withdrew their objection.

### **Planning Ecologist**

OUTCOME OF ECOLOGICAL INVESTIGATION – ADDITIONAL COMMENTS June 2020

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PLEASE REFER TO ALL PREVIOUS COMMENTS – THESE ALL STILL APPLY

Following receipt of the drainage information, I have concerns regarding impacts on the Langland Bay (Rotherslade) SSSI, located approx. 200 metres south of the site. Therefore, the Condition for the requirement of a CEMP has been updated as per:

Construction Environmental Management Plan (CEMP)

A CEMP is required to be submitted to the LPA for approval, outlining and assessing all necessary pollution prevention measures (especially regarding the adjacent Langland Bay SSSI and any waterbodies). Pollution prevention measures outlined in the CEMP shall be implemented and followed during the construction and operational phase of the development.

Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the LPA. The details of the CEMP shall be implemented as approved.

The following site-specific details / measures, in relation to Langland Bay (Rotherslade) SSSI, shall also be provided as part of the CEMP:

- \* Methodology for prevention of introduction of sediment into the drain/watercourse and onwards into the SSSI.
- \* As uncontrolled releases / increases in flow or a reduced/lesser flow could impact upon the site, methodology of controlling the volume / flow of water from the site, and through the drain into the SSSI.
- \* Confirmation that there will be no upgrading of the drain outside of the development area.

Reason

Prevent pollution of controlled waters and the wider environment.

ECOLOGICAL SURVEYS

It should be noted that the Phase 1 Habitat survey, Soltys Brewster May 2018 is now out of date. It is widely accepted that survey data is only valid for a period of two years. Therefore, I advise that the survey must be repeated and compared to previous results, and any new mitigation requirements included. This updated report shall be submitted to the LPA for approval, prior to any decision. The bat activity report will expire in July, so may also need to be repeated if there is a delay in the application process.

LANDSCAPING/GREEN SPACE

I would advise that the Soft Landscape Plan and Green Space Strategy do not go far enough to benefit or enhance biodiversity. There are greater opportunities to increase biodiversity and connectivity with other habitats. This will help meet Swansea Council Policy ER2 and the Council's duty to seek to maintain and enhance biodiversity under the Environment (Wales) Act 2016 – Section 6 Biodiversity and Resilience of Ecosystems Duty.

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It is acknowledged that the plans provides for the use of some native tree, hedgerow and shrub species. However, these should be of local or at least Welsh provenance. The incorporation of species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes/meadow mixes for lawns/gardens to enhance the habitat for local birds and invertebrates. Some of this is shown in the plan, but there is scope for wider provision. This will improve ecological connectivity across the site and with other nearby habitats. The green verges should be planted with suitable native and perennial wildflower species.

Due to the coastal location of the site, the proposed landscaping scheme should also incorporate native coastal species, particularly those located on the nearby cliff tops, maritime slopes and headlands around Gower. It is recommended that opportunities should be explored for planting suitable areas on site with some of the following local coastal species:

sea thrift – *Armeria maritima*  
sea holly – *Eryngium maritimum*  
rock samphire – *Crithmum maritimum*  
golden samphire – *Limbarda crithmoides*  
rock sea spurrey – *Spergularia rupicola*  
sea aster – *Aster tripolium*  
sea thrift – *Armeria maritima*  
kidney vetch – *Anthyllis vulneraria*  
spring squill – *Scilla verna*  
English stonecrop – *Sedum anglicum*  
wild thyme – *Thymus serpyllum*  
bird's foot trefoil – *Lotus corniculatus*  
cowslip – *Primula veris*  
primrose – *Primula vulgaris*  
greater knapweed – *Centaurea scabiosa*  
carline thistle - *Carlina vulgaris*  
bell heather – *Erica cinerea*  
sea campion – *Silene uniflora*  
common rockrose – *Helianthemum nummularium*  
speedwell species – *Veronica sp.*  
eyebright species – *Euphrasia sp.*  
tormentil - *Potentilla erecta*  
ladies bedstraw – *Galium verum*  
rest harrow – *Ononis repens*  
field scabious – *Knautia arvensis*

As previously commented on, hedgerow edges can enhance biodiversity by planting with herbaceous plants and bulbs. These will attract bees, butterflies and other insects as well as providing ground cover for smaller animals. Seeds that are tolerant of semi-shade and are suitable for sowing beneath newly planted or established hedges should be used eg

- Yarrow (*Achillea millefolium*)
- Agrimony (*Agrimonia eupatoria*)
- Common knapweed (*Centurea nigra*)
- Wild basil (*Clinopodium vulgare*)

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- Hedge bedstraw (*Galium album*)
- Wood avens (*Geum urbanum*)
- Oxeye daisy (*Leucanthemum vulgare*)
- Ribwort plantain (*Plantago lanceolata*)
- Cowslip (*Primula veris*)
- Red campion (*Silene dioica*)

Therefore, a revised Soft Landscape Plan and Green Space Strategy will be required to be submitted to the LPA for approval, prior to any determination.

**Dwr Cymru / Welsh Water**

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response (Ref: PPA0003630) has been acknowledged and included at Appendix 2 of the accompanying Pre-Application Consultation (PAC) Report, prepared by JCR Planning, which acknowledges the status of the site as allocated land and highlights that foul flows can be accommodated within the public sewerage system. 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.

**Advisory Notes**

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

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

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

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.

### **Main Issues**

The main issues to consider in the determination of this application relate to the acceptability of the principle of residential development on this site, impact of the development on the character and appearance of the area including the Gower AONB, residential amenity impacts upon neighbouring occupiers and future residents, impacts of the development on access, parking and highway safety, as well as impacts on trees, ecology, drainage and environmental interests, with regard to the prevailing provisions of policies of the LDP, Adopted SPG and National Policy and Guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **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 application site is allocated as a 'Local Needs Housing Exception site' under Policy H5 of the LDP.

LDP Policy H5 allocates sites for local needs housing to meet an identified social and/or economic need. The application site is allocated under the Policy as H 5.6.

The Policy states that proposals must provide a minimum of 51% affordable housing for local needs and a maximum of 49% of an enabling local needs market housing that meets an identified housing needs within the locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

The occupancy of the Local Needs Market Housing will be restricted to "persons with a local connection" to be used as "their only or principal home" and will be formally tied to planning consent by means of legal agreements and/or conditions. Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of "persons with a local connection" within the locality will not be permitted.

Within this application, the proposed ratio of affordable housing and market housing on the site meets H5 criteria - 16 affordable units (51.6%) and 15 Local needs market housing (48.4%) are proposed.



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Evidence currently indicates that Oystermouth has a variety of house types with the majority comprised of 3 and 4 bedroom dwellings and fewer 2 bedroom dwellings. In order to accord with Policy H5, the planning application is therefore required to provide a suitable proportion of smaller market properties to provide opportunities for both newly formed households and those wishing to downsize.

The 16 (51.6%) units of affordable housing comprises:

2 x one bed bungalows,  
4 x two bed bungalows,  
6 x two bed houses and  
4 x three bed houses.

The 15 (48.4%) units of 'local needs' open market housing comprises:

4 x two bed houses, and 11 x three bed houses.

Four of the three bed open market houses (House Type H) are to be built in accordance with the 'Lifetimes Homes' standards and are therefore adapted for all potential occupants needs.

The mix of types of houses is welcomed and reflects the needs of the area identified within the LDP. Furthermore, the integration of affordable and market housing in the layout of the development is welcomed.

It should be noted that in order to comply with LDP Policy H5, a local occupancy criteria condition will be applied to the local needs market homes to ensure that the dwellings are not used as a second home/holiday home. House type H will also be conditioned to ensure they are constructed to the 'Lifetime Homes' standard.

It is considered that the scheme is acceptable in terms of the principle of development, as it complies with the criteria set out in Policy H5 of the adopted LDP. The application will deliver a proportion and absolute number of affordable and market homes that will serve to address a particular local need within the Gower Fringe 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 and complies with the provisions of Policy H5 of the adopted Local Development Plan 2010-2025.

**Agricultural Land Classification**

The Applicant submitted an Agricultural Land Classification report with the application which identifies the site as being Subgrade 3a - Good Quality (Best and most versatile Land). Welsh Government Officers have confirmed that the survey has been completed in accordance with the Revised Guidelines and Criteria for Assessing Agricultural Land Quality (MAFF1988) and provides a reliable picture of agricultural land quality across the site.

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Planning Policy Wales (PPW) at paragraph 4.10 states that "*Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade*".

The principle of developing the site is considered to be acceptable due to it being allocated as a Local Needs Housing Exception site within the recently adopted LDP.

The issue of the site being Grade 3a agricultural land would have already been considered during the LDP process, prior to the site being designated as a Local Needs Housing Exception site. Consequently, the need to provide the development (in accordance with the LDP designation) outweighs the need to protect this Grade 3a agricultural land.

### **Placemaking, Design, Visual Amenity & Impact upon the AONB**

The key considerations from a placemaking and design aspect are how the development responds to its context and contributes towards a sense of place. As a result of the design, layout and orientation of buildings and spaces the place created should be attractive, legible, healthy, accessible and safe environment. Alongside this the proposal is within the Gower Area of Outstanding Natural Beauty (AONB) and the Local Planning Authority has a duty under Section 85 of the Countryside and Rights of Way Act 2000 to have regard to the purposes of conserving and enhancing the natural beauty of the AONB. The key aspects are set out in policies PS2 and ER4 of the LDP.

As documented in the report the proposed layout has been amended a number of times during the course of the application due to concerns regarding the layout of dwellings at the site in order to ensure that the site responds appropriately to its context in line with the thrust of policies within the LDP.

The proposed layout now offers a semi-rural character with hedges, trees, and includes an informal open space / natural play area and as such would form a sensitive transition to the adjacent countryside.

The north, south and western parts of the site include pedestrian links to maximise integration of the existing and proposed communities. These links maintain the existing right of way, provide access for existing residents to the play facilities in the southern part of the site and provide access to the heritage coast.

The plot sizes are not standard throughout the site and reflect the general lack of conformity of plot sizes in the local area, with all plots being of an acceptable standard. There is a variety of house types including two storey detached, semi-detached dwellings and semi-detached bungalows. The adequate spacing between dwellings ensures an acceptable level of openness and greenery, which respects the site's location within Gower AONB.

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The proposal includes a variety of house types, however these share a visual relationship and afford the development a strong visual character. The window openings, roof pitches and cladding materials positively reflect the character of the local area and reflect the traditional Gower Vernacular in accordance with the SPG - Gower Design guide. It is considered that the proposal will provide a good range of accommodation types.

The materials include a mixture of render and stonework to external walls, grey tiles to the roof, dark grey uPVC windows and black uPVC rainwater goods. The dwellings all have gable ended roofs and modern overhanging porches. A number of the houses have small modern conservatory style rear single storey projections whilst four of the dwellings to plots 12-15 have two storey gable end projections with stone cladding.

The smaller affordable units are of a similar design and utilise the same external materials as that of the open market dwellings, albeit on a smaller scale. The aspiration of the development is for affordable properties to be indistinguishable from private dwellings. Whilst it is noted that the affordable housing is of smaller scale it is not considered that this is significant and would not be immediately obvious on site.

The development includes four 'Lifetime Homes', which are built to be accessible, inclusive, flexible and sustainable. The dwellings meet the 16 point criteria set-out by the Lifetime Homes scheme. This will allow the homes to be easily adaptable for future occupants needs and includes features such as wide halls and a lift.

In terms of wider visual impacts from outside of the application site the submitted Landscape Character Appraisal and the Visual Impact Assessment provides an analysis of potential landscape and visual effects from the proposed development. A series of three key viewpoints from areas around the site have been identified and the report includes an assessment of landscape effects upon identified LANDMAP aspect areas within which the site is located.

#### Viewpoint 1 – Higher Lane

Viewpoint 1 is the view looking towards the site from Higher Lane where the viewpoint is not one of recognised value in terms of planning, heritage or cultural designations. Although given the viewpoint is immediately adjacent to the Gower AONB it was regarded as high to moderate value. From the view the access point can be seen alongside the vehicular access to No. 104 Higher Lane which forms part of the eastern site boundary. The analysis sets out that the development will be clearly perceptible across the majority of the view and views into the site would be achieved from two openings along Higher Lane. The report summarises this viewpoint stating: *"Whilst there may be some perception of adverse effects in changing views of hedgerow and open field beyond to developed land, this is balanced with the potential beneficial effects of the development, including the translocated northern site boundary hedge with improved associated management, a positive sense of place and the contribution of proposed strategic landscape. On balance, effects are considered to be neutral".*

#### Viewpoint 2 – Wales Coast Path

The viewpoint has a recognised value through its designation in terms of being within the Gower AONB and being a viewpoint from the Wales Coast Path.

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The viewpoint is taken from the coast path to the south-west of the application site. It is over rough grassland towards the site and the rear of properties along Beaufort Avenue, Higher Lane and Channel View and the pastoral fields to the south of the application site beyond. In terms of the view itself the rear and side elevations of the residential units along the south – western edge of the proposed site will be perceptible above and between intervening vegetation and built form. The existing southern field boundary will be strengthened by proposed hedgerow planting which would partially screen the lower sections of the residential plots along the southern boundary. Additional vegetation will be visible in and around the site. The report sets out that typically only views of the south – western and southern residential plots would be available and the north-western and eastern plots would be heavily screened by the proposed intervening south-western plots, the internal landscape structure and site boundary vegetation. The analysis undertaken sets out that the view will “*remain to be dominated by its retained urban fringe character with visually integrated rural and urban components.*” and the “*significance of visual effects of the proposed development is considered to be minor, not significant and neutral*”.

#### Viewpoint 3 – Wales Coast Path Snaple Point

This viewpoint is also recognised for its value in terms of the AONB and coast path. Taken from the Wales Coast Path at Snaple Point it is to the West of the application site. A panoramic and open view is over a rough grassland/bracken covered cliff top with Langland Bay looking towards to the application site and pastoral fields and cliffs to the south of the application site. The development will result in a small number of additional element within the view but will lonely occupy a very small, narrow section of the far distance. The longer distance views will be limited to the roofscape, exterior profiles of residential plots and the proposed structural landscape, partially screened by retained vegetation. The analysis sets out: *The proposed development would result in a slight introduction of additional landscape features which contribute to the existing visual character, but these additional features are of the same nature as existing dominating visual elements. The overall visual quality and composition of the view, characterised by the coastal location, would remain prevalent and the proposed development would be perceived as part of the existing settlement of Thistleboon. Crucial visual qualities would not be fundamentally affected, and the proposed development would be readily absorbed within the expansive view. As such significance of visual effects is therefore assessed as minor to negligible, not significant and neutral*

Following full analysis, the report concludes that the effects on the landscape character are predicted to be limited due to the combination of the topography, vegetation and existing man-made elements which assist to integrate the scheme within its landscape setting. With the exception of the land within the site boundary itself, and the locations immediately surrounding it, it is considered that the development would not have a significant adverse impact on the natural assets of Gower AONB, and the development is of a form and scale, design, density and intensity of use that is compatible with the character of the Gower AONB. It is therefore accepted that the underlying landscape character of the Gower AONB will remain unchanged.

Concerns have been articulated in the submitted objections to the application contending that the submitted landscape assessment is not sufficient.

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It references that the assessment does not include reference to the Gower AONB Landscape Character Assessment, does not consider cumulative impacts of development and makes no consideration of seascape or coastal impacts in the AONB. The submissions raise issue with the visualisation of the development and state that there are no appropriately considered views from the Wales Coastal Path, public right of way or neighbours. Regard has been given to the information submitted and the Council's Landscape Officer has considered the information in full and considered that the LVIA has been professionally assessed according to best practice and there are no adverse issues with the methodology, observations or conclusions that have been reached.

In terms of the impacts arising from the development it has been demonstrated that the site will not give rise to adverse impacts and it is not considered necessary to produce additional viewpoints or analysis from coastal points. The submitted LVIA does not make reference to the 'Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment – November 2017' but the impacts arising in terms of coastal impacts have duly been considered following LANDMAP assessment in the report and by officers in reaching a recommendation on the application. There are no developments of any scale of more than householder developments to existing dwellings adjoining or near the development site that would result in a cumulative impact that would need further scrutiny or assessment.

In summary it is considered that the scheme, following negotiation and amendment, has been well designed to take into account its location within the Gower AONB and meets the aims and requirements of policies PS2 and ER4. The development will not have a significant adverse impact on the natural assets of the AONB, it will contribute to the social and economic well-being of the local community through affordable housing provision, will be of a scale, form, design, density and intensity of use that is compatible with its surroundings and character of the AONB, is designed to a high standard and will conserve and enhance the natural beauty of the AONB.

### **Residential Amenity**

In terms of residential amenity impacts, the properties to Beaufort Avenue would be in proximity of the western edge of the application site. However rear boundaries of the properties would be detached from the site by an unnamed lane and the existing mature hedgerow. Taking account of the separation of these dwellings from the site by the lane and the hedgerow it is not considered that there would be any harmful residential impacts in regards to overlooking, overbearance or overshadowing.

No.104 Higher Lane directly borders the east of the site and the mature boundary hedge is contained within the curtilage of this neighbour. The curtilage of plots 16 – 20, 27 and 28 would abut the shared boundary, along with the parking areas for plots 27 – 29. Plots 27 and 28 are bungalows and the proposed scale of the properties in conjunction with the boundary treatment is considered sufficient to negate any unacceptable overbearing and overlooking impacts. The two storey dwellings to plots 16 – 20 are positioned a significant distance from the shared boundary to prevent any physical impacts upon the neighbouring occupiers. It is noted that the nature of housing in this location would introduce a different impact on the neighbouring occupants of No.104, given that this property currently has no neighbours.

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However, the proposed dwellings are positioned in excess of the 10m minimum distance as required by the Authority's Residential Design Guide. It is therefore considered that the proposals would have an acceptable impact on the existing neighbour in residential amenity terms.

The residential houses to Channel View are located on the opposite side of Higher Lane from the application site, as well as being in a raised position to the site, and as such there would be no material adverse residential amenity impacts in terms of overlooking, overbearance or overshadowing impacts on these residents.

In regards to noise and disturbance the development is likely to have an increased impact relative to existing circumstances. Whilst the site is not technically contained within the urban area it does lie on its periphery, and is bordered on three side by the urban boundary. The nature of the residential development is considered to be in keeping with the predominantly residential nature of the surrounding area. It is therefore not considered that the nature of the proposed residential development would result in a significant level of noise and disturbance, compared to existing circumstances.

The layout of the proposed development ensures that all separation distances accord to the separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have at least a 10m separation where first floor window overlook neighbouring private amenity space. In regard to the garden spaces available to future occupants it is noted that this varies significantly between properties but is relative to the scale of the dwelling proposed and is acceptable in that regard.

In terms of the residential amenity of the existing and future occupiers, the application is considered to be acceptable and accords with the provisions of Policy PS2 of LDP and the SPG Places to Live: Residential Design Guide.

### **Transportation and Highway Safety**

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect on the local highway network as detailed in the 'Response to Consultations' section of this report. A Transport Statement was submitted with the application which shows that the additional movements generated by the development can be incorporated into the existing traffic flows with some minor works being required including, but not limited to, footway provision along the site frontage, traffic calming, pedestrian crossing, footways connections with the northern section of the highway and PRoW diversion works. In addition, further enhancements include a new crossing location across the existing junction of Cambridge Road with Higher Lane and improvements at the Worcester Drive and Cambridge Road bus stop facilities.

Whilst extensive concern has been raised regarding the additional traffic movements that would be created by the development, it is considered that the trips arising from the development can be accommodated within the existing road network.

The layout of the new development shows that the main internal road has a footway either side with a 5.5m carriageway which would allow for two way flows and safe pedestrian passage.

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A swept path analysis has been provided to demonstrate that refuse and emergency vehicles can enter / turn and leave the site in a forward gear. The new area of highway and footway to Higher Lane for the creation of the new access will be constructed to adoptable standards.

Parking provision within the site complies with the Council's parking standards.

In regard to the existing neighbouring property it is considered that the proposals demonstrate that there will be no conflict between the existing access and the development. The vegetation between the site and the neighbouring access will be removed to allow sufficient visibility.

As such, no highway objections are raised subject to the imposition of appropriate planning conditions and financial contribution in order to deliver crossing improvements at Worcester Drive and bus travel infrastructure, and the application is considered to be acceptable in this regard and accords with Policies T1, T2, T5 and T6 of the LDP and the SPG - Parking Standards.

**Trees**

The Council's Tree Officer has raised no objection to the application as detailed in the Tree Officer comments set out earlier in this report.

None of the trees on the site are presently protected by a Tree Preservation Order or conservation area status. It is noted that the protection area of a TPO tree located at Channel View does cross over to Higher Lane which forms part of the access route and red line of the site. However this tree will not be impacted by the proposals. The majority of existing trees on site are to be retained. The main risks to trees is from uncontrolled construction traffic, storage/delivery of materials/soil and poor routing of services. A suitably worded condition can ensure any of these problems do not occur.

A number of new trees are proposed to be planted throughout the site, including the Northern boundary, central informal greenspace/play area and South Western corner. A landscaping management plan will be required by condition to include management and maintenance responsibilities of the trees and hedgerows. The condition will ensure that the trees and hedges are kept to an acceptable standard and any trees that die are replaced. Furthermore, the trees will be protected by Tree Preservation Orders to ensure that they are not removed. Details of tree pits will also be required by condition in the interests of protecting trees planted in paved areas and preventing root damage to the street.

As such, no arboricultural objections are raised and the application is considered to be acceptable in this regard, and accords with the provision of Policy ER11 of the LDP and the SPG - The Protection of Trees on Development Sites.

**Ecology**

The Council's Planning Ecologist and NRW have provided comments and suggested conditions for the application as detailed in the observations section of this report.

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To the Northern Boundary sections of the existing hedge are to be removed in accordance with the creation of the site access with other sections to be 'translocated'. The submitted tree survey states that the existing hedge is a mix of hawthorn, goat willow and hazel in a fair to poor condition. The assessment further states that the hedge is formed of /i scrubby specimens forming gappy hedgerow. In places no woody vegetation present within hedge line. Specimens of Goat Willow are at risk of failure. The report further recommends that the goat willow is coppiced and the remaining hedge is monitored for safety with the condition given as Category C and therefore lacking in material conservation or other cultural value. The amendments to the hedgerow can be considered acceptable subject to a condition requiring a Hedgerow Management Plan to be submitted to and agreed in writing with the Authority.

With regard to badgers, a survey of the site indicates that there was evidence of activity to the Eastern and Southern boundaries of the application site. The report concluded that there was evidence of irregular badger activity on the eastern and southern boundaries of the application site re: outlier setts. In addition, pathways and latrines were recorded in the south and east of the site, with activity concentrated in fields and hedgerows. The main sett is possibly located 200m east/SE of the application site on scrub/woodland. The applicant is required to obtain an NRW licence prior to work commencing onsite and a copy of the licence shall be submitted to the Local Planning Authority (LPA). There is no objection to the proposal in this regard subject to the obtaining of a licence and pre-clearance checks for protected species is sufficiently covered in separate legislation, which will be referenced by an informative.

With regard to reptiles, a condition will be added requiring a pre-commencement walk-over of the site to check for reptiles. Should any reptiles be found, then the applicant is required to submit a mitigation strategy to the Local Planning Authority order to minimise the impacts of the scheme on any reptiles

With regard to hedgehogs and other mammals, the addition of hedgehog access holes shown in the External Works layout plan, regarding the close board fencing and the stone screen wall is noted and very welcomed. Adherence to these plans will be secured by the plans condition.

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 will be required via a condition.

Conditions will also be added requiring a Construction Environmental Management Plan (CEMP), as requested by NRW and the Planning Ecologist in order to prevent harm to the Langland Bay (Rotherslade) SSSI. NRW were made aware of concerns that the proposed discharge of water (into an existing watercourse to the south-west of the site) could impact upon the SSSI, as the water from this watercourse outflows onto the cliff above Lambswell cove.



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NRW make reference to the fact that this existing watercourse / drain already carries surface water drainage from Beaufort Avenue and there are already sections of the geological deposits, which have been eroded, within the boundary of the SSSI. NRW make reference to a certain level of erosion not being detrimental or damaging to the features of the site and they are satisfied there is no adverse impact. However, additional flows could impact upon the SSSI and they have therefore assessed the drainage scheme provided. Although the document doesn't make reference to the SSSI which is outside the red line site boundary NRW have concluded on the basis of their findings that the finished development will maintain the feature of interest in good condition and will not cause damage or change and have no objection in that respect. The suggested condition will deal with prevention of pollution to the controlled waters and the wider environment.

The planning ecologist has requested updated ecological surveys as best practice indicates that surveys are only valid for two years. Notwithstanding this, due to the Covid 19 outbreak NRW have indicated that, in relation to applications for protected species licences, as it may not be possible to update surveys this season, NRW has extended the normal two year period and accept surveys from the last three years. In light of NRW's approach, and due to the exceptional circumstances and restrictions imposed by Covid 19, it is not considered necessary or reasonable for the ecological surveys to be updated prior to determination in this instance as the surveys are just over two years old. The surveys submitted are therefore considered fit for purpose.

The Authority's Ecologist had also indicated suggested species to be included within the proposed landscaping strategy. However, the landscaping strategy was designed with full consultation with the Authority's Landscaping Officer. The strategy has been amended and has evolved over time in line with the Landscaping Officer's comments and suggested species composition. On that basis given the agreement of the Authority's Landscaping Officer, further revision of the landscaping strategy is not required.

It is considered that no protected species (including badgers, dormice, bats, or reptiles) would be detrimentally affected by the proposed development subject to the obtainment of required licencing outside of the planning application process and appropriate planning conditions, and as such, the application is considered to be acceptable in this regard and accords with the provisions of Policies ER8 and ER9 of the LDP.

### **Affordable Housing**

To comply with the recently adopted LDP Policy H5, the majority of the dwellings (51% minimum) on the site are required to be for affordable housing. The proposed ratio of affordable / local needs market dwellings is 16 (51.6%) affordable dwellings to 15 (48.4%) local need market dwellings.

The Council's local occupancy criteria will be applied to these affordable homes and delivery will be formally tied to an appropriate S106 legal agreement.

The Council's Housing Enabling Officer has confirmed that the details of the affordable housing provided on site is acceptable in terms of its tenure and dispersal across the site, and as such the application is considered to be acceptable in this regard and accords with the provisions of Policies H2 and H5 of the LDP.

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## Education

The projected pupil numbers generated by the proposed development of 31 dwellings (having regard to the calculations contained within the Planning Obligations SPG) are as follows:

Primary: 9 (8 English and 1 Welsh Medium)

Secondary: 7 (6 English and 1 Welsh Medium)

With regard to primary school places, there is surplus capacity in Oystermouth Primary (English Medium) and Llwynderw Primary (Welsh Medium) and as such, no developer contribution is required for primary education.

With regard to secondary school places, there is surplus capacity in Bishop Gore Comprehensive (English Medium) and Gwyr (Welsh Medium) and as such, no developer contribution is required for secondary education.

The requested education contribution therefore cannot be justified and is not necessary to make the development acceptable in planning terms. As such, the application is considered to be acceptable in this regard and accords with the provisions of Policy SI3 of the LDP.

## Drainage

There are no objections raised to the application by statutory consultees on drainage grounds providing conditions are used relating to the comprehensive and integrated drainage of the site with regard to surface water and land drainage and sustainable drainage (SUDS), the site shall not discharge at any rate greater than 2.7l/s, and any works to the watercourse may require the Authority's prior written consent.

The proposed drainage scheme was developed through discussions with the Authority's Drainage Officer. The proposals went through a number of iterations following concerns raised and developed to ensure that the development had an acceptable impact in regard to runoff from the site. The Authority's Drainage Officer has confirmed that the proposal is acceptable and would not have any unacceptable impacts. The development is also required to be fully compliant with the SUDS regulation through a separate consent.

The application is therefore considered to be acceptable in this regard and accords with policies EU4 and RP4 of the LDP.

## Public Right of Way

The Authority's Countryside Access Team raised concerns as part of the application process that the proposed drainage strategy would exacerbate existing coastal erosion and negatively impact the coastal path. It is noted that the Authority Drainage Engineer has raised no objection to the proposed drainage scheme and the proposals demonstrate that the flow rate will remain the same as it is currently. However, it is considered that since the flow rate will be channelled into one area to discharge from the site the impact will be different to that of the existing greenfield and therefore have the potential to exacerbate the coastal erosion without the development and thus negatively impact the coastal path.

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Discussions have taken place to consider the impacts and the potential for a scheme to be developed to offset the potential for harm from the additional drainage which would also ultimately deal with a long standing coastal erosion problem in the wider area. Costings have been considered and it has been established that a contribution of £30,350 from the developer would be justified and necessary in this instance in order to prevent additional levels of coastal erosion as a result of the development. Such a contribution would be used to fund a scheme of coastal works to prevent erosion that may arise as a result of the development.

In terms of other considerations, the proposed diversion of the existing right of way along the proposed footpath through the development is considered acceptable and will ensure there is continued access for the public to the coastal path.

The Countryside Access Team have requested a financial contribution of £25,000 towards improvement works to the coastal path, designated MU2. It is considered that this is a justified and a reasonable contribution request, as the use of the coastal path is likely to be increased from the residents of the proposed development. Furthermore, the H5.6 of the LDP states:

*connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: MU5, MU4, MU2, MU6, MU10*

The LDP has therefore identified that the development of this site should lead to the improvement of the adjacent footpaths.

### **Land Instability**

During the course of the application concern was raised regarding the existence of sink holes at the site. The applicant's agent acknowledges the concerns and site investigations were undertaken. The report identified high risk areas within the site and recommended that investigative work was undertaken to establish the nature of the foundations required, as well as additional investigation to the inaccessible southwest area of the site.

Any consent will be conditioned requiring that further appropriate site investigations be carried out and a report of the findings together with (where necessary) appropriate mitigation and remediation works which take into account any abnormal site conditions. On this basis the Authority is satisfied that the development can be undertaken safely.

### **Archaeology**

The site could potentially contain archaeological remains and on this basis the Glamorgan Gwent Archaeological Trust (GGAT) request an evaluation of the site. A survey of the land was undertaken by a qualified professional and discovered only limited features including possible drainage features, which could not be dated, and a small quantity of late post-medieval and modern pottery from topsoil deposits, but was otherwise largely negative. On this basis GGAT were satisfied that the development poses little risk from an archaeological perspective, and raised no objections to the proposal.

It is therefore considered that the development would have an acceptable impact in regard to any archaeological features of the site.

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### Planning Obligations

During the course of the application and consideration in relation to the above mentioned policy framework and key planning considerations regard has been given to the consultation responses received and the likely impacts that would arise as a result of the development. The Community Infrastructure Levy Regulations (2010) came into effect in 2010 and Regulation 122 of these regulations sets 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;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

Regard has been given to the CIL Regulations in making a recommendation and the following matters are considered to represent obligations that are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development.

### Affordable Housing

It is clear that in order to policy compliant the scheme needs to deliver a minimum of 51% Affordable Housing for Local Needs and a maximum of 49% enabling Local Needs Market Housing providing appropriate dwelling sizes. On this basis it is necessary to ensure the delivery of 16 affordable housing units across the site (51.6%) comprising of 8 social rent units and 8 intermediate affordable housing units which will be DQR compliant.

### Maintenance and Management plans

It is important as part of the development to ensure that all retained trees, new trees and planting, existing hedgerows, LAPS, opens spaces, and sustainable urban drainage system (SUDS) (including soakaways/infiltration trenches) will have defined maintenance and management going forward. To that effect a clause shall be provided within the Section 106 to require submission of such a plan prior to the occupation of the 1st residential unit.

### Highways

As referred to in the observations from the Highway Authority there will be impacts arising as a result of the development upon the surrounding highway network. A contribution of £20,400 has been set out in order to deliver crossing improvements at Worcester Drive and bus travel infrastructure. The contribution shall be paid prior to the occupation of the 1st residential unit.

### Coast Path works

The application site with the addition of housing will result in pressure upon the existing coastal path network over and above that which exists currently. Given this it is considered reasonable and necessary to provide for a financial contribution of £25,000 to commit to deliver improvement works on the coast path MU2.

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### Coastal Erosion

As referred to above during the course of the application it was identified that there is existing coastal erosion taking place outside but near to the application site. A contribution of £30,350 is required to deliver mitigation and maintenance against additional coastal erosion of the coastal path, that would be exacerbated by the proposed development. The contribution shall be paid prior to the occupation of the 1st residential unit.

### **Response to Consultations**

Issues relating to LDP /UDP designation, national policy, the impact on the Gower AONB, housing need, sewerage, surface water and drainage, traffic, road and pedestrian safety, parking, access for emergency vehicles, school places, design, tenure and layout of the proposed development, agricultural fields, open space, hedgerows, protected species and habitats, historical environment, rural exception criteria, density, affordable housing, trees, visual impacts, flooding, street lighting, right of way, land instability, neighbouring amenity and visual amenity have been addressed above.

The objections in regard to the potential capacity issues at local GP surveys was considered during the course of the LDP process with the Local Health Board being a consultee. The site has been allocated for development within the LDP and it is not considered therefore that there would be any unacceptable impact in this regard. In regard to a negative impact on tourism it is not considered that the development on this relatively small agricultural field would significantly impact local tourism. The right of way running through the site will be amended but retained, whilst approval of the proposal will result in a S106 financial contribution to the coastal path. The contribution will contribute to the ongoing improvement works to the path and arguably benefit tourism within the area.

In terms of concerns raised over the advertising of the application both before and during Covid19 lockdown, the Authority followed the statutory requirements, with notification letters sent to neighbours, site notices places within the vicinity of the site and advertisement in the local press. The Authority conducted 4 separate consultations within the local area, and whilst objections have not been responded to directly, they have been considered in this report before coming to a reasoned recommendation. It is also considered that the submitted PAC was sufficiently detailed and therefore valid.

In regard to the submitted LVIA, it is considered that this document was sufficient and its conclusions form an accurate reflection of the situation. Whilst NRW did raise some concerns over the methodology of the LVIA, the Authority's Landscaping Officer concluded that it was acceptable and this position was subsequently accepted by NRW, who raised no objection to the application subject to condition.

The proposal is compliant with the requirements of the Human Rights Act.

It is noted that some site clearance did occur prior to the submission of the application, however the land is designated as agricultural and the works entailed did not require planning permission. The site has been allocated for development in the LDP and it is not considered that there would be any unacceptable impacts on air quality.

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An objection has been raised to the arboricultural report including trees outside of the application site. The report has been assessed by the Council's Tree Officer and agreed the details contained within. The objection raises concerns that trees on neighbouring land will be removed, however this application does not grant consent for trees outside of the site and this is a civil matter between two parties.

With regard to the other issues contained within the list of objection points including damage during construction and precedent, these issues are not relevant material planning considerations in this instance and so do not form a reason for refusal of the application.

In support of the objections a report on the proposals from 'Lichfields' was undertaken and submitted. In regard to the Screening Opinion, it is accepted that this was not completed within normal timescale and an extension was not agreed with the applicant. However, this had no bearing on the conclusions made or any impact upon the planning proposals before the LPA. It is considered that the conclusions reached in the Screening Opinion are accurate for the nature and scale of this development in that the development is not one that raises significant effects that would require the submission of an Environmental Impact Assessment. As stated the critique of the design and layout, including visual impact have been addressed in the assessment and consultee responses above.

A number of objections suggest corruption of Council Officers and that the application is using 'loopholes' to be approved. The application has been assessed on the basis of the details submitted against relevant and local policies and guidance. The submitted details and consultee responses are a matter of public record.

## **Conclusion**

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered on balance of all material planning considerations that the scheme is an acceptable form of development that will deliver a high proportion of affordable housing and local needs housing to the area. In line with the principle strategy for housing set out in the Local Development Plan and providing a good level of green infrastructure on site the development will form an acceptable relationship with the surrounding land context and will not harm the character and appearance of the surrounding Gower AONB. Subject to a range of planning conditions as well as Section 106 Agreement to deal with specific planning impacts arising as a result of the development it has been concluded that the proposed development is acceptable and accords with the provisions of Policies: PS1, PS2, PS3, IO1, H2, H5, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU4, RP4 and RP10 of the Swansea Local Development Plan 2010-2025 (LDP), and the following Supplementary Planning Guidance Notes (SPG) - Places to Live - Residential Design Guide, Parking Standards, Planning Obligations, Planning for Community Safety, The Protection of Trees on Development Sites, Gower AONB Design Guide, and Lighting Scheme Guidance for Gower AONB.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act").

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In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WCFG Act.

### Recommendation

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

- **16 Affordable housing units (51.6%) on the site comprising 8 social rent units (50%) DQR compliant, and 8 intermediate affordable housing units (50%) DQR compliant. The specification of the AH units shall be of equivalent to those used in the local needs open market units. The AH shall be dispersed across the site in accordance with the layout shown on the approved plan: 105 REV N Affordable Housing layout received on 24<sup>th</sup> September 2020.**
- **Maintenance and Management plans for the retained trees, new trees and planting, existing hedgerows, LAPS, opens spaces, and sustainable urban drainage system (SUDS) (including soakaways/infiltration trenches) to be submitted and implemented prior to the occupation of the 1st residential unit (unless these areas are to be adopted/maintained by the Council).**
- **Highways: A contribution of £20,400 to deliver crossing improvements at Worcester Drive and bus travel infrastructure. The contribution shall be paid prior to the occupation of the 1st residential unit.**
- **Countryside: A contribution of £25,000 to deliver improvement works on the coast path MU2. The contribution shall be paid prior to the occupation of the 1st residential unit.**
- **Coastal Erosion: A contribution of £30,350 to deliver mitigation and maintenance against coastal erosion of the coastal path, exacerbated by the proposed development. The contribution shall be paid prior to the occupation of the 1st residential unit.**
- **Section 106 Management and Monitoring Fee: Costs incurred against the management of the obligations based on 2% of the value of the obligations = £1,515**

If the Section 106 Planning Obligation is not completed within 3 months from the date of any resolution from Welsh Government that the application is not being called-in for determination then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with policies PS1, PS2, PS3, IO1, H2, H5, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9, ER11, CV1, T1, T2, T5, T6, T7, EU4, RP4 and RP10 of the Adopted Swansea Local Development Plan (2010-2025).

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**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:

112 proposed boundary images, 101 C site location plan, 107 F street scenes, 108 C site section, 109 boundary sections, 110 A route of proposed new footpath, 200 C plots 1-4 floor plans, 201 C plots 1-4 elevations, 202 D plots 5-6 floor plans, 203 E plots 5-6 elevations, 204 E plots 7-8 plans, 205 E plots 7-8 elevations, 206 C plots 9, 10, 17, 18, 23 & 24 plans, 208 E plots 9, 10, 17, 18, 23 & 24 elevations, 209 F plots 11 & 16 plans, 210 F plots 11 & 16 elevations, 211 F plots 12 & 15 plans, 212 E plots 12 & 15 elevations, 213 D plot 25 plans, 214 E plot 25 elevations, 215 C plots 19-22 plans, 216 C plots 19-22 elevations, 217 C plots 26-27 plans, 219 C plots 28-31 plans, 220 A carports (single) plans and elevations, 222 B carports (twin with rear store) plans and elevations, 223 B foul pumping station enclosure plans and elevations, 302 PL03 public open space layout, extended phase 1 habitat and bat survey received 23rd January 2020.

Natural resources material plan, tree protection plan, A01 H proposed site access and associated highway improvements off Higher Lane, A02 A proposed access - visibility splay Southern turning head and plot 22-23 manoeuvres, B01 D proposed site access swept path analysis, B02 D proposed site access swept path analysis, B03 D proposed turning head swept path analysis, B04 B proposed site swept path analysis fire tender, badger survey received 6th April 2020.

102 R external works layout, 103 L materials layout, 104 M storey heights layout, 106 L parking arrangement layout, 111 E management company layout, 101 J levels plan, interim travel plan, transport statement, 301 P15 soft landscaping plan, arboricultural impact assessment, arboricultural impact assessment and arboricultural method statement received 21st May 2020.

218 D plots 26-27 elevations, 219 D plots 28-31 elevations received on 22nd May 2020.

100 REV U Proposed Site Layout, 105 REV N Affordable Housing Layout, 18051-102 REV L Proposed Drainage Plan, 18051/D100 REV H Drainage Strategy received on 24th September 2020.

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

2. The dwelling-houses identified as "local needs housing" shall not be occupied otherwise than by a person with a local connection, or the widow or widower of such a person and any dependents of such a person living with him or her, unless the property has been marketed for sale for a period of at least 16 weeks at market value price, as detailed in informative 1 below, and at the end of the 16 week period a person with a local connection has not been identified as a purchaser.



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This process must be repeated for every successor in title (repeat sale) to each individual dwelling.

In this condition the following definitions apply:

'Person with a Local Connection' means an individual who before taking up occupation of the dwelling satisfies one of the following conditions:

1. The person has been in continuous employment in the Locality defined for at least the last 9 months and for a minimum of 16 hours per week immediately prior to occupation; or
2. The person needs to live in the Locality defined because they need substantial care from a relative who lives in the Locality defined, or because they need to provide substantial care to a relative who lives in the Locality defined. Substantial care means that identified as required by a medical doctor or relevant statutory support agency; or
3. The person has been continuously resident in the Locality defined for three years immediately prior to the occupation of the dwelling and is need of another dwelling resulting from changes to their household as detailed in informative 1 below:

- The 'Locality' is defined as the Council's administrative wards of Bishopston, Fairwood, Gower, Mayals, Newton, Oystermouth, Pennard, Penclawdd and West Cross

The obligations contained in this condition shall not be binding or enforceable against any mortgagee or chargee or any receiver appointed by such a mortgagee or chargee or any person deriving title through such a mortgagee, chargee or receiver provided always that a successor in title of such a person will be bound by the obligations contained in this condition.

Informative 1

The marketing of the property of sale for at least 16 weeks requires the dwelling to be advertised by an estate agents in the Locality and on a well-used property agency website. Only where the Local Planning Authority is satisfied that there have been no appropriate offers of purchase from a person with a local connection, can the property may be marketed to, and subsequently purchased by, a person that does not meet the local need criteria. The 16 week marketing period can only begin from the time at which the sale prices of the properties are publically available and a show home/sales office has been established for interested purchasers to visit to inform their decision to buy the property.

Circumstances where a person is 'in need of another dwelling resulting from changes to their household' include (but is not limited to), getting married, divorced, having children, requiring more space for a growing family, downsizing to a more manageable home or adult children forming new households and purchasing a property for the first time, or where a person is returning to the Locality defined within 12 months of the completion of undertaking full-time postsecondary education or skills training.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) meet an identified local, social or economic need.

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4. The dwelling-houses identified as "local needs housing" shall only be occupied by a person as his or her Only or Principal Home. The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request so to do) such information as the Authority may reasonably require in order to determine whether this condition is being observed.

In this condition, the following definition applies:

An 'Only or Principal Home' is a dwelling house that is occupied continuously for a minimum period of six months in every twelve month period. For the avoidance of doubt the dwelling shall not be occupied as a holiday home, second home or for short term let accommodation.

Reason: To ensure that the proposed market housing (dwellings not defined as affordable homes) is used as the occupier(s) only or principal home.

5. 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.

6. The development shall be implemented in full compliance with the submitted arboricultural impact assessment, arboricultural impact assessment and arboricultural method statement received 21st May 2020.

Reason: In the interests of safeguarding trees.

7. No development shall commence until full engineering, street lighting and construction details of the internal road layout and footways have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the roads and footways shall be constructed in accordance with the approved details.

Reason: To allow proper consideration of the construction details in the interests of highway and pedestrian safety.

8. Prior to the first beneficial use of any of the buildings within each phase of the development, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the Local Planning Authority unless an agreement has been entered into under Section 38 of the Highways Act 1980. 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 satisfactorily maintained and managed streets.

9. 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.

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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.

10. No dwelling shall be occupied until the access, turning area and parking works, that serve that dwelling, have been completed and made ready for use, these will be required to be provided in accordance with the City and County of Swansea parking standards and with the approved drawings hereby. The parking areas shall be made available for vehicular parking at all times thereafter.

Reason: In the interests of highway safety and general amenity.

11. Prior to any of the dwellings hereby approved being brought into beneficial use, the proposed footway along the site frontage to Higher Lane, at 2.0 metre width, shall be extended to and connected to the existing footway to the west of the site, and crossing and connection made to the footway to the north of the site, in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

12. Prior to each dwelling being brought into use, the proposed driveways and garages that serve the said dwelling shall be completed in accordance with the approved plans and transport statement.

Reason: In the interests of highway safety and general amenity.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended), (or any order revoking or amending that order), all garages shall be kept available for the parking of motor vehicles at all times and shall not be used as or converted to domestic living accommodation.

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

14. Prior to the first beneficial occupation of any of the approved dwellings, a site-wide Residential Travel Plan for the residential properties within the development shall be submitted to and approved in writing by the Local Planning Authority.

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The Residential Travel Plan shall include provision for encouraging and incentivising use of public transport and cycling and include full details of an ongoing review mechanism until all of the phases have been developed and for 5 years of monitoring. The approved Travel Plan shall be implemented upon the first occupation/use of any of the buildings hereby approved.

Reason: In the interests of promoting sustainable modes of movement to the residential properties.

15. No development shall commence until a Stage 1 Road Safety Audit of the access and internal layout, to include amelioration measures where necessary, has been submitted to and approved in writing by the Local Planning Authority. The approved amelioration measures shall be implemented prior to the first beneficial occupation of any dwelling deriving access from that part of the road/ street.

Reason: To ensure the access and internal road layout is safe for future users.

16. All boundary treatments forward of the principle building line and/ or immediately adjacent to a parking area, with the exception of those on the approved plans, space shall be kept at a maximum height of 1m.

Reason: In the interests of highway safety to ensure adequate visibility splays are provided for all plots and the interests of visual amenity to ensure the landscaping is maintained across the site.

17. Prior to the beneficial occupation of any dwelling that has access from the Public Right of Way MU5, all works to the part of the MU5 that relates to said dwelling shall be completed, with all works to MU5 completed prior to the beneficial occupation of the final dwelling to be completed that is served by said Right of Way.

Reason: In the interests of highway safety and general amenity.

18. No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. If any retained trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at the same location and that tree shall be of a size, species as specified in writing by the Local Planning Authority.

Reason: To ensure the protection of the retained trees during construction works.

19. A landscape management plan for the whole development to include management responsibilities and maintenance schedules for all landscaped / public realm areas including overhanging trees and hedgerow species from adjacent land shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The landscape management plan shall identify and confirm how those retained existing or planted trees and trees within shared hedgerows are to be future managed in perpetuity, including their replacement as and when necessary. The landscape management plan shall be carried out as approved and the planting retained and managed in accordance with the plan thereafter in perpetuity and any replacement planting shall be approved in writing by the Local Planning Authority.

Reason: To ensure that the landscaped areas are adequately maintained and trees and shrubs and those trees within hedgerows under such management retained in the interests of visual amenity.

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20. Details of tree pits and protection between tree roots and structures are to be provided for written approval by the Local Planning Authority prior to the commencement of the development to show adequate root anchorage, capacity for water retention, the provision of drainage, for irrigation and ventilation and construction details to demonstrate the support of both vehicular and pedestrian paving and vehicular traffic and all overlying paving details, the details should clearly identify how tree roots can grow out to the surrounding environment without disruption to paving and services and that the trees can survive to maturity. The above to include confirmation that all paving, structures and building foundations are to be designed and built to take account of ground conditions, proximity to structures and the growth of adjacent tree planting shown on the approved plans to maturity.  
Reason: To ensure that the proposed tree planting in hard paved areas has been suitably detailed to ensure the long term viability of trees to maturity in the interest of visual amenity and in the Creation of Place.
21. Any trees, shrubs or plant material planted in properties not otherwise managed by the Landscape management plan, which die, become seriously damaged or diseased within 5 years of planting shall be replaced by trees and shrubs of a similar size and species to these already planted, unless otherwise agreed by the Local Planning Authority. Within this period all trees described in private ownership that have been planted as part of the approved landscape plan in mitigation of loss of other trees and or in the creation of Place will subsequently be protected by Tree Preservation Order(s).  
Reason: To ensure the protection of those trees, shrubs and plants planted as part of the approved landscape plan in perpetuity, in the interests of visual amenity and in the creation of Place.
22. If during the course of development, any unexpected land instability issues are found which were not identified in the submitted site investigation, additional measures for their remediation in the form of a remediation scheme shall be submitted to and approved in writing by the Local Planning Authority. The remediation measures shall thereafter be implemented as part of the proposed development.  
Reason: To ensure that any unexpected abnormal ground conditions are identified, and addressed (if required).
23. 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.
24. Details/samples of all external materials (including a composite materials sample board), and details of the locations of any external meter boxes to be erected to the walls of the buildings hereby approved, shall be submitted to and approved in writing by the Local Planning Authority before development works commence on site. The development shall be carried out in accordance with the approved details.  
Reason: In the interests of visual amenity.

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

Reason: In the interests of visual amenity and the amenities of future and neighbouring occupiers.

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

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

27. Before the development is commenced, a sensitive lighting strategy (relating to both the construction and operational phases of the development) shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall outline the measures to be taken to avoid the impacts of lighting (both during the construction phase and the operational phase) on bats, other nocturnal species and the Gower AONB. 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.

The measures contained within the approved lighting strategy shall be implemented at all times thereafter and any external lighting serving the proposed development shall not conflict with the mitigation measures contained within the lighting strategy at any times.

Reason: In the interest of bats, other nocturnal species and the Gower AONB.

28. 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.

29. No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and approved in writing by the Local Planning Authority.

The CEMP 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.

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- 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.
- 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.

The following site-specific details / measures, in relation the SSSI, should also be provided as part of the CEMP:

- How sediment will be prevented from being introduced into the drain/watercourse and onwards into the SSSI.
- How the volume / flow of water from the site, and through the drain into the SSSI will be controlled during the construction phase. As uncontrolled releases / increases in flow could impact upon the site, as could a reduced / lesser flow.
- Confirmation that there will be no upgrading of the drain outside of the development area.

Furthermore, any drains laid must also be protected in a way that prevents dirty water from the construction site entering them.

Reason: Prevention of pollution to controlled waters and the wider environment.

30. 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 reptiles 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 reptiles be found on the site, then the applicant shall submit a reptile mitigation strategy to be approved in writing by the Local Planning Authority. The recommendations contained within the approved reptile mitigation strategy shall be implemented thereafter.

Reason: In the interests of bio-diversity and in order to minimise the impacts of the scheme on any reptiles.

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

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

32. The development shall not discharge to the watercourse network at any rate greater than 2.7l/s as detailed in the Drainage Strategy reference D100 G received 21st May 2020.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
33. Prior to the completion of construction full details of the public open space area including play equipment shall be submitted to and agreed in writing with the Local Planning Authority. The public open space shall be completed in full accordance with the agreed details prior to the beneficial occupation of the final dwelling to be completed.  
Reason: To ensure that the greenspace area is completed to a satisfactory standard and in the interests of visual amenity.
34. House Type H shall be constructed in accordance with the 'Lifetimes Homes' standards as per the Design and Access Statement REV D received on 6th April and plan 211 REV F Plots 12 and 15 Floor Plans received 23rd January 2020.  
Reason: To ensure that the dwellings are adapted for all potential occupants needs and meet the identified house type need within the local area.

### 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 PS1, PS2, PS3, IO1, H2, H5, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9, ER11, T1, T2, T5, T6, EU4, RP4 and RP10
- 2 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).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird



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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 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.
- 5 Slow worm, adder and common lizard are likely to be recorded on the site, and are known from within 500m. Therefore, please be aware that 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 (01792634 960).

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

To mitigate for loss of reptile habitats, new habitats can be created within buffer strips. These linear features can provide corridors to link other patches of reptile habitat together. Management of field corners could also provide valuable reptile habitat. Reptiles hibernate over winter and are active from February/March to October. During the active period they require vegetation cover so, for management of grassland and scrub, it is best to extend the 'non-cutting season' to coincide with this time.

6. Significant change to drainage requirements will impact new developments from January 2019. From 7 January 2019, all new developments of more than 1 house or where the construction area is of 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers. These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins in accordance with Schedule 3 of the Flood and Water Management Act (FWMA) 2010. 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
- 7 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com)

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- 8 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.
- 9 Protected species may be present. Many species are protected under the Wildlife & Countryside Act 1981 (as amended) or are listed in the Conservation of Habitats and Species Regulations 2010 (this legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal).
- 10 To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape.  
  
Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs (and other wildlife), by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.
- 11 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).
- 12 Where development is taking place in the general vicinity of an active sett and there is a risk of accidental damage or disturbance occurring, it is good practice to take the appropriate measures to protect the sett during the construction phase and, in some cases, thereafter. The boundary of a protection zone should be at least 30 metres from the nearest sett entrance. Before any work starts on site, the protection zone should be clearly demarcated by using coloured tape or some other form of obvious visible marking. Scrub and vegetation should not be cleared from the sett area. Furthermore, the creation of a 'buffer zone' of undeveloped land between the nearest gardens and the periphery of the protection zone will further enhance the security afforded to the badgers.
- 13 Prior to construction commencing an NRW licence is required to cover proposed construction work for the access road leading to the southern part of the site.
- 14 All access works would be 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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Ward:

Uplands - Bay Area

Location: 151 Hanover Street, Swansea, SA1 6BP

Proposal: Change of use from two residential flats to a HMO for up to 6 people

Applicant: Mr Tom Head



## Background Information

### **Policies**

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 - 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.

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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.

LDP - H9 - Housing in Multiple Occupation

Housing 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 they comply with relevant policy principles.

### Site History

App Number	Proposal	Status	Decision Date
2020/1482/FUL	Change of use from two residential flats to a HMO for up to 6 people	PDE	
96/4147/S	CHANGE OF USE FROM SINGLE DWELLING HOUSE TO 2 NO FLATS	APP	23.04.1996
78/0235/11	CHANGE OF USE FROM A BAKEHOUSE TO A PRIVATE GARAGE	APP	27.04.1978

### Procedural Matters

This application has been called in for determination at Planning Committee by Local Ward Member Cllr Irene Mann and the threshold set out in the Council's Constitution has been met.

### Description

Full planning permission is sought for the change of use of two residential flats (Class C3) to a HMO (Class C4) for up to 6 people at No.151 Hanover Street, Swansea.

Plans indicate that the property contains a flat to the ground floor area with a second flat contained to the first floor and roof space. The proposal will see two ensuite bedrooms to the ground floor, a lounge and a kitchen, with three ensuite bedrooms to the first floor and a single ensuite bedroom within the roofspace.

No onsite parking is currently provided on site and none is proposed, however bike and bin storage is proposed to the rear garden.

### Assessment of the immediate area

The property forms part of a long street of terraced properties in a predominantly residential area.

### Planning History

The use of the property as two flats was approved under application no. 96/4147/S, on 23rd April 1996.

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## Policy Issues

The Swansea Local Development Plan ('LDP' 2010 - 2025) was adopted 28th February 2019, the policies contained within this will therefore be used in the determination of this application.

In the case of this particular proposal, the LDP contains a specific policy relating to HMO applications - H9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and subsequently adopted. This re-write of the policy followed receipt of the Ministers of the Welsh Government (through the Cabinet Secretary for Energy, Planning and Rural Affairs) letter, sent to all Local Authorities in Wales in February 2018. The Ministerial correspondence emphasised that LPAs need to 'Put in place robust local evidenced based policies in their LDP against which planning applications for HMOs can be assessed', and that 'LPAs must not delegate the criteria for decisions on planning applications to SPG'. The LDP Examination Inspectors clearly articulated to the Council, that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H 9 of the Deposit LDP to be amended such that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy. The policy was amended on that basis and significant additional detail was included with it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the adopted Policy H 9 states:

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

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

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

*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.*

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Supplementary Planning Guidance

The Authority has recently adopted the SPG 'Houses in Multiple Occupation and Purpose Built Student Accommodation in Swansea' in December 2019, (hereafter referred to as the HMO SPG). The HMO SPG expands and supports Policy H9 and includes an explanation of the radius calculation methodology. This document is referenced in the amplification text of Policy H 9 on page 140 of the LDP.

Supplementary Planning Guidance (SPG) relating to 'A Design Guide for Householder Development' provides further information and guidance to clarify the policy aims of LDP Policies PS 2 and H 9. This is referenced in the amplification text of Policy PS 2 on page 49 and H 9 on page 141 of the LDP. The SPG was formally adopted by the Council in June 2008, which followed a period of public consultation and stakeholder engagement that informed the content of the document. The SPG was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG 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) LDP Policies PS 2 and H 9; it is consistent with national guidance and overarching principles of Placemaking (Planning Policy Wales, Edition 10, December 2018), it was approved following stakeholder engagement and a comprehensive public consultation process; and ultimately provide useful guidance to confirm how the Council considers the aims and objectives of Policies PS 2 and H 9 should be interpreted.

Furthermore, the SPG 'Places to Live - Residential Design Guide' adopted 2014, is also referenced the amplification text of Policy PS 2 on page 49 of the LDP, and is considered to provide further guidance on the interpretation of this policy. The SPG 'Car Parking Standards' adopted March 2012, also provide further information and guidance in regard to Policy T 6 and this is referenced on page 236 of the LDP.

**Responses 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 Nos.149, 153 and Store Rear of 153 Hanover Street on 10th August 2020. A site notice was also posted within the vicinity of the application site on 11th August 2020.

Two letters of objection have been received to date, which can be summarised:

- Increased noise and disturbance
- Lack of parking
- Anti-social issues arising from HMO occupants
- Property not being maintained.
- Lack of notice of development

A petition of objection containing 33 signatures was also received, the petition states:

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

1. *It will add to the existing percentage and therefore capacity levels of HMOs in the area.*

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

## **Housing & Public Protection**

In response to your consultation letter on 10th August 2020, I can confirm that the proposal for change of use from two residential flats to a HMO for up to 6 people would result in a three storey HMO for six occupiers, which under the Housing Act 2004 comes within the Mandatory HMO licensing requirements.

I have looked at the proposed floor plans and can see that each bedroom will have its own ensuite. The owner would need to refer to the Amenity Standards which can be found on the link below to ensure that the correct kitchen facilities are also met.

The owner would need to make an application to license the property prior to letting. Details are on our website [www.swansea.gov.uk/hmolicensing](http://www.swansea.gov.uk/hmolicensing)

There are no further observations to make.

## **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 use of the dwellinghouse as a HMO, impact upon visual amenity, impact upon the residential amenities of neighbouring occupiers and future occupiers along with parking and highway safety impacts.

### **Principle of Use**

The application property is a mid-terraced, two storey dwelling along Hanover Street which is situated in the local ward of Uplands. In terms of the principle of use, reference must be made to Policy H 9 of the Local Development Plan and the HMO SPG, specifically the radius approach contained within the Policy and SPG. Policy H 9 states that within the HMO Management Area a limit of 25% of all residential properties within a 50m radius can be HMOs. Within a 50m radius of the application property there are 43 properties, according to records held 6 are existing HMO. If the proposed HMO was approved the concentration percentage would be 16.67%, this percentage accounts for the fact that the loss of two independent flats will see the total number of residential properties reduced to 42. Furthermore approval of the HMO would not result in the 'sandwiching' of a residential dwelling between two HMO properties.

The proposal would therefore pass the harmful concentration/intensification test described in Policy H 9 of the LDP and HMO SPG. There are further criteria set out in Policy H9 that need to be satisfied for the application to be considered acceptable, the property needs to be suitable for conversion, provide satisfactory amenity space, dedicated areas for refuse storage and appropriate room sizes. The proposal must also have no unacceptable adverse impacts caused by noise and general disturbance.

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### **Visual Amenity**

The proposals do not include any external alterations to the existing building and therefore there are no visual impacts to consider in this regard. The bike and bin storage units are proposed to the rear garden and they would lack visibility from public vantages. No details have been provided of their design, however it is considered that in principle acceptable facilities can be provided and secured through an appropriate planning condition. It is therefore considered that the proposals would have an acceptable impact on the visual character of the local area.

### **Residential Amenity**

In terms of the residential amenity of neighbouring occupiers it is considered that the proposals would not result in any harmful impacts in regard to overbearing or overshadowing, given that the proposal includes no external alterations. It is noted that the proposed rear first floor bedroom is served by two side facing windows. However, these are existing windows that already serve a habitable room and therefore would not result in the introduction of an unacceptable overlooking impact. In regard to noise and disturbance it is not considered that the use of the property for 6 unrelated individuals would have any impact in excess of two individual residential flats.

Turning to the amenity of future occupants it is considered that the proposed bedrooms and internal amenity spaces are sufficient to provide adequate amenity space for 6 occupants. On this basis the proposal is considered to have an acceptable impact on the residential amenities of neighbouring and future occupants, and is therefore compliant with relevant LDP Policies and the HMO SPG.

### **Parking and Highway Safety**

The application property currently lacks any onsite parking and none is proposed as a part of this application. The Authority's Parking Standards SPG advises that C3 residential units require a parking space per bedroom up to a maximum of three and the requirements for a C4 HMO is the same. It is noted that the SPG allows for a reduction in the number of spaces required in sustainable locations, however each individual residential unit should still be serviced by a minimum of one space.

It is therefore considered that the proposal would not result in any impact on the demand for parking or highway safety. Furthermore, any consent will be conditioned to ensure bike storage facilities are provided which will encourage sustainable transport.

### **Response to Objections**

The reasons for objection in regard to social cohesion, parking, concentration of HMOs, noise and disturbance have been addressed in the above report. It is considered that the application is in compliance with the aims and objectives of The Future Generations Act 2015 and Planning Policy Wales. An objection was raised to the potential that future occupants will result in increased anti-social issues. However, given that the use remains residential in nature there is no evidence to suggest future occupants as a HMO as opposed to the occupants of the flats are more likely to result in anti-social behaviour.



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In regard to the condition of the property, it is considered that approval of this application would likely see an improvement in this regard. In any event this is not a material planning consideration and therefore has not been considered in the determination of this application.

## Conclusions

In conclusion it is considered that the proposal represents an acceptable form of development which would have an acceptable impact in regard to visual amenity, residential amenity and highway safety. Therefore, the development is compliant with the requirements of Policies PS 2, H 9 and T 6 of the Swansea Local Development Plan and advice provided within the Houses in Multiple Occupation and Purpose Built Student Accommodation in Swansea SPG (2019), Places to Live Residential Design Guide 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 WCFG Act"). In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WCFG Act and consider that this recommendation is in accordance with the sustainable development 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

### 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: PC20/47/2 location plan received on 4th August 2020. PC20/47/3A site plan received on 6th August 2020. PC20/47/1B planning drawing received on 15th September 2020.

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

- 3 Details of facilities for the secure and undercover storage of six cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose.

Reason: In the interests of providing facilities for sustainable transport and general amenity.

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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, T6 and H9.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.



Item 3 (Cont'd)

Application Number:

2020/1443/106

## Background

Planning permission was granted in 2018 under ref: 2017/2572/FUL for the following development:

"Mixed-use development comprising 28 residential dwellings and two commercial units (Class A1)"

The application was granted with a Section 106 agreement that sought, amongst other things, to prevent the residential use of the adjoining end of terrace property at No. 690 and for the property to be demolished prior to the occupation of the development. The reason for this requirement was due to the overbearing impact the new development would have on the occupiers of No. 690. The committee report set out these concerns as follows:

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

The retail/residential block is now nearing completion and the applicant is seeking to vary the requirements of the Section 106 to allow the occupiers of No. 688 (which adjoins No. 690) to occupy No. 690 as an extension to their own property.

Clearly this proposal will require careful consideration having regard to the original reasoning for imposing this restriction and having regard to the change in scenario which has now been put forward as a reason to vary the requirements of the restrictions.

## Site Location

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

The approved development is currently being constructed and some elements are approaching completion.

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### Description of Development

This application is for the modification of provisions within the Section 106 agreement attached to planning permission 2017/2572/FUL relating to the mixed use commercial and residential development at the former Pines Country Club. In particular, the application specifically seeks to modify the following provisions within the S106 that require:

"Residential Use

The Owners must ensure the cessation of the residential use of 690 Llangyfelach Road, Treboeth on the grant of Planning Permission.

Demolition Works

Following the approval of the Demolition Prior Notification Application the Owners shall carry out and complete the demolition works prior to the occupation of any dwelling".

### Planning Policy

#### Planning Policy Wales (10th Edition) 2018

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

#### Adopted Swansea Local Development Plan (2010-2025)

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

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.

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RP 3 Air and 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 existing and future occupants.

### **Consultations:**

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

There were no internal or external consultees for this application.

### **APPRAISAL**

#### **Main Issues**

The main issues to consider are whether the planning obligation serves a useful purpose. Welsh Office Circular 13/97 clarifies that 'useful purpose' should be understood in land use planning terms. Importantly, regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 set out the tests for when planning obligations can be used. The tests are:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development

These tests must be applied to all new planning obligations, however, they also provide an important consideration when assessing the merits of modifying an existing agreement within the context of considering whether an agreement still serves a useful purpose.

Consideration will also need to be given as to whether the use of the property has been abandoned and therefore whether planning permission would be required for the residential use of the property. Consideration must also be given as to whether the amalgamation of the units would require planning permission.

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

#### **Does the agreement still serve a useful purpose?**

The relevant section in the Committee report reproduced above highlights that the approved development would have a harmful impact on the occupiers of No. 690 due to the overall mass of the development in proximity to the rear garden boundary. The report noted the physical overbearing impact would be significant "mainly when within the rear garden".

Clearly the Committee report was written having regard to the circumstance at the time when the property benefitted from an unrestricted residential use. The applicant (Coastal Housing Group) purchased the property prior to the submission of the application in the knowledge that the development of the 'Pines' site may compromise the living conditions of any residential occupiers of No. 690.

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Through discussions with officers it was considered at the time that a S106 agreement to prevent the residential use of No. 690 and to demolish the building prior to the occupation of the development would address the identified harm. It is noteworthy in this respect that a prior notification application for the demolition of the property has been approved under application Ref: 2018/0110/PND.

The circumstances now presented within this application, which could not have been foreseen when the application was considered, is for No. 690 to be used as a residential extension to the neighbouring terraced property at No. 688. This could be facilitated through the removal or part removal of the existing dividing walls between the properties. The application documents indicate the garden area of No. 690 would be retained by Coastal Housing.

The garden of No. 688 is sited some 5m from the boundary with the development at the 'Pines'. When planning permission was granted at the 'Pines' it was not considered the development would result in an overbearing impact upon the garden of this property and this conclusion remains unchanged. The occupation of No. 690 as an extension to No. 688 would result in the occupiers experiencing an increased sense of enclosure due to the height and proximity of the frontage block, however, this impact must be viewed against the context that only part of the extended house would experience such impacts and the occupiers would be fully aware of the physical relationship between the extended property and the frontage block before taking up occupation of the property. Moreover, it must be noted that the Committee report emphasised that the main impact would be upon the garden area of No. 690 and this is indicated to remain within the ownership of the applicant. The rear garden area associated with No. 690 is proposed to be landscaped with trees which will further screen views to the development from the rear of No. 690 and 688.

In summary, it is considered that if No. 690 were to be occupied as an extension to No. 688, this would not result in any significant impacts upon their living conditions. The circumstances put forward for consideration under this application are considered to be materially different to those considered at the time the original application was considered in terms of the impacts upon the occupiers of No. 690.

In view of this proposed change in circumstances, it is considered that whilst the restrictions and requirements within the S106 do currently serve a useful purpose, they effectively prevent the proposed occupation of No. 690 in association with No. 688. Moreover, they require the demolition of the No. 690 prior to the occupation of any unit within the 'Pines' development. In these circumstance it is considered that the re-use of No. 690 as an extension to No. 688 would be vastly preferable to its demolition in sustainability terms.

In light of the forgoing it is considered that the S106 should be amended to continue to protect residential amenity by preventing the residential use of No. 690 as a separate dwelling but should be amended to allow a residential use in association with No. 688. Moreover, the provision requiring the demolition of the property should be amended to the effect that No. 690 must be demolished unless used as an extension to No. 688.

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### Abandonment Considerations

The rules which have emerged in various court and appeal decisions are that abandonment may occur where a use has ceased a) due to leaving premises vacant for a considerable period or by allowing the building/s on which the use relies to deteriorate to the extent that re-use would involve what would be tantamount to rebuilding b) by the introduction of a different use (whether with or without planning permission) supplanting that which went before.

Case law has laid down the criteria to be considered when determining whether the residential use of an existing building had been abandoned. The four factors relevant to an assessment of abandonment are:

- 1) The physical condition of the building;
- 2) The length of time for which the building had not been used;
- 3) Whether it had been used for any other purposes; and
- 4) The owner's intentions.

These criteria have been found to be of equal relevance and are to be tested by considering whether a reasonable person with knowledge of all the circumstances would conclude that the building had been abandoned.

In relation to the above criteria, a recent site inspection has shown the building to be in good physical condition with the external walls and roof entirely intact. The dwelling does not have the appearance of a property that has been abandoned. The property was not occupied at the time of a site visit in January 2018 but is likely to have been occupied prior to this before being sold to the applicant. Therefore, in abandonment terms, it is considered the period of time the property has not been used for residential purposes is not significant. There have been no other intervening uses of the dwelling albeit the front garden area has been used as a temporary storage facility during the construction of the 'Pines' development. The garden area at the rear No. 690 will form a landscaped buffer between the 'Pines' development and the terraced properties on Llangyfelach Road. This area is unusually off-set to the side of the property and its use as a landscaped area would not prejudice the residential use of No. 690 in association with No. 690, as such this is not considered to be a significant factor in the balance when considering whether the residential use has been abandoned. Finally in terms of the intentions of the owner, when the S106 agreement was entered into by the owner their intentions were clearly to relinquish the residential use of the property in order to facilitate the wider regeneration for the site. The circumstances that have now resulted in this application being submitted could not reasonably have been foreseen by the owner at the time the agreement was entered into and this, together with the small period of time in which the property has not been in residential use, and the good physical condition of the building are considered to weigh heavily in favour of demonstrating that the residential use has not been abandoned.

### Would planning permission required?

In light of the above it is considered that the residential use has not been abandoned therefore planning permission for the residential use of the property is not required due to abandonment.

Notwithstanding this, consideration must also be given to whether the amalgamation of the two properties into one residential property would require planning permission.



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Whilst the Town and Country Planning Act 1990 specifically identifies that a change from one unit to two or more units constitutes a material change of use it is silent with regard to the change of use from two or more units to a lesser number of units (which is the scenario proposed in this case). A reduction in the number of units usually represents no material increase in activity or significant external changes, therefore, it was commonly accepted that this did not represent a material change of use. However, case law has established that the amalgamation of residential units can result in a material change of use where such changes can give rise to planning considerations, including the loss of a particular type of accommodation, where planning policies may seek to resist the loss of such accommodation.

Clearly the proposal for consideration is not to establish whether the amalgamation of the units is lawful, rather it is to establish whether the S106 still serves a useful purpose. However, based on the facts in this instance where there are no planning policies to retain a particular type of residential accommodation within this locality, it is not considered planning permission would be required for the amalgamation of the units. This assessment is made on the basis that no material external alterations are proposed to facilitate the conversion.

### **Conclusion**

The proposal is to amend the wording of the existing S106 agreement to allow for the occupation of No. 690 in association with No. 688. Whilst it is considered the existing wording of the S106 does serve a useful purpose to protect residential amenity, it is considered that the an amended wording to allow the amalgamation of the units could also achieve a similar purpose to protect residential amenity whilst also allowing the retention and sustainable re-use of a building that would otherwise need to be demolished. In light of the foregoing the proposed amendment to the S106 is considered to be acceptable and would not conflict with LDP Policies.

### **Recommendation**

**That the S106 be modified to allow for the residential occupation of No. 690 in association with No. 688 and that No. 690 should be demolished prior to the occupation of any unit within the 'Pines' development unless it is used solely as an extension to No. 688 and shall not be used as a separate dwelling house to No. 688, or words to that affect.**

### **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, RP2, and RP3.

# Agenda Item 5a

## Planning Committee – 6<sup>th</sup> October 2020

### Update Sheet

#### Agenda Item No. 4 Deferrals/Withdrawals

Item	App. No.	Site Location	Officer Rec.
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#### Agenda Item no. 5 Determination of Planning Applications

Item	App. No.	Site Location	Officer Rec.
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1	2018/2634/FUL	Land Off Higher Lane, Llangland, Swansea	Approve
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**Updates**

Amendment to Report

Page 158 – Numbering of condition is incorrect.  
Amend to follow sequence.

Representations

Further 43 No. Objections received to the application.

2 No. objection submissions from adjoining local resident and 2 No. submissions from local member circulated to members prior to the meeting.

Email and LVIA submission of the applicant circulated to members.

Planning Briefing document for members submitted by the applicant circulated to members.

2	2020/1482/FUL	151 Hanover Street, Swansea, SA1 6BP	Approve
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Representation from neighbour circulated to members

3	2020/1443/106	Former Pines Country Club, 692 Llangyfelach Road, Treboeth, Swansea, SA5 9EL	Approve
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From: Jason Evans  
Sent: 28 September 2020 10:05  
To: Stuart Hayes <  
Cc: Tim Smale <  
Subject: Planning Application 2018/2634 - Land off Higher Lane, Langland.

Hi Stuart,

Following the recent Planning Committee meeting, it was noted that a number of queries and comments were raised with regard to the LVIA. An updated document is therefore attached to assist with the points

raised, but it should be read in conjunction with the Author's note below:

"The Landscape and Visual Assessment approach and conclusion of the 2019 LVIA have been reviewed and typographical errors in the report corrected. These are however reporting format errors and do not affect the validity of the assessment process, with LANDMAP and sensitive receptor assessment, Zone of Theoretical Visibility (ZTV) modelling using OS digital terrain mapping and Visual Envelop assessment and compliant GLVIA 3 photography and assessment on site by a Chartered Landscape Architect (CMLI), the methodology and viewpoints scoped with Swansea CC prior to LVIA assessment. The LVIA is the culmination of a Landscape and Visual Assessment process which started in 2014, by a robust baseline assessment of site context, landscape character and visual sensitivities, with an assessment of the likely appropriateness for the landscape to accommodate development. This led to a site layout development process informed by a 'Landscape Character and Visual Testing Study' in 2018 including Landscape Constraints and Opportunities assessment, developed from ZTV review and site assessment by a CMLI Landscape Architect. Following the iterative site development informed by this process, a 'Landscape and Visual Statement' was developed in late 2018 providing clear CMLI professional opinion on related issues including consideration of the Gower AONB Character Assessment, Design Guide and Management Plan.

Following scoping a more developed 'Landscape and Visual Impact Assessment' was developed and reported on later in 2019.

In response to objectors comments.

1. The typographical errors in the final LVIA reporting have been reviewed and corrected and we confirm these are reporting errors which do not affect the process and/or conclusions of the assessment.
2. As the site is over 180m from the cliff edge on a cliff top plateau with the existing urban edge provides much of the context and backdrop to the site, we do not consider a Seascape Assessment is warranted, or relevant in this case. This was therefore excluded from the LIVA scope which was agreed with SCC.
3. The LVIA acknowledges and assesses the site within the Gower AONB, using LANDMAP as the Landscape Character baseline and informed by relevant Planning Policy for this allocated site and further reporting of the relevance of the Gower AONB Landscape Character Assessment (which is based on LANDMAP) is not anticipated to provide any further significant relevance to the LVIA conclusions.
4. Cumulative and Residential Assessment where not identified as a requirement of the LVIA when scoped with SCC.

If it is considered that any of the above additional reporting/assessments would assist the planning process at this stage, your comments would be appreciated and we would be happy to provide any further material which you consider may be beneficial to the planning process at this stage.."

We hope therefore that the above and attached is of assistance to Members.

Kind Regards  
Jason D Evans  
Director  
Evans Banks Ltd  
2 Llandeilo Road  
Cross Hands  
Carmarthenshire  
SA14 6NA

THISTLEBOON, SWANSEA

**LANDSCAPE AND VISUAL IMPACT ASSESSMENT**

November 2019

**soltysbrewster**

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Landscape **Assessment**  
Landscape **Planning**  
Landscape **Design**

**CarbonNeutral Company**

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**THISTLEBOON, SWANSEA**

LANDSCAPE AND VISUAL IMPACT ASSESSMENT

Document Ref: 1873202 - SBC - 00 - NA - RP - L - 103

<b>Issue</b>	<b>Revision</b>	<b>Stage</b>	<b>Date</b>	<b>Prepared by</b>	<b>Approved</b>
1	PL01	DRAFT	14.05.19	Christine Jones	Simon Brewster (Director)
2	PL01	PLANNING	11.07.19	Christine Jones	Simon Brewster (Director)
3	PL02	PLANNING	29.10.19	Christine Jones	Simon Brewster (Director)
4	PL03	PLANNING	06.11.19	Christine Jones	Simon Brewster (Director)
5	PL04	PLANNING	21.09.20	Greg.Vaughan (	Simon Brewster (Director)

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- 8.0 SUMMARY**

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## 1.0 INTRODUCTION

- 1.1 This Landscape and Visual Impact Assessment has been prepared by Soltys Brewster on behalf of Coastal Housing Group in association with Edenstone Homes Ltd and assesses the likely significant effects of the proposed development on the landscape, in terms of its effect on character and visual amenity within a study area that is defined and described below.
- 1.2 For the purpose of this study, landscape is defined as “an area perceived by people, whose character is the result of the interaction of natural and/ or human factors” (Council of Europe, 2000).
- 1.3 The elements that are assessed within this chapter include elements of:
  - Residential development, comprising of up to 31 new homes, two and three storeys in height;
  - An area of open space including footpaths.
- 1.4 This LVIA describes and evaluates the existing landscape character and visual amenity, assessing the potential physical effects of the proposed development, including the effect of the proposed development on landscape character and visual amenity within the study area. The assessment covers the construction and operation phases of the proposed development.
- 1.5 The method used follows an accepted approach derived from the published guidance, as outlined below. The guidance is not prescriptive, but recognises that every proposed development will require its own set of criteria and thresholds, tailored to suit local condition and circumstances. In the case of this particular assessment, the approach followed recognises the specific attributes and scale of the proposed development and distinctive characteristics of the surrounding landscapes.

## 2.0 LANDSCAPE PLANNING POLICY CONTEXT

- 2.1 A review of relevant key statutory and non-statutory landscape planning designations and policies has been carried out as part of this assessment.
- 2.2 Landscape planning designations and policies indicate the value that national and local government, as well as statutory parties, attach to various landscapes or landscape features within a geographic area. Figure 7.3 illustrates the location and context of the application site in relation to landscape policy and designations that lie within the 3km study area.
- 2.3 A brief review of the key landscape relevant planning policy provisions for Swansea Council has been undertaken and the key LDP policy that is of relevance to landscape related issues is summarised below.

### **Swansea Local Development Plan 2010-2025 (January 2019)**

- 2.4 The LDP indicates that the application site is identified as allocated local needs housing exception site H 5.6 Land at Higher Lane, Langland.
- 2.5 Place Making and Development Policy PS 2: Place making and Place Management states:

*“Development must 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, must provide for an attractive, legible and safe environment, and ensure that no significant adverse impacts would be caused to people’s amenity.*

*Depending on the nature, scale and siting of the proposal, development must also:*

- *Have regard to important elements of local heritage, culture, landscape, townscape, views and vistas;*
- *Ensure neighbourhoods benefit from an appropriate diversity of land uses, community facilities and mix of densities that in combination are capable of sustaining vibrancy;*
- *Create or enhance opportunities for Active Travel and greater use of public transport;*
- *Integrate effectively with the County’s network of multi-functional open spaces and enhance the County’s green infrastructure network;*
- *Enhance public realm quality, incorporating public art where appropriate;*
- *Provide for a hierarchy of interconnected streets and spaces;*
- *Ensure active frontages onto streets and spaces to provide natural surveillance and character;*
- *Provide an accessible environment for all;*

- Provide appropriate parking and circulation areas for cars, cycles, motor bikes and service vehicles;
- Deliver new, and/or enhance existing, connections to essential social infrastructure and community facilities;
- Maximise opportunities for sustainable construction, resource efficiency and contributions towards increased renewable or low carbon energy generation;
- Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space;
- Avoid unacceptable juxtaposition and/or conflict between residential and non-residential uses;
- Ensure no significant adverse impact on natural heritage and built heritage assets;
- Ensure resilience is not undermined and does not result in significant risk to human health, well-being or quality of life; and
- 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.”

2.6 Housing Policy H5: Local Needs Housing Exception Sites states:

“Sites are allocated at the following locations for local needs housing to meet an identified social and/or economic need:

*H 5. 1 Land at Monksland Road, Scurlage*

*H 5. 2 Land to the east of Gowerton Road, Three Crosses*

*H 5. 3 Land adjoining Tirmynydd Road, Three Crosses*

*H 5. 4 Land adjoining Pennard Drive, Pennard*

*H 5. 5 Land at Summerland Lane, Newton*

*H 5. 6 Land at Higher Lane, Langland*

*Development proposals for the six allocated Exception Sites must provide:*

- A minimum of 51% (the majority proportion) Affordable Housing for Local Needs; and
- A maximum of 49% (the minority proportion enabling Local Needs Market Housing that meets an identified housing need within the Locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

The occupancy of the Local Needs Market Housing will be restricted to “persons with a local connection” to be used as “their only or principal home” and will be formally tied to planning consent by means of legal agreements and/or conditions. Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of “persons with a local connection” within the Locality will not be permitted.”

2.7 Historic and Cultural Environment Policy HC1: Historic and Cultural Environment states:

“The County’s distinctive historic and cultural environment will be preserved or enhanced by:

- Requiring high quality design standards in all development proposals to respond positively to local character and distinctiveness;
- Identifying and safeguarding heritage assets, sites and their settings;
- Supporting heritage and cultural led regeneration schemes;
- Safeguarding and promoting use of the Welsh language.”

2.8 Ecosystem and Resilience Policy ER 2: Strategic Green Infrastructure Network states:

“Development will be required to maintain or enhance the extent, quality and connectivity of the County’s multi-functional green infrastructure network, and where appropriate:

- Create new interconnected areas of green infrastructure between the proposed site and the existing strategic network;
- Fill gaps in the existing network to improve connectivity; and/or
- In instances where loss of green infrastructure is unavoidable, provide mitigation and compensation for the lost assets.”

2.9 Ecosystem and Resilience Policy ER 3: Green Belt and Green Wedges states:

“A Green Belt is designated on land between Penllergaer/Kingsbridge and Gowerton/Waunarlwydd/Fforestfach, in order to ensure the land is permanently protected for its openness and to define the absolute limit of the adjoining settlement boundaries.

Green Wedges are allocated between, or within, the following settlements:

- Birchgrove and Glais
- Bishopston and Newton

- *Dunvant and Three Crosses*
- *Gowerton/Waunarlwydd and Dunvant*
- *Penclawdd and Blue Anchor*
- *Penllergaer and Pontlliw*
- *Penyrheol and Grovesend*

*Within the designated Green Belt and Green Wedge areas development will only be permitted if it maintains the openness and character of the land, and limited to:*

- *Justified development in association with agriculture, nature conservation, forestry or other rural enterprise;*
- *Essential facilities for outdoor sport and recreation or cemetery use;*
- *Limited extension, alteration or restricted replacement of existing dwellings;*
- *Small scale farm diversification;*
- *The re-use of existing permanent/substantial buildings; or*
- *Other uses of land and forms of development that maintain the openness of the Green Belt or Green Wedge and do not conflict with the purpose of the designation to prevent coalescence.*

2.10 Gower Area of Outstanding Natural Beauty (AONB) ER4 states:

*Within the AONB, development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area. In assessing the likely impact of development proposals on the natural beauty of the AONB, cumulative impact will also be taken into consideration.*

*Development must:*

- i. *Not have a significant adverse impact on the natural assets of the AONB or the resources and ecosystem services on which the local economy and well-being of the area depends;*
- ii. *Contribute to the social and economic well-being of the local community;*
- iii. *Be of a scale, form, design, density and intensity of use that is compatible with the character of the AONB;*
- iv. *Be designed to an appropriately high standard in order to integrate with the existing landscape and where feasible enhance the landscape quality; and*
- v. *Demonstrate how it contributes to the conservation and enhancement of the natural beauty of the AONB.*

*Development proposals that are outside, but closely interlinked with the AONB must not have an unacceptable detrimental impact on the natural beauty of the AONB.*

2.11 Ecosystem and Resilience Policy ER 11: Trees and Development states:

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

*Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development will not normally be permitted that would result in:*

- *Fragmentation or loss of Ancient Woodland;*
- *The loss of an Ancient or Veteran tree;*
- *Ground damage, loss of understorey or ground disturbance to an area of Ancient Woodland or Ancient or Veteran Tree’s root protection area;*
- *A reduction in the area of other semi natural habitats adjoining Ancient Woodland;*
- *Significant alteration to the land use adjoining the Ancient Woodland;*
- *An increase in the likely exposure of Ancient Woodland, Ancient or Veteran Tree to air, water or light pollution from the surrounding area;*
- *Alteration of the hydrology in a way that might impact on Ancient Woodland, Ancient or Veteran Trees;*
- *Destruction of important connecting habitats relating to Ancient Woodland;*
- *Degradation of important archaeological or historical features within Ancient Woodland or associated with Ancient or Veteran trees;*
- *Destruction of Plantations on Ancient Woodland Sites (PAWS); and/or*
- *Development within 15m of Ancient Woodland.”*

2.12 Countryside and Village Development Policy CV 2: Development in the Countryside states:

*“Outside defined settlement boundaries development will be required to ensure that the integrity of the countryside is conserved and enhanced.*

*There is a presumption against development in the countryside, except where it is for:*

- *The purposes of agriculture, forestry or other rural enterprise;*
- *A rural exception site for housing;*



- *A single dwelling or a pair of semi-detached dwellings for affordable housing to meet local need within an appropriate group of dwellings in the countryside;*
- *One Planet Development;*
- *Necessary infrastructure provision; or*
- *Recreational equine activities.*

*Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area.*

*Wherever possible, existing buildings should be re-used or adapted and if this is not feasible new buildings should be located within or close to existing groups of buildings.*

*One Planet Development will not be supported in protected landscapes.”*

2.13 Transport Movement and Connectivity Policy T7: Public Rights of Way and Recreational Routes states:

*“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.”*

**Gower AONB Design Guide – November 2011**

2.14 Adopted Supplementary Planning Guidance (SPG), the guide sets out the good design objectives to be followed by all in the design and development process, to ensure that development respects the distinctive character of both the natural and built environment of the Gower. There are five main themes to the guide, one of which describes the existing landscape, settlement and built environment character of the AONB. The guide is a material consideration in the determination of planning applications for development within the AONB.

**Gower AONB Management Plan – 2017**

2.15 The Gower AONB Management Plan is a statutory five year management plan that sets out the vision for the AONB. Chapter 3 of the plan describes the likely activities and pressures that are expected over the next 20 years.

### 3.0 ASSESSMENT METHODOLOGY

#### Relevant Guidance

- 3.1 The assessment of Landscape and Visual Impacts of the proposed development was undertaken using a methodology developed by Soltys Brewster Consulting and drawn from the following guidance:
- Guidelines for Landscape and Visual Impact Assessment, Third Edition' (2013): The Landscape Institute and Institute of Environmental Management and Assessment
- 3.2 In making judgements on effects, the LVIA makes reference to mapped and documented baseline information and uses photographs and field survey work, together with the professional judgement of experienced landscape assessors. It draws together existing desktop information which is then verified and supplemented by survey work in the field.
- 3.3 The desktop study includes a review of relevant planning policy and existing published landscape character assessments in order to identify any elements or parts of the defined study area which are recognised for their landscape or visual qualities.
- 3.4 Potential significant landscape and visual effects are assessed as separate but linked issues. Both require a combination of quantitative and qualitative evaluation. The magnitude of landscape effects is derived from the extent to which physical changes to the landscape cause a change in landscape character and how the landscape is valued. Visual effects are related to changes in the composition of views and people's perception of (and responses to) these physical changes.
- 3.5 For both landscape and visual effects the significance of effects is derived from the assessment of landscape value, sensitivity and magnitude of change and informed by experienced professional judgement.
- 3.6 It is important to recognise that the landscape is constantly evolving, and that opinions on the merits or adverse effects of a proposed development is highly subjective. Change brought about by a proposed development is neither positive nor negative in itself, it is only variation. Whether such change should be considered beneficial or adverse is a matter of judgement. Such judgements are derived from the observer's perceptions. It is likely that there will be a range of perceptions/responses toward any development - which, in some circumstances, may range from the strongly positive to the strongly negative.
- 3.7 For the purposes of this assessment, compliance with EIA Regulations requires that EIA must consider the direct effects and any indirect, secondary, cumulative, short, medium and long term, permanent, temporary, positive and negative effects of the development. Accordingly, in conducting this assessment, judgements have been made as to the assessor's consideration of whether the likely significant effects of the proposed development are judged to be positive (beneficial), negative (adverse) or neutral in their consequences for landscape or for visual amenity. Judgements have been made and set out in a transparent manner, accepting that this part of the assessment process is particularly subjective. Assessment recognises that there can be an equally

justifiable and legitimate contrary opinion, in some circumstances; however the opinions set out in this assessment are genuinely held and based on professional judgement. GLVIA3 states the following:

*“The importance of perceptions of landscape is emphasised by the European Landscape Convention, and others may of course hold difference opinions on whether the effects are positive or negative, but this is not a reason to avoid making this judgement, which will ultimately be weighed against the opinions of others in the decision-making process”<sup>1</sup>*

### **Study Area**

- 3.8 There is no prescriptive guidance on the size of the study area for the type of development that is being proposed. However, a study area of 3km from the centre of the application site boundary is considered to be an appropriate size of study area for this LVIA, reflecting the likely visual envelope and extent of Landscape Character Areas (LCAs) which may be significantly affected either directly or indirectly by the proposed development.

### **Desk Study**

- 3.9 The desktop study included a review of published OS maps, relevant planning policies and existing landscape character assessments, including LANDMAP 2018/2019 data. This desk-based exercise allowed for the identification of broad, distinct, recognisable and common character areas within the 3km radius study area. These are referred to as Landscape Character Areas (LCAs).

### **Site Visits**

- 3.10 Site visits to undertake viewpoint photography were undertaken in December 2018 and April 2019.

### **Identification of Landscape Character Areas**

- 3.11 The boundaries to LCAs are identified through physical features that may include interactions between different elements such as geology, soils, vegetation and current human influences, plus non-physical features such as historical and cultural associations and references.
- 3.12 Information contained within Natural Resources Wales (NRW) LANDMAP 2018/2019 data for the five Aspect Layers (Cultural Landscape, Geological Landscape, Historic Landscapes, Landscape Habitats and Visual and Sensory) provides the basis for LCAs. Data within the Aspect Layers is combined with field work assessment to define the LCAs.
- 3.13 The indicative methodology set out in NRW LANDMAP Guidance Note 3<sup>2</sup> establishes an approach to refining an informed list of Aspect Areas to be analysed in detail in baseline assessment. Refinement/ filtering aims to identify Aspect Areas for further investigation and eliminate those Aspect Areas where detailed assessment is not necessary, in accordance with Table 1. Guidance recognises that determining relevant LANDMAP aspect areas to examine further should be based

<sup>1</sup> Landscape Institute / Institute of Environmental Management & Assessment, Guidelines for Landscape and Visual Impact Assessment, Third Edition' (2013) Page 88, paragraph 5.37

<sup>2</sup> Natural Resources Wales, LANDMAP Guidance Note 3: Guidance for Wales – Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines (May 2013)

on professional judgement and assessment of available information on a case by case basis, appropriate to the scale and circumstances of the individual assessment.

- 3.14 For the purposes of this assessment, a 3km radius study area has been defined for all five Aspect Layers. The first stage of the assessment is to map all aspect areas within the study area boundary.
- 3.15 Aspect Areas attributed lower evaluation classifications are eliminated from further analysis, retaining those Aspect Areas with higher evaluations for detailed assessment. Aspect Areas that are immediately adjacent to and contained within the application site boundary are most likely to undergo significant change as a result of the proposed development. Therefore these aspect areas are included within the assessment.
- 3.16 The criteria for refining assessment of LANDMAP Aspect Areas is summarised within Table 1 below.

Table 1: Filtering of LANDMAP Areas

<b>Aspect</b>	<b>Evaluation Filtering of Aspect Areas for main focus of study</b>	<b>Figures illustrating thematic maps to inform study</b>
Cultural Landscape	Aspect Areas within or adjacent to the site.  Within the Visual Envelope and with outstanding and high evaluation in rarity and group value evaluation criteria	Figures 10-13
Geological Landscape	Aspect Areas within or adjacent to the site and outstanding and high overall evaluation	Figures 14-16
Historic Landscape	Aspect Areas within or adjacent to the site. Within the Visual Envelope and with outstanding and high overall evaluation	Figures 8-9
Landscape Habitats	Aspect Areas within or adjacent to the site and with outstanding and high overall evaluation	N/A
Visual and Sensory	Aspect Areas within or adjacent to the site. Within the Visual Envelope and with outstanding and high overall evaluation plus those with moderate overall evaluation, where scenic quality and/ or character criteria are high or outstanding	Figures 4-7

- 3.17 In addition to the approach outlined above, Aspect Areas containing viewpoint locations are considered to also contain key visual receptors and therefore are also included within the assessment irrespective of their evaluation.
- 3.18 Following this filtering, those Aspect Areas identified for detailed assessment (as illustrated in Figures 4 - 16) are overlaid and combined to create LCAs (as illustrated in Figures 17). The process of combining Aspect Areas involves the amalgamation and division of Aspect Areas to create distinct LCA boundaries, which reflect the interaction between the five LANDMAP Aspect Layers. In combining Aspect Areas, Visual and Sensory Aspect Area boundaries are regarded as the starting point for defining LCAs, further refined by the other four Aspect Layers as appropriate.

**Assessment of Effects on Landscape Character**

- 3.19 Landscape effects may include direct physical changes to landscape elements caused by the proposed development (e.g. development within the application site boundary) or indirect effects (e.g. effects on the character, quality and setting of a particular landscape) that may arise as a consequence of the construction of the proposed development. The potential landscape effects across the study area are identified by the on-site analysis and verification of landscape character information that is established during the baseline assessment. The landscape assessment criteria described below provide a framework for the assessment of landscape effects. It must be noted that there may be exceptions to these broad categories due to specific local characteristics that may apply in individual circumstances.
- 3.20 The first stage of the assessment establishes the existing character, value and susceptibility of landscape receptors to change.

**Landscape Value**

- 3.21 The value attributed to the landscape is an important factor to be considered when assessing the sensitivity of a given landscape.
- 3.22 The value of each of the LCAs is derived through field work assessment, desktop assessments and the application of information contained within NRW LANDMAP 2018/2019 data.
- 3.23 The value can then be determined by applying the criteria shown in Table 2.

Table 2: Definition of Landscape Value

Level of Value	Definition
Outstanding	Landscapes, which are outstanding by nature of their scenic quality, which are aesthetically pleasing with a strong sense of place and may be rare in terms of their character type. They may be located away from centres of population, with an undeveloped character and may be difficult to access due to topography. They may also contain sites of historic, cultural, geological or natural habitat importance. These areas may be important tourist destinations and may be of national or international importance as defined by statutory designations.

High	Landscapes with scenes of picturesque quality, which are aesthetically pleasing. They may be located near to centres of population, with some development evident though not dominant. Access may be restricted due to topography. They may also contain sites of historic, cultural, geological or natural habitat importance. These areas may be tourist destinations e.g. Blue Flag Beach and may be of regional or county importance as defined by statutory and local authority designations e.g. Special Landscape Areas.
Moderate	Landscapes with picturesque attributes, which are aesthetically pleasing. Some characteristic features remain unaffected but others are fragmented and/or spoilt. They may be close or within centres of population, with few restrictions to access. The area may have some tourist associations, though tourism is not the primary attraction. Area may contain a network of valued habitats, historic or geological features. These areas may be of local importance as defined by local authority designations.
Low	Landscapes with limited aesthetically pleasing scenes. Few characteristics remain unaffected and may be highly fragmented or spoilt. Very little coherent character and a weak sense of place and are unlikely to be rare in terms of character type. They may be located within centres of population, with easy access. They are unlikely to contain tourist attractions, or to be of local importance as defined by local authority designations.

**Susceptibility of Landscape Receptors to Change**

3.24 The susceptibility of landscape receptors to the type of change or development proposed is described within GLVIA3 as “the ability of the landscape receptor (whether it be the overall character or quality/ condition of a particular landscape type or area, or an individual element and/ or feature, or a particular aesthetic and perceptual aspect) to accommodate the proposed development without undue consequences for the maintenance of the baseline situation and/ or the achievement of landscape planning policies and strategies” .<sup>3</sup>

3.25 The relationship between the various landscape character components assists in defining if, and how, the proposed development may be placed in the landscape. It also allows choices to be made on informing design, which will vary according to the characteristics of the receiving landscape. The susceptibility to change of a given landscape is particular to both the specific landscape in question and the specific nature of proposed development<sup>4</sup>. Susceptibility to change of the study area’s component LCA is appraised within this assessment. The range of factors considered include:

- The nature of existing features within the landscape, including the presence of any large scale developments;
- Landscape pattern and scale;
- Stability, robustness and fragility of landscape attributes and ability to be restored;

<sup>3</sup> Landscape Institute / Institute of Environmental Management & Assessment, Guidelines for Landscape and Visual Impact Assessment, Third Edition’ (2013) Page 88, paragraph 5.40

<sup>4</sup> Landscape Institute / Institute of Environmental Management & Assessment, Guidelines for Landscape and Visual Impact Assessment, Third Edition’ (2013) Page 89, paragraph 5.42

- Visual enclosure/ the openness of views within the landscape and visual attributes including the distribution and number of receptors, static and transitory receptors, scope for visual mitigation;
- The condition of the landscape, including the maintenance of individual elements such as beaches, promenades, piers, hedgerows, buildings, woodland;
- The nature of the proposed development, its component parts and character; and
- The extent to which sensitive design consideration and mitigation limit the degree of change.

Table 3: Definition of Susceptibility to Change of Landscape Receptors

Level of Susceptibility	Definition
<b>High</b>	A landscape where the majority of attributes are unlikely to withstand change without causing a change to overall character to the extent that it would be difficult or impossible to restore following construction of the proposed development. Planning policies and/ or strategies may be in place relating to this landscape which impose a presumption against development of the type proposed.
<b>Moderate</b>	A landscape with a combination of attributes that is capable of absorbing some degree of change, following construction of the proposed development, without affecting overall character or resulting undue consequences for the maintenance of the baseline situation.
<b>Low</b>	A landscape where the majority of attributes are robust and/ or tolerant of change to the extent that the proposed development would have little or no effect on overall character or maintenance of the baseline situation. It is likely to be easily restored. Development of the type proposed may assist in the achievement of planning policies and/or strategies relating to this landscape.

**Landscape Sensitivity**

3.26 An assessment of sensitivity is made to determine the degree to which each LCA can accommodate the proposed development or change without unacceptable detrimental impacts on its character. In this assessment ‘sensitivity’ is defined as the stability of character and resilience of the landscape to withstand change and the ability to recuperate from loss or damage due to this change. This is based on a consideration of the interaction between different landscape attributes identified during the process of assessing and recording landscape character.

3.27 The relationship between the various landscape character components assists in defining if, and how, the proposed development may be suitably placed in the landscape. Key landscape attributes that are likely to influence the sensitivity of a given landscape include:

- **Geometry and Landform:** Includes scale and enclosure and whether the landscape is open or enclosed.
- **Man-made Influence:** Some landscapes may contain existing, large-scale elements, such as buildings, structures and transport infrastructure, particularly along the coastline, which indicate the extent to which the character is already shaped by man. A mix of different man-made elements may lead to visual confusion or interruption but landscapes which are already heavily influenced by man-made elements may also be less sensitive to development;
- **Features of Interest:** The presence of natural and cultural heritage features, such as designated habitats, archaeological sites, and specific cultural associations and landmarks which serve to make a landscape particularly special or unique;
- **Rarity:** The frequency, or density, of rare or unusual landscape features which serve to make a landscape particularly special or unique;
- **Tranquillity:** Influenced by the presence of transport routes (including movement, noise), built form, lighting, remoteness, exposure and wilderness.
- **Quality:** Influenced by the physical state of the existing landscape, its intactness and its ability to repair after loss, and;
- **Value:** The value attributed to the landscape is an important factor to be considered when assessing the sensitivity of a given landscape.

3.28 The consideration of each of the key attributes described above in conjunction with susceptibility to change enables a considered judgement to be made on the level of sensitivity to be apportioned to each defined LCA within the study area. Table 4 outlines the general principles that are used to inform and guide the assessment of landscape sensitivity:

Table 4: Definition of Sensitivity of Landscape Character

Level of Sensitivity	Definition
<b>High</b>	A landscape that is very likely to be highly susceptible to the proposed change, and of outstanding or high value due to its special or unique qualities that are likely to be defining the baseline characteristics of the landscape. Conflicting man-made influences are likely to be absent or very minimal. Receptors are more likely to be of rarity, exceptional quality or of natural or cultural heritage interest at a national level



<p><b>High - Moderate</b></p>	<p>A landscape that is likely to be of high or moderate susceptibility to the proposed change, and of high or moderate value due to its intrinsic landscape characteristics. Conflicting man-made influences are likely to be minimal. Receptors are likely to be of some rarity, high quality or of some natural or cultural heritage interest at a regional level</p>
<p><b>Moderate</b></p>	<p>A landscape that is likely to be of moderate or low susceptibility to the proposed change, and could be of high or moderate value due to its intrinsic landscape characteristics. Conflicting man-made influences may be present. Receptors are likely to be of limited rarity, moderate quality or of some natural or cultural heritage interest at a local level</p>
<p><b>Moderate - Low</b></p>	<p>A landscape that is likely to be of moderate or low susceptibility to the proposed change, and of moderate or low value due to indistinct landscape characteristics. Conflicting man-made influences are likely to be evident. Receptors are likely to be relatively commonplace, of moderate or low quality or of limited natural or cultural heritage interest at a local level</p>
<p><b>Low</b></p>	<p>A landscape that is likely to be of low susceptibility to the proposed change, and of moderate or low value due to poorly defined or eroded landscape characteristics. Conflicting man-made influences are likely to be present and could be a defining baseline characteristic. Receptors are likely to be commonplace, of moderate or low quality or of no natural or cultural heritage interest. Low sensitivity may also occur where the proposed change is remote or isolated from a particular landscape, including higher value landscapes</p>

**Assessment of Impacts on Landscape Character**

3.29 Landscape effects may include direct physical changes to landscape elements caused by the proposed development such as development affecting individual components of the landscape within a LCA or indirect effects, such as effects on the character, quality and setting of a particular landscape that may arise as a consequence of the construction of the proposed development. The potential landscape effects across the study area are identified by the on-site analysis and verification of landscape character information that is established during the baseline assessment. The landscape assessment criteria described below provide a framework for the assessment of landscape effects. It must be noted that there may be exceptions to these broad categories due to specific local characteristics that may apply in individual circumstances.

**Magnitude of Effects on Landscape Character**

3.30 The magnitude of effects on the landscape character is defined as the degree of change that will result from the introduction of the proposed development. It is dependent on a number of factors, including:

- The degree to which landscape character elements will be altered by the proposed development;
- The extent of the proposed development visible within the landscape;
- The relationship of the proposed development to adjoining land uses and the wider landscape context;
- Whether effects are ‘direct’ or ‘indirect’;
- The distance of the proposed development from a specified landscape character area; and
- The duration, permanence and extent of the impact in physical and visual terms.

3.31 The nature of effects is deemed as being either short-term (less than 5 years) medium-term (5 – 10 years) or long term (10 years plus) in timescale. Table 5 outlines the general principles that are used to inform and guide the definition of the magnitude of landscape effects:

Table 5: Definition of Magnitude of Landscape Effects

<b>Level of Magnitude</b>	<b>Definition</b>
<b>High</b>	The proposed development would be immediately apparent and would result in major loss or major alteration to key elements of the landscape character to the extent that there is a fundamental and permanent, or long-term, change to landscape character. The change may occur over an extensive area.
<b>Moderate</b>	The proposed development would be apparent in views and would result in the loss or alteration to key elements of the landscape character to the extent that there is a partial long-term change to landscape character. The change may occur over a limited area.
<b>Low</b>	The proposed development would result in minor loss or alteration to key elements of landscape character to the extent that there may be some slight perception of change to landscape character. The change may be temporary and occur over a limited area.

<b>Negligible</b>	The proposed development would result in such a minor loss or alteration to key elements of landscape character that there would be no fundamental change.
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**Significance of Landscape Effects**

- 3.32 The significance of landscape effects are dependent on the points considered within the landscape sensitivity appraisal, the factors that influence the magnitude of change upon it, and the relationship between landscape sensitivity and magnitude of landscape change.
- 3.33 Table 6 outlines the general principles that are used to inform and guide the definition of the significance of landscape effects.

Table 6: Definition of Significance of Landscape Effects

Level of Effects	Definition
<b>Major</b>	The proposed development may have direct effects upon characteristic landscape features, altering elements of the landscape that contribute toward distinct character. The Proposed development is likely to become a defining landscape element. Effects of this nature are likely to be contained within the character area in which the Proposed development is located.
<b>Moderate</b>	The proposed development may be a characteristic component of the landscape character, the alteration of which may influence key attributes to the extent that changes to the character of the landscape are easily noticeable, although the development would not become the defining landscape element.  The proposed development may be a distinct feature within views from the landscape, or influential although not defining, of the landscape character.  The proposed development may be easily noticeable but landscape character would remain less defined by the development than by other landscape attributes.
<b>Minor</b>	If the proposed development could be integrated within the existing site area without the loss of essential landscape features which contribute to landscape character and quality.
<b>Negligible</b>	Where the proposed development can be integrated into the existing landscape, without the loss of key underlying

	landscape attributes. The proposed development would have little, or no, effect on existing landscape character.
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- 3.34 LCAs from where effects are determined to have major landscape significance are also considered to be significant and conversely any LCAs where it is determined that landscape effects have no significance, are also considered to be not significant.
- 3.35 Where effects are determined to be of moderate visual significance, whether these effects are significant or not significant will depend on the individual and specific mitigating circumstances from LCA. For example, the proposed development may affect a small proportion of the overall character area, however from the area where it is visible it is considered to be of higher sensitivity than that of the character area as a whole. Therefore while overall effects may be considered moderate, due to the high sensitivity of the landscape from where the development may be visible, effects would be considered significant, as opposed to not significant from other locations within the character area, which are considered to be less sensitive.
- 3.36 The subjective nature of landscape is acknowledged within current guidance<sup>5</sup>. As such, categorisation of landscape effects as positive or negative is difficult to achieve. It is also possible for effects to be neutral in their consequences on the landscape. An informed discussion is provided within Landscape Assessment on the nature of effects and whether they may be considered to be beneficial, neutral or adverse. Commentary may include consideration of:
- The degree to which the proposal fits with existing character; and
  - The contribution to the landscape that the development may make in its own right, usually by virtue of good design, even if it is in contrast to existing character.

**Baseline Visual Assessment**

- 3.37 Visual effects result from changes in the landscape and are defined as "*changes in the appearance of the landscape or seascape, and the impacts of those changes on people*".<sup>6</sup> Therefore the assessment of effects on visual amenity is concerned with the proposed development and the change that it may have on views, how it is perceived by sensitive receptors (i.e. different groups of people), any change in the focus of views and the overall change in visual amenity. The methodology used to assess the significance of visual effects is described below.

**Production of Viewpoint Photographs**

- 3.38 All viewpoint photographs were taken with a Canon EOS 5D Mark II full frame digital camera, with a fixed lens focal length of 50mm and at a height of 1.6 metres above ground level on a professional

<sup>5</sup> Landscape Institute / Institute of Environmental Management & Assessment, Guidelines for Landscape and Visual Impact Assessment, Third Edition' (2013) Page 88, paragraph 5.37

<sup>6</sup> Guidance on the Assessment of the Impact of Offshore Wind Farms - Seascape and Visual Impact, (2005) pg. 7:DTI

tripod for true horizontal alignment of photographic frames. The photographs for each viewpoint were then merged together to form panoramic views.

- 3.39 The viewpoint photographs within this LVIA were all produced by Soltys Brewster Consulting.

**Visual Envelope Mapping**

- 3.40 A Visual Envelope diagram has been produced to illustrate the screening effects of above ground elements (e.g. woodlands, trees, hedgerows and built structure). Visual Envelope mapping is a manual approach, which requires standing within the application site and looking out to identify and map the land that is visible from that and other points within the application site. This can establish the outer limit or ‘Visual Envelope’ of the land that may be visually connected with the proposal. It is common that views are limited within some specific areas of this Envelope, for example where topography dips and then rises again, allowing visibility, often concealing views of lower laying areas, or screened by vegetation. These areas are not typically excluded from the visual envelope. The Visual Envelope diagram is considered during baseline visual analysis, discussed in paragraphs 4.58 – 4.63 below. The Visual Envelope is illustrated on Figure 2.

**Visual Analysis Mapping**

- 3.41 To establish the potential extent of visibility of the proposed development, computer generated image have been produced (refer to Figure 2). Zone of Theoretical Visibility (ZTV) diagrams are created using digital terrain data provided by Ordnance Survey and specialist software. The ZTV shows in map form where all or parts of the proposed development are potentially visible in worst case form ie based on landform alone without taking into account intervening vegetation or development. From the ZTV, potential locations can be identified within the study area from where further assessment in the field is necessary to determine the limits of visibility once surface features such as vegetation and buildings are taken into account.

**Assessment of Effects on Visual Amenity**

- 3.42 In order to assess the significance of visual effects, viewpoints were selected from within the 3km study area to represent various receptor groups. These viewpoints included locations frequented by members of the public such as public footpaths, transport routes, and areas that contain public amenities and popular tourist attractions.
- 3.43 Viewpoints frequented by members of the public, such as public rights of way, popular visitor attractions, car parks, and views from settlements, as well as viewpoints located in particularly scenic areas, are favoured because these are likely to represent a greater concentration of sensitive visual receptors. Viewpoints from which the proposed development is likely to be prominent have also been favoured. This is in accordance with current best practice and guidance.
- 3.44 When carrying out viewpoint surveys, the nature of the view was recorded as well as whether partial or full views of the proposed development would be experienced, whether views were static or transitory, how prominent the proposed development may be, and whether large numbers of properties or viewers will experience the view. A desk based analysis was also undertaken in order

to establish the range of potential sensitive receptors that may experience the proposed development from a particular viewpoint.

- 3.45 Additionally, for practical reasons, viewpoints have to be selected from publicly accessible locations and not from private land or property. It is accepted that views may differ from individual private property. However, in residential areas efforts are made to select public locations that will depict a view that represents a particular residential neighbourhood.

### **Assessment of Viewpoints**

- 3.46 From each viewpoint, assessment of the existing view and potential changes that will result from the proposed development will be completed in the field. The impact of the proposed development on the existing view has been assessed using the criteria as set out below. The following elements are considered in the description and assessment of visual effects from each viewpoint:

- The existing visual character and quality of the viewpoint (including whether it is within a designated landscape, the presence of visual detractors, etc.);
- The character of the existing landscape against which the proposed development would be viewed including any screening provided by existing surface features, built form, vegetation and local topography;
- The viewpoint location, the presence and concentration of receptors, and receptor sensitivity (for example, will people view the development area during work or leisure activities, whilst in transit, etc.);
- The proportion of the proposed development that will be visible, its scale, distance from the viewpoint and position in the view in relation to other features within the view including adjacent land uses and pattern of land cover;
- The duration of the potential impact, i.e. is it long term or temporary, continuous or transitory (the latter meaning that the receptor would be exposed to the effects for a short time); and
- Whether effects will occur during construction of the proposed development.

### **Evaluation of Visual Sensitivity**

- 3.47 The sensitivity of visual receptors is dependent on susceptibility to change of the person or group of people likely to be affected, and the value attached to particular views<sup>7</sup>.

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<sup>7</sup> Landscape Institute / Institute of Environmental Management & Assessment, Guidelines for Landscape and Visual Impact Assessment, Third Edition' (2013) Page 113, paragraph 6.31  
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**Susceptibility to Change of Visual Receptors**

3.48 The susceptibility of different visual receptors to changes in views relates to their occupation or activity whilst experiencing the view and the resultant extent to which their attention or interest may therefore be focussed on the views and the visual amenity experienced<sup>8</sup>.

Table 7: Definition of Susceptibility to Change of Visual Receptors

Level of Susceptibility	Definition
<b>High</b>	May typically include residents of properties, including private houses, caravans, B&Bs, guest houses and hotels where the main view is orientated towards the proposed development, or people undertaking recreation where the landscape within which the development is seen as the primary reason for attraction or reason for visit (e.g. tourists, walkers and hikers on recognised footpaths, open access land, rights of way and promenades, scenic route users, yachts and inshore recreational boat users). Receptors are more likely to be within a designated landscape and could be attracted to visit more frequently, or stay for longer, by virtue of the view.
<b>Moderate</b>	May typically include outdoor workers (e.g. fishermen, farmers) and people undertaking recreational pursuits where the landscape within which the proposed development is seen is not the primary reason for attraction (e.g. golf, water based sports, historic sites). May also include residents of properties where the proposed development would form an ancillary view. Receptors are less likely to be within a designated landscape and could be attracted to visit more frequently or stay for longer by virtue of the facilities and features of the particular attraction rather than by the value of the view.
<b>Low</b>	May typically include people travelling through the landscape by car, train, bus, ferry etc; people in community facilities, industrial/office/shop workers, Receptors are unlikely to be within a designated landscape and are most likely to be present at a given viewpoint by virtue of some other need or necessity unrelated to the appreciation of the landscape or visual value.

**Value attached to Views**

3.49 In determining visual sensitivity, professional judgements take into account the value attached to the view. Considerations are likely to include the recognised attributes of particular views, for example in relation to heritage assets or through planning designations. Further indicators may include an appearance on tourist maps, provision of facilities for enjoyment such as parking places,

<sup>8</sup> Landscape Institute / Institute of Environmental Management & Assessment, Guidelines for Landscape and Visual Impact Assessment, Third Edition' (2013) Page 113, paragraph 6.32  
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sign boards and interpretive materials. Where relevant these considerations are taken into account when making professional judgements regarding the sensitivity of visual receptors.

**Sensitivity of Visual Receptors**

- 3.50 The sensitivity of visual receptors is dependent on the susceptibility of the receptor to change and the value of the view, including other landscape elements within it. Table 8 outlines the general principles that are used to inform and guide the assessment of visual sensitivity at each viewpoint.

Table 8: Definition of Sensitivity of Visual Receptors

Level of Sensitivity	Definition
<b>High</b>	Receptors highly responsive to new visual elements of the type proposed, by virtue of their location, nature and/or existing visual qualities and elements. Receptors will be highly susceptible to change and considered to be at a location of high value.
<b>High - Moderate</b>	Receptors responsive, but able to accommodate a small degree of new visual elements of the type proposed, by virtue of their location, nature and/or existing visual qualities and elements. Receptors may be highly susceptible to change and considered to be at a location of high value but not exclusively so.
<b>Moderate</b>	Receptors who are able to accommodate some new visual elements of the type proposed, by virtue of their location, nature and/or existing visual qualities and elements. Receptors may be susceptible to change, although less likely to be at a location of recognised value.
<b>Moderate - Low</b>	Receptors are able to accommodate a high degree of new visual elements of the type proposed, by virtue of their location, nature and/or existing visual qualities and elements. Receptors may be susceptible to change, although less likely to be at a location of recognised value.
<b>Low</b>	Receptors where new visual elements of the type proposed may be readily accommodated, by virtue of location, nature and/or existing visual qualities and elements. Receptors are not likely to be highly susceptible to change or at a location of recognised value.

**Magnitude of Visual Effects**

- 3.51 The magnitude of impact on visual amenity is defined as the degree of change that will result from the introduction of the proposed development. It is dependent on a number of factors, including:



- Distance between the proposed development and the receptor;
- Prominence of the proposed development in views;
- Extent visible;
- Proportion of the field of view occupied by the proposed development;
- Other development and built structures within the view;
- The backdrop to the proposed development in the view;
- Nature of the foreground in the view;
- Presence of existing retained features in the view; and
- Planned mitigation to reduce potential visual impact and to integrate the proposed development.

3.52 Magnitude of effects on visual amenity (i.e. views and visual appreciation and enjoyment of the landscape) is categorised as high, medium, low and negligible and is defined in Table 9.

Table 9: Definition of Magnitude of Visual Effects

Level of Magnitude	Definition
<b>High</b>	The proposed development would be an immediately apparent feature that would affect and change the overall appearance of the view and to which other features would become subordinate. The proposed development is likely to be visually dominant.
<b>Moderate</b>	The proposed development would form a recognisable new element within the overall view and would be readily observed without changing the overall nature of the view. Overall quality of the view may remain intact. The proposed development is likely to be visually prominent.
<b>Low</b>	The proposed development would form a component of the wider view that might be missed by the casual observer. Awareness of the proposed development would not have a marked effect on the overall quality of the view. The proposed development is likely to be visible.
<b>Negligible</b>	The proposed development would be barely perceptible, or imperceptible, and would have no marked effect on the overall quality of the view.

**Significance of Visual Effects**

3.53 The significance of visual effects is dependent on the points considered within the appraisal of sensitive receptors, the factors that influence the magnitude of visual change, and the relationship between visual sensitivity and magnitude of visual change. Viewpoint assessment included an analysis of viewpoints, illustrating the nature of available views towards the proposed development from locations within the study area. The significance of impact from these locations has been measured against the criteria detailed in Table 10 below, which consider the context within which the proposed development is viewed and the ability of the landscape to absorb visual effects.

Table 10: Definition of Significance of Visual Effects

Level of Effects	Definition
<b>Major</b>	The proposed development would affect existing views to the extent that the existing defining visual elements will become subservient within the view. The proposed development may be seen as conflicting with existing visual character; however existing characteristic elements may be retained as reference points within the view. The degree which existing elements such as skylines, woodland blocks, built form, topography and other structural landscape features are retained will be considered in determining significance.
<b>Moderate</b>	The proposed development would result in alteration to landscape features which contribute to the existing visual character or quality, but the overall integrity of the landscape is maintained. The proposed development may be suitably absorbed or accommodated within the view alongside existing visual elements, without degrading the integrity of existing visual qualities.
<b>Minor</b>	The proposed development would be visually integrated within the existing landscape without the loss of essential landscape features which contribute to landscape character and quality.
<b>Negligible</b>	The proposed development would be integrated into the existing landscape without having a material effect upon the distinctive and valued characteristics of the existing view.

3.54 Viewpoint locations from where effects are determined to have major visual significance are also considered to be significant and conversely any locations where it is determined that visual effects have no visual significance, are also considered to be not significant.

3.55 Where effects are determined to be of moderate visual significance, whether these effects are significant or not significant will depend on the individual and specific mitigating circumstances from each viewpoint. For example effects from a viewpoint may be considered to be of moderate visual

significance; however the broad nature of the view in which the development would be seen may reduce these impacts to an extent where effects would still be considered to be moderate though not considered to be significant.

### **Landscape and Visual Contribution**

3.56 The importance of perceptions of landscape is emphasised by the European Landscape Convention, and GLVIA3 recognises the need for judgements on whether effects are positive (beneficial) or negative (adverse) to be weighed against the opinions of others in the decision-making process.

3.57 Within this assessment, when determining the significance of landscape and visual effects, a reasoned judgement has been included which sets out the assessor’s conclusions on the beneficial or adverse nature of the effects. In response to this particularly subjective nature of this part of the assessment process, effort has been made to itemise the reasoned, professional judgements made. Typically, considerations might include:

- Does the scheme complement existing landscape elements and character?
- Is the scheme of importance to perceptions of cultural associations – for example, as a landmark hub for leisure or tourism?
- Are there social and/ or community benefits – such as through the creation of sense of local pride or cultural ‘ownership’ of the landscape?
- Does the scheme enhance local sense of place – for example through an improved public realm?
- Does the scheme contribute positively to a declining landscape? Or assist in securing positive landscape management objectives for the area?
- By nature and/ or design, does the scheme help address specific issues and/ or opportunities such as the restoration of derelict land, or opportunities for habitat enhancement?
- Does the scheme improve visual amenity? By virtue of the design qualities and visual elements of the scheme, is there visual assimilation with existing forms and qualities within views?
- Has the scheme responded to local landscape constraints, including protected landscapes and features?
- Does the scheme make the best possible use of existing landscape attributes and features – such as access points, structural vegetation, landforms and other elements of the application site?

3.58 Where the above considerations have influenced an iterative design process, appropriately responding to landscape and visual mitigation and enhancement opportunities it is possible that the landscape and visual effects of the proposed scheme may be considered beneficial. Adverse effects may arise where the above considerations have not been appropriately addressed. It is possible

that effects may be considered to be neutral where no fundamental change to landscape or visual qualities is expected, or where the weighing of beneficial and adverse contributions is considered to result in a neutral overall effect.

## 4.0 BASELINE CONDITIONS

### Study Area and Context

- 4.1 This section of the LVIA establishes the baseline landscape and visual character of the study area by drawing together existing desktop information such as maps, planning designations and historic references and verifying and expanding upon this information through site survey. The references to documents used within this section of the LVIA are listed at the end of this report.
- 4.2 The LVIA study covers a 3km radius from the centre of the application site (as illustrated in Figure 3: Landscape Designations) and lies within the administrative authority of Swansea County Council.
- 4.3 The study area is principally formed by the Bristol Channel and Swansea West, which takes in The Mumbles, Oystermouth, Newton, Langland, Limeslade, Norton and Thistleboon and is shaped by the distinctive rocky Mumbles Headland, Swansea Bay, Langland Bay and Caswell Bay.
- 4.4 To the north of the application site lays the residential properties of Channel View. Beyond lies further residential development and pocket green spaces, such as Thistleboon, the Mumbles and Underhill Park.
- 4.5 To west of the application site lies Beaufort Avenue and the residential development of Thistleboon. Beyond lays Langland Bay and Langland Bay Golf Club.
- 4.6 Beyond, to the north-west of the site lie a matrix of pastoral fields and the lowland common land of Clyne Common.
- 4.7 To the east lies a single residential house, 104 Higher Lane and pastoral fields. Beyond lies the far most southern extent of the residential development of the Mumbles, Mumbles Hill and Mumbles Head. To the south lie pastoral fields, with the rocky coastal cliffs beyond.

### Transport Routes

- 4.8 There are no major transport corridors within the study area; the M4 is located some 12km north of the site at its closest point.
- 4.9 The A4067 Mumbles Road, which heads south through the centre of the study area along the coast line of Swansea Bay, forms part of the network of roads that connect the Mumbles and the Gower to the main body of Swansea and to the M4 to the north.
- 4.10 The B4436, which links the village of Murton to the main body of Swansea via Clyne Common and the A4067, just passes through the study area, to the far north-west. The B4593 links Caswell Bay to the A4067 via Newton and Oystermouth.
- 4.11 The study area is also crossed by a network of smaller roads and minor routes, linking the surrounding countryside, smaller settlements and farmsteads. These smaller roads and minor routes also include Higher Lane which forms the northern boundary of the site.

### Settlements

- 4.12 The distribution of residential areas is predominantly in the centre and north-west areas of the study area. The study area is dominated by the dense settlement of Swansea West, which takes in The Mumbles, Oystermouth, Newton, Langland, Limeslade, Norton and Thistleboon.
- 4.13 The smaller settlements of Creswell and Mansfield area located approximately 2.3km to the west

and north-west respectively. Farmsteads and individual dwellings are typically evenly distributed throughout the remaining study area.

### **Topography**

- 4.14 The application site is located on a gentle south-west facing slope, presenting the most open views to the south and west and to lesser degree the south-east. Overall within the application site from the south to the north-east there is a change in datum height of approximately 12 metres, peaking around 57metres AOD.
- 4.15 To the west the land generally falls forming the settlement of Langland and Langland Bay. To the east the land generally rises forming Mumbles Hill, both of which creates a strong coastal character to the area.

### **Land Use**

- 4.16 The application site comprises part of Higher Lane and associated vereges, one field and a small section of a second much larger field. Both fields are broadly rectangular in shape and consisting of improved grassland. Combined the two fields are approximately 1.3ha in size. The site in total is approximately 1.47ha. The two fields are bound by a mix of mature trees, hedgerows, scrub planting and post and wire fence. Mature trees are more frequent along the western and south-western field boundaries.
- 4.17 To the north the application site boundary consists of the walled boundary of the properties along Channel View. A gappy hedgerow with semi mature trees varying from approximately 2.0 – 5.0m in height and forms the southern edge of Higher Lane. To the east, the application site boundary consists of a post and wire fence, which sits immediately adjacent to a approximate 3.0-4.0m high hedge on an bank boundary to the adjacent residential property.
- 4.18 The southern application site boundary is formed by a linear area of scrub and bank with open pastoral fields immediately adjacent. The western application site boundary is formed of a mix of mature trees approximately 6.0m high and scrub planting, approximately 3.0-6.0m high. Immediately adjacent to which lies a track which acts as an informal footpath.
- 4.19 The south-western edge of the larger field also forms the eastern edge of the smaller field, consists of a group of trees and shrubs approximately 3.0 – 6.0m in height.
- 4.20 The northern and western edge of the smaller field which runs adjacent to Public Right of Way - MU/5/3 consists of tree and shrub planting, approximately 3.0 -5.0m in height.
- 4.21 An Arboricultural Impact Assessment has been prepared to inform the application, this is included as a standalone document that accompanies this planning application.

### **Landscape Designations**

- 4.22 A review of relevant statutory and non-statutory landscape classifications has been carried out as part of this LVIA. Designations are one of the criteria that are considered when defining sensitivity and when assessing the significance of effects on landscape character. The value placed on a landscape through designation may also have a bearing on the sensitivity of visual receptors. For instance, walkers within an AONB (for the purpose of hiking to observe and experience a nationally renowned landscape) may be of higher sensitivity than people using a local footpath where observation and experience of the landscape may be secondary.

- 4.23 Landscape designations provide an indication of the value that national and local government, plus other agencies attached to various landscape types. Landscapes can be designated by statute, in order to conserve and enhance their natural beauty and are included in policies within Development Plans.
- 4.24 Landscape classifications identify landscapes or elements within the landscapes that are still recognised as being important by virtue of being marked as attractions or identified in non-statutory documentation in the public realm but have no protection in law. Within the study area there are a range of national, regional and local designations that have been identified as the key designations relevant to the landscape and visual character of this study area.
- 4.25 Both statutory and non-statutory designations are described below and are illustrated in Figure 3: Landscape Designations.

#### **Statutory Designations**

##### Area of Outstanding Natural Beauty (AONB)

- 4.26 The application site just falls within the Gower AONB. Views towards the application site, from within the AONB, are generally restricted to the south-eastern areas of the AONB by topography, built form, local vegetation and distance.

##### Scheduled Ancient Monuments (SAMs)

- 4.27 There are three SAMs that fall within the 3km study area. The nearest SAM is Oystermouth Castle, which is approximately 950m to the north of the site. To the west of the application site, there is Caswell Cliff Fort SAM which is located on Redley Cliff and St Peters Well SAM located south of the settlement of Manselfield. Based on the ZTV the proposed development will not be visible from these locations. Therefore, the significance of the effects of the development on the SAM's are considered to be negligible and therefore not considered any further in this assessment.

##### Conservation Areas

- 4.28 There are four Conservation Areas which fall within the 3km study area. The closest is the Mumbles, located approximately 270m to the north-east of the application site at its nearest point. Langland Bay is located approximately 470m to the west and Holts Field and Newton are located approximately 2.4km and 980m to the north-west, respectively.
- 4.29 Holts Field does not fall within the ZTV, therefore, the significance of the effects of the development are considered to be negligible and therefore Holts Field Conservation Area is not considered any further in this assessment.

#### **Non Statutory Designations**

##### Heritage Coast

- 4.30 The Gower Heritage Coast's far eastern edge falls within the 3km study area. The 33 mile long heritage coast runs from Caswell Bay to Salthouse Point. A small part of the far eastern edge of the Gower Heritage Coast, at Snaple Point falls within the ZTV.

Sustrans National Cycle Routes

- 4.31 The southern spur of Sustrans National Cycle Route 4 at Swansea/Mumbles heads south through the centre of the study area. The route is a 432 mile long route between London and Fishguard, via Reading, Bath, Bristol, Newport, Swansea, Carmarthen, Tenby, Haverfordwest and St. David's. The section of the route which cuts through the study area follows the Wales Coast Path along Swansea Bay. Based on the ZTV the proposed development will not be visible from these locations. Therefore, the significance of the effects of the development on Sustrans National Cycle Route 4 are considered to be negligible and therefore not considered any further in this assessment.

Long Distance Trails

- 4.32 The Wales Coast Path provides a continuous walking route around the whole coast of Wales and is 870 miles long. The path passes through landscapes of historical, ecological and scenic interest, predominantly coastal with some inlet/inland sections. The section of the route which lies within the study area follows Swansea Bay, around Mumbles Head and along the southern coast in an east/west alignment. The Wales Coast Path is located approximately 215m to the south-west of the application site boundary at its closest point.

Common Land/Open Access

- 4.33 A number of areas of common land fall within the study area. The closest being the cliff area to the south of the application site, approximately 100m to the south-west at its closest point. Another areas of common land to note area the area that covers Mumbles Hill to the east of the application site and Clyne Common to the north-west.

Public Rights of Way (PRoW)

- 4.34 There are a number of public rights of way within the study area and one (MU5) passes through the application site. The public footpath MU5 currently cuts through the site in and north-east/south-west direction. The footpath enters the application site from Higher Lane in the far north-east corner, runs through the application site and exits mid-way along the western site boundary, where it continues south-west until it meets the Wales Coast Path.
- 4.35 Footpath MU3 is located approximately 180m to the south of the application site at its closest point. It runs broadly in an east/west direction along the top of the cliff, parallel to the Wales Coast Path to the south of the site. MU3 provides a cliff top link between the Wales Coast Path to Mumbles Road. MU4 is located approximately 180m to the south-east of the application site, where it runs in a south-west/north-east direction from MU3 to Plunch Lane.

Green Wedge

- 4.36 There is one green wedge which falls within the study area. Bishopston and Newton is located 1.9km to the north-west at its closest point. Based on the ZTV the proposed development will not be visible from this location. Therefore, the significance of the effects of the development on the Green Wedge are considered to be negligible and therefore not considered any further in this assessment.



**Baseline Landscape Character**

- 4.37 The main framework for landscape character is provided by the Visual and Sensory Aspect layer of mapping, although other aspect layers of mapping and database information also inform the assessment of character and landscape sensitivity to a greater or lesser degree, depending on the specific study area.
- 4.38 Figures 4 - 16 provide the LANDMAP GIS mapping for these relevant Aspect Layers within the 3km study area of the site. It should be noted that Landscape Habitat Aspects Areas have been scoped out due to their Moderate and Low evaluations.
- 4.39 The relevant LANDMAP description for the Visual and Sensory aspect layer is provided within paragraph 4.40 below.
- 4.40 Table 11 below summarises the Aspect Areas for the Aspect Layers which the site is located in, which have been considered as part of this assessment:

Table 11: LANDMAP Aspect Areas

Aspect Layer	Aspect Area	Unique ID	Level Classification <sup>3</sup>	LANDMAP Overall Evaluation
<b>Cultural Landscape</b>	Mumbles, Newton etc	SWNSCL036	Urban Settlement	High
<b>Historic Landscape</b>	H3 Gower Subboscus Agricultural	SWNSHL726	Other Fieldsapes	<b>Outstanding</b>
<b>Visual and Sensory</b>	Swansea West	SWNSVS003	Urban	-
<b>Geological Landscape</b>	Langland - Newton	SWNSGL049	Lowland Plateau	High

- 4.41 The site is located within the LANDMAP Visual and Sensory Aspect Area SWNSVS003 Swansea West, classified as Urban (Level 3), which has not been evaluated to date. This aspect area is described as follows:

*“ The city west of the River Tawe forms the majority of the city of Swansea. It runs from the Swansea Bay waterfront up the slopes of Townhill, along the River Tawe, and up the various valley slopes and hills to the north and west, towards Gower. To the south it includes the suburbs of Oystermouth and Mumbles. The city centre suffered major damage during World War II and was redeveloped post war. This development lacked a sense of place and the area continues to undergo redevelopment to improve its character and offer. Highlights include the Maritime quarter including the Marina which is popular for leisure boats and associate recreation, and the National Waterfront Museum. The tower at Meridian Quay is the tallest building in Wales and forms a strong simple landmark visible across Swansea Bay and from the north. Swansea’s key characteristic is its relationship to the sweeping curve of Swansea Bay. Dense urban development on hillsides fringing the bay is a characteristic with the regimented rows of*

housing at Townhill particularly prominent. The University and Singleton Hospital are other large structures noticeable across the bay. These are softened to an extent by the adjoining park and vegetation. The waterfront buildings and core of Oystermouth/Mumbles have a positive former fishing village character which complements the waterfront. The 20th century residential estates running to the west towards Gower have limited coherent pattern or character although some roads are treed and well heeled. The residential and commercial development spreading to the north of Swansea centre generally lacks sense of place, coherence and understandable pattern.”<sup>9</sup>

4.42 Based on LANDMAP Aspect Areas, four Character Areas have been identified, as shown on Figure 17. These four LCAs are listed below:

- LCA 1: Swansea West and Bishopston
- LCA 2: Mumbles Cliffs
- LCA 3: Mumbles Hinterland
- LCA 4: South East Gower

4.43 The proposed development is located within LCA 1: Swansea West and Bishopston. The existing baseline conditions, as described by LANDMAP, of the remaining 8 LCAs identified are described below.

4.44 In the interests of brevity, the summaries do not attempt to extract or replicate all aspect layer information from the NRW LANDMAP database, merely focus on what is most significant in defining the landscape baseline. For detailed information on each aspect layer, cross reference should be made to the NRW LANDMAP website<sup>10</sup> if needed.

**LCA 1: Swansea West and Bishopston**

*Description:*

4.45 This LCA is a large scale urban area. Consisting of a mix of built residential and commercial development and small pockets open green space. Its sense of enclosure is enclosed, with internal unattractive views. Attractive views out are mainly to the east south towards the coast line and Swansea Bay.

4.46 This LCA encompasses and includes part of the following Aspect Areas:

*Geological Landscape LANDMAP Aspect Layers*

- SWNSGL049 – Llangland - Newton

Evaluation: High

*Visual and Sensory LANDMAP Aspect Layers*

- SWNSVS003 – Swansea West

<sup>9</sup><https://landmap-maps.naturalresources.wales/PrintExtendedResults.aspx?filter=VS|SWNSVS003&MapCollectionName=LandMap&Layer01=VS;SWNSVS003>

<sup>10</sup> <http://www.ccw.gov.uk/interactive-maps/landmap.aspx>

Evaluation: Unassessed

*Historic Landscape LANDMAP Aspect Layers*

- SWNSHL526 - H3 Gower Subboscos Agricultural

Evaluation: Outstanding

*Cultural Landscape LANDMAP Aspect Layers*

- SWNSCL036 – Mumbles, Newton etc

Evaluation: High

- SWNSCL037 - Langland & Rotherslade

Evacuation: Moderate

*Value:*

4.47 This is a landscape of limited aesthetic value, with moderate scenic quality and character. LANDMAP Aspect Layer data includes 1 Unassessed, 1 Moderate, 2 High and 1 outstanding evaluation; however the outstanding evaluation is limited to the Historic Aspect Area. This is due to the number of SAMs and the integrity of the historic field pattern. Culturally, this LCA is representative and common place but as a group this LCA forms part of a highly desirable residential area. From a visual and sensory perspective, this character type is not particularly rare and the built form lacks a sense of place and the area continues to undergo redevelopment to improve its character. The southern fields of this LCA fall within the Mumbles AONB. Overall the value of this LCA is assessed as Moderate.

**LCA 2: Mumbles Cliffs**

*Description:*

4.48 This LCA is a mix of coastal cliffs, steep land and Mumbles Hill which is a scrubby coastal heath covered headland. Part of this LCA forms the south western most part of Swansea Bay enclosing and separating it from the Gower to the west. Its sense of enclosure is open, with unattractive views out towards the urban edge to the west and attractive view internally and out to the north, east and south. There is a number of scheduled ancient monument within this LCA and it forms part of the Mumbles AONB.

4.49 This LCA encompasses and includes part of the following Aspect Areas:

*Geological Landscape LANDMAP Aspect Layers*

- \* N/A

*Visual and Sensory LANDMAP Aspect Layers*

- SWNSVS004 – Mumbles Hill

Evaluation: Outstanding

- SWNSVS105 – Limeslade to Langland Bay

Evaluation: High

*Historic Landscape LANDMAP Aspect Layers*

- SWNSHL726 - H3 Gower Subboscus Agricultural

Evaluation: Outstanding

- SWNSHL400 – H10 South Gower Cliffs

Evaluation: Outstanding

*Cultural Landscape LANDMAP Aspect Layers*

- SWNSCL034 – AONB

Evaluation: Outstanding

- SWNSCL037 – Langland & Rotherslade

Evaluation: Moderate

- SWNSCL038 – Caswell Bay

Evaluation: High

*Value:*

4.50 This is a landscape with outstanding scenic quality and character. LANDMAP Aspect Layer data includes 1 Moderate, 2 High and 4 outstanding evaluations. The high and outstanding evaluations are limited to the Visual and Sensory, Historic and Cultural Aspect Areas. From a visual and sensory perspective, although the built urban form is a visual and sensory detractor from some locations, this LCA falls within the Mumbles AONB and perceptual qualities of this LCA are described as attractive and exposed. Its sense of place is strong. Overall the value of this LCA is assessed as Outstanding.

4.51 \*N/A denotes that no Aspect Areas are considered to be relevant for further analysis, as a result of filtering in accordance with paragraphs 3.11 to 3.18 and Table 1.

**LCA 3: Mumbles Hinterland**

*Description:*

4.52 This LCA is an area of rock platform with loose rock, scattered pools and caves. Mumbles Head forms the southernmost point of Swansea Bay. There are a number of scheduled ancient

monuments within this LCA and its sense of enclosure is exposed with attractive views in and out. Some detractive views towards the neighbouring LCA: Swansea West and Bishopston.

4.53 This LCA encompasses and includes part of the following Aspect Areas:

*Geological Landscape LANDMAP Aspect Layers*

- \* N/A

*Visual and Sensory LANDMAP Aspect Layers*

- SWNSVS541 – Mumbles Head west to Caswell Bay

Evaluation: High

- SWNSVS847 – The Knab

Evaluation: High

*Historic Landscape LANDMAP Aspect Layers*

- SWNSHL400 - H10 South Gower Cliffs

Evaluation: Outstanding

- SWNSHL993 – H2 Foreshore

Evaluation: Unassessed

*Cultural Landscape LANDMAP Aspect Layers*

- SWNSCL038 – Caswell Bay

Evaluation: High

*Value:*

4.54 This is a landscape with outstanding scenic quality and character. LANDMAP Aspect Layer data includes 1 Unassessed, 3 High and 1 outstanding evaluations. The high and outstanding evaluations are limited to the Visual and Sensory, Historic and Cultural Aspect Areas. This LCA falls within the Mumbles AONB and perceptual qualities of this LCA are described as exposed. Its sense of place is strong. Overall the value of this LCA is assessed as Outstanding.

4.55 \*N/A denotes that no Aspect Areas are considered to be relevant for further analysis, as a result of filtering in accordance with paragraphs 3.11 to 3.18 and Table 1.

## LCA 4: South East Gower

### *Description:*

4.56 This LCA is an dissected plateau in the south eastern part of the Gower. The urban influence of Swansea West is strong towards the east. Its sense of enclosure is open, with attractive views out towards the coast to the south and west. There are a number of scheduled ancient monument within this LCA. This LCA forms part of the land between the settlements that are otherwise extended urban areas around Swansea. This LCA form part of the welcome relief of green space between the urban and industrial areas.

### *Geological Landscape LANDMAP Aspect Layers*

- \* N/A

### *Visual and Sensory LANDMAP Aspect Layers*

- SWNSVS881 – South East Gower

Evaluation: High

### *Historic Landscape LANDMAP Aspect Layers*

- SWNSHL726 - H3 Gower Subboscus Agricultural

Evaluation: Outstanding

- SWNSHL993 – H16 Bishopston

Evaluation: Outstanding

### *Cultural Landscape LANDMAP Aspect Layers*

- SWNSCL014 – Gold Courses

Evaluation: High

- SWNSCL038 – Caswell Bay

Evaluation: High

- SWNSCL034 – AONB

Evaluation: Outstanding

- SWNSCL039 – Bishopston, Holts Field etc

Evaluation: Moderate

Value:

- 4.53 This is a landscape with outstanding scenic quality and character. LANDMAP Aspect Layer data includes 1 Moderate, 3 High and 3 Outstanding evaluations. The high and outstanding evaluations are limited to the Visual and Sensory, Historic and Cultural Aspect Areas. The southern part of this LCA falls within the Mumbles AONB and perceptual qualities of this LCA are described as settled, attractive, noisy and safe. Its sense of place is strong. Overall the value of this LCA is assessed as Outstanding.
- 4.54 \*N/A denotes that no Aspect Areas are considered to be relevant for further analysis, as a result of filtering in accordance with paragraphs 3.11 to 3.18 and Table 1.

**Summary of Landscape Character Areas**

- 4.57 Table 12 below summarises the 3 Landscape Character Areas within the study area.

Table 12: Summary of Landscape Character Areas

Landscape Character Area	Landscape Value
LCA1: Swansea West and Bishopston	Moderate
LCA2: Mumbles Cliffs	Outstanding
LCA3: Mumbles Hinterland	Outstanding
LCA4: South East Gower	Outstanding

**Baseline Visual Assessment**

- 4.58 A Visual Envelope has been produced as a means of illustrating the screening effects of surface elements within the application site and study area. This has been produced manually and maps the outer limit of visibility when looking from the application site outward into the surrounding landscape.
- 4.59 The visual envelope indicates that visibility of the application site is not likely from the majority of the study area.
- 4.60 The ZTV has also been produced for the 3km study area from the centre of the site, refer to Figure 2. The ZTV indicates the proposed theoretical visibility of the proposed development, based on a maximum ridgeline height of 9.085m and therefore can be considered a worst case scenario.
- 4.61 The ZTV indicates that views of the development would be predominately restricted to locations such as Higher Lane, Beaufort Avenue and Channel View, which lie immediately adjacent to the proposed site, extending south towards the coastal edge and north to the residential properties along Amberley Drive and Hill Crest. Further to the east there may also be potential views from Mumbles Hill. From locations to the west, any potential views are predicted to be restricted to

locations from Langland Bay Golf Club and residential areas located between Langland, Newton and Oystermouth.

- 4.62 Visibility of the proposed development is predicted to be predominantly from locations to the south west of the site, within the Bristol Channel. To the north, apart from the areas identified above, there will be no views of the proposed development. In reality areas from where the proposed development will be seen are likely to be significantly reduced further by the screening effects of built form and vegetation, which are not taken account of within the ZTV
- 4.63 The key receptor groups contained within the ZTV are discussed below, with a view to establishing key locations for detailed field analysis and viewpoint assessment.

### **Receptor Groups**

- Residents of Key Settlements:

This group of receptors is considered to be amongst the high sensitivity groups within the study area because they are static receptors that will experience views for long periods of time. However, sensitivity is limited in that views will be heavily influenced by existing man-made, urban elements. The ZTV within the 3km study area extends principally across residential areas at Newtown, Langland and immediately adjacent to the site to the north and west at Thistleboon. The ZTV also extends across more elevated residential areas at Mumble Hill, around 500m to the east. In all cases views will be constrained by intervening buildings and vegetation.

- Residents of Small Settlements and Individual Dwellings:

This group of receptors is judged to be highly sensitive because they are static receptors that will experience views for long periods of time. Individual dwellings within the countryside may be historically located in order to take advantage of high quality landscapes or views. There are a number of scattered farmsteads and individual dwellings within the 3km study area, particularly north and west of Newton as well as more dispersed settlements at, for example, Caswell and Manselfield. However, these areas are largely outside the ZTV and visibility is unlikely to be significant.

- People Undertaking Recreation within the wider landscape:

Recreational users include walkers on the network of surrounding footpaths (MU5 and MU3), walkers along the long distance Wales Coast Path to the south and users of the Common Land/Open Access Land fringing the coast to the south and at Mumbles Hill to the east. The Visual Envelope suggests that some views from the Wales Coast Path are available, although site investigation suggests that views of the proposed development are limited to glimpsed views from above and between close intervening vegetation and built development.

- Visitors Undertaking Active Outdoor Recreation Activities that are not Directly Associated with the Enjoyment of Scenery:



This receptor group is judged to have medium sensitivity because they are not always located in designated or highly scenic landscapes and their primary reason for being in the landscape is not the appreciation of its character and appearance.

- Outdoor Workers:

This group of receptors is considered to be of medium sensitivity because they are mobile receptors that will engage in active work. The quality of landscape and visual character will not influence their presence or length of stay but they are likely to spend prolonged periods of time outdoors and this time may be enhanced by scenic quality. They are most likely to include agricultural and forestry workers who will be located in proximity to the development and also throughout the study area.

- Users of Indoor Workplaces and Community Facilities:

This group of receptors is judged to be of low sensitivity because they will spend only short periods of time in the landscape for reasons that are not related to or affected by landscape and visual quality. They will experience temporary or transitory views whilst engaged in other activities. This group of receptors may include churchgoers, customers at petrol stations and garages, public houses, leisure centres and other community facilities. They are most likely to be located within settlements and on the primary or secondary road networks and will occur in moderate to large numbers across the study area.

- Road users:

This group of receptors is also judged to be of low sensitivity because they will spend only short periods of time in the landscape for reasons that are not related to or affected by landscape and visual quality. They will experience temporary and transitory views whilst engaged in other activities. This group of receptors may include users of the A4062, A4067 and B4436 and other minor roads within the study area, including Higher Lane.

### **Viewpoints**

4.64 To assess the potential effects of the proposed development on key receptors groups and from key parts of the study area, three viewpoints have been selected, all of which have been developed in consultation with Swansea County Council officers at an early stage of scoping. The viewpoints were chosen as being representative of publicly accessible land within approximately 3km of the application site. The locations of the selected viewpoints are illustrated in Figure 1 and detailed in Table 13 below.

Table 13: Viewpoint Locations

Viewpoint No.	Location	Grid Reference	Approx. Distance from Site	Reasons for Choice
1	Higher Lane	261660, 187450	0.15km	Represents sensitive residential receptors along Higher Lane. Views toward application site from the north-east. Short distance viewpoint ( $\leq 1$ km).
2	Wales Coast Path	261405, 187165	0.23km	Represents sensitive, recreational users of the Wales Coast Path Views toward application site from the south - west. Short distance viewpoint ( $\leq 1$ km).
3	Wales Coast Path - Snaple Point	260478, 196988	1.13km	Represents sensitive, recreational users of the Wales Coast Path Views toward application site from the west. Medium distance viewpoint (Between 1-3km).

## 5.0 ASSESSMENT OF POTENTIAL IMPACTS

5.1 This section provides a description of the potential significant effects that could arise from the proposed development during construction and once operational. Assessment of the magnitude of effects and their significance is made on the basis of the criteria set out in the Assessment Methodology and the assessment of the baseline landscape and visual character.

5.2 The assessment of effects takes consideration of the following issues:

- Direct and indirect effects on landscape character and changes to the landscape;
- Effects on the visual amenity of the study area and from the selected viewpoints including changes to the composition of views and the perception and response by receptor groups to these changes;
- The magnitude, duration and level of permanence of effects; and
- The effects during the construction and operation phases of the proposed development.

### **Construction Effects**

- 5.3 This section looks at both the effects on landscape character and the visual effects during the temporary construction phase of the proposed development. Given the size of the site and the nature of the application, the proposed development will be undertaken in one Phase.
- 5.4 For the construction it is assumed to include the following activities:
- Limited demolition and clearance of existing structures on site;
  - Ground excavation works, including topsoil stripping, levelling and cut and fill activities;
  - Movement and storage of plant, equipment and construction materials both within and to the site;
  - Erection of construction infrastructure (e.g. scaffolding, security hoardings and mobile cranes); and
  - Construction of new infrastructure and buildings.

### **Potential Construction Effects on Landscape Character**

- 5.5 The application site falls within LCA1: Swansea West and Bishopston. Direct effects on landscape character during this part of the works will be confined to LCA 1 and will be short term in duration.
- 5.6 Direct changes to the landscape character during the construction activities would include partial removal of field boundaries, removal of associated ground cover and vegetation, potential land remediation and importation/ excavation of material to create development site levels. These construction activities would also be a result of earth moving, construction equipment and material storage such as scaffolding, cement silos, spoil heaps, site huts, the movement of construction traffic and the infrastructure and buildings construction activities within the application site.
- 5.7 Impacts of construction activity on areas of LCA1 outside of the application site will be indirect and will be limited to increased vehicular movement within the vicinity of the application site, and locations from where the proposed application site and associated movement of plant and cranes, which may be visible from greater distances than other construction activities, given their increased height are perceptible.
- 5.8 Magnitude of direct landscape effects of the anticipated construction activities of the proposed development on LCA1 is high due to the change in land cover and use. Although, direct landscape effects will be limited to a very small proportion of the LCA as a whole. Overall, the above construction activities will have limited direct, indirect and temporary effects. The landscape sensitivity of LCA1 is considered to be moderate and overall magnitude of landscape effects of the anticipated construction activities on LCA 1a is medium to low. Effects are therefore considered to be moderate to minor, not significant.

- 5.9 From within the remaining LCA's, the construction activity of the proposed development, including the movement of plant and cranes, given their increased height would be perceived from specific high and open locations. Construction activity is predicted to have low to negligible magnitude as open views towards the development are generally wide open from limited locations and encompass views west and south out towards the coast and sea and north and east towards the urban area of Swansea. Landscape sensitivity is moderate to high, therefore effects are considered to be minor to negligible, not significant.

**Potential Construction Effects on Visual Amenity**

- 5.10 The visual effects of construction are expected to be short-term in duration and varied with the sequence of construction.

**Viewpoint 1: View south-west from Higher Lane**

- 5.11 Within the very close setting of the application site, Viewpoint 1 would be subject to visual effects resulting from site clearance, preparation and construction activities largely occurring as a result of layout and access changes are made to Higher Lane and as development is built in the most north-eastern corner of the application site.
- 5.12 Site clearance, preparation and construction activities will be clearly perceptible in the centre of the view. Visual intrusion as a result of initial site clearance, preparation and construction mobilisation and activities including earth moving, construction equipment and material storage such as scaffolding, cement silos, soil heaps and huts will occur from Viewpoint 1.
- 5.13 These activities would be short-term and temporary in duration. Construction activities of the proposed development are considered to be of high visual magnitude. Subsequent significance of visual effects is considered to be major, significant and adverse, due to its close proximity.

**Viewpoint 2: View north-east from Wales Coast Path**

- 5.14 Within the close setting of the application site, the visual effects of site clearance and preparation activities on Viewpoint 2 will be perceptible. Visual intrusion as a result of initial site clearance, preparation and construction mobilisation and activities including earth moving, construction equipment and material storage such as scaffolding, cement silos, soil heaps and huts will occur from Viewpoint 2. Although, the most significant construction effects on Viewpoint 2 are likely to be those resulting from the erection and movement of plant and cranes, which will be visible from greater distances than other construction activities, given their increased height. These activities would be short-term and temporary in duration and would typically be visible within the context of the retained landscape framework and the settlement of Thistleboon to the north of the viewpoint.
- 5.15 As such, these activities are considered to be moderate to low visual magnitude. Subsequent significance of visual effects is considered to be moderate to minor, not significant and slight adverse.

### **Viewpoint 3: View east from Wales Coast Path – Snaple Point**

- 5.16 Within the wider landscape to the west, assessed in Viewpoint 3, the visual effects of site clearance, preparation and construction activities will be perceptible. The most significant construction effects on Viewpoint 3 are likely to be those resulting from the erection and movement of plant and cranes, which will be visible from greater distances than other construction activities, given their increased height. These activities would be short-term and temporary in duration and would typically be visible within the context of the retained landscape framework and the settlement of Thistleboon along the skyline and Langland Bay below the viewpoint. The open and more panoramic nature of the view would help reduce the overall effects of the proposed construction.
- 5.17 Viewpoint 3 would be subject to some changes as a result of site clearance, preparation and construction activities; although the intervening built form of Thistleboon will partially screen the lower level site clearance, preparation and construction activities. As such, these activities are considered to be of low to negligible visual magnitude. Subsequent significance of visual effects is considered to be minor to negligible, not significant and neutral.

#### **Operational Effects**

- 5.18 This section looks at both the effects on landscape character and the visual effects during the operational phase of the proposed development.

#### **Potential Operation Effects on Landscape Character**

- 5.19 Effects on landscape character as a result of the proposed development will predominantly occur from locations within the immediate surroundings of the application site.

#### **Landscape Character Area 1: Swansea West and Bishopston**

- 5.20 Susceptibility of Landscape Receptors to Change: Parts of this LCA (which contains the application site) are located within the Gower AONB and land allocated as a LDP Local Needs Housing Exception Sites within the LDP which may influence future landscape character and lessen susceptibility to change. As such, development of the type proposed may assist in the achievement of LDP planning policies relating to this landscape. Within this LCA, the landscape is considered capable of absorbing some degree of change as a result of the physical and perceptual characteristics of the LCA. Susceptibility to landscape change is therefore considered to be low to moderate.
- 5.21 Landscape Sensitivity: Landscape value is considered to be moderate and susceptibility of landscape receptors to change is low to moderate. Therefore, on balance, landscape sensitivity is considered to be moderate.
- 5.22 Magnitude of Landscape Effects: Long term direct effects on landscape character will occur as the proposed development falls within this LCA.
- 5.23 The main change in character will be the introduction of residential development and infrastructure into the landscape. The extent to which the change in/ addition of/ partial loss of landscape elements is likely to be perceived would vary across the LCA.

- 5.24 Where direct physical effects occur there is likely to be a large change in landscape character as development becomes a dominant, long-term feature within the landscape. Individual existing components of the landscape are likely to be affected, including the relationship of the existing Higher Lane roadway boundaries with proposed access point, the loss of structural tree and hedgerow and re-graded topography.
- 5.25 A detailed landscape design is also proposed and would function as key landscape mitigation, screening the proposed development and assisting in its absorption into the surrounding landscape. Retained reference points – such as the mature trees which form the western site boundary, will assist with the assimilation of the development into the landscape. Magnitude of landscape effects within the part of the LCA that is within application site boundary is assessed as high, given the likely defining presence of the proposed development.
- 5.26 Outside of the application site boundary, it is predicted that there will be long-term, indirect effects on landscape character. From some locations within close proximity of the application site boundary, elements of the proposed development are expected to become defining features; however within the wider area of the LCA, potential effects on landscape character are likely to be more limited. The nature and prominence of views toward the development is expected to be varied with location, however given the level of vegetative screening within the surrounding fieldscape and remaining landscape framework of the wider application site, characteristic views are expected to remain largely unchanged across much of this LCA. From these wider areas, key landscape characteristics, including the undulating landform, fieldscape qualities and sense of openness are likely to remain prevalent.
- 5.27 Magnitude of landscape effects is likely to be varied across this LCA; however, the development may result in changes to characteristic landscape elements across parts of the LCA. Factors which limit magnitude of effects include the screening effects of existing retained landscape elements, such as the built form of Swansea West, existing landscape characteristics, including landform and embedded mitigation resulting from the proposed landscape elements. On balance, the overall magnitude of landscape effects as a result of the proposed development within this LCA is considered to be moderate to low.
- 5.28 Significance of landscape effects: The landscape is considered to be of moderate landscape sensitivity and the overall magnitude of effects moderate to low. There will be some direct effects within a very small part of the LCA, however effects within the wider LCA are likely to be very limited. Where effects do occur, the proposed development will fit in with the urban fridge setting in which it will be perceived from and will form an extension to the existing urban area of Thistleboon. From the majority of the LCA, the character is predicted to remain intact. Changes will not become defining of the overall landscape character of this LCA.
- 5.29 The potential extent of development impacts on the character of this LCA are mitigated in part by the landscape characteristics of the retained landscape components of the application site; including hedgerow and trees, along with the proposed detailed landscape proposals, particularly along application site boundaries. The proposed development is considered to make good use of existing landscape features and attributes such as structural vegetation assisting with the positive integration

of the proposed scheme within the LCA. Therefore, effects are considered to be minor, not significant and neutral.

### **Landscape Character Area 2: Mumbles Cliffs**

- 5.30 Susceptibility of Landscape Receptors to Change: This LCA falls within the Gower ANOB, although perceptibility of the application site is limited from within this LCA due to intervening topography, built form and vegetative screening. Within this LCA, the landscape is considered capable of absorbing some degree of change due to its physical and perceptual links with neighbouring LCA: Swansea West and Bishopston.
- 5.31 Views to existing and proposed perceptual detractors in the form of residential development, affect existing landscape character and susceptibility to change in places. Susceptibility to change is therefore considered moderate as the proposed development may be accommodated within the landscape without undue consequences for the maintenance of the baseline situation.
- 5.32 Landscape Sensitivity: Landscape value is considered to be outstanding and susceptibility of landscape receptors to change is moderate. Therefore, on balance, landscape sensitivity is also considered to be high to moderate.
- 5.33 Magnitude of Landscape Effects: There will be no direct effects on landscape character within this LCA. Long term indirect effects would be limited to parts of the LCA where views toward the proposed development are available. These are likely to be contained to the western and northern areas, as indicated by Figure 2 - Visual Envelope and Viewpoint Location Plan. Elsewhere within the LCA, landform and vegetative enclosure limit the degree to which the proposed development will be perceived within the landscape. Existing landscape character elements across much of this LCA are therefore expected to remain unaffected by the proposed development.
- 5.34 Where the proposed development is perceptible within the adjoining landscape, a limited extent of the roofscape along the eastern edge would be visible through filtered views from the summit of Mumbles Hill and from along MU3 footpath which runs along the northern boundary of the LCA to the south of the application site. The proposed development will be viewed in conjunction with the existing urban edge, consisting of residential properties along Higher Lane, Beaufort Ave and Channel View. The proposed development along with its sympathetic street pattern, scale and use of materials and framework of structural landscape will in time be absorbed into the existing urban edge. On balance, magnitude of effects is considered to be moderate to low.
- 5.35 Significance of landscape effects: The landscape is considered to be of high to moderate landscape sensitivity and the overall magnitude of effects moderate to low. The proposed development would result in a minor loss or alteration to elements of the landscape character within a limited area of the LCA, to the extent that it would be visible as an additional element within views from a very limited geographical area. The proposed and retained landscape framework) would also aid the integration of the proposed development into the existing landscape. Therefore, following the construction, it is considered that there will be no fundamental change to the existing landscape character. As such, effects are considered to be moderate to minor, not significant and neutral.

### Landscape Character Area 3: Mumbles Hinterland

- 5.36 Susceptibility of Landscape Receptors to Change: This LCA falls within the Gower ANOB, although perceptibility of the application site is very limited from within this LCA due to intervening topography, built form and vegetative screening. Within this LCA, the landscape is considered capable of absorbing some degree of change due to its physical and perceptual links with neighbouring LCA: Swansea West and Bishopston.
- 5.37 Views to existing and proposed perceptual detractors in the form of residential development, affect existing landscape character and susceptibility to change in places. Susceptibility to change is therefore considered moderate as the proposed development may be accommodated within the landscape without undue consequences for the maintenance of the baseline situation.
- 5.38 Landscape Sensitivity: Landscape value is considered to be outstanding and susceptibility of landscape receptors to change is moderate. Therefore, on balance, landscape sensitivity is also considered to be high to moderate.
- 5.39 Magnitude of Landscape Effects: There will be no direct effects on landscape character within this LCA. Long term indirect effects would be limited to parts of the LCA where views toward the proposed development are available. These are likely to be contained to a very small area along the eastern edge of Snaple Point to the west of the application site, as indicated by Figure 2 - Visual Envelope and Viewpoint Location Plan. Elsewhere within the LCA, landform and vegetative enclosure limit the degree to which the proposed development will be perceived within the landscape. Existing landscape character elements across the majority of this LCA are therefore expected to remain unaffected by the proposed development.
- 5.40 Where the proposed development is perceptible within the adjoining landscape, a limited extent of the roofscape, exterior profiles of residential plots along the western and southern boundaries of the development and the proposed structural landscape, partially screened by retained vegetation along its western boundary and properties along Beaufort Avenue. The proposed development will be viewed in conjunction with the existing urban edge, consisting of residential properties along Higher Lane, Beaufort Ave and Channel View. The proposed development along with its sympathetic street pattern, scale and use of materials and framework of structural landscape will in time be absorbed into the existing urban edge. On balance, magnitude of effects is considered to be low to negligible.
- 5.41 Significance of landscape effects: The landscape is considered to be of high to moderate landscape sensitivity and the overall magnitude of effects low to negligible. The proposed development would result in a minor loss or alteration to elements of the landscape character within a limited area of the LCA, to the extent that it would be visible as an additional element within views from a very limited geographical area. The proposed and retained landscape framework) would also aid the integration of the proposed development into the existing landscape. Therefore, following the construction, it is considered that there will be no fundamental change to the existing landscape character. As such, effects are considered to be minor to negligible, not significant and neutral.



#### Landscape Character Area 4: South East Gower

- 5.42 Susceptibility of Landscape Receptors to Change: Parts of this LCA falls within the Gower ANOB, although perceptibility of the application site is very limited from within this LCA due to intervening topography, built form and vegetative screening. Within this LCA, the landscape is considered capable of absorbing some degree of change due to its physical and perceptual links with neighbouring LCA: Swansea West and Bishopston.
- 5.43 Views to existing and proposed perceptual detractors in the form of residential development, affect existing landscape character and susceptibility to change in places. Susceptibility to change is therefore considered moderate as the proposed development may be accommodated within the landscape without undue consequences for the maintenance of the baseline situation.
- 5.44 Landscape Sensitivity: Landscape value is considered to be outstanding and susceptibility of landscape receptors to change is moderate. Therefore, on balance, landscape sensitivity is also considered to be high to moderate.
- 5.45 Magnitude of Landscape Effects: There will be no direct effects on landscape character within this LCA. Long term indirect effects would be limited to parts of the LCA where views toward the proposed development are available. These are likely to be contained to a very small area on Snaple Point to the west of the application site and to the north-west of Caswell ay, as indicated by Figure 2 - Visual Envelope and Viewpoint Location Plan. Elsewhere within the LCA, landform and vegetative enclosure limit the degree to which the proposed development will be perceived within the landscape. Existing landscape character elements across the majority of this LCA are therefore expected to remain unaffected by the proposed development.
- 5.46 Where the proposed development is perceptible within the adjoining landscape, a very limited extent of the roofscape, exterior profiles of residential plots along the western and southern boundaries of the development and the proposed structural landscape, partially screened by intervening built form of Llangland and Thistleboon and the retained vegetation along its western boundary. The proposed development will be viewed in conjunction with the existing urban edge, consisting of residential properties along Higher Lane, Beaufort Ave and Channel View. The proposed development along with its sympathetic street pattern, scale and use of materials and its framework of structural landscape will in time be absorbed into the existing urban edge. On balance, magnitude of effects is considered to be low to negligible.
- 5.47 Significance of landscape effects: The landscape is considered to be of high to moderate landscape sensitivity and the overall magnitude of effects low to negligible. The proposed development would result in a minor loss or alteration to elements of the landscape character within a limited area of the LCA, to the extent that it would be visible as an additional element within views from a very limited geographical area. The proposed and retained landscape framework would also aid the integration of the proposed development into the existing landscape. Therefore, following the construction, it is considered that there will be no fundamental change to the existing landscape character. As such, effects are considered to be minor to negligible, not significant and neutral.

**Summary of Potential Operational Effects on Landscape Character**

5.48 Below, Table 14 summarises the potential effects on landscape character within the 4 LCAs.

Table 14: Summary of Potential Operational Effects on Landscape Character

Receptor	Sensitivity	Impact	Magnitude	Significance
<b>LCA 1: Swansea West and Bishopston</b>	Moderate	Direct and Indirect	Moderate to Low	Moderate - Minor, not significant, neutral
<b>LCA 2: Mumbles Cliffs</b>	High to Moderate	Indirect	Moderate to Low	Moderate to Minor, not significant, neutral
<b>LCA 3: Mumbles Hinterland</b>	High to Moderate	Indirect	Low to Negligible	Minor to Negligible, not significant, neutral
<b>LCA4: South East Gower</b>	High to Moderate	Indirect	Low to Negligible	Minor to Negligible, not significant, neutral

**Effects on Statutory and Non-Statutory Designations**

**Statutory Designations**

*Area of Outstanding Natural Beauty*

- 5.49 The application site falls within the Mumbles AONB, therefore, direct effects will occur but will be limited to within the application site boundary. Where direct physical effects occur, there is likely to be a large change in landscape character as development becomes a dominant, long-term feature within the AONB designation.
- 5.50 Outside of the application site boundary, it is predicted that there will be long-term, indirect effects on the landscape character of the AONB. From some locations within close proximity of the proposed application site boundary, elements of the proposed development are expected to become defining features; however within the wider area of the AONB, potential effects on landscape character are likely to be more limited.
- 5.51 Only a relatively small proportion of the extensive AONB will be affected and the overall landscape qualities which define the AONB will not be completely eroded. Additionally, although the

proposed development will introduce an additional landscape and visual element to the AONB, the nature of the proposed development; including its size, form, density and proposed framework of structural landscape will in time enable the proposed development to be absorbed into the existing landscape. In time, the proposed development will be viewed as part of the existing urban fabric within this part of the Gower AONB. Overall effects are predicted to be moderate to low, not significant and neutral.

#### *Conservation Areas*

- 5.0 As there will be no direct impacts on Conservation areas within the 3km study area, all impacts will be indirect and limited to locations from where the proposed development is visible.
- 5.1 Although small sections of both the Mumbles and Newton Conservation Areas fall within the ZTV, in reality intervening built form and vegetation will screen views of the proposed development. Therefore, landscape and visual impacts are predicted to be of negligible effects, and therefore not significant for both the Mumbles and Newton Conservation Areas.
- 5.2 The far south-western edge of Langland Bay Conservation Area falls within the ZTV. This part of the Conservation Area forms the far eastern section of Langland Bay Golf Course. Glimpsed views of the proposed roofscape may just be perceptible from these locations above and between intervening landform, built form and vegetation. Although the proposed development will introduce an additional landscape and visual element to the view, the nature of the proposed development; including its size, form, density and proposed framework of structural landscape will in time enable the proposed development to be absorbed into the existing landscape. In time, the proposed development will be viewed as part of the existing urban fabric. Whilst the landscape may contain sensitive receptors, overall landscape and visual impacts are predicted to be of low to negligible effects, not significant and neutral.

#### **Non-Statutory Designations**

##### *Heritage Coast*

- 5.3 There will be no direct impacts on the Gower Heritage Coast within the 3km study area; all impacts will be indirect and limited to locations from where the proposed development is visible.
- 5.4 From the small area of the Heritage Coast which falls within the, the proposed development will be perceptible above and between intervening topography and vegetation to the north-east. These views will remain largely intact and will continue to be heavily influenced by the existing settlement edge of Thistleboon to the north and the Bristol Channel to the south in the opposite direction to the proposed development. Please refer to the visual assessment of Viewpoint 2 for further detail.

##### *Common Land/Open Access*

- 5.5 As there will be no direct impacts on Common Land/Open Access land within the 3km study area, all impacts will be indirect and limited to locations from where the proposed development is visible.

- 5.6 Views of the proposed roofscape may be perceptible from the area of Common Land along Mumbles Hill, above and between intervening built form and vegetation. Although, this area may contain sensitive receptors the proposed development will be viewed in conjunction with the existing urban edge, consisting of residential properties along Higher Lane, Beaufort Ave and Channel View. The proposed development will only occupy a very small slither of the existing view and along with its framework of structural landscape will in time be absorbed into the existing urban edge. It is assessed that these views will remain intact and will continue to be heavily influenced by the urban settlement of Thistleboon and Limeslade to the west and dominated by the coastal edge and Bristol Channel to the south. Therefore, overall landscape and visual impacts are predicted to be of negligible, not significant and neutral.
- 5.7 Views from of the proposed development will only be available from the very northern edge of the Common Land due to the steep southerly sloping cliff edge. From this northern edge views will have similar effects as Viewpoint 2 and Footpath MU3 as these two locations follow the northern edge of the Common Land. It is assessed that these views will remain largely intact and will continue to be heavily influenced by the urban settlement of Thistleboon and Limeslade to the north and east and dominated by the coastal edge and Bristol Channel to the west and south. Additionally, although the proposed development will introduce an additional landscape and visual element to the view, the nature of the proposed development; including its size, form, density and proposed framework of structural landscape will in time enable the proposed development to be absorbed into the existing landscape. In time, the proposed development will be viewed as part of the existing urban fabric. Therefore, overall landscape and visual impacts are predicted to be of moderate to low magnitude, not significant and neutral.
- 5.8 Views from the Common Land which encompasses Langland Bay will be limited to its far south-western edge. From here, glimpsed views of the proposed roofscape may just be perceptible above and between intervening landform, built form and vegetation. Whilst the landscape may contain sensitive receptors, overall landscape and visual impacts are predicted to be of low to negligible effects, and therefore not significant.

*Long Distance Trails*

- 5.9 Small sections of the Wales Coast Path cross within the ZTV at its connection point with MU5 to the south-west of the application site and at Snapple Point, as illustrated on Figure xxx. Receptors along this route are considered to be of high susceptibility to change and high sensitivity, views of the proposed development from this trail will be for the most part restricted by intervening vegetation, built form and topography, which restricts the vast majority of views towards the proposed development.
- 5.10 From the short section of trail which falls within the ZTV at its connection with MU5, the proposed development will be perceptible above and between intervening topography and vegetation to the north-east. These views will remain largely intact and will continue to be heavily influenced by the existing settlement edge of Thistleboon to the north and the Bristol Channel to the south in the opposite direction to the proposed development. Please refer to the visual assessment of Viewpoint 2 for further detail.

- 5.11 From the small section that passes through the ZTV at Snaple Point, the roofscape of the proposed development may just be perceptible above and between intervening built form and vegetation. These views to the east from Snaple Point will remain intact and will continue to be heavily influenced by the existing southern settlement edge of Thistleboon and Langland Bay to the east and the Bristol Channel to the south in the opposite direction to the proposed development. Please refer to the visual assessment of Viewpoint 3 for further detail.
- 5.12 Through a combination of the retained and similar in nature reference points along the footpath and the sympathetic street pattern, scale and use of materials and proposed framework of structural landscape within the proposed development, the proposal will be easily absorbed into the existing views from along this stretch of footpath. Whilst the landscape may contain highly sensitive receptors, overall landscape and visual impacts are predicted to be of low to negligible effects, and therefore not significant.

*Public Rights of Way*

MU5

- 5.13 As public footpath MU5 passes through the proposed development, this is the only public right of way that will be directly affected by the proposal. As part of the proposal, the northern section of this footpath will be redirected along the developments main central access road. MU5 will still enter from the north, off Higher Lane and exit near the far south-west corner. With this, MU5 is currently influenced by built form due to its close proximity to the southern edge or the settlement of Thistleboon.
- 5.14 As the footpath heads south-west from Higher Lane, the proposed development will be clearly perceptible. A large change in landscape character is anticipated, as development becomes the dominant, long-term feature within the immediate landscape surroundings the northern section of this footpath.
- 5.15 As the footpath exits the proposed development, its existing character will remain intact and will continue to be influenced by the urban form to its north and dominating coastal character of the Bristol Channel to the south. The southern section of the footpath will not experience any direct effects of the proposed development, although as the footpath heads north-east towards the proposed development its roofscape will be perceptible above and between intervening vegetation.
- 5.16 Through a combination of the retained and similar in nature reference points along the footpath and the proposed framework of structural landscape, the proposed development will in part be absorbed into the existing views from along the southern section of this footpath. Whilst the landscape may contain sensitive receptors and the northern section of this footpath will experience high effects due to the change of character, this footpath is at present influenced by existing built form and the dominating coastal character of the Bristol Channel to the south will remain intact. It is therefore assessed that the overall landscape and visual impacts are predicted to be of moderate magnitude and therefore not significant.

MU3

- 5.17 Almost the entire length of footpath MU3 passes through the ZTV as it runs along the top of the cliff to the south of the application site. As the footpath heads east/west from the residential area of Limeslade towards the Wales Coast Path, views of the roofscape and southern edge of the proposed development will be perceptible above and between intervening vegetation to the north. The proposed development will be viewed in conjunction with the existing urban edge, consisting of residential properties along Higher Lane, Beaufort Ave and Channel View. The proposed development along with its framework of structural landscape will in time be absorbed into the existing urban edge. It is assessed that these views will remain largely intact and will continue to be heavily influenced by the urban settlement of Thistleboon and Limeslade to the north and east and dominated by the coastal edge and Bristol Channel to the west and south. Therefore, overall landscape and visual impacts are predicted to be of moderate to low magnitude and not significant

MU4

- 5.18 Footpath MU4 passes through the ZTV as it passes between the Cricket Grounds and its connection with MU3. As the footpath heads south –west/north-east from MU3 to the Cricket grounds and the residential area of Limeslade, views of the roofscape and the southern edge of the proposed development will be perceptible above and between intervening vegetation to the north-west. The proposed development will be viewed in conjunction with the existing urban edge, consisting of residential properties along Higher Lane, Beaufort Ave and Channel View. As within views from the nearby footpath MU3, the proposed development along with its sympathetic street pattern, scale and use of materials and framework of structural landscape will in time be absorbed into the existing urban edge. It is assessed that these views will remain largely intact and will continue to be heavily influenced by the urban settlement of Thistleboon and Limeslade to the north, north-west and east. Therefore, overall landscape and visual impacts are predicted to be of moderate to low magnitude and not significant

**Potential Operational Effects on Visual Amenity**

- 5.19 The significance of visual effects as a result of the proposed development during the operational phase, from each of the three selected viewpoints has been assessed against the significance criteria defined in Table 10 above.
- 5.20 Annotated photographs of the application site have been used to aid this assessment and are provided in Figures 18 - 20.

**Viewpoint 1: Higher Lane**

- 5.21 Value of Visual Receptors: This viewpoint is not of recognised value through planning or heritage designation; neither is the viewpoint of cultural value, for example through recognition on tourist publications or paintings. Although the viewpoint is located immediately adjacent to the Gower AONB. Therefore, its value is considered to be High to Moderate.

- 5.22 Susceptibility of Visual Receptors to Change: Located on the roadside, within the urban area of Thistleboon, typical receptors include local residents and people travelling through the landscape by car, motorbike, bicycle and by foot. Susceptibility of visual receptors to change is therefore assessed as High.
- 5.23 Sensitivity of Visual Receptors: Receptors are considered to be of High to Moderate sensitivity to change as more sensitive receptors; the local resident's, main view is orientated towards the application site.
- 5.24 Existing View: The viewpoint is taken from Higher Lane, looking in a south-westerly direction into the application site. The viewpoint was chosen for its close southerly view into the proposed development. The application site is located in the near distance, spanning across the width of the view. The southern boundary wall of the properties along Channel View, which form the northern site boundary, can be seen to the far right. No.104 Higher Lane, which forms part of the eastern site boundary, can be seen to the left of the view. Higher Lane crosses the view, where its southern boundary which is formed by a gappy hedgerow with trees, forms the middle distance. This middle distance vegetation partially screens the far distance, with the exception of the break where the access gate to the larger of the sites two fields is located. Here the access gate allows views into the larger field and beyond, where pastoral fields and the Bristol Channel can be seen forming the far distance. To the right of the view, the properties along Beaufort Avenue can be seen, partially screened by middle distance vegetation.
- 5.25 Predicted View: The proposed development will be clearly perceptible across the majority of the view. The widening and realigned associated footpath of Higher Lane will be clearly perceptible in the near distance. The north facing elevations of the residential units along the southern edge of Higher Lane would be viewed above and between the translocated northern field boundary hedgerow. The line of proposed trees, which forms part of the proposed internal framework of structural landscape, would also contribute to the partial screening of the residential elevations from this viewpoint. Clear views in to the proposed development would be available at two openings along Higher Lane; the first is at the narrow footpath (MU5) opening in the north-east corner of the site and at the site main entrance onto Higher Lane, located at the centre of the larger field's boundary. The existing boundary wall to the properties along Channel View, No. 104 Higher Lane and the roofscape of the properties along Beaufort Avenue will remain visible.
- 5.26 Magnitude of Visual Effects: A relatively large proportion of the view would be affected by the proposed development. Additional features would be clearly perceptible, although these features will be of the same nature as existing features within the view. The additional elements contained within the view as a result of the proposed development would integrate with the existing visual character and their integration within the landscape would be assisted by the retention of key existing features such as No. 104 Higher Lane, the Channel View properties boundary wall, translocated northern field boundary hedgerow and proposed structural landscape. There may be some slight erosion of the existing semi-rural character of the view, but the combinations of the translocated hedgerow, proposed landscape infrastructure framework and sensitive architectural design will in time allow the proposed development to visually integrate into the view. On balance, magnitude of visual effects is assessed as Moderate.

- 5.27 Significance of Visual Effects: Visual receptors are considered to be of high sensitivity to change and visual magnitude of the proposed development moderate. The proposed development will form a large component of the visual structure of the view, although the proposed additional elements, which include a sympathetic street pattern, scale and use of materials and proposed internal framework of structural landscape, will be assimilated within the visual context alongside retained reference points. As such, significance of visual effects of the proposed development is considered to be moderate, not significant and slight adverse.
- 5.28 Whilst there may be some perception of adverse effects in changing views of hedgerow and open field beyond to developed land, this is balanced with the potential beneficial effects of the development, including the translocated northern site boundary hedge with improved associated management, a positive sense of place and the contribution of proposed strategic landscape. On balance, effects are considered to be neutral.

### **Viewpoint 2: Wales Coast Path**

- 5.29 Value of Visual Receptors: This viewpoint has a recognised value through the planning designation; Gower AONB and Wales Coast Path and is recognised for its cultural value, through recognition on tourist publications.
- 5.30 Susceptibility of Visual Receptors to Change: This viewpoint is located within the Gower AONB and from along the Wales Coast Path and therefore visual receptors are categorised as more susceptible to change as they may be engaged in outdoor recreation, focussed within the landscape. Susceptibility of visual receptors to change is therefore assessed as High.
- 5.31 Sensitivity of Visual Receptors: Visitors are likely to be of high sensitivity to change, as receptors are likely to be present at the viewpoint for reasons related to the appreciation of the landscape.
- 5.32 Existing View: The Viewpoint is taken from the Wales Coast Path within the Gower AONB to the south-west of the application site. The view is over rough grassland towards the application site and the rear of properties along Beaufort Avenue, Higher Lane and Channel View and the pastoral fields to the south of the application site beyond. All of which create an urban fringe character to the view. The near and middle distance is dominated by rough grassland, mature field boundary vegetation and a field occupied by green sheds. The application site lies just above the field of green sheds and to the right of the properties along Beaufort Avenue in the central far distance. The boundary wall of the properties along Channel View, of which forms the northern boundary of the application site can just be seen in a gap in vegetation in the middle distance.
- 5.33 Predicted View: Rear and side elevations of the residential units along the south - western edge of the proposed development will be perceptible above and between intervening vegetation and built form in the centre of the upper middle distance. The existing southern field boundary, strengthened by proposed hedgerow planting would partially screen the lower sections of the residential plots along the southern edge of the proposed development. A framework of proposed structural landscape and site boundary vegetation will also be visible in and around the development plots. Typically, only views of the south - western and southern residential plots would be available, as the north-western and eastern plots would be heavily screened by the proposed intervening south-



western plots, the internal landscape structure and site boundary vegetation. No. 104 Higher Lane and properties along Channel View would be heavily screened by the proposed development. Although the roofscape of the properties along Beaufort Avenue will remain visible, although partially screened by the proposed internal landscape structure.

- 5.34 Magnitude of Visual Effects: A relatively small proportion of the wider field of view would be affected by the proposed development. Additional features would be perceptible, although these features, due to their location, would be perceived as an extension to Thistleboon and will be of the same nature as existing and proposed features within the view, such as the existing residential properties along Higher Lane and Beaufort Avenue. The additional elements contained within the view as a result of the proposed development would assimilate into the existing visual character and their integration within the landscape would be assisted by retained and proposed structural landscape. The view will remain dominated by its retained urban fringe character, with visually integrated rural and urban components. On balance, magnitude of visual effects is assessed as low.
- 5.35 Significance of Visual Effects: Visual receptors are considered to be of high sensitivity to change and visual magnitude of the proposed development low. Additional elements of the proposed development form a small component of the visual structure of the view, easily overlooked by the casual observer. These additional elements include a small part of the constructed development and proposed structural landscape, assimilated within the visual context alongside retained reference points. As such, significance of visual effects of the proposed development is considered to be minor, not significant and neutral.

### **Viewpoint 3: Wale Coast Path Snaple Point**

- 5.36 Value of Visual Receptors: This viewpoint has a recognised value through the planning designation; Gower AONB and Wales Coast Path and is recognised for its cultural value, through recognition on tourist publications.
- 5.37 Susceptibility of Visual Receptors to Change: This viewpoint is located within the Gower AONB and from along the Wales Coast Path and therefore visual receptors are categorised as more susceptible to change as they may be engaged in outdoor recreation, focussed within the landscape. Susceptibility of visual receptors to change is therefore assessed as High.
- 5.38 Sensitivity of Visual Receptors: Visitors are likely to be of high sensitivity to change, as receptors are likely to be present at the viewpoint for reasons related to the appreciation of the landscape.
- 5.39 Existing View: The Viewpoint is taken from the Wales Coast Path at Snaple Point, within the Gower AONB to the west of the application site. This panoramic and open view is over a rough grassland/bracken covered cliff top and Langland Bay towards the application site and pastoral fields and cliffs to the south of the application site. The near distance is dominated by the sudden drop of cliff and the middle distance is dominated by Langland Bay, the settlement of Langland to the left and cliff face to the right of the view. The rear of properties along Beaufort Avenue form the central far distance, along with Langland to the left and pastoral fields to the right of the view. The application site lies just to the right and behind the properties along Beaufort Avenue.

- 5.40 Predicted View: The proposed development will result in a small number of additional elements within the view but will only occupy a very small, narrow section of the far distance. The visible elements of the proposed development will be viewed beyond and above the cliffs to the right of Langland Bay and adjacent to the existing properties along Beaufort Avenue. These distance views of the development would be limited to the addition of roofscape, exterior profiles of residential plots along the western and southern boundaries of the development and the proposed structural landscape, partially screened by retained vegetation along its western boundary and properties along Beaufort Avenue.
- 5.41 Magnitude of Visual Effects: The proposed development will result in a minor addition of elements within the far distance of the view. The western plot boundaries and proposed structural landscape will be the most discernible feature, although these will be partially screened by retained boundary hedgerow and tree planting and the properties along Beaufort Avenue. These additional features will also be viewed as part of the settlement of Thistleboon. Changes would affect a very small proportion of the view only – which is expansive and far reaching. Visual change will be integrated with the existing remaining landscape elements of the wider view, through development form, scale and the proposed landscape framework. Magnitude of visual effects is considered to be minor to negligible.
- 5.42 Significance of Visual Effects: Visual receptors are considered to be of high sensitivity to change and visual magnitude of the proposed development low to negligible. The proposed development would result in a slight introduction of additional landscape features which contribute to the existing visual character, but these additional features are of the same nature as existing dominating visual elements. The overall visual quality and composition of the view, characterised by the coastal location, would remain prevalent and the proposed development would be perceived as part of the existing settlement of Thistleboon. Crucial visual qualities would not be fundamentally affected, and the proposed development would be readily absorbed within the expansive view. As such significance of visual effects is therefore assessed as minor to negligible, not significant and neutral.

Table 15: Summary of Potential Operational Effects on Viewpoint Locations

Receptor	Sensitivity	Impact	Magnitude	Significance
<b>Viewpoint 1: Higher Lane</b>	High	Direct	Moderate	Moderate, Not significant and Neutral
<b>Viewpoint 2: Wales Coast Path</b>	High	Indirect	Minor	Minor, Not Significant and Neutral
<b>Viewpoint 3: Wales Coast Path – Snaple Point</b>	High	Indirect	Minor to Negligible	Minor to Negligible, Not Significant and Neutral

## 6.0 MITIGATION MEASURES

- 6.1 During the course of the layout of the proposed development has changed as part of an iterative assessment and design process. Mitigation measures used to avoid or reduce landscape and visual effects have been considered as part of this process.
- 6.2 Analysis of the landscape, visual constraints of the application site was undertaken through field investigation and mapping exercises. This included the capture and analysis of viewpoint photography from a number of vantage points and a site walkover a ‘Constraints, Opportunities & Landscape Strategy Plan’ was produced, illustrating the key constraints to development and likely layout influences from a landscape and visual perspective. The Proposed Site Layout has been informed by this framework of constraints and key influences from the offset, and has therefore allowed the incorporation of a number of embedded mitigation measures within the design, as listed in Table 7.19 and 7.20 below. These measures have been incorporated within the scheme layout to assist in reducing the direct and indirect effects on landscape character and visual amenity resulting from the proposed development.
- 6.3 Following the application of embedded mitigation measures in relation to physical site constraints, the proposed development has been considered from the perspective of the identified viewpoints and landscape character areas, as assessed in paragraphs 5.5 – 5.81 above.

Table 16: Summary of Embedded Mitigation Measures – Construction Effects

Embedded Mitigation Element	Description
Use of site hoardings	Reduces visibility of construction activity
Construction phasing	Single Phase of work (approximately 15 months) to minimise duration of construction activity
Implementation of structural planting	Key structural planting to occur early during the construction programme, to allow for establishment early on and maximise screening effects during construction and operation, where feasible.

Table 17: Summary of Embedded Mitigation Measures – Operational Effects

Embedded Mitigation Element	Description
Retain existing key hedgerows and individual trees, where appropriate	Maximises screening and visual integration. Ensures additional elements within views are accommodated alongside existing retained reference points, assisting with landscape character

Strengthen the retained structural landscape network of trees	Introduce new trees to strengthen the retained network of landscape features, within which development is partially, screened and visually integrated, from key views. Refer to drawing 1873201-SBC-00-NA-GA-L-301-Soft Landscape Plan-P07
Site boundary buffering through structural planting	Screen boundaries to minimise visual effects, within local views and at distance. Enhance existing vegetative framework. Refer to drawing 1873201-SBC-00-NA-GA-L-301-Soft Landscape Plan-P07
Consideration of visually prominent areas of the site	To maximise visual integration of operational development within the local setting and accommodation within contextual views
Strategic location of access points	To reflect local setting and character and create ‘gateway’ access points where appropriate, positively contributing to landscape and visual character.
Street pattern, scale and use of materials to reflect the setting and the local building vernacular, as appropriate	So as to complement local townscape and minimise conflicts with existing landscape context and integrating appropriate landscape features within development parcels. Refer to drawing 1873201-SBC-00-NA-GA-L-301-Soft Landscape Plan-P07

## 7.0 RESIDUAL IMPACTS

- 7.1 Mitigation measures, as outlined in Table 16 and 17 above, are embedded within the design of the development. Residual effects are therefore equivalent to those effects already assessed within the assessment of effects on landscape character and visual amenity during the construction and operational phases of the development (refer to paragraphs 5.5 - 5.81).

## 8.0 CUMULATIVE IMPACTS

- 8.1 No formal assessment of Cumulative Effects has been undertaken as cumulative impacts, as defined in GLVIA 3, are not considered relevant or proportionate to the scope of this assessment and the form of development, given the preceding LDP sustainability appraisal/strategic environmental assessment which has resulted in identification of this Local Needs Housing Exception Site in the adopted LDP.

## 9.0 SUMMARY

### Landscape Character

- 9.1 Landscape and visual assessment has indicated that the effects resulting from the proposed development are limited by the nature of the surrounding landscape context, which is characteristically rolling and contains a well-established structure of trees and hedgerow boundary vegetation and built urban form. The rolling lowland of the Swansea landscape to the north affords limited views toward the application site. Within north, east and west-facing views from the more elevated areas, the application site is typically absorbed within broad and far-reaching views over the wider coastal edge and Bristol Channel. Further to this, the application site itself is characterised by its south-west sloping topography and its close proximity to the urban settlement of Thistleboon, assisting in the integration of the scheme within its landscape setting and providing a structure of landscape and visual reference features. The proposed strategic landscape incorporates visual screening which integrates with and reflects the existing structural landscape elements on site, strengthening the existing landscape framework and providing further landscape and visual enhancement and mitigation.
- 9.2 The assessment of effects on landscape character concludes that during the construction phase of the works, there will be no significant change in landscape character from within the majority of the study area. This is due in part to the nature of construction activities and the limited extent to which they may be perceived in the landscape as a result of landform, built form and vegetation cover. Further to this, construction effects are limited by the short-term and temporary nature of activities during this phase of the proposed development.
- 9.3 Effects on visual amenity during the construction phase of the proposed development will predominantly be most significant from locations within the application site boundary and immediately adjacent, where direct effects occur. This includes locations along Higher Lane and from rear views from properties along Beaufort Avenue which bound the application site to the north and west. The significance of effects on visual amenity of construction activities will diminish

with distance, as construction activity will predominantly be viewed as a small component of wider views, typically filtered by intervening vegetation.

- 9.4 Effects on landscape character during the operational phase of the proposed development are predicted to be significant from locations within the application site boundary, where direct effects occur and from immediately adjacent areas. These effects will occur within LCA 1: Swansea West and Bishopston. The extent to which the change in/ addition of/ partial loss of landscape elements is likely to be perceived would vary across the LCA; however the small part of the LCA where direct physical effects would occur would be subject to a substantial change in landscape character as development becomes a dominant, long-term feature within the landscape.
- 9.5 Assessment of operational landscape effects on LCA 1: Swansea West and Bishopston during indicates that permanent, indirect effects will occur from some locations, where the change in character resulting from the introduction of residential development and infrastructure into the landscape will be perceived and influence key attributes of landscape character. However, the nature of prominence of views toward the application site is expected to be varied with location within the LCA. The level of vegetative screening within the application site and the surrounding fieldscape, strengthened by the proposed landscape framework will assist in the integration of the proposed development into the landscape. Overall landscape effects on LCA 1 are considered to be moderate to minor, not significant and neutral.
- 9.6 Across the remaining LCAs, effects on landscape character are predicted to be indirect, no more than moderate to minor, not significant and neutral. Assessment indicates that moderate to minor; neutral effects are largely attributed to the balanced well-integrated design of the proposed development and embedded mitigation measures.
- 9.7 Across the LCAs, no fundamental change to the existing landscape character is expected to occur as a result of the proposed development and effects are therefore considered to be neutral.

#### **Statutory Designations**

- 9.8 Although the proposed development falls within the Gower AONB, direct effects will be limited to those within the application site boundary. But as only a very small proportion of the AONB will be affected the overall landscape qualities which define the AONB will not be completely eroded. Effects are therefore not predicted to be significant on the Gower AONB.
- 9.9 Effects on other Statutory and Non Statutory Landscape Designations are also predicted to be not significant.

#### **Visual Amenity**

- 9.10 Significant effects on visual amenity during the operational phase of the proposed development will predominantly occur from locations within the application site and within close proximity, typically from the backs of private residential properties along the north, east and west application site boundary edge and footpath MU5.

- 9.11 From short distance locations, including Viewpoints 1 and 2, the proposed development will be a perceptible feature within views, although additional elements are not considered to be the dominant visual elements. The function of retained and proposed landscape elements, are of importance from these viewpoint locations as retained visual reference points and as a structure to views, which will assist in the visual assimilation of the scheme within the surrounding landscape. Other retained visual elements, including the residential properties along Beaufort Avenue, Higher Lane and Channel View are key visual reference points. Effects are considered to be moderate to minor, not significant and slight adverse to neutral.
- 9.12 From medium distance locations (such as Viewpoints 3), the proposed development may be absorbed within the view without having significant effects, partly as a result of the breadth of the expansive views available and the nature of the existing landscape which is dominated by and built urban cover, which includes the existing settlements of Swansea West. As no fundamental change to the visual qualities of views from these locations is expected to occur, effects are typically considered to be minor to negligible, not significant and neutral.



Proposed development of land @ Higher Lane, Thistleboon  
2018/2634



Objection by Fiona Power, neighbour.  
On behalf of other neighbours, residents, and visitors,  
including those who have objected.

1840 Objections on 3rd September 2020, only 9 in support

1881 Objections on 5th October 2020, only 9 in support

## Picture No 1

Proposed property is too close



Distance of 12.16 metres from proposed elevation to existing balcony with double French doors.

Using Swansea's development guidance this should be a minimum of 15 metres plus 12 metres for every 1m differential in height, therefore 17 metres minimum.

(Line taken to show position of plot 28)

## Picture No 2

Example of the impact on our amenity



Current views from the bottom of the garden



Proposed and the Impact on our amenity in lower part of the garden.  
(Houses put in at scale, to the best of our ability)

**Picture No 3**

Evidence of non LDP land being developed within the AONB



LDP site allocation (shaded blue)



Application Boundary, showing additional area included within application boundary (this area was rejected for inclusion in the LDP candidate site process).





Hi

My name's Fiona Power and I live in the property that lies directly to the East of this proposed development with my family, including our disabled daughter. She needs privacy as she doesn't understand issues such as the need to close curtains at night when she gets changed. It's the main reason why we purchased this very private house in 2012.

This application was initially for single story properties along our boundary, "for reasons of privacy" as stated in the pre app responses from the developer. However, this was amended to 5 x two-story houses with pitched roofs in 2019. The LDP informatives for this site clearly state that any development should be 'preferably low lying', but 25 two story properties out of 31 doesn't constitute low lying.

Amenity considers issues of Privacy, Visual impact, and impact on quality of life, yet the report summarises that as these properties are 10m away from our boundary, our amenity hasn't been affected.

Our amenity will be massively affected!

And how can someone who has never visited our property advise you that the impact on our amenity is acceptable?

34 windows will be overlooking us, plus 7 gardens and 2 parking spaces where we currently have none!! This is a clear breach of our Human Rights in respect of the right to peaceful enjoyment of property.

We also have serious concerns regarding the distance of Plot 28 from our Western elevation, which should be a minimum of 20m away from our house due to the 2m+ height differential and is currently almost 5 metres too close, as advised by an architect, and in-line with the Swansea Residential design Guide.

This property sits right on the boundary and in May '20, windows were added from the living room that will look directly over our property, especially in Winter when our hedgerow loses its leaves.

This report also states that the vegetation between the site and our access, (i.e. our hedgerow) will be removed, as per a Highways requirement (p143). If this scheme has been designed around this removal, then it needs to be redesigned.

The Landscape & Visual Impact Assessment dated Nov '19 contains a section that relates to the impact of this proposed development on local residents. This section discusses the impacts of residents in Gorseinon, Gowerton and Waunarlwydd, and around the M4 corridor, and obviously has nothing to do with this location!! This report does not contain any information on the impacts of local residents who live near this proposed development, and yet no-one has noticed this enormous error!!

It is therefore clear that no-one has actually read the LVIA properly, despite the following statement that **“the Council’s Landscape Officer has considered the information in full and considered that the LVIA has been professionally assessed according to best practice and there are no adverse issues with the methodology, observations or conclusions that have been reached”**.

**How can this Committee be sure that the recommendation to support this application is sound when reports haven’t been read, the site hasn’t been visited, to assess the impacts on our amenity, and no-one has had the opportunity to view adequate visualisations of the proposed development, despite repeated requests by NRW?**

We also have serious concerns regarding the safety of any development at a site that has a known history of sinkholes & land instability. Any ground movement could have a catastrophic impact on the safety of my family and our home, and we will hold Swansea Council fully responsible.

In addition, the proposed 1.8m close-boarded fence in front of our 100m hedgerow will cause serious damage to this important hedgerow.

We have raised these concerns and many more repeatedly throughout the planning process but nothing has been addressed. We certainly do not feel that we have been part of the decision making process.

I ask you to refuse this application.

Thank you

# Planning Briefing Document For Allocated Site H5.6





### Introduction

This report has been prepared as a briefing to the planning committee in order to help answer the questions that were raised at the planning committee on the 3rd of September for this site that has already been allocated for housing under the adopted LDP.

- The application proposal seeks to deliver one of the key visions and objectives of the adopted Swansea Local Development Plan – more affordable and low-cost housing in the Gower fringe area. As Officers have highlighted in the planning committee report, the application site under the provisions of Policy H5 is in fact allocated specifically for such purposes and so the proposed development has addressed the requirements and objectives of this Policy directly.
- The proposals include **16 Local Needs Affordable Homes that will remain as affordable housing in perpetuity**, and 15 Local Needs Market Housing.
- The process of the preparation and consideration of the application proposal has been a lengthy one for all parties, ensuring all aspects have been developed and considered in detail. This has involved two processes of pre-application consultation – including meetings with the neighbour in 104 Higher Lane, a Public Exhibition – as well as continued dialogue with Officers of all relevant departments of the Authority, as well as those of a number of Statutory Consultees, throughout each stage of the process.
- The result is a scheme that sees the delivery of a mix of housing unit types and tenure, set in a site that includes a variety of elements of both formal and informal amenity space.
- **An LVIA has been prepared in accordance with the scope of work set out by Swansea City Council and the proposals are 'low lying' in their setting as can be seen from the visualisation studies.**
- **The scheme sees a reduction in the rate of discharge of surface water from the site.**
- There will be no detriment to highway safety and the proposal ensures that access is provided for all.
- The scheme secures the retention and enhancement of biodiversity interest on the site, as well as facilitating a harmonious addition to the immediate and wider setting of the area.
- **The scheme retains the existing Public Right of Way and offers the dedication of land for a new Public Right of Way.**
- **The application proposal sees no objection from any of the Authority's own Officers or those of statutory bodies on any account.**

We are of course aware that a number of local residents continue to raise concerns and objections to the proposal. However, as detailed at length in your Officers Report, the application proposal has undergone significant scrutiny by your Officers to ensure that it adheres to all relevant local and national planning policy requirements and objectives. With no technical or policy related objections from either local authority, statutory bodies or officers. The proposal is therefore in full compliance with your adopted Local Development Plan, and in particular, your objectives for the delivery of more affordable housing in the Gower fringe area.

We would also like to remind you of the conclusion of the very detailed report from the planning officers as below;

*"Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered on balance of all material planning considerations that the scheme is an acceptable form of development that will deliver a high proportion of affordable housing and local needs housing to the area. In line with the principle strategy for housing set out in the Local Development Plan and providing a good level of green infrastructure on site the development will form an acceptable relationship with the surrounding land context and will not harm the character and appearance of the surrounding Gower AONB."*



Computer Generated Image of the Proposed Development in context.

# WHO WE ARE



**EDENSTONE  
HOMES**

## COASTAL



Coastal is a not-for-profit company that develops homes and commercial premises for rental and sale. Coastal are based at offices on Swansea High Street.

Coastal were formed in 2008 through the merger of Swansea Housing Association and Dewi Sant Housing Association, and so they have been providing homes to local people in and around the Swansea area since the 1970s.

At Coastal we think and act a bit differently. You can absolutely see and feel this but it can be kind of hard to put into words. It's a balance between the belief that anything's possible and the discipline of remaining constructive, relevant and valuable throughout everything we do.

The CGI's of the Coastal Project are from a housing scheme at Pennard which is similarly a Policy H5 site.

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## EDENSTONE HOMES



**EDENSTONE  
HOMES**

Edenstone Homes are an independent, privately owned house builder working hard to tackle the housing shortage by taking a more flexible approach to both the size of the developments and the types of homes they build.

From the very beginning of each project, our approach to identifying and acquiring new sites is to be sensitive to the impact the development will have on communities. The master-planners work to ensure that they enrich the landscape and communities in which the homes will become a part of.

The Edenstone Homes CGI's are extracted from the River View Garden Village scheme in Lydney.

### Delivery for a site allocated in the LDP for 'Local Needs Housing'.

- 31 Local needs homes including,
  - 16 affordable homes (51.6%)
  - 15 Local Needs Market Homes

### Public Right of Ways

- Existing PROW retained and diverted through the site
- New PROW dedicated from the site to MU3/ coastal path to the south.

### Highway Safety & Sustainability

- Road widening on Higher Lane
- New footpath connectivity and uncontrolled crossing on higher lane
- Traffic calming & warning signage to improve safety
- Two new bus stops on Higher Lane

### Ecology Enhancement

- Retain and reinforce existing hedgerows
- Translocate hedgerow to northern boundary
- NRW licence applications for any works that may impact protected species.

### Drainage Improvements

- Reduced run off from the site.

### Privacy and Amenity Compliance

- The proposals respect the separation and amenity distances as set out in the Swansea 'Places To Live' Residential Design Guide.

### Design Compliance

- The proposals have been developed in line with the relevant Gower AONB and Coastal Zone Design Guides and are supported by SCC and Place Making.

### S106 Contributions

- Highways: £20,400 to deliver crossing improvements and bus travel infrastructure
- Countryside: £25,000 to deliver improvement works on the coastal path MU2
- Coastal Erosion: £30,350 to deliver mitigation and maintenance against coastal erosion of the coastal path.



Computer Generated Image of the Proposed Development in context.

# WHAT IS PROPOSED



**EDENSTONE  
HOMES**



AFFORDABLE HOUSING (in perpetuity) FOR LOCAL NEEDS.

SOCIAL RENT

6x	2 Bed	4 Person Houses
2x	3 Bed	5 Person Houses

INTERMEDIATE AFFORDABLE HOUSING FOR LOCAL NEEDS

2x	1 Bed	2 Person Bungalows
4x	2 Bed	3 Person Bungalows
2x	3 Bed	5 Person Houses

LOCAL NEEDS HOUSING

2x	2 Bed	4 Person Houses
7x	2 Bed	4 Person Houses
2x	3 Bed	5 Person Houses
4x	3 Bed	6 Person Houses

LEGEND

- ==== A - B Footpath Diversion
- Proposed Route of Diverted Public Right of Way
- Route of Proposed New Footpath
- ◻ Proposed Seating
- ✓ Indicates Aspect From Living Room
- 5 Plot Numbers
- P/P Parking / Carport Allocation
- ◀ Front Door Position
- ▶ Rear Door Position
- ⌋ Garage Door Location

Proposed Development



### Land at Higher Lane, Langland Allocation in the Swansea LDP 2010-2025

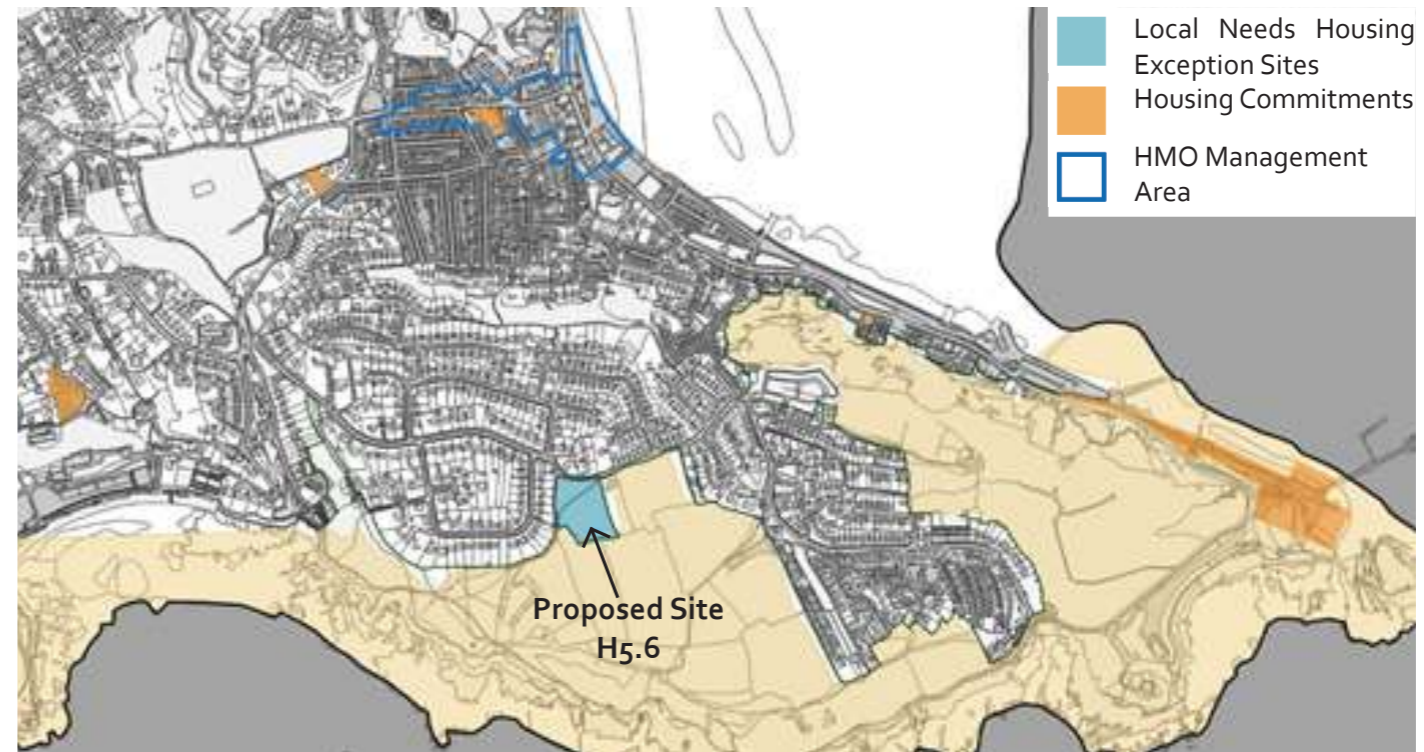
The site was allocated as a 'Local Needs Housing Exception Site' in the Swansea LDP 2010-2025. The allocation details are set out on this page along with the Proposals Map all taken from the LDP.



Swansea Local Development Plan 2010-2025

<b>Essential</b>	Measures where the requirement has been clearly identified in the LDP.
<b>Required</b>	Measures which are required by policy but the exact details will be the subject of further negotiation in light of additional evidence of need and/or viability.
<b>No Issue/Delivered</b>	No issues, or update evidence shows issues have been resolved, or required infrastructure already delivered.

The colours in the appendix above work in conjunction with the Non-Strategic Housing Allocations - Policy H5.



Swansea Local Development Plan 2010-2025

<b>Site Ref &amp; Name</b>	<b>H 5.6 - Land at Higher Lane, Langland</b>	<b>SHPZ</b> West
<b>Education</b>	<b>Off-site financial contributions under S106 to existing Primary and Secondary Schools in the catchment area.</b> In accordance with <i>Policy SI 3 Education Facilities</i> .	
<b>Green Infrastructure Network</b>	<b>Provision of Open Space</b> in accordance with the FIT guidance set out in Six Acre Standard Document, <i>Policy SI 6 Provision of New Open Space</i> , Council's Open Space Assessment and Open Space Strategy.	
<b>Open Space</b>	Provide Green Infrastructure network throughout the site in accordance with <i>Policy ER 2 Strategic Green Infrastructure Network</i> .	
<b>Biodiversity Measures and Environmental Enhancements</b>	Biodiversity and environmental enhancements in accordance with relevant LDP policies, which may include the requirement to submit and agree ecological management plans. ( <i>Policies 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</i> ).	
<b>Transport</b>	<b>PROW:</b> connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: MU5, MU4, MU2, MU6, MU10	
<b>DCWW WWTW</b>	<b>Swansea Bay WwTW:</b> no issues in the WwTW accommodating the foul flows from the allocation.	
	DCWW HMA Foul Water	No
	DCWW HMA Clean Water	No
	Compensatory Surface Water Removal	No
<b>Flood Risk</b>	No	
<b>Welsh Language Action Plan</b>	No	
<b>SINCS</b>	No	
<b>Other Informatives</b>	<p><b>With Gower AONB and the Coastal Zone:</b> consult with NRW.</p> <p>Use the <i>Gower AONB Design Guide, Gower AONB Landscape Character Assessment and Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment</i> to guide the design and development of this site.</p> <p>A Landscape and Visual Impact Assessment will be required at planning application stage to ensure careful integration of site into landscape and consider wider seascape impact and impact on Wales Coast Path. Preferable 'low lying' buildings with suitable landscaping to ensure minimal adverse impact on landscape/seascape. See <i>Policy ER 4 Gower Area of Outstanding Natural Beauty (AONB)</i>.</p> <p><b>Probable Grade 3a agricultural land.</b> An agricultural land classification survey will be required.</p>	

Non-Strategic Housing Allocations - Policy H5



## H5 Local Needs Housing Exception Sites Policies and Proposals in the Swansea LDP 2010-2025.

The site is allocated as a 'Local Needs Housing Exception Site' and the relevant policies are set out in Section H5 of the Swansea LDP 2010-2025

- **A minimum of 51% Affordable Housing for Local Needs.**
- **A maximum of 49% Local Needs Market Housing.**
- **A range of house types and sizes.**

### H 5: Local Needs Housing Exception Sites

Sites are allocated at the following locations for local needs housing to meet an identified social and/or economic need:

- H 5.1: Land at Monksland Road, Scurlage**
- H 5.2: Land to the east of Gowerton Road, Three Crosses**
- H 5.3: Land adjoining Tirmynydd Road, Three Crosses**
- H 5.4: Land adjoining Pennard Drive, Pennard**
- H 5.5: Land at Summerland Lane, Newton**
- H 5.6: Land at Higher Lane, Langland**

Development proposals for the six allocated Exception Sites must provide:

- A minimum of 51% (the majority proportion) Affordable Housing for Local Needs; and
- A maximum of 49% (the minority proportion) enabling Local Needs Market Housing that meets an identified housing need within the Locality by providing an appropriate range of dwelling sizes, types and design specifications having regard to evidence of financial viability.

The occupancy of the Local Needs Market Housing will be restricted to “persons with a local connection” to be used as “their only or principal home” and will be formally tied to planning consent by means of legal agreements and/or conditions.

Proposals that do not provide an appropriate number and range of dwellings to meet the identified social and/or economic needs of “persons with a local connection” within the Locality will not be permitted.

2.5.33 National Planning Policy and Guidance allows for the identification of local needs housing exception sites, which are distinct from standard market housing allocations, to bring forward both affordable and market housing for local needs. In this context, this policy allocates six sites to deliver both *Local Needs Market Housing* and Affordable Housing for Local Needs, specifically in order to meet the identified need in the Gower, Gower Fringe and West SHPZs.

2.5.34 The evidence of need for *affordable housing* in these locations is clear and a reliance entirely on 100% affordable housing exception schemes is not a sufficient approach to meaningfully address this need. Furthermore, the sites identified in the policy are, for the most part, large in relation to the rural settlements/ settings in which they are located. In such instances, it would not be in accordance with the objective of creating cohesive, sustainable communities to allocate the entire site for *affordable housing*. The policy therefore provides a pragmatic and balanced approach, which addresses the identified local needs for new homes, and ensures that the opportunities to deliver *affordable housing* are maximised through sustainable forms of development in accordance with the *affordable housing* strategy set out in Policy H 2 Affordable Housing Strategy.

2.5.35 The policy requires that the majority of the site (i.e. at least 51% of the units) must provide *affordable housing*, as defined within National Planning Policy and Guidance and must be occupied by people who meet the Council's local need criteria, as set out at Appendix 6.

2.5.36 The remainder of the site however may provide *Local Needs Market Housing* to meet identified local social and economic need. This element of the policy seeks to address identified issues and deficiencies in the local housing market that affect the ability of specific local groups to meet their accommodation needs within the local area. These groups are defined as “persons with a local connection” and include first time buyers, local persons creating new households, older people, carers and those requiring care. Appendix 6 provides full details of the definition of “persons with a local connection”.

2.5.37 For the purposes of this policy, the local area is referred to as “the Locality”. The area included within the Locality is informed by the evidence of social and economic need arising in a specific set of electoral wards, which includes the Council's administrative wards of: Bishopston, Fairwood, Gower, Mayals, Newton, Oystermouth, Pennard, Penclawdd and West Cross. The geographical area of the Locality is illustrated in Appendix 6, which also sets out the eligibility criteria for assessing whether a prospective occupier would satisfy the test of local need. All wards within the Locality fall within the Gower, Gower Fringe and West SHPZs. Within these wards evidence shows that the local housing market experiences a range of particular pressures that limit the options available for local households to access private housing and can lead to households moving outside of the Locality.

These pressures include:

- High levels of second home ownership;
- A dominance of larger properties in the existing housing stock;
- A lack of smaller one or two bedroom properties;
- High levels of migrant households from outside of the County that increases levels of competition for existing stock.

2.5.38 The pressures are further compounded by the evidence of the demographic profile of these wards within the Locality, which shows that there are significant levels of older persons in larger properties, and lower levels of younger people and young families in these areas.

2.5.39 All *Local Needs Market Housing* provided on the allocated sites is therefore required to provide an appropriate range of dwelling sizes, types and design specifications to meet the social and economic needs identified within the Locality. This requirement will ensure that the allocated sites contribute to the diversification of existing housing stock and increase the range of housing options within the Locality, thereby increasing the number of households who are able to stay within the Locality to meet their housing needs. This can be achieved by providing:

- **A Range of House Types:** Provision of a range of house types, including for example flats and bungalows, will contribute to diversification of local stock and provide opportunities for certain population cohorts such as older persons, those requiring care and newly forming households to access appropriate housing within the Locality.
- **A Range of Design Specifications:** Provision of stock that meets design standards such as Lifetime Homes Standards, the provision of lifts within flats, level access to dwellings, and other measures, which would serve to increase opportunities for older households or those requiring care, to continue to live independently within the local area.
- **A Range of Sizes:** Addressing the lack of smaller properties in wards within the Locality will increase opportunities for newly forming households, thus reducing the number of young people and young families moving out of the area to find housing or remaining in concealed households not able to form independent households. Ensuring the diversification of sizes of stock in the local housing market will also aid older people to move out of existing family housing into more suitable properties and thus facilitate churn in the local housing market.

2.5.40 In order to ensure that *Local Needs Market Housing* provided on the allocated sites meet the objectives of the policy, the occupation of dwellings will be controlled through the use of local occupancy restrictions. Such restrictions will require that initial and subsequent occupants of the properties fall within the definition of “persons with a local connection”. An exception to this requirement may be permitted if a property has been marketed, for at least 16 weeks at market value price and at the end of the 16 week period no appropriate offers of purchase have been made from a person who meets the local needs criteria. Appendix 6 provides further details of how the marketing period will be implemented. Restrictions will also be imposed to ensure that the dwellings provided are only occupied as “only or principal homes”. Appendix 6 provides further details of the definitions and mechanisms necessary to enforce the implementation of the policy.

2.5.41 In accordance with Policy IO 1 Supporting Infrastructure and Planning Obligations, legal agreements and/or planning conditions will be used to ensure that the agreed percentage of Affordable Housing for Local Needs and *Local Needs Market Housing* is delivered, that an appropriate range of type, sizes and design specifications of dwellings is provided to meet the objectives of the policy, and that local needs housing occupancy restrictions are applied.

2.5.42 Provision of an appropriate range of both Affordable Housing for Local Needs and Local Needs Market dwelling sizes, tenure types and design specifications on the sites allocated in Policy H 5 Local Needs Housing Exception Sites is key to achieving the objectives of the policy. The mix of dwellings must be negotiated with both the Council's Planning and Housing Departments, having regard to meeting the social and economic needs within the Locality identified in the most up to date needs evidence at the time of the application.

2.5.43 The policy acknowledges that some degree of flexibility will be required with regard to ensuring the financial viability of a proposal is not fundamentally undermined, for example through a particular requirement for house types, design or sizes. The Council will take a fair and pragmatic approach to the consideration of financial viability implications during discussions and negotiations with developers on the range of homes to be provided, and in some instances this may necessitate some house types/sizes being included within a scheme that do not specifically address a need or housing shortage in the Locality but are required to make the scheme viable. In such instances full disclosure of the viability evidence relating to the site will be required, and if an agreement cannot be reached, an independent assessment will be commissioned by the Council to reach a resolution, which must be paid for by the developer. However the policy is clear that permission will not be granted if the specified minimum proportion of Affordable Housing for Local Needs is not provided, or if the proposed *Local Needs Market Housing* do not overall provide an appropriate range of dwellings to meet the identified social and/or economic need in the Locality.

2.5.44 Appendix 3 of the Plan provides further details of site specific development requirements relating to each of the allocated sites, including measures necessary to address landscaping impact and where relevant impact on the Gower AONB.

The supplementary planning guidance (SPG) "Swansea Residential Design Guide: Places to Live" sets out the guidance for the relationship between properties, an extract has been included here for ease of reference.

Bungalows have been located in the north east corner of the site to avoid any adverse impact on 104 Higher Lane.

All of the separation distances from the proposed properties to 104 Higher Lane are in excess of those required in Swansea's SPG residential design guide.



Site Layout highlighting the boundary distance from the proposed dwellings.

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### Extract taken from Swansea Residential Design Guide: Places to Live



**15.13 'Back to back' Relationships**  
A 21m back-to-back separation distance should be provided between windows to habitable rooms for 2 storey dwellings in order to provide adequate privacy within the home.



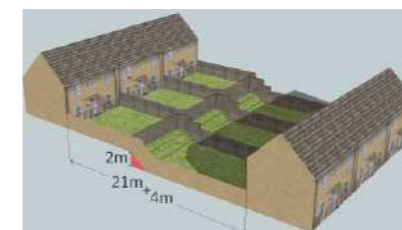
**15.14** The relationships of the dwellings across the public realm such as streets will be determined on a case by case basis with regard to the character of the locality.

**15.15 'Back to garden' Relationships**  
Elevations with windows to habitable rooms at first floor level should be set back by 10m from the common boundary. This is to avoid overlooking of adjacent garden/amenity space.



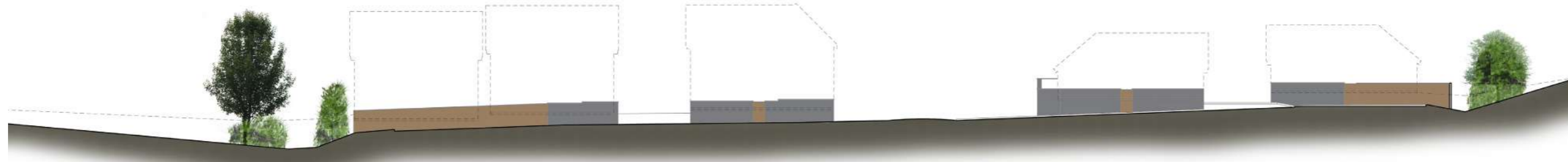
**15.16 'Back to side' Relationships**  
To avoid an overbearing impact on habitable rooms and gardens, a 15m minimum distance should be achieved between existing windowed elevations and opposing proposed windowless walls. Where this relationship exists between two proposed dwellings then the separation can be reduced to 12m.

**15.17** Where a design-led solution is utilised to avoid issues of overlooking, considerations of overbearing and overshadowing are still relevant. Therefore regard should be given to the BRE standards which relate to rights to light.



**15.18 Relationships at different levels**  
Where homes are set at different slab levels, or where homes over two storeys in height are proposed this can result in additional overlooking and a more overbearing impact on the lower home/ garden space. Furthermore the potential need for earthworks or retaining structures can limit the useable garden areas of the lower home and is a consideration when assessing the relationship to new and existing homes.

**15.19** Therefore as a starting point, the basic separation distances set out in sections 15.13, 15.15 and 15.16 should be increased by 2m for every 1m difference in level. Where the distances are increased, this should include a longer garden for the lower home to compensate for any slopes or retaining structures. If the increased distances cannot be met then planting or a design solution may be required. In many instances, the best way to assess the relationship is by means of a drawn section.



Site Section EE



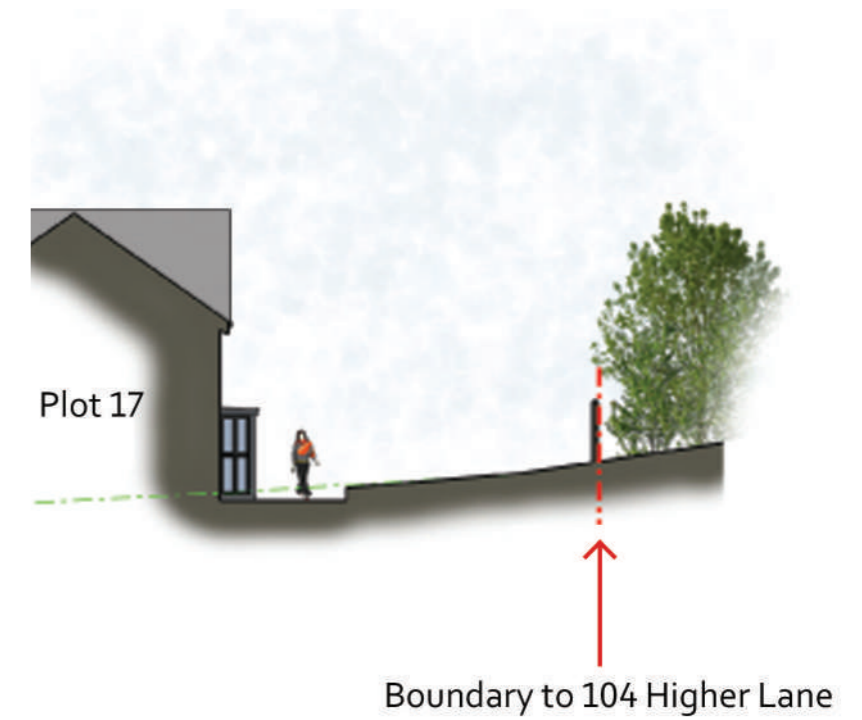
Ariel view of the site.



Image showing existing hedgerow and relative levels of the proposed site in relation to property 104 Higher Lane which is at a higher level.



Location Map illustrating boundary section D and site section E.



Boundary Section DD



- All of the affordable housing will remain as affordable in perpetuity.
- The social rent homes will be owned by Coastal Housing group and Coastal will also retain a golden share in the intermediate affordable homes so that they can never be purchased outright.
- The scheme includes 16 affordable homes, 51.6% of the scheme. Eight Social Rent Homes and eight Intermediate Affordable Homes.
- The Social Rented Homes will be allocated to tenants who are registered on the housing register and fulfil the Local Needs Criteria.
- The intermediate affordable homes will be available to those who meet the Local Needs criteria for the initial sale and all subsequent sales.
- The Swansea local housing assessment that informs the LDP identified that the Gower a AONB and fringe require 500 affordable homes to meet the need in the area.
- Due to the high value of homes in the area Coastal Housing Group have no available properties in the Langland area.
- The proposals and mix have the full support of Swansea's Housing and Planning Departments.



This development is subject to a 'local needs housing' condition as outlined within the Local Authority Planning LDP. The purpose of this condition is to ensure that local people have the first opportunity to purchase on the development ahead of the wider market.

We will therefore advertise for 16 weeks taking all enquiries and will assess the applicants eligibility prior to taking reservations on the development. The homes will only be available to a wider market once the Local Need policy has been addressed.

Local Need defined areas include the following wards: Newton Ward, Bishopston Ward, West Cross Ward, Mayals Ward, Oystermouth Ward, Gower Ward, Pennard Ward and Penclawdd Ward.

For reference, please see map below.

### LOCAL NEEDS POLICY FROM THE LDP.

#### 6. Affordable Housing

This appendix provides further detail to support the interpretation of the Plan's affordable housing policies as follows:

<b>Eligibility criteria for local needs affordable housing</b>
Policy H 3 – Re affordable housing provision in Gower and Gower Fringe SHPZ
Policy H 6 and CV 2 – Re 100% Affordable Housing exception sites
<b>Relationship between AHVS sub-markets and LHMA strategic housing policy zones</b>
Policy H 3
<b>Swansea strategic housing policy zones and wards</b>
Policy H 3
<b>Eligibility criteria for local needs market housing on sites listed in Policy H5 Local Needs Housing Exception Sites and local needs housing locality boundary map</b>
Policy H 5

#### Eligibility criteria for local needs affordable housing

For affordable housing in the Gower and Gower Fringe SHPZ (Policy H3) and on 100% affordable housing exception sites (Policies H 6 and CV 2), all of the Council's eligibility criteria for Affordable Housing must be met<sup>95</sup> along with the following additional 'local need' criteria.

In the context of rural local needs housing, use of the word 'local' in describing a resident means:

- Applicants who are resident within the area<sup>96</sup> who have been resident for a continuous period of at least 5 years immediately before making an application;
- Applicants who have been resident within the area for any period of (or periods totalling) greater than 5 but less than 10 years within the previous 10 years immediately before making an application,
- Applicants who were previously resident in the area and who have an immediate family member(s) currently resident in the area and where the immediate family member(s) have been resident within the area for a continuous period of at least 10 years immediately before the housing application was made and intend to remain. 'Immediate family' means a parent or parents, a child or children, or a sibling or siblings;
- Applicants who need to move to the area to enable them to either give or receive support to or from an immediate family member. 'Immediate family' means a parent or parents, a child or children, or a sibling or siblings or other relationships where a genuine need to give or receive support is demonstrated to the satisfaction of the City and County of Swansea;
- Applicants who currently live in the area needing separate accommodation, for example married couple and people living in tied accommodation on retirement;
- Applicants who work either full time or part time within the area. Part time employment in this case is defined as being a minimum of 10 hours each week; or
- Applicants who need to move into the area to take up full or part time work.

In the event that none of the above can be met by the applicants, the Authority may consider individuals from surrounding areas and communities that border the area. This will be defined on a site by site basis if necessary.

<sup>96</sup> Consult with Housing Officer for further information on "the area" that will apply for an individual application.



<sup>95</sup> Consult with Housing officer re Council's most up to date affordable housing eligibility criteria.

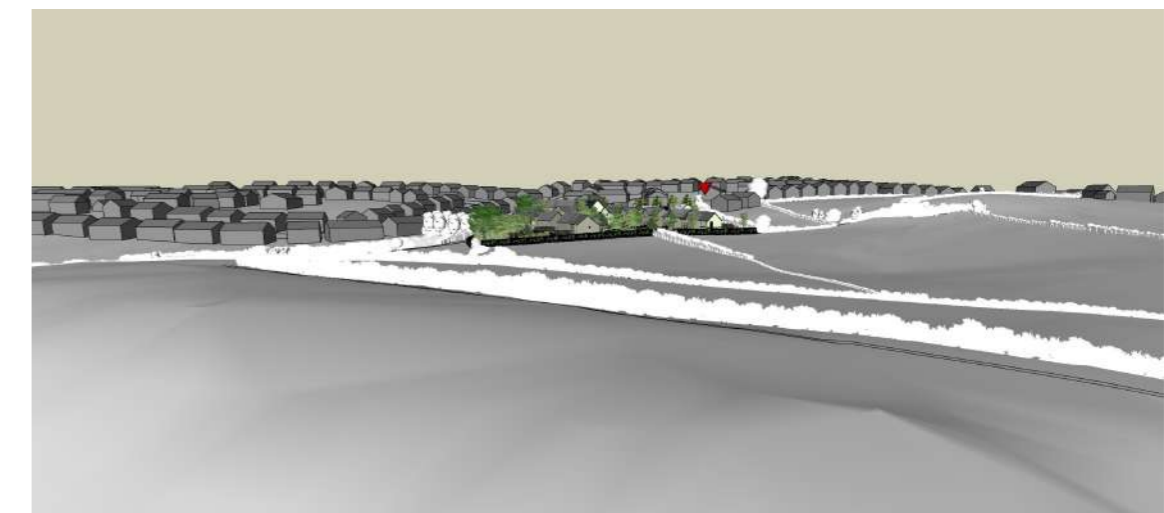


- Retention and reinforcement of existing hedgerows
- Translocation of existing hedgerow to maintain rural character and widen the road.
- Low level lighting scheme to be conditioned by planning.
- NRW licenses to be obtained for all works involving protected species.

**KEY**

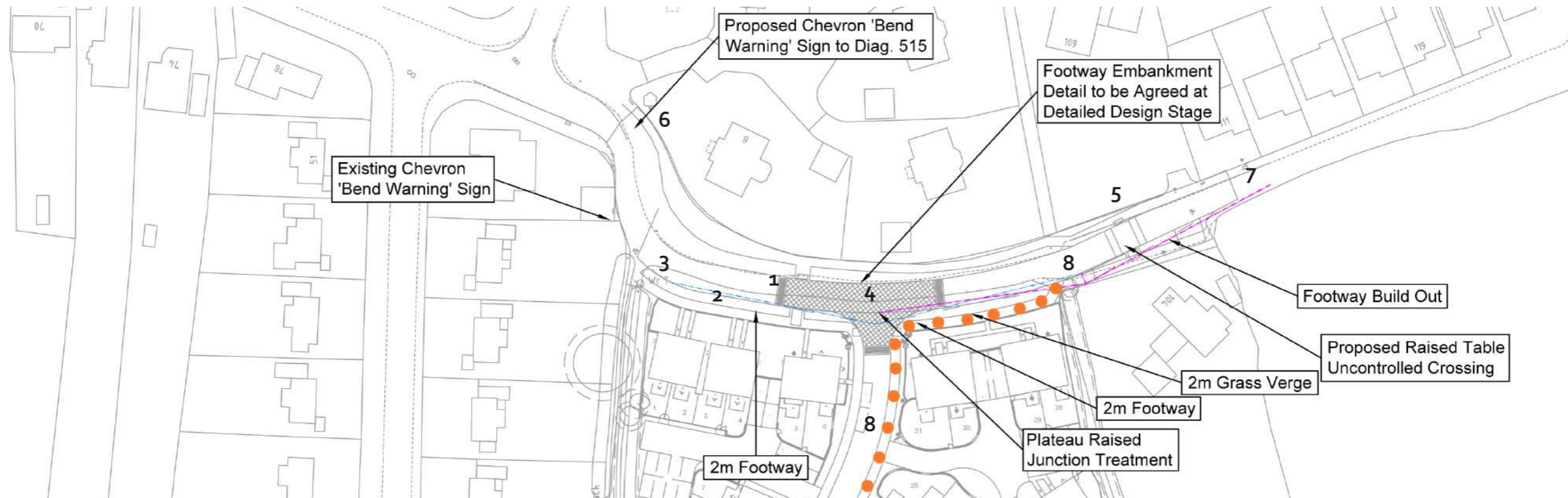
Site Boundary	
Existing Hedgerow	
Existing Vegetation	
Existing Public Right of Way	
Proposed Low Wall and Translocated/New Hedgerow and Hedgerow Trees	
Proposed Hedgerow and Hedgerow Trees	
Proposed Landscape Spine	
Views Out	
Views In	
Higher Lane (single lane)	

- The Landscape and Visual Assessment approach and conclusion of the 2019 LVIA have been reviewed and typographical errors in the report corrected. These are however reporting format errors and do not affect the validity of the assessment process, with LANDMAP and sensitive receptor assessment, Zone of Theoretical Visibility (ZTV) modelling using OS digital terrain mapping and Visual Envelope assessment and compliant GLVIA 3 photography and assessment on site by a Chartered Landscape Architect (CMLI), the methodology and viewpoints scoped with Swansea CC prior to LVIA assessment.
- The LVIA is the culmination of a Landscape and Visual Assessment process which started in 2014, by a robust baseline assessment of site context, landscape character and visual sensitivities, with an assessment of the likely appropriateness for the landscape to accommodate development. This led to a site layout development process informed by a 'Landscape Character and Visual Testing Study' in 2018 including Landscape Constraints and Opportunities assessment, developed from ZTV review and site assessment by a CMLI Landscape Architect.
- Following the iterative site development informed by this process, a 'Landscape and Visual Statement' was developed in late 2018 providing clear CMLI professional opinion on related issues including consideration of the Gower AONB Character Assessment, Design Guide and Management Plan. Following scoping a more developed 'Landscape and Visual Impact Assessment' was developed and reported on later in 2019.
- As the site is over 180m from the cliff edge on a cliff top plateau with the existing urban edge providing much of the context and backdrop to the site, we do not consider a Seascape Assessment is warranted, or relevant in this case. This was also excluded from the LIVA scope which was agreed with SCC.

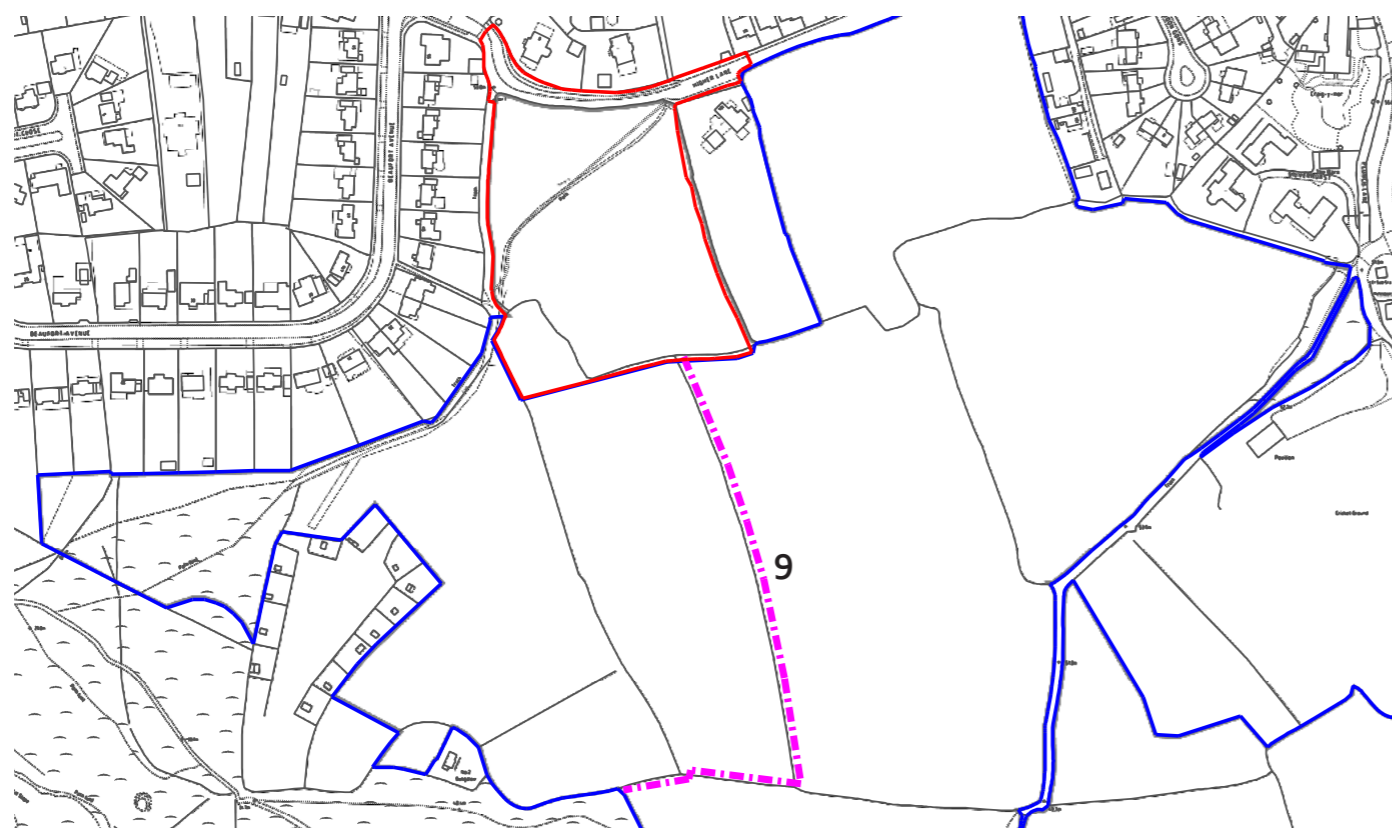


The following illustrations from the fly through show the scheme in context (in addition to but not part of the LVIA)

For more 3D visuals of how the proposed development sits within the surrounding context, a fly through model of the site is available through the Swansea Council Planning Search using the application reference: 2018/2634/FUL, and opening the 'Fly Through' file within the documents folder.



Proposed Access Drawing



Proposed new footpath shown dashed.

The development will be accessed from Higher Lane and will include a number of highway improvements.

1. Road widening across the front of the site.
2. The provision of a new 2m footway to the south of Higher Lane across the front of the site.
3. Translocation of the hedgerow to the front of the site to maintain the character of Higher Lane.
4. The provision of a raised plateau junction as a traffic calming measure at the entrance to the site.
5. The provision of raised table pedestrian crossings on Higher Lane.
6. The provision of new warning signage at the bend on Higher Lane.
7. Off-site improvements to bus stops.
8. Existing Public Right of Way to be diverted through the new development
9. Dedication of land for a new Public Right of Way

### DRAINAGE

- The proposed rate of discharge from this site is 2.7 litres/second which equates to less than 1% of the flow capacity of the watercourse we are connecting to.
- The existing water course that we are connecting into has a capacity of 120 litres/second and is fed by 375 mm Welsh Water pipe.
- The drain scheme complies with the requirements of TAN 15 and there are no objections from Swansea City Council Drainage Officer, NRW or Welsh Water.
- The total surface water storage proposed on the site to attenuate the rate of discharge represents 1.4 times the volume of water in the Wales National Pool Swansea's training pool.
- The on-site attenuation includes a dry surface basin with circa 190 m<sup>3</sup> of storage and an underground storage tank with 210 m<sup>3</sup> of storage.
- The proposals allow for up to the one in 100 year event plus an allowance for 30% climate change.
- The reports consider flooding from all sources and there are no inherent risks.
- A SABs application will be made following the determination of the planning application.

### GEOLOGY

- A site investigation comprising a geophysical survey was carried out in April 2018.
- A comprehensive site investigation report has been submitted as part of the planning application.
- The site investigation report records a potential dissolution feature/ stream sink and recommends carrying out a further intrusive investigation.
- Any part of the site affected by potential dissolution features would require piled foundations bored and socketed into the limestone bedrock.
- The proposed planning condition 22 requires that if any further features are discovered a remediation strategy is submitted to the Local Planning Authority for written approval.



Photo taken on site angled towards the site access and 104 Higher Lane.

**Information provided for Swansea Planning Committee Meeting 06/10/2020**

**Specifically for: Site at Higher Lane, Llangland**

2018/2634/FUL | Residential development (31 dwellings) with associated road infrastructure, drainage provision and landscaping | Land Off Higher Lane Llangland Swansea

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**Information provided in Support of presentation by Cllr. Myles Langstone.**

This is the correct Landscape Character Assessment from the Gower LCA report.. **The LVIA has not used this – despite it being an LDP Requirement and Site Specific Requirement for H5.6**



Copyright Pixoerial.com



Hard edge of urban development and unsympathetic built forms breaking the skyline contrast with the open common land to each side of Limeslade at the head of this small bay. Overhead lines are locally intrusive elements in this open coastal landscape



## Limeslade LCA 33

### Strengths:

A highly distinctive area, characterised by common land above low cliffs overlooking small indented bays, culminating in the notable Mumbles Head landforms reaching out to sea at the edge of Swansea Bay. A very strong sense of place, with an emphasis on leisure facilities mixed with coastguard infrastructure and residential developments. Highly accessible to the public. Exposed and windswept with a tangible maritime atmosphere.

### Weaknesses:

Vulnerability to incongruous building developments, if sited and designed in an unsympathetic manner, because of the open coastal landscape and views across the common land. Vulnerable to bracken and scrub encroachment into open habitats

### Opportunities:

Maintain characteristic open landscape and habitats by appropriate management, including the periodic physical removal of scrub and bracken. Manage public use of open space to minimise erosion and damage to habitats. Increase sense of place through education regarding local historic environment features.

### Threats:

**Unsympathetic building developments**, which could detract from the scenic quality, if sited in particularly sensitive locations and erode the edges of common land  
**Colonisation by gorse and bracken** which could cause habitat degradation and restrict access  
 Seasonal fire damage.

### Management Guidelines:

- Maintain the distinctive character of the open cliff top common land, through favourable vegetation management, and ensure that any new development respects the traditional relationship of adjacent buildings to the setting
- Promote physical bracken and scrub control to restrict encroachment into open habitats and implement fire management precautions during susceptible weather and ground conditions
- Protect and where possible enhance historic environment assets
- Ensure that the area remains free from pollution and litter

### Special Qualities & Key Characteristics:

- Landscape has high Visual & Sensory value, and outstanding scenic quality, and is highly accessible from the public roads, car parks and the Coast Path, as well as Open Access Land on the common land
- Open Access Land on common land with a high degree of public accessibility adjoining the urban area of West Swansea
- Historical Landscape value is outstanding
- Geological Landscape value is outstanding

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**This is the Area from which the Application is visible from.**

Green Areas show where the site is clearly visible from – including surrounding areas, the coast, the Wales Coast Path and many linked costal footpaths. This does not accord with how the site is described in the LVIA (described as hidden in a bowl, with no relevance to the coast).



**NRW have been clear on the inadequacy of visualisations provided in the LVIA, and the fact that these cannot be used to assess the level of Landscape impact. They have included these comments no less than seven times in the formal consultee responses. They have also been clear that the Council has a legal obligation to demonstrate that the AONB is being conserved and enhanced – and that it cannot do this on the basis of the information provided. Lichfields have also agreed with NRW in their report for Mumbles CC.**

**The LDP also states clearly that the “Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment” must be used to guide the design and development of this site and avoid unacceptable coastal/seascape impacts. This has not been done by the developer’s consultant, nor by the Council. These points are fundamental in assessing impact.**

I'm speaking to oppose the application for Higher Lane.

Supporting evidence has been distributed to you, which demonstrates how the application fails to meet LDP and national planning policies.

**The outstanding scenic quality, historical value and geological value of this site are the features that define this area of the AONB - and it is a legal responsibility of the council to conserve and enhance these features - under the Countryside & Rights of Way Act.**

**There are over 1800 objections, from residents in all wards of Swansea and from tourists across Wales, the UK, and from as far away as Canada, and less than 10 in support. Objectors overwhelming concerns are protecting the Gower AONB, the SSSI and the historic landscape.**

Starting with the Landscape and Visual Impact Assessment (LVIA), which is key to the assessment of any site in a designated landscape, the Council's Landscape officer has stated that he is happy with its content. This appears quite an extraordinary statement given that:

- It does not use the Gower AONB Landscape Character Assessment, and incorrect baseline information on landscape/scenic/geological and historical quality. This is a direct breach of LDP Policy ER4 (Gower AONB) and the Site Specific Requirement for Higher Lane;
- The LVIA makes no consideration of seascape or coastal impacts in the AONB (including for the SSSI), and does not consider the relevant Seascape Character Assessment", despite the site being on the undeveloped coast in the coastal zone. These are also direct breaches of specific LDP policy ER4 and the Specific Site Requirements for Higher Lane;
- Visualisations of the application site, pre and post development, haven't been provided from key locations - which is a clear non-compliance with standard best practice - pointed out many times by NRW, and by Lichfield - but simply ignored.

To illustrate the lack of care that has gone into the LVIA, I quote directly from it:

“Key Settlements relevant to this site include Gorseinon, Gowerton and Waunarydd. Smaller settlements in the vicinity include Grovesend, Pontlliw and Tircoed Forest Village. Relevant road user receptors include users of the M4 etc etc”.

These blatant inaccuracies totally undermine the recommendation for this Committee to support the application.

The LVIA conclusions state: **“there is likely to be a large change in landscape character as development becomes a dominant, long-term feature within the AONB “. It also clearly suggests erosion of the overall landscape qualities and features that define the AONB.**

Despite these conclusions, the LVIA states that overall impacts on the AONB are not significant. This is unjustifiable for two reasons:

1. **Any development in an AONB or a SSSI must demonstrate that it conserves and enhances the features that underpin these designations.** Where there are large changes in character, and erosion of underlying qualities, impacts cannot be considered insignificant;
2. **The Council’s primary statutory duty under the CROW Act is to conserve and enhance AONB’s and SSSI. If the Council accept the LVIA’s conclusions, then they would adopt an unlawful position in this regard.**

Moving on to the screening opinion, which is a Statutory requirement for all applications in AONBs or SSSI, used to determine the need for “Environmental Impact Assessment”.

There is a legal requirement for the screening opinion to be robust and completed within 21 days of the application. It wasn’t produced for

months after the application date, and then only after repeated requests from the public. It is full of significant errors:

- It states that the site is not in the coastal zone – but it is.
- It fails to mention the SSSI, where site drainage will discharge in to a heavily eroded and unstable ravine – (please see photograph)



- It fails to mention that this site forms a core part of a Registered Welsh Historic Landscape which is “Of Outstanding Historic Interest” and that the hedgerow on Higher lane is under planning policy terms “*An Important Hedgerow*” that should not be removed
- It states that ground instability is not an issue, but there are known cavities within the application area (identified in the developers report) and it is within one of the highest risk areas of the UK. There have been numerous recent collapses in the immediate vicinity of the site – which have included property demolition in some cases
- On ecology the need for further assessment is dismissed, despite concerns expressed by NRW over Bats and badgers and the fact the site was illegally cleared during the breeding season, prior to the ecology studies being undertaken. This was reported to NRW and action was taken to stop the clearance but unfortunately not before the damage was done – as you can see in these photos, (before & after site clearance).



The screening opinion is inaccurate and not robust in determining the need for Environmental Impact Assessment. NRW have repeatedly highlighted significant shortcomings in relation to the assessment of landscape and visual impacts. Litchfield planning consultants, commissioned by Mumbles Community Council also state that *“The Council does not have sufficient information to adequately assess landscape, visual and seascape impacts nor to come to the view that that EIA (Environmental Impact Assessment) is not required”*.

There are also many breaches of LDP policies - as laid out in some detail in the information provide to you (the Comments of Common Concern)

**To conclude, this application is fundamentally flawed on many levels.**

**If the Council approves this application, I am of the opinion that it would be failing in its democratic duties to the Public.**

**The Council would also fail in Statutory Duties under the Countryside and Rights of Way Act, where it is legally required to demonstrate Conservation and Enhancement of the AONB and the SSSI. This would be unlawful.**

Dear Ms Atkinson,

Thank you for your email which has been forwarded on to me from our Democratic Services section.

The application is being taken to Planning Committee tomorrow for decision so there is no planning permission at present for the use as a HMO. It will be for members to consider the application and come to a decision.

If works have been carried out these are not works that we have been made aware of but in reality we would have little control over any works an owner of property wants to undertake inside their property as internal works do not normally require planning permission. Having said this if the property was used as a HMO without the necessary permissions then this would be a breach of planning control.



Regards,

**Liam Jones BSc (Hons) MSc MRTPI CMgr MCMI**

Arweinydd Tim Rhanbarth (Y Bae), Rheoli Cynllunio, Cynllunio ac Adfywio'r Ddinas  
Area Team Leader (Bay), Planning Control, Planning and City Regeneration

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*Croesewir gohebiaeth yn y Gymraeg a byddwn yn ymdrin â gohebiaeth Gymraeg a Saesneg i'r un safonau ac amserlenni.*

*We welcome correspondence in Welsh and will deal with Welsh and English correspondence to the same standards and timescales*

----- Original message -----

From: "marielouise.atkinson" <marielouise.atkinson@ >

Date: 05/10/2020 11:42 (GMT+00:00)

To: [democraticservices@swansea.gov.uk](mailto:democraticservices@swansea.gov.uk)

Subject: FW: 2020/1482/FUL - 151 Hanover Street  
regarding the letter below re 151 Hanover Street planning permission.

2020/1482/FUL- TOMORROW 6/10/2020

I would like to point out that the owner and builder of 151 Hanover st assured me that he has been told by the council that he has been given planning permission to go ahead with conversion to HMO. and has been doing so for the last 2/3 weeks.

My 'further representation' would be that if it is the case that he has been granted permission, why did I go the the trouble of asking my neighbours their views and getting a petition to oppose this plan, when the council have already granted such permission. Where is the democracy in that? I would appreciate an explanation please?

Thank you

ML Atkinson

# Agenda Item 6



## Report of the Head of Planning and City Regeneration

Planning Committee – 6 October 2020

### Planning Annual Performance Report

#### 1.0 Background

- 1.1 The Planning Annual Performance Report (APR) is seen by Welsh Government as an important mechanism for monitoring Local Planning Authority performance against a key set of National performance indicators and as a means of driving its agenda for modernising the planning system in Wales. It also represents an important tool for benchmarking the performance of Authorities across Wales and importantly must also be seen in the context of Welsh Government proposals to intervene where Local Planning Authorities exhibit consistent underperformance.
- 1.2 Members will recall that the draft APR, reviewing performance for the Authority for the previous year, is presented to Planning Committee at this time each year for Member consideration. The APR is then formally submitted to Welsh Government following the meeting.
- 1.3 Due to the Covid-19 pandemic, and in recognition of the current pressures on Local Planning Authorities, Welsh Government has confirmed that they will not require Annual Performance Reports (APRs) and Sustainable Development (SD) indicators to be submitted this year. Instead, they expect the reports submitted in October 2021 to cover the 2 year period, April 2019 to March 2021. The relevant report will therefore be presented to Committee for consideration next year.

#### For Information