



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, 2 March 2021

Time: 2.00 pm

Chair: Councillor Paul Lloyd

Membership:

Councillors: C Anderson, P M Black, J E Burtonshaw, W Evans, 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: <http://bit.ly/2ZmK7bV>

Agenda

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3 Minutes. To approve & sign the Minutes of the previous meeting(s) as a correct record.	1 - 2
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Next Meeting: Tuesday, 13 April 2021 at 2.00 pm

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

Huw Evans
Head of Democratic Services
Tuesday, 23 February 2021

Contact: Democratic Services - 636923

Agenda Item 3



City and County of Swansea

Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 2 February 2021 at 2.00 pm

Present: Councillor P Lloyd (Chair) Presided

Councillor(s)

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

Councillor(s)

P M Black
W Evans
D W W Thomas

Councillor(s)

J E Burtonshaw
M B Lewis
T M White

Officer(s)

Gareth Borsden
Matthew Bowyer
Ian Davies
Andrew Ferguson
Jonathan Wills

Democratic Services Officer
Principal Telematics Engineer
Development Manager
Area Team Leader
Lead Lawyer

Apologies for Absence

Councillor(s): R D Lewis

10 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.

11 Minutes.

Resolved that the Minutes of the Planning Committee held on 12 January 2021 be approved and signed as correct record.

12 Items for Deferral/Withdrawal.

None.

13 Determination of Planning Applications under the Town and Country Planning Act 1990.

A planning application was presented on behalf of the Head of Planning & City Regeneration.

Resolved that the undermentioned planning application **Be Approved** subject to the conditions in the report.

(Item 1) – Planning Application 2020/1473/S73 - Construction of 10 units for class B1 and B2 use (variation of condition 02 of planning permission 2014/1872 granted 11th August 2016 to allow for the removal of the 4th arm off the roundabout into the site) at Land Opposite Lyte Ladders (Formerly Makro), Beaufort Reach, Swansea Enterprise Park, Swansea.

A visual presentation was given.

The meeting ended at 2.12 pm

Chair

Agenda Item 5



Report of the Head of Planning & City Regeneration

Planning Committee – 2 March 2021

Planning Application Ref: 2021/0106/106

Former Cefn Gorwydd Colliery, Gowerton, Swansea

Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space

1.0 Purpose of the Report

- 1.1 To seek authorisation to modify the Section 106 Agreement relating to planning permission 2017/1451/OUT (for the residential development of the former Gorwydd Colliery, Gorwydd Road, Gowerton).
- 1.2 The request has been submitted under S106A(1)(a) of the Town and Country Planning Act 1990 (as amended).
- 1.3 The applicant has sought to amend the following aspects of the S106 agreement;
 - (i) alter the tenure split of the affordable housing from 30% intermediate and 70% social rented to 100% Intermediate;
 - (ii) remove the education contribution for the English Medium schools and change the trigger point for payment; and
 - (iii) reduce the highway contribution from £35,000 to £20,000.

2.0 Background / Planning History

- 2.1 Outline planning application (2017/1451/OUT) was granted on the 10th August 2018 for residential development of up to 100 dwellings along with associated parking, access, landscaping and open space.
- 2.2 Reserved Matters application (2018/1894/RES) was granted on the 09 January 2019 for the details of the access, parking, landscaping, open space and engineering works (Details of access, appearance, landscaping, layout and scale pursuant to outline planning permission 2017/1451/OUT granted 10th August 2018) and submission of details pursuant to Conditions 6 (Japanese Knotweed), 7 (drainage), 11 (on-site culverts), 12 (auto-track), 13 (site intrusive investigations for mine entries), 15 (historic environment mitigation), 27 (tree protection), 28 (boundary treatment) and 29 (wildlife habitat protection plan) of outline planning permission 2017/1451/OUT

- 2.3 Non-Material Amendment application (2018/2051/NMA) was granted on 18/07/19 to modify the wording of Conditions 9 (surface water removal strategy), 22 (future maintenance and management of streets) and 21 (noise insulation).
- 2.4 Discharge of Condition application (2018/2172/DOC) was granted on 14/01/2019 for Discharge of Conditions 32 (CEMP) and 33 (SWMP) of Planning Permission 2017/1451/OUT granted 10th August 2018.
- 2.5 Non-Material Amendment application (2018/2554/NMA) was granted on 19/12/2018 to modify the wording for conditions 13 and 14 to alter the timing for submission and carrying out of the intrusive site investigations associated with the mining legacy. Cond 13 – change from 'prior to the submission of the RM application' to 'the RM application shall be accompanied by...'. Cond 14 - change from 'the RM application shall be accompanied by' to 'Prior to the commencement of development.
- 2.6 Discharge of Condition application (2019/1742/DOC) was granted on 16/09/2019 for Discharge of Condition 9 (surface water removal) of planning permission 2017/1451/OUT granted 10th August 2018, as amended by NMA approval 2018/2051/NMA.
- 2.7 Discharge of Condition application (2019/2429/DOC) was granted on 02/01/2020 for Discharge of condition 16 (Land contamination - detailed investigation and remediation strategy) of Planning Permission 2017/1451/OUT granted 10th August 2018.
- 2.8 Non-Material Amendment application (2019/2791/NMA) was granted on 23/12/2019 to modify the wording of condition 14.
- 2.9 The development 'commenced' on 13th December 2019.
- 2.10 A copy of the 2017/1451/OUT outline committee report is attached at Appendix A

3.0 Consultation.

- 3.1 The Local Ward Member, the Placemaking and Strategic Planning Team, the Education Officer, the Housing Enabling Officer and the Head of Engineering and Transportation were all consulted on the application.
- 3.2 The Placemaking and Strategic Planning Team has commented as follows:

"I can confirm that the Council's Placemaking and Strategic Planning Section has undertaken a viability appraisal of the proposed 99 home development on this planning application site using the Council's Development Viability Model (DVM). Pobl and their partners have engaged with the Council in an open book manner, which has enabled the Section to fully understand the costs and values associated with the project, and I am satisfied that a fair and accurate assessment of the scheme's development viability has been undertaken.

The development proposal assessed has been based on a 99 home scheme, of which 68% are affordable homes. The split across all tenures is 32 open market units, 33 intermediate affordable tenure and 34 social rent. Clearly these proposals would make a significant contribution to affordable housing provision

in this area and is well in excess of the 15% Policy target for affordable homes provision on site that could be requested under LDP policy.

Pobl have submitted sufficient information demonstrating the high level of abnormal costs involved in developing the site and I am satisfied that these costs are of the order specified. There is an element of risk for developers on all sites, and a significant amount of abnormal costs were allowed for by the developer when acquiring the site and taking forward proposals. Notwithstanding this, the information submitted demonstrates that further significant abnormal costs have arisen following further site investigations, in particular since the removal of vegetation on the site that has allowed further ground investigations of this former mining area.

Based on the information submitted, the appraisal confirms that having regard to the Section 106 contributions previously agreed on the scheme, the significant abnormal costs associated with this site impact fundamentally on the financial viability of bringing forward the proposals. It is therefore reasonable for the Authority to enter into discussions with Pobl on the Section 106 with the aim of delivering a development that is acceptable in planning terms.”

3.3 The Education Officer has commented as follows:

“Education have been asked to comment on the following:

Education contribution amounting to £369,076 is simply unviable given the particular unforeseen abnormal circumstances outlined above and it is requested that this figure is omitted from the S106 Agreement.

The original request/response from Education to the planning application 2017/1451/OUT was £670,188. Planning revised this request to £369,076 and this was subsequently included in the signed S106. Breakdown as below

Gowerton Primary	£272,659.14	(English Medium Primary) (EM)
Gowerton Comp	NIL	(English Medium Secondary) (EM)
Y Login Fach	£48,872.86	(Welsh Medium Primary) (WM)
Y Gwyr	£47,544	(Welsh Medium Primary) (WM)

The development will have an impact on pupil numbers as below:

Gowerton ward = 15.2%	Pupil Numbers	EM	WM
Primary	31	27	4
Secondary	22	19	3
Post 16	0	3	1

The year on year projections have been reviewed in line with projected build rates. As the Gowerton Primary school is a new build, a reduced contribution would not be sufficient to create new places at this school as an extension would be required and a reduced contribution would not be sufficient to facilitate any extension to the school, were it feasible.

Gowerton Primary	capacity 2020	Sept 2020	2021	2022
NoR*	346	347 Page 5	335	320

Unfilled Places	-1	11	26
%	-0.29	3.18	7.51

*NoR – Number on Roll

It must be made clear that Education requests for contributions are assessed in accordance with the Supplementary Planning Guidance and are essential to enable the provision of additional places in schools to meet increased demand arising from developments. If requests are rejected, or s106 agreements varied, then this risks Education being in a position that it is unable to accommodate catchment area pupils in their local school.

In this case, considering the viability of Education being able to utilise such a small contribution, and due to the fact the site whilst not within the catchment area is closer to another local primary school (Waunarlwydd Primary) with capacity, Education would agree to foregoing the contribution for the English medium primary school.

However, Welsh medium places are currently and are projected to be under continued pressure.

Works to increase capacity are planned for Y Login Fach, and in progress at YG Gwyr. As such, the contributions for Welsh medium would be needed to support these projects.

Therefore, in summary, Education agree to the omission of the English medium primary contribution, but the Welsh medium contributions are essential to support the need to create additional places to meet the demand arising from the new development, and these two requirements still stand.”

3.4 The Housing Enabling Officer has commented as follows:

“I can confirm that Housing is in agreement with the modification of Section 106 agreement attached to planning permission 2017/1451/OUT granted 10th August 2018, to increase the level of affordable housing. Housing is supporting Pobl to develop this site through the Programme Development Plan using Welsh Government funding. Pobl will be delivering 68% affordable housing on site, this is higher than the current conditioned 30% and the LDP policy provision of 15% within the Greater North West Zone. This proposal will provide affordable housing in an area of need.”

3.5 The Head of Transportation and Engineering has commented as follows:

The original application contained the requirement for a signalised Toucan type crossing to link the development site to the National Cycle Network. In 2017 a Toucan crossing was the only permitted crossing type which could be used by both pedestrians and cyclists.

Since this time the new Traffic Signs Manual Chapter 6 has been issued by the DfT which includes parallel Zebra Crossings as an approved crossing type. This can be used by both pedestrians and cyclists, is generally less intrusive than a signalised crossing, and affords more priority to the vulnerable user crossing the carriageway. Page 6

The 85%ile speeds and sight lines on Gorwydd Road are such that a parallel Zebra crossing could be installed in place of the Toucan, and be compliant with the current standards. This is seen as a reasonable compromise to retain the requirement to link the site to the National Cycle Network (NCN), and requires substantially less equipment to implement.

The Highway Authority is content that this proposal provides a safe crossing point for vulnerable users, whilst being delivered at less cost to the developer. Making use of the existing refuge islands, a new parallel Zebra Crossing can be supplied, and installed for around £20k.”

3.6 The Local Ward Councillor has OBJECTED as follows:

“I would like to register my objections to the Planning Application 2021/0106/106 Former Cefn Gorwydd Colliery Site in Gowerton. To modify the section 106 agreement attached to planning permission 2017/1451/OUT granted 10th August 2018, to increase the level of affordable housing and to remove the education contribution.

The developers were made well aware of the problems of this site, which were hi-lighted by the approximately 300 original objections. It is well-known that there are a number of mines in this area with very little mapping knowledge. I think the Coal Board will be able to verify this.

The developer has destroyed this area by removal and rearranging the soil with the destruction of mature trees. This has resulted in the natural drainage being disturbed and a number of residents of Gorwydd Road have now excessive water in their gardens.

Pobl should have estimated that the extent of the work on this site would be expensive and I am appalled that they would offer to increase the number of affordable houses as a bribe to remove their educational contribution. There is already a development of 44 social houses being built at George Manning Way in Gowerton. The extra houses would again exasperate the lack of amenities, increase of the traffic, overload already full Primary Schools and commit the Authority to extra expense to accommodate these lack of facilities.

The removal of the 106 agreement should not be considered or allowed on this planning application to increase the financial liability of this development at the expense of the children and village of Gowerton.”

3.7 Gowerton Community Council has OBJECTED as follows:

Gowerton Community Council are strongly opposed to this application. Pobl want to Modify Section (106) reneging on their responsibility of investing £369,076.00 towards education and infrastructure to accommodate the extra children, and we feel this is extremely underhanded. The promise of the investment was made to secure the application and now Pobl are trying to get out of it due to increased costs. Surely they should have foreseen this? The village has enough pressure on it's facilities and schools without adding to them by this proposed development. We sincerely hope that this application is not granted by Swansea Council.

3.8 THREE HUNDRED AND FORTY TWO (342) OBJECTIONS from local have been received which are summarised below .

N.B. Only objections relating to this specific application have been summarised below and should be considered. Objections relating to the principle of development, impacts upon ecology, trees, residential amenity, traffic, parking, pollution, drainage, flooding, sewerage, old coal mine working / land stability, noise, etc. were considered at the time of the outline and reserved matters applications, and as such are not relevant to this application.

- Object to the proposal to remove the contribution to education.
- This will directly and negatively impact on the education and wellbeing of local children attending schools.
- Many of the tenants/purchasers of the houses will have children who will attend the local schools.
- The developer should have anticipated the possibility of abnormally high remediation costs for development of this land.
- Whilst the supply of affordable housing into Gowerton could be considered of benefit to the local area, it should not come at the expense of additional strain on local services and amenities without some form of additional funding being provided. In addition, affordable housing is also being provided elsewhere in the village, which will also help meet housing demand.
- The housing levels cannot be increased without financially supporting the local schooling.
- The Council may wish to consult the Well-being of future generations (Wales) Act 2015, when deciding whether to remove the education contribution. "A prosperous Wales" as detailed in section 4 of the above act, indicates that decisions by public bodies should encourage a society which: "develops a skilled and well-educated population in an economy which generates wealth and provides employment opportunities". I am not convinced that removing the education contribution would be in line with the above stated objective.
- The schools are already over-subscribed in this area.
- Council have still not published the reasons or the costings for the request to remove the Section 106 agreement.
- This site was always going to be costly due to the several undetected, uncapped mine shafts and the significant ground works required to even make this development viable.
- Who is going to supply the funding? The City Council will certainly not be in a position to provide finance as that is needed to deal with the fallout of the pandemic. The outcome will undoubtedly result in overcrowded classes at our schools, haven't children had enough to cope with recently.
- Looking at previous objections and the numerous surveys undertaken, it is clear that this site was always going to be costly due to the several undetected, uncapped mine shafts and the significant ground works required to even make this development viable. Given the recent collapse of a mineshaft in Skewen and destruction of a whole street and surrounding streets affected by this, this development could cause devastation to the village.
- Pobl informs us that it is regrettable, they cannot fulfil its commitment to develop this site altering the tenure split of affordable housing and to remove the education contribution stating it was too costly without further subsidies. Once again the most vulnerable in society are being abandoned in the interest of profit.

- The Coal Mining search revealed 9 pit shafts and 2 adits which they have no historical record of capping. There is no record of the depth of shafts and the number of roadways leading from the shafts each now filled with stagnant polluted water. The site is clearly not fit for purpose as a housing development and a danger to the environment and the locality.
- I am disgusted that as a council tax paying resident that I found out about this planning amendment request purely by accident. I am not on social media and would expect to have been notified of this by letter or postings on the local street posts.
- The application is also for an alteration to tenure mix within the affordable housing clause. And this is to ensure social housing grant can be obtained. This proves that POBL are trying all avenues to try and make this development viable, which it is not, and subsequent costings will be dealt with this way (by applying for grants, etc).
- This ploy by POBL is a cynical way to recover the costs already known regarding making the site viable for building on. They are clearly trying get around the initial planning process to increase the amount of houses built on this site and removing the payments to make it financially viable for themselves to make a suitably large profit at the expense of the village and its environment.
- There are not enough tables and desks or space in the classrooms for the current classes and when you consider that the school is brand new it beggars belief not only that Gowerton is being allowed to expand but that a developer, however laudable a housing association may be, has the nerve to try to duck its social responsibilities.
- I have a child in Gowerton primary and their class size is currently so large that they do not have enough desks/seating for the whole class! Some pupils have to sit on the floor or alternatively work in the learning street, which is a communal area! More housing therefore brings with it more children to the school catchment area! Without additional funding out children's education will suffer.
- I work in Gowerton Comp and my daughter attends Gwyr, both of which are excellent schools but up to maximum capacity. How can this continue when forced to oversubscribe.
- As a current teacher in Gowerton Comprehensive school, I first hand see the impact of larger class sizes on our young people. It adversely effects their ability to learn effectively. Adding more houses, with the potential to add more young pupils to the catchment area schools, without building another, would have an adverse effect on their education. The money which is being removed for the education fund, would be much more beneficial supporting our young children in their education, especially having had so much disruption throughout this pandemic.
- Over-crowded school, Login Fach. No money to provide upkeep of the school asking parents for any scraps of paint and volunteer time to do the painting as again no money left in the budget for labour time. Asking parents if they can help photocopy school work as budget has been cut, there is no one to do this task. My daughter in year 4 could not have school swimming lessons as the budget for the second person to accompany the teacher on the bus again had been cut - a vital lesson in life missed. Do you get the point? Budget cut - .where do you expect there to be more space/money for extra kids 106 dwellings? Clearly there will be more children living within these dwellings. I sat in a year 4 introduction at Login Fach school and told there was money cuts, support staff had lost their jobs, the school was expected to run on less staff - you know all this is true because you guys give the budget cuts to the schools.

- Our schools and health care are already at full capacity. My step-daughter couldn't get in to Gowerton Primary school last year due to the amount of children already attending and you want to add more families who would be put in the same situation some might not be able to drive their children to a different school location like i have to everyday.
- It is hard to imagine how depriving the children of Gowerton of £370,000 will make a difference when the developers have a site that cost £2.1 million and will be worth £15.84 million completed.
- I see too that Pobl want to get more free money from the Welsh Government by building more of this development as social housing and less of this development as affordable housing. Increasing the social housing and decreasing the affordable housing on this site will have an adverse effect on the social mix of the village which given the volume of social housing already here is unfair on Gowerton.
- Gowerton already has a substantial size 100% Social Housing development underway off George Manning Way so the village is bearing its fair share of Swansea's expanding social housing requirement. Any further increase, by allowing Pobl to increase the percentage of social and decrease the amount of affordable housing in this development would be unfair on the social mix in the village and unfair on young local families who struggle to buy in the village.
- It is very unfair to refuse funding to the local English medium schools, especially when money is granted to the Welsh medium schools. More local housing yet less money to be placed in the local schools where the children in these new homes will attend.
- This is indirect discrimination against the children of Gowerton that are not educated via the Welsh medium, you only have to look at the development and current funding afforded to Ysgol Gyfyn Gwr, while the English medium school has lacked any level of the same funding for a considerable length of time.
- Pobl proposes to decrease the amount of educational funding from Â£370,00 to just under Â£100,000 for educational resources for the welsh schools only. This is utterly disgusting and unfathomable. It asks the question; why should speaking a different language subject children to a different level of education resources? It will be the children that suffer

3.9 In response to the above objections, issues relating to the capacity of the local doctors, pharmacies and dentist surgeries, policing and house values, are not material planning considerations. With regard to the consultation process, there is no statutory requirement to consult on a variation to the S106 application.

4.0 Main Issues

4.1 On an application for modification by agreement pursuant to section 106A(1)(a) of the 1990 Act, the Courts have considered the matters that a Council must have regard to (see R(Bachelor Enterprises Ltd) v North Dorset District Council [2003] EWHC 3006 and in R(Millgate Development Ltd) v Wokingham DC [2011] EWCA Civ 1062).

The Council has to ask itself:

- a. Does the existing planning obligation still serve a useful planning purpose?;
- b. If it does and modification is proposed, then the question is whether that planning purpose could be equally served by the proposed modification?
- c. If it would, then the Council should agree to the modification;

- d. If it would not then the Council should refuse the application to modify.
- 4.2 Any decision by the Council to agree to a modification of the S106 agreement could be the subject of a challenge via Judicial Review. However the decision cannot be appealed.
- 4.3 The 2017/1451/OUT Outline Planning Permission granted consent for the residential development of the site, comprising 99 dwellings. The S106 agreement included the following obligations:
- 30% of Affordable Housing (AH) on the site; comprising 70% social rent and 30% intermediate, provided at 42% ACG and DQR compliant. The AH shall comprise a 50/50 mix of 2 and 3 bedroom properties. The design and specification of the AH should be of equivalent quality to those used in the Open Market Units. The AH shall be dispersed across the site in clusters.
 - A Highways Contribution of £35,000 for the provision of a Toucan Crossing for pedestrian /cycle use (suggested location is at a point of secondary pedestrian access opposite 60/62 Gorwydd Road).
 - Education Contribution of £369,076 to increase school capacity at local schools (plus indexation) - Primary: £321,532 (plus indexation), to be split 84.8/15.2 towards Gowerton Primary and YGG Y Login Fach, respectively. Secondary: £47,544 (plus indexation), towards YG Gwyr.
 - Management plans for the future maintenance of the retained woodland, and proposed Open Spaces, Leaps and Laps.
 - An Ecology Contribution of £20,000 towards the on-going management, maintenance and enhancement of Killay Marsh Local Nature Reserve, to mitigate the loss of the wet woodland area.
 - A Management and Monitoring fee of £8481 (based on 2% of the monetary value of the obligation contained within this S106 agreement)
 - The Council's legal fees of £1000 relating to the preparation of the S106 agreement
- 4.4 The changes to the above obligations subject to this variation application are as follows:
- (i) alter the tenure split of the affordable housing from 30% intermediate and 70% social, rented to 100% Intermediate;
 - (ii) remove the education contribution for the English Medium schools and change the trigger point for payment; and
 - (iii) reduce the highway contribution from £35,000 to £20,000.
- 4.5 The developer has stated that extensive site clearance operations were required to take place on the site, in order to enable further intrusive ground investigations to take place to inform the remedial package of works required for the economic development of the site. All the trees and scrub have been cleared in accordance with the planning permission and the required planning conditions. Pobl Group have since entered into negotiations with a Contractor in order to deliver the proposed development and alongside the further intrusive investigations, it has been established that the level of

abnormal costs associated with the development are far greater than was originally anticipated.

4.6 The Council's Placemaking and Strategic Planning Section has undertaken a viability appraisal of the proposed 99 home development on this planning application site using the Council's Development Viability Model (DVM).

4.7 It is considered that Pobl have submitted sufficient information to demonstrate a high level of abnormal costs involved in developing the site. It is acknowledged that there is an element of risk for developers on all sites, and it is noted that a significant amount of abnormal costs were allowed for by the developer when acquiring the site. Notwithstanding this, the information submitted in association with the viability appraisal demonstrates that further significant abnormal costs have arisen following further site investigations, including ground investigations of this former mining area.

4.8 It is considered that based on the information submitted, the appraisal confirms that having regard to the Section 106 contributions previously agreed on the scheme, the significant abnormal costs associated with this site fundamentally impact on the financial viability of bringing forward the proposals.

However, whilst it is accepted that the financial viability of the scheme is a material consideration in the determination of this application, the Local Planning Authority must nevertheless still consider the impacts of amending the requirements of the S106 agreement. In short, consideration must still be given to whether the proposed revisions to the S106 are acceptable in planning terms.

4.9 Affordable Housing variation - the Council's Housing Enabling Officer has raised no objection to this aspect of the revised S106 requirements. The proposed changes - namely altering the tenure split of the affordable housing from 30% intermediate and 70% social rented to 100% Intermediate, are therefore considered to be acceptable, and will meet an identified need for intermediate housing in this locality. The dwellings will still be a 50/50 mix of 2 and 3 bed houses as per the original obligation.

4.10 Education Contribution Variation - The applicant originally requested that all of the education contributions be removed as a result of the pressure on the viability for the development of this site. However, following consultation with the Education Officers, it was established that the Welsh medium places are currently and are projected to be under continued pressure, and that works to increase capacity are planned for the Welsh Medium schools at Y Login Fach, and are in progress at YG Gwyr.

As such, the financial contributions for the Welsh medium schools are still required to support these projects and to provide the Welsh medium places for the children occupying the new development.

Pobl have agreed to pay the original requested contribution for the Welsh Medium (WM) schools, namely, Y Login Fach - £48,872.86 and Y Gwyr - £47,544 (plus indexation).

4.11 The main issue to be considered is therefore whether it is acceptable to remove the requested contribution for Gowerton Primary of £272,659 (plus indexation). It should be noted that there was no requested contribution for Gowerton Comprehensive (English Medium), as there was sufficient capacity to

accommodate children from the development at the time of the outline permission.

4.12 At the time of the 2017/1451/OUT planning application being determined, the forecasted capacity figures for Gowerton Primary showed -36 unfilled places in Jan 2017. At that time it was forecast that by 2022 there were expected to be +2 unfilled spaces by 2023. Therefore, the requested amount of £272,659 for the forecasted 27 English primary school places associated with this development was requested and agreed.

4.13 The current forecasted figures for Gowerton Primary have changed (mainly due to a decrease in birth rate and population changes). They are now +8 unfilled places in January 2020, increasing to +26 unfilled places by 2022.

As there would be 27 English Medium Primary pupils generated by the development, and there would be 26 available spaces in 2022 at Gowerton Primary, there would be a shortfall of only 1 space. It is considered that requesting a financial contribution for 1 primary school child is unreasonable and unnecessary. In addition, it is considered clearly unfeasible to extend the school to accommodate 1 additional child, particularly given that the school is already built to capacity given the current constraints of the Gowerton School site.

4.14 It is also noted that the application site is geographically closer to Waunarlyydd Primary School (although in a separate catchment), which has unfilled places which can absorb the additional 1 primary school place required.

4.15 It is therefore considered that the request from Pobl to remove the educational contribution for Gowerton Primary is reasonable and acceptable in planning terms, and would not unduly prejudice the future educational needs of the children associated with this development or children in the wider locality.

4.16 This application also seeks to vary the trigger point of the payment of the education contribution.

The agreed trigger points within the approved S106 are: to pay 50% of the contribution prior to the occupation of the 1st open market house with the remaining 50% to be paid on the occupation of the 50th open market house.

The proposed change is to pay 100% of the contribution on the occupation of the 50th dwelling (irrespective of tenure). Education Officers have confirmed that this is acceptable and have advised that this would be more useful in terms of directing the funds than the previously agreed trigger point.

4.17 Highway Contribution variation - although not originally applied for by Pobl, in order to aid the assessment of the viability, a reassessment of the highway contribution has been undertaken. The Highway Officer has commented that the reduction of the highway contribution from £35,000 to £20,000 is acceptable. It is noted that when the original outline consent was granted, a Toucan crossing was the only permitted crossing type which could be used by both pedestrians and cyclists.

4.18 Since this time the new Traffic Signs Manual Chapter 6 has been issued by the DfT which includes parallel Zebra Crossings as an approved crossing type. This can be used by both pedestrians and cyclists, is generally less

intrusive than a signalised crossing, and affords more priority to the vulnerable user crossing the carriageway.

4.19 The 85thile speeds and sight lines on Gorwydd Road are such that a parallel Zebra crossing could be installed in place of the Toucan, and be compliant with the current standards. This is seen as a reasonable compromise to retain the requirement to link the site to the National Cycle Network (NCN), and requires substantially less equipment to implement. Making use of the existing refuge islands, a new parallel Zebra Crossing can be supplied, and installed for around £20k.

4.20 As such, The Highway Authority is content that this proposal provides a safe crossing point for vulnerable users, whilst being delivered at less cost to the developer. As such the reduced amount of £20,000 is considered acceptable and will cover the costs of a new parallel Zebra crossing opposite 60/62 Gorwydd Road.

5.0 Recommendation

5.1 It is recommended that:

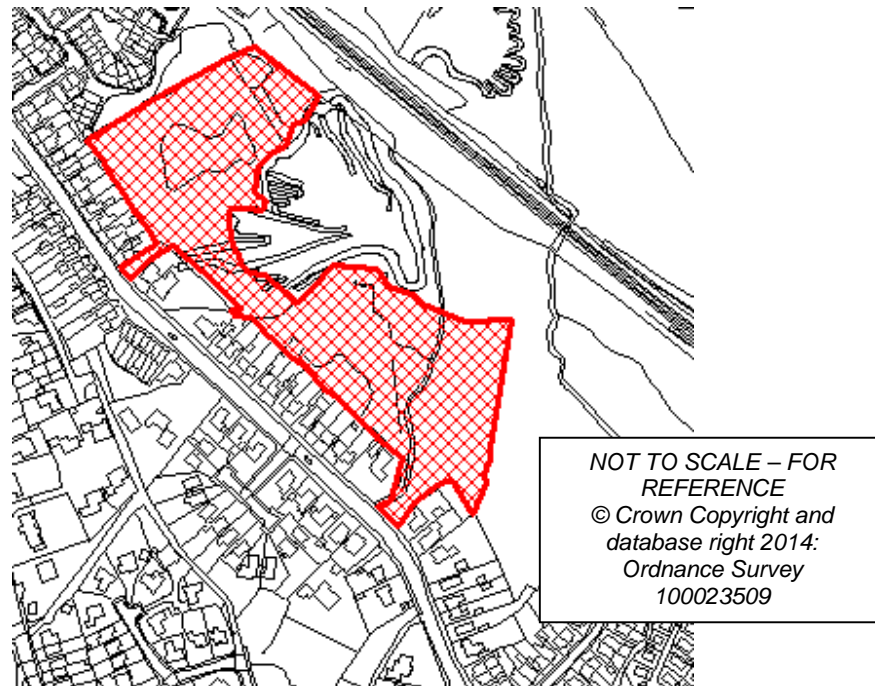
Consent is granted for the modification of the S106 agreement (planning obligation) to the following:

- **30% of Affordable Housing (AH) on the site; comprising 100% intermediate, provided at 70% ACG and DQR compliant. The AH shall comprise a 50/50 mix of 2 and 3 bedroom properties. The design and specification of the AH should be of equivalent quality to those used in the Open Market Units. The AH shall be dispersed across the site in clusters.**
- **A Highways Contribution of £20,000 for the provision of a Zebra Crossing for pedestrian /cycle use (suggested location is at a point of secondary pedestrian access opposite 60/62 Gorwydd Road).**
- **Education Contribution of:**
 - (i) **£48,872.86 (plus indexation) to increase school capacity at Y Login Fach, and**
 - (ii) **£47,544 (plus indexation) to increase school capacity at Y Gwyr.**

Contribution to be paid in full on the occupation of the 50th dwelling (irrespective of tenure).

- **Management plans for the future maintenance of the retained woodland, and proposed Open Spaces, Leaps and Laps.**
- **An Ecology Contribution of £20,000 towards the on-going management, maintenance and enhancement of Killay Marsh Local Nature Reserve, to mitigate the loss of the wet woodland area.**
- **A Management and Monitoring fee of £8481 (based on 2% of the monetary value of the obligation contained within this S106 agreement).**
- **The Council's legal fees of £1000 relating to the preparation of the S106 agreement**

ITEM **APPLICATION NO:** 2017/1451/OUT
WARD: Gowerton - Area 2
Location: Former Cefn Gorwydd Colliery, Gorwydd Road, Gowerton, Swansea
Proposal: Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space. (outline application - all matters reserved)
Applicant: Urbanstyle Land Ltd



BACKGROUND INFORMATION

POLICIES

UDP - EV1 - Design

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

UDP - EV2 - Siting

The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV3 - Accessibility

Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV20 - New Dwellings in the Countryside

In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby

settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV22 - Countryside General Policy

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

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

(City & County of Swansea Unitary Development Plan 2008)

UDP - EV23 - Green Wedges

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

UDP - EV24 - Greenspace System

Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV30 - Trees, Woodland and Hedgerow Protection

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

UDP - EV33 - Sewage Disposal

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

UDP - EV34 - Protection of Controlled Waters

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

UDP - EV35 - Surface Water Run-Off

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

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

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

UDP - EV40 - Air, Noise and Light Pollution

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

UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists.

(City & County of Swansea Unitary Development Plan 2008)

UDP - HC17 - Planning Obligations

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

UDP - HC24 - Play Areas/Public Open Space

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

UDP - AS1 - New Development Proposals

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

UDP - AS2 - Design and Layout

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

UDP - AS5 - Walking and Cycling

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

UDP - AS6 - Parking/Accessibility

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

UDP - AS10 - Traffic Management and Highway Safety

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

UDP - EV38 - Contaminated Land

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

UDP - EV28 - Sites of Local Importance

Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0918/SCR	Screen Opinion request for requirement for an Environmental Impact Assessment to accompany a proposed planning application in accordance with Regulation 5 of the above Regulations	EIANR Q	16.05.2017

2017/1451/OUT

Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space. (outline application - all matters reserved)

PDE

RESPONSE TO CONSULTATIONS

Sixty local residents were directly consulted and the application has been advertised by way of a site notice and a press notice as a "departure" application.

TWO HUNDRED and THIRTY FIVE (235) OBJECTION LETTERS and TWO LETTERS OF SUPPORT have been received.

The concerns raised are summarised below:

- Increase in vehicular traffic on existing road will have highway safety implications and exacerbate existing congestion issues. Gowerton has become a bottle neck, the three schools situated in the village combined with the two schools in Waunarlwydd cause major traffic congestion in the morning and evening.
- Gowerton has become a through route for traffic to the Gower Peninsula, Dunvant and Killay, causing further congestion in the morning, evenings and summer months. At peak times traffic is regularly queuing from Days roundabout to Gowerton traffic lights and from the Waunarlwydd Gowerton boundary to the traffic lights.
- Gowerton railway station has become a very busy commuter start and end point for people travelling East and West to work which, in addition to adding to the congestion, means that it is virtually impossible for residents, including disabled residents, to get a parking bay at the station or Gowerton car park between 8am and 6pm on weekdays.
- Overdevelopment - this development is hugely detrimental to the village and it's future. There are currently many more accessible and larger sites proposed for development within the Swansea area meaning housing capacity in the area will not be an issue, sites such as the 750 homes in the Garden village area, Fforest Fach and Penlleger, all of which have better links to the M4 and scope for improving road networks, unlike Gowerton which is already full to bursting with the Elba development and the development on what was the old mart.
- Woodland habitat would be destroyed.
- Privacy of residents of Gorwydd Road would be compromised.
- The Comprehensive Schools is at full capacity, and the Junior and Infant School over capacity leading to adverse impacts on local school capacities.
- The Doctor's Surgery can't take any more patients and would have an adverse impact on local health services.
- The sewerage plant is under pressure to take foul waste and unable to take any surface water and is at capacity.
- The proposed entrance to the development is small for the number of houses proposed.
- In principle the application should be rejected until the site is approved by the Welsh Inspectorate via the Local Development Plan. If the Welsh Assembly wish to stab the residents in the back and reclassify this land then that is what needs to be done first before any planning applications can be made. Pre planning applications which have obviously had a lot of upfront investment put into them give the general public great cause for concern and create a lot of suspicion and mistrust

- The loss of trees from the T.P.O. woodland.
- Flooding will take place in the low laying gardens of properties 65 to 81 Gorwydd Road.
- This is now a woodland and a habitat for many species of birds and wild creatures, a site that has not been maintained for nearly fifty years by the owners, but left for nature to take over, the sort of site it is thought both the Welsh Assembly and Land Resources Wales want to maintain.
- Will development lead to an increase in community facilities, specifically Leisure?
- Loss of Green Wedge.
- Old mine workings on site may result in land instability / collapse and subsidence to existing houses.
- The development is not viable or deliverable due to significant highway infrastructure works and land stability works required.
- Increased air & noise pollution.
- SSSI, SINIC on part of the Site.
- Loss of open space.
- The loss of woodland, increased traffic, noise and air pollution, and pressure on health centre will have a detrimental on people's health and wellbeing.
- Cumulative impact of the numerous housing allocations on the Welsh language in a language sensitive area.
- More development would increase the risk of flooding and put more strain on the waste and drainage system.
- It is proposed to demolish a woodland of outstanding beauty and home to various animals and bird species - specifically bats which are seen on a regular basis. The woods in question are home to mice, shrews, fox, badger and squirrel that I have seen and also a wide range of birds, including nightingale, woodpecker, Jay and Owl.
- The river running through the site has burst its banks several times and the proposed diversion of the river can cause unseen flooding.
- The main train line from West Wales runs through the woodland which deflects train noises from us close neighbours but demolishing this could cause several noise issues.
- Irrespective of the conclusions of the application's specialist report in favour of the development, the views of those who know Gowerton best i.e. it's residents, have been summarily dismissed and overlooked.
- This is a small awkward little plot of land bordered by a rail line and established houses, access and facilities are limited, in all honesty I am not even sure it is safe to place these houses in the area
- There are 9 mineshafts and adits on the site. The whereabouts of the underground galleries is very uncertain. I have been told by the Coal Authority that plans of some of the workings are incomplete or missing. This making subsidence a danger. Due to the mining, the site is also contaminated with Arsenic, Beryllium and Lead at levels above normal accepted levels for health. I would have thought it unwise to build any buildings on the site on Health & Safety grounds.
- The sewerage works are struggling to cope with the houses currently in Gowerton. Several complaints have been made with regards to the smell that comes from there. Each time they have advised that there is an overflow which cannot be helped due to their intake. This also leaks out into the estuary. On hot days this is unbearable and windows and doors need to be closed and we are unable to sit outside in the garden.
- I am struggling to get a dentist.
- Children play in the wooded area building dens, tree swings etc. In society today we see this a safe place for our children. If this goes then children will end up with nowhere to go and/or hanging about on street corners.
- We do not have enough policing in the Area. More homes more crime.

- Parking is an absolute nightmare in Drovers Point which causes problems for emergency services.
- Proposal involves development on greenfield site. The Council should develop Brownfield sites not Greenfield.
- There is no justification for the development to meet the Council's need to provide further housing stock as this is being addressed through the LDP and this area of land has been removed from the LDP plans
- I have been objecting on this matter since 2011 and I am sure that as time elapses less people will object as they become bored and disillusioned by the whole prolonged process.
- The classification of this land was a strong contributory factor in my decision to buy my property back in 1997 as I knew that this land could not be developed. Who's going to pay for the devaluation of my property if this development goes ahead? As a Council tax payer I demand the Council step up to the plate on this matter and not just bow down to pressure from Westminster to build on our open protected spaces.
- The adjoining Pharmacy next to the Medical Practice currently has long waiting times for prescription pick ups.
- Currently, a mature tree can use in excess of 360 gallons of water per day. What will happen with the water when these trees are destroyed? What actions will be put in place to ensure my garden will not flood due to the excess water if suitable drainage is not provided?
- The Well being of Future Generations (Wales) Act 2015 - this law is "to give our children and grandchildren a good quality of life we need to think about how the decision we make now will impact them". The 8 goals mentioned will not meet any of the criteria if the proposed development is to go ahead.
- With these questions and points in mind, how can this piece of land be viable to build on?
- Residents already living in the Drover Point development which is already over developed with too narrow roads for the number of vehicles and houses, risk their lives on a daily basis trying to get out of the site onto the main Gorwydd Road. Any further housing development will put further strain on the road system and will cause huge safety issues to those travelling on it.
- The loss of mature trees will be detrimental to my health and the health of my children. These trees dissolve a lot of the emissions currently being omitted by standing traffic.
- This is wet woodland and acts as a soak away. The building of foundations on wet woodland will create a vast amount of surface water and will affect the estuary flow
- This development is also on a flood plain. How can this be built on?
- My objections are in the first instance based on the infrastructure of the village itself. The proposed development would swell the population of the village by considerable numbers.
- Gowerton residents would be disadvantaged in the ways outlined above in order to facilitate a monetary gain for the developer, unless the developer is developing the land as a not for profit company and intends to invest the profit from the sale of houses back into the community of Gowerton and pay for the mitigation for the loss of all wildlife species and not just those that require mitigation under environmental law
- With the additional traffic to Gowerton due to these new properties, it will scare off Tourists to Swansea's Wonderful Gower, as the frustration of getting through would send people to other areas.
- This land is currently identified as part of the Llan Valley Green Wedge, within the countryside which according to current development plan policies (EV22 & EV23) should be conserved and enhanced for the sake of natural heritage, natural resources, historical and cultural, environment and agricultural and recreational value. This proposal clearly flies in the face of national and local policies.

- I live in the Drover Point development which is already over developed with too narrow roads for the number of vehicles and houses in the development. Trying to get out of this site onto the main Gorwydd road is a huge hazard and any further housing development will put further strain on the road system and will cause huge safety issues to those travelling on it.
- Being a former colliery site this can't be considered a good site for housing as there's good reasons mortgage companies don't like to issue mortgages for houses in mining areas. The ground in this area has many springs and streams running through it as well as shafts beneath it.
- To lose the majority of the woodland and wildlife habitat that this area provides would be a terrible loss as once its gone its gone.
- To try and rectify the mistake of building so many extra homes and the extra school, the Council came up with the oxymoron of an 'inner bypass' to improve traffic flow. This is after taking away part of the Welsh school green fields to create a bus lane, and building on the athletics area of the English school to create more classroom space. Since then the Welsh school has also built a large extension on the green space at the rear of Heol y Gog, yet another green area gone forever. The inner relief road removed yet another green area in the heart of the village
- The recent new Primary School (whilst much needed) has been built on the Elba playing fields, taking away another green area.
- The clearances of this site would disturb the wildlife and be an offence under the Wildlife and Countryside Act 1981. We need these spaces for the present residents to live, work and enjoy a healthier lifestyle. The green land absorbs the rainfall and helps the environment.
- The Water Treatment Works in Gowerton is struggling to cope with the huge amount of effluent already going into it and the smell from the works is horrendous and can't be healthy for us. It also is affecting the Burry Inlet and the sea life is being affected with virtually no cockles left.
- We have lost 2 bus service routes recently leading to crammed passengers and trains at peak times from Swansea are already standing room only.
- Has there been a Traffic Impact Assessment (TIA) undertaken for this proposal, what are the results in respect of vehicles movements, model split and saturation levels for peak times and outside of peak times.
- The width of the existing carriageway together with the existing junction will not accommodate (substandard) such a access for this development and it would be contrary to recommendations within a Road Safety Audit should one be implemented.
- Possibility of HGV's, Buses, deliveries, and emergency services required to gain access to the area. I feel that the unclassified highway will not be sufficient enough to accommodate this without compromising highway safety.
- The noise generated for the amount of vehicle movements would have a significant impact upon the existing residents and would only seek to encourage conflict between residents and vehicle users.
- The Traffic Report's findings were inadequate because they only looked at the impact of the entrance to the site from the existing Gorwydd Road. No examination of the design of the roads within the proposed development had been made as regards the density, width of roads and corners on the development. No recommendations had been obtained from the Emergency Services or the Council Cleansing department as to whether their vehicles (Ambulances/Fire Engines/Bin Lorries) could safely navigate the roads on the site. In the aftermath of the disaster at the Grenfell Tower in London, the safety of the people is now paramount. The proposed plan also suggests an entrance into the site from the Drovers Point estate which is totally unacceptable because that estate has inadequate roads and problems with traffic and parking already.

- The Mining Report stated that no official record could be ascertained as to whether the 9 mine shafts or the 2 adits contained within the site had been capped. This means that the whole site is susceptible to subsidence. Any of these shafts or adits could collapse at any time (if they haven't done so already) leaving huge potholes in the ground.
- The Geology Survey also mentions the presence of Methane Gas in the sub-stratas which is combustible if disturbed. Added to that, the existence of a big natural aquifer lying directly under this site. The aquifer will not go away - it is a natural feature - exacerbated probably by the many mine shafts crossing the site
- We urge the members of the Planning Committee to make another visit and look at the site properly for themselves before making a decision on this application.
- A stream runs to the east of Fairwood Terrace from the land below the development and the increase in hard surfaces in the area will mean less land exposed to the rain and act as a reservoir to slowly release the rainwater. This will increase the risk of flash flooding as weather patterns change due to climate change.
- The site is a wetland woodland and is a Candidate Site of Importance for Nature Conservation (cSINC) and is currently identified as part of the Llan Valley Green Wedge and the majority of the trees have a Tree Protection Order (TPO) placed upon them. The loss of woodland should be considered with the woodlands affected by the development 'North of Gowerton Railway Station/Fairwood Terrace', Site Reference SD-H - North Waunarlyydd / Fforestfach, which are interlinked. The total loss of woodland would be approx. 7.00 hectare, which is grossly unacceptable.
- Planning Policy Wales and Welsh Government Guidance requires Local Planning Authorities to only allocate sites which are realistically capable of being developed and delivered within the plan period. It is now clear from the limited geotechnical investigations that have been undertaken by: Integral Geotechnique on behalf of the developer, that pose real concerns for the community.
- Why, are we not adhering to experts' warnings? Some studies have refuted Global Warming slow down, yet a recent study carried out by Tom Karl Director of NOAA's National Centre of Environmental Information and leading author of the study confirms that Global warming continues to increase! (Inside Climate News) 2015 by Kathrine Bagley.
- The report submitted by the developer is not fit for purpose in the development plan. In the Executive Summary the Arboriculture Impact Assessment (Section 4) based on the Parameter Plan has identified that 78 individual trees and 6 groups of trees fall wholly, or in part beneath, the footprint of the combined highway access arrangements and proposed residential development. This figure is grossly understated, there are 58 trees to be removed at the entrance to the development without assessing the total area of the development

Gowerton Community Council:

Gowerton Community Council strongly object to this application on the following grounds:

1. Site shouldn't have been included in original considerations as segregated by railway.
2. Trees shelter existing housing from railway noise and recycling works noise pollution for residents. This will immediately impact on residents quality of life.
3. Access extremely limited. The traffic plan itself doesn't sufficiently address access around the proposed site for emergency vehicles etc.
4. Area is long a standing recognized valuable wildlife habitat. Regular sightings of bats. The area is one of the few green areas in the village and these areas need to be protected for future generations.
5. Valuable historic site / historic stacks.

6. Infrastructure-sewerage system unsuitable added volume of proposed use. The current systems cannot deal with what is already in place, further proposals of development would be untenable.
7. Development takes away natural drainage exacerbating existing overloaded drains / sewers.
8. Area already experiencing overcrowding issues with schools, traffic and surgery facilities.
9. Area originally bought and used as public land, longstanding use regularly used by residents.
10. Mature trees removed to enable this site, Birch and Oak.

Natural Resources Wales (NRW)

(summerised)

Initial Response

Protected Species

We have significant concerns regarding the proposal as submitted and consider that there is currently insufficient information to assess the possible impact on bats, otter and dormice, which are all European protected species. We require this additional information before we can provide your Authority with further comments in relation to these matters.

Flood Risk

As previously confirmed in our pre-application response, the proposed development site is wholly in Zone A on the Development Advice Map (DAM) and within Zone 1 on our current flood map. Other land within the applicant's ownership, but which is not part of the current application lies within Zone B and borders Zone C2 on the DAM. In our statutory pre-application response (dated 12 June 2017), we accepted that the application site was not within a currently mapped flood zone, but raised a query regarding potential additional flood risk from the main river Gors Fawr Brook - if the culvert beneath the railway became blocked.

We have additional comments in relation to: land contamination, biodiversity, landscape, pollution prevention and waste management, which we would be happy to provide to your Authority, should you wish to determine the application in the absence of the above information.

Second NRW response

Following the agent liaising directly with NRW regarding the concerns raised regarding potential flooding from the Gors Fawr Brook, NRW provided the following comments.

Flood Risk

We queried whether the site would be at any risk from the Gors-Fawr Brook if the railway culvert was to become blocked causing a back-up of flood water adjacent to the site. This scenario does not form part of the currently mapped flood plain. We are unable to confirm this to be the case without evidence of the actual levels referred to. Therefore, to provide your Authority with greater confidence in relation to any flood risk at the site you may wish to request that basic survey information including; the existing level of the railway line, mapped flood plain boundary and any other relevant structures referred to in the FCA should be provided.

Third NRW response

Following the concerns raised regarding the potential flooding at Gors-Fawr Brook, the applicant submitted an amended document entitled; 'Flood Consequence Assessment: Updated Statement covering the impact of a potential blockage of the Gors Fawr Brock railway culvert', dated October 2017.

Flood Risk

We are now in receipt of additional detailed topographic survey information and an amended document entitled; 'Flood Consequence Assessment: Updated Statement covering the impact of a potential blockage of the Gors Fawr Brock railway culvert', dated October 2017, by Marsden Associates.

As stated previously, the proposed development site is not within any currently mapped flood plain and therefore the concern raised was based on an uncertainty as to whether blockage of the railway culvert, through which the Gors-Fawr Brook flows, could affect the site.

The additional survey information indicates that the site is unlikely to be affected in the event of culvert blockage and therefore there is no substantive evidence to suggest that the flood risk to the site from the Gors-Fawr Brook is different to that currently shown on the flood maps.

Final NRW Response

Following the concerns raised regarding the lack of information in relation to the possible impact on bats, otter and dormice, European protected species, the applicant submitted additional survey documents in relation to trees and bats, dormice and otters.

We recommend that you should only grant planning permission if you attach conditions, in relation to bats, otter and dormouse, which are all European protected species, along with conditions in relation to; land contamination, pollution prevention and waste management. The addition of these conditions would address significant concerns that we have identified with the proposed development and we would not object provided you attach them to any planning permission that your Authority may be minded to grant

Protected Species

Having reviewed the additional information and clarification provided in the three protected species surveys mentioned above, we are satisfied with the level of survey carried out and the conclusions drawn.

Biodiversity

The proposed development will involve the loss of a significant part of the Gowerton Mart Woods SINC. While we note that mitigation measures involving the management of the remaining woodland are proposed, the development (as currently outlined) will result in the loss of the vast-majority of the wet woodland and marshy grassland on the site. As the proposed mitigation, does not address the loss of these habitats, we recommend that you discuss this aspect with your Authority's Planning Ecologist as they may consider that some form of additional mitigation/compensation or biodiversity off-setting is required. It would be for your Authority to decide whether the habitat loss / mitigation / compensation for the losses within the SINC is acceptable. Nevertheless, we would advise that a suitable Woodland Management Plan is implemented and secured via an appropriate planning condition, to be agreed with your Authority's Planning Ecologist

Land Contamination

We have reviewed the document entitled; 'South Site, Land at Gorwydd Road, Gowerton Desk Study Report (10796/VA/11/SDS)', by Integral Geotechnique and note that the document was updated in April 2017 - to reflect the presence of the coking ovens on site.

However, the Site Investigation document (dated April 2015) has not been updated. As stated in our statutory pre-application response we agreed with the comments made by Integral Geotechnique that further investigation would be required to understand the risk to controlled waters. We would advise that further work, concentrating on Area A3 would be required as the south east of the site currently has limited coverage and this needs to be extended in order to provide a clearer characterisation of the site. In the absence of this information and further work we advise that your Authority attaches the following standard land contamination conditions to any future planning permission

Pollution Prevention

We consider there to be a particular risk of causing pollution to controlled waters during demolition and construction phases, unless appropriate pollution prevention measures are in place. As a result a detailed Construction Environmental Management Plan (CEMP) should be produced and submitted for the proposal. In particular, it should include measures are in place to reduce the risk of contaminated surface run-off and silt from entering and pollution controlled waters. The CEMP should be secured via a condition on any permission granted.

Waste Management

Given the nature and scale of this development, a Site Waste Management Plan (SWMP) should be produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

Landscape

We note that the site is a supported candidate site in the Swansea Deposit Local Development Plan (H1.23 Non-Strategic Housing Site), although there appears to be some conflict with other policies in the plan due to significant areas of trees lost on the site and overall net loss of trees/woodland.

Policy ER2 Strategic Green Infrastructure Network (iii) states that where loss of green infrastructure is unavoidable, provide mitigation & compensation for the lost assets and ER11 Trees & Development which provides (2.9.74) that where the need for a development outweighs tree loss, a scheme of replacement should be required.

A significant area of woodland is to be removed to accommodate development (including large numbers of 'B' Category Oak), along with the potential for further losses from drainage proposals through the woodland. The proximity of houses and hard surfaces to trees, could also have the potential to affect trees.

Although we note that mitigation for tree and woodland losses is proposed through management of the retained woodland block, along with a number of new street trees, these would not provide 'like for like' replacement value for mature Oaks and woodland.

We support the provision of a Woodland Management Plan, which should be agreed with your Authority's Planning Ecologist and implemented and secured via an appropriate planning condition.

In terms of landscape design and green infrastructure, we note that the houses in the main have front facades facing the woodland and open space, which is desirable. However, there are a few areas where side and back boundaries face the woodland/trees. This should be avoided, if possible. There are no plans showing how the site relates to strategic green infrastructure, although potential pedestrian links to the adjacent residential area to the west (and on to the railway station) are indicated and would be beneficial. We suggest that these links are included and further consideration is given to connectivity, both for people and wildlife in the future detailed site design.

Coal Authority

The Coal Authority has no objection to the proposed development subject to the imposition of a condition - details below.

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

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

In the likely event that the site investigations confirm the need for remedial works to treat the mine entries and any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the submission of the reserved matters:

- * The submission of a scheme of intrusive site investigations for the mine entries for approval;
- * The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
- * The undertaking of both of those schemes of intrusive site investigations

The condition should require as part of the reserved matters application:

- * The submission of a report of findings arising from both of the intrusive site investigations;
- * The submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones;
- * The submission of a scheme of treatment for the mine entries for approval; and
- * The submission of a scheme of remedial works for the shallow coal workings for approval

The condition should also require prior to the commencement of development:

- * The implementation of those treatment/remedial works.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the

requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

Dwr Cymru / Welsh Water

In respect of the aforementioned and the accompanying Pre-Application Consultation (PAC) Report, prepared by Philippa Cole - Planning Consultant, we can confirm that the content of our consultation response (Ref: PPA0002199) has been acknowledged in the planning application submission. As advised in our response, this proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area. A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal. Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

The PAC report refers to the accompanying Drainage Strategy (Ref: 1067), prepared by Jaylae Consulting LLP, and whilst this report includes reference to a historic Welsh Water letter as well as the Memorandum of Understanding, it confirms there is currently no position to implement compensatory surface water removal from the combined system. Furthermore, as part of our pre-application consultation response (Ref: PPA0002199), it was identified that the proposed development site is crossed by a 600mm surface water public sewer and a 150mm foul water public sewer with their approximate position being marked on the attached Statutory Public Sewer Record.

Accordingly, notwithstanding the submitted details, we seek your Authority's co-operation in imposing Conditions and Advisory Notes if minded to grant Planning Consent for the above development to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Network Rail

There is no objection in principle to this proposal.

Glamorgan Gwent Archaeological Trust (GGAT)

We have reviewed the detailed information contained on your website and can confirm that the proposal has an archaeological restraint. It is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

Council's Head of Engineering and Transportation

No highway objection subject to conditions.

This proposal is for outline consent on a site that has been identified as a candidate site under the LDP. Due to the level of development of the site, a Transport Assessment was requested and this was provided by Vectos along with the rest of the supporting information. The scope of the document was agreed with Swansea Council officers. The proposed site is bounded to the north by a railway line, and the east, south and west by residential properties. The site proposes one combined vehicular/pedestrian access (as a priority junction) and one secondary pedestrian only link, both directly onto Gorwydd Road.

The site is well connected and accessible by foot with a number of local facilities including bus stops, primary school, post office and village hall located within a 5-10 minute walk of the site. Other facilities include food stores, medical facilities, bus and railway stations are located within a 10-35 minute walk to the site. The site is highly accessible by bicycle with a wide range of local facilities within a short ride. The site is in close proximity to the NCN Route 4. However the main road of Gorwydd Road is seen to be a barrier to the take up of these non-car modes and as such a toucan crossing (combined pedestrian/cycle access) will be required to be provided to gain access to these non-car modes including access to the cycle networks and walking routes to the local school. This feature would be in line with the requirements as laid out in the Active Travel Act policy which is included in the LDP deposit draft as an Appendix, therefore it forms part of the LDP Assessment. A shared use path will therefore be required to traverse through the site linking the two access points.

The application is for outline consent only with all matters reserved, although the access points have been indicated and an indicative internal layout supplied. It is considered that adequate visibility is provided at the point of the proposed vehicular access. The Transport Assessment used the national data base TRICS to quantify the level of movements that would be expected to be generated by the 100 houses. Baseline traffic data was provided by the City and County of Swansea based on a survey in 2011.

In 2011 this showed average levels of vehicles movements of:

* 447 (n/b) and 707 (s/b) total 1154 in the morning peak (0800-0900)

* 649 (n/b) and 252 (s/b) total 901 in the pm peak 1700-1800

(n/b = north bound; s/b = south bound)

Once factored up to 2017 levels (Tempro growth factor of 1.05) then trip figures increased to

* 1224 two way movements in the morning peak

* 960 two way movements with the p.m. peak.

(Tempro - is a base to factor up flows for future growth)

The survey showed average speeds of 33mph but maximum speeds of 60mph were recorded. Subsequently, speed indicator display signs were erected in positions either side of the proposed development site. The accident data showed a number of 'slight injuries' arising from collisions, all of which were car related and none of which related to pedestrians or cyclists.

The TRICS site selection comparisons have been validated (16 sites) and agreed in principle. The expected trip levels are 0.616 trips per dwelling in the a.m peak, 0.623 in the p/m peak with a total daily flow of 7.78. In terms of the proposed development of 100 houses this equates to total trips of 62 between 0800 and 0900hrs and 63 in the pm peak 1700 to 1800hrs, with total daily flows of 778.

Whilst extensive concern has been raised regarding the additional traffic movements, it can be seen that the trips arising are approximately one per minute. It is therefore considered that the development traffic can be accommodated within the existing infrastructure.

The PICADY runs show that the additional movements can be incorporated into the existing traffic flows without any infrastructure works being required, hence the proposed priority junction is satisfactory. Notwithstanding that the vehicular movements can be accommodated it is considered that improvements are required in terms of accessibility for pedestrians/cyclists as mentioned earlier. The PICADY results covered a variety of scenarios - splitting the traffic movements between north and south the queues were minimal (maximum 1) and that was assuming a 70/30 split of traffic going towards Gowerton (which would likely be the worst case scenario).

(PICADY is a software package that tests priority junctions)

The indicative layout shows a mixture of road to adopted standards plus elements of shared private drives/unadopted areas. Footways have been partly indicated and their full inclusion can be secured by condition. In addition a shared use path will be required to link through the site to tie into the proposed access points.

Parking provision varies across the site and in the main will be required to comply with the Council's parking standards. It is not clear if the sustainability matrix will be submitted to allow a justified reason for a parking reduction. A sustainability matrix will need to be submitted as part of any reserved matters planning application to demonstrate that two spaces per plot is an appropriate level for the 3, 4 and 5 bedroom units given the proximity to local amenities. The garages as indicated will have their permitted development rights removed in order to protect the parking levels.

Autotrack runs will also need to be submitted to show that the site can be adequately serviced by a refuse and emergency vehicles. The indicative plan does not clearly define if there would be any gradient issues or requirements for retaining walls to be included. These would need to be included at reserved matters stage.

The internal site layout is acceptable in safety terms but is otherwise not suitable for adoption as parts of the layout do not comply with this Council's standards, particularly with regard to pedestrian movements. The roads within the site therefore may need to remain privately maintained, which is an option open to developers as an alternative to having the roads adopted. A private management company would therefore be responsible for the estate in perpetuity if that is the chosen route.

I recommend no highway objection subject to conditions.

Council's Drainage Officer Observations

We have no objection in principle to the proposed development and recommend that drainage conditions are appended to any permissions given.

Council's Tree Officer Observations

Initial Comments

Objection - contrary to Policy EV30. A large proportion of the trees on the former colliery site are protected by TPO 419.

Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The arboricultural report has not identified all the impacts that the development will have on the trees. Most notably the removal of large areas of trees and scrub will expose the inner woodland to wind. This would be a problem on any site as edge trees in woodland deflect the wind which leads to the trees within the woodland being susceptible to wind damage. The inner trees tend to be taller, have fewer lower branches and have not developed roots and adaptive wood to resist the wind. These factors would lead to wind damage in the future. In addition to the above general problems which any woodland would experience, the trees in this woodland are rooted in either colliery waste or wet ground, both rooting environments increase the likelihood of wind throw with the edge trees removed. The proximity of several of the indicative building locations to trees will lead to pressure to remove them. Areas of concern are along the boundary with the former market site, properties to the south of the link road between the two 'halves' of the development and to the east of the entrance road. The drainage strategy shows the connection to the drain for the eastern side of the site to pass through the protected woodland which would lead to numerous tree losses and open up a potential wind funnel leading to more tree losses. It also shows a land drain ringing the retained woodland and affecting trees on the southern boundary of the site. There is little compensation offered or possible for the amount of tree removals required to facilitate the development.

Final Comments

Following the concerns raised by the Tree Officer in the initial response above, the applicant submitted an amended Arboricultural Addendum Statement which has been assessed.

No objection subject to conditions relating to tree protection measure and a landscaping plan.

A large proportion of the trees on the former colliery site are protected by TPO 419. Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The arboricultural report and addendum has now identified all the impacts that the development will have on the trees. The report identifies 6 groups, several category B (51) and C trees (32) that will need to be removed to facilitate the development. The most concentrated loss of trees is to link the western and eastern sides of the site.

The majority of the protected woodland will remain undeveloped with the trees being retained wherever possible, subject to an approved woodland management plan that may prescribe some tree removals to obtain management goals. The woodland management plan would aim to improve the woodlands poor vertical structure and lack of age diversity. The woodland management heads of terms document submitted by the applicant has no detail but has the required sections to flesh out to be an effective document.

Sections of the woodland are poor due to lack of management and ground conditions, the main areas of the proposed development are in the lower lying areas that are wet and support mainly willow. The central area of the western half of the site has only recently been colonised by these willow trees as can be seen from the historic aerial photographs. The woodland TPO generally excludes the wetter area and this is where the proposed development is centred.

The addendum details why the impacts of trees becoming exposed due to scrub removal will not be significant, this is due to the size of trees present and previous exposure - the scrub becoming widespread since 2008. The increased risk that a few retained trees will experience of being wind-thrown can be mitigated by suitable design, planting and tree surgery.

The indicative layout cleverly places residential roads adjacent to the retained trees - this will reduce the likelihood of future tree removals due to tree/neighbour conflicts.

The drainage strategy shows the connection to the drain for the eastern side of the site to pass through the protected woodland. The applicant has now indicated that any services going through the woodland will be inserted by moling - this will ensure the retained trees are not affected.

There are few opportunities for compensatory planting within the proposed development, but a landscaping scheme should be conditioned to ensure where there is space available it is used to plant trees.

Looking at the site (including blue line) as a whole, the majority of the trees will be retained (and be managed), and there will be little pressure on the retained trees from the development. For these reasons, the development, whilst reducing tree cover is a reasonable compromise between development and tree retention.

Council's Ecology Officer

The site is a predominantly wooded former colliery comprised of spoil tips and concealed mine entrances. Although the entire site has been allocated for housing under the deposit LDP, more than half of the site is established oak woodland under a block Tree Preservation Order and the entire site has been locally designated as a Site of Importance for Nature Conservation (SINC). The remainder of the site is predominantly wet woodland dominated by willow and alder, with two areas of grassland. Japanese knotweed is scattered throughout. The proposal involves fully developing the spoil-free areas and some of the spoil areas, resulting in a complete loss of the wet woodland and grassland habitats, and partial loss of the TPO oak woodland. Overall, around half of the 2.9ha SINC will be lost

Protected Species

In addition to the initial Ecological Appraisal (dated January 2017), individual surveys were conducted for bats, otters and dormice (dated September 2017).

Bats

Within the development boundary (red line area), a number of trees and a chimney were identified as having potential to provide suitable roosting habitat for bats, but none were confirmed as roosts. A licence will not be required for the development to proceed, but bats are confirmed to forage on-site, and their absence cannot be guaranteed. Appropriate mitigation measures are made in section 5.4 of the Trees and Bats Survey report.

Otters

Evidence of otters was found in a stream along the northern boundary within the site, but not within the development boundary. A licence will not be required for the development to proceed, but the presence of otters is confirmed adjacent to the development site, so their absence cannot be guaranteed. Appropriate mitigation measures are made in section 6.4 of the Otter Survey report.

Dormice

No evidence of dormice was found at the site; therefore no licence or mitigation measures will be required. However, a visual search prior to work commencing plus enhancement measures are proposed in section 6.4 of the Dormouse Survey report.

Reptiles

Some suitable habitat exists within the development boundary, likely indicating small populations only. Sensitive clearance of vegetation is required. Mitigation measures are listed under section 8.4.10 of the Ecological Appraisal.

Breeding Birds

A number of bird species were confirmed to be breeding on-site, and others probably or possibly present. Substantial loss of breeding habitat will occur. Mitigation measures are listed under section 8.3.10 of the Ecological Appraisal.

Badgers

No evidence of badgers was found on-site.

The mitigation measures listed for each species in the various reports relate to vegetation removal, the construction period, and future management. The various measures must be consolidated into the corresponding future documents, such as the Woodland Management Plan and the Construction Environmental Management Plan.

Habitats

Under the proposal, the wet woodland, marshy grassland and semi-improved grassland will be lost in their entirety, and the oak woodland will be reduced in size. Wet woodland is a habitat type listed under Swansea's Local Biodiversity Action Plan (LBAP) and section 7 of the Environment (Wales) Act 2016, for which "*A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions*". There are 629ha of wet woodland within the county; so a loss of circa 1ha represents circa 0.16% of the total.

Woodland Management Plan

A Woodland Management Plan (WMP) Heads of Terms document has been submitted for the remaining area. To guide the production of the WMP, this should be ecologically-based as opposed to arboriculturally-based, designed to maximise biodiversity for the site, targeting as many Swansea LBAP species as possible. There can be a tendency to over-manage public woodland for safety reasons, so to benefit wildlife such as woodpeckers, small birds and bats, standing deadwood should be retained unless adjacent to paths or property.

UDP/LDP SINC Policies

SINCs (Sites of Interest for Nature Conservation), along with other locally designated wildlife sites, are addressed under UDP policy EV28, which states that "Development that would significantly adversely affect SINCs or RIGs (Regionally Important Geological/Geomorphological

Sites), or which would not provide for appropriate compensatory or mitigation measures will not be permitted, unless it can be demonstrated to meet appropriate social or economic needs where the benefits in such terms would outweigh the harm to the feature concerned.

Where development is permitted which would damage the nature conservation value of the site, such damage will be kept to a minimum, and appropriate mitigation or compensatory measures sought."

S106

If designed well, the Woodland Management Plan can mitigate to a limited extent for the habitat loss, but not entirely. Due to the porous nature of the remaining spoil heaps, the wet woodland and marshy grassland habitats cannot be replicated effectively in the retained area. It is therefore appropriate to request a S106 contribution for the retention/management of compensatory similar habitat elsewhere. The site identified is Killay Marsh Local Nature Reserve, a 10ha site 2.9km away, currently in need of a number of management actions. It includes two of the habitat types to be lost during the development; the wet woodland and marshy grassland. Proposed management actions include coppicing/thinning of woodland, control of non-native invasive species (e.g. Japanese knotweed) and control of native scrub and invasive species, such as gorse, bramble and bracken. The management costs are circa £800-£1000 per annum, which amounts to £20,000 over 25 years.

Drainage

The decision to use moling as opposed to trenching for the eastern drainage pipe is welcomed and should be conditioned. Sufficient information must be submitted to satisfy a Habitats Regulations Assessment of any water to be discharged into a watercourse connected to the Burry Inlet SPA, Carmarthen Bay SPA and Carmarthen Bay and Estuaries SAC Natura 2000 sites. In addition, a SuDS scheme should be produced, designed to benefit biodiversity. Shallow pools with gentle gradients are optimum.

Site Preparation and Construction Period

A Construction Environmental Management Plan (CEMP) must be produced to protect ecological features during the construction period. This will include any mitigation measures identified in the ecological reports and any other site-specific information. A Construction Exclusion Zone (CEZ) fencing scheme will also have to be submitted at this time. This will cover a wider area than a conventional Tree Protection Plan, incorporating all features of ecological interest, such as watercourses. The CEZ will be installed prior to any groundworks commencing. All vegetation removal will need to be supervised by a suitably experienced Ecological Clerk of Works (ECoW) with site-specific knowledge, working to an agreed Vegetation Removal Method Statement. This statement can either be submitted separately, or included within the CEMP.

Lighting

To minimise impacts on the retained woodland, no artificial lighting should be directed toward the woodland.

Building Enhancement

The addition of boxes for wildlife such as bats, swifts, swallows/martins or house sparrows to buildings adjacent to the retained woodland should be explored. For the householder, these would have the advantage of reducing the numbers of flying insects from the vicinity. Some

designs can be incorporated into the structure of the buildings, making no visual impact. The use of hedgerows as opposed to close-board fencing should be explored for the benefit of wildlife such as hedgehogs. Failing that, CD-sized gaps should be incorporated into the fences at ground level to allow free movement.

Landscape Design Scheme

A Landscape Design Scheme must be submitted for approval. This should be designed to link and compliment the retained areas of trees using the species already present on-site. Any additional planting should be of native woodland species. Flowering species would benefit pollinating insects; common bluebell (*Hyacinthoides non-scripta*) is suggested. Open areas not intended for children should be seeded with an appropriate native wildflower meadow mix, to be left uncut during the growing season until all flowering has finished. Cuttings can then be used to create small animal hibernation piles in the woodland.

Council's Housing Enabling Officer

The provision of 30% Affordable Housing on-site with 70% social rent and 30% intermediate is required. The scheme is required to include a range of DQR complaint house types to include social and intermediate tenure. The highest demand for housing in the area is for 2/3 bedroom affordable units. The units should be dispersed across the phases on site in clusters, to be picked up by the Council/RSL. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

Council's Pollution Control Officer

No objections subject to conditions relating to (i) detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks; and (ii) noise in relation to the dwellings adjacent to the railway line which will need to be subjected to enhanced fenestration so as to protect from the effects of train pass-bys.

Council's Education Officer

Education request a full Developer's Contribution due to the lack of capacity in all the catchment schools (both English and Welsh medium) and especially when taking the condition of the demountables out of the equation for Gowerton Comp. School; the request being:

Primary: the full generated amount of £321,532 plus indexation, towards both Gowerton Primary and YGG Y Login Fach. The amount being split 84.8% English-medium and 15.2% Welsh - medium.

Secondary: the full generated amount of £348,656 plus indexation, towards both Gowerton Comp. and YG Gwyr. The amount being split 84.8% English-medium and 15.2% Welsh-medium.

Total £670,188

Council's Japanese Knotweed Officer

A planning condition must be placed upon this application stating that;

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

Reason - In the interests of the ecology and amenity of the area

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement for the control of the plant.

APPRAISAL

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

Outline planning permission (all matters reserved) is sought for the development of part of the former Cefn Gorwydd Colliery site for up to 100 residential dwelling along with associated parking, access, landscaping and open space. All matters relating to access, appearance, landscaping, layout and scale would be considered at reserved matters stage.

The application site (along with adjoining land also within the applicant's ownership/control - blue land) forms part of the former Cefn Gowrydd Colliery site. The application site is located to the rear of residential dwellings Nos. 65 - 139 Gorwydd Road (odd), is bound to the north by the main railway line and the 'blue land', to the west by the 'blue land' and to the east by residential dwellings in Bryn Close and Laurel Drive.

The site is irregular in shape and measures approximately 2.9 hectares and is presently covered with woodland and scrubland. Two strips of land connect the site with Gorwydd Road - a proposed pedestrian route between Nos 81 and 83 Gorwydd Road, and a proposed vehicular access between 121 and 137 Gorwydd Road.

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

The majority of the woodland within the application site and blue land is to be retained on site and would be managed and be opened up for public access.

Main Issues

The main issues for consideration with regard to this application relate to the principle of residential development on this site, impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests with regard to the provisions of policies EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety, and The Protection of Trees on Development Sites. There are no overriding issues for consideration under the provisions of the Human Rights Act.

Policy - Principle of Development

The City and County of Swansea UDP (adopted 2008) was 'time expired' on the 31st December 2016. The UDP however remains the extant development plan for the Council and, under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), planning decisions must be made in accordance with the UDP unless material considerations indicate otherwise. Given the time expired nature of the UDP, such material considerations include circumstances where new national planning guidance or policy is at variance with or contradicts UDP policy and, in certain cases, where new robust evidence and/or significant changes in circumstance undermine the basis upon which UDP policy was originally formulated. Therefore whilst the UDP must be the starting point for decision making, given the Plan's time expired status, in this instance it is appropriate to consider the unique circumstances that apply in the case of this application to resolve whether any departure from UDP policy can be considered justifiable.

Having regard to the above UDP planning framework it is clear that the proposal is contrary to the extant development plan, being located outside the defined settlement boundary and within the open countryside and a Green Wedge. **The application must therefore be considered as a departure to the UDP.** The following analysis considers the special circumstances that apply in this case relating to other Council approved and emerging policy.

The Council has approved a Developer Guidance document relating to Planning Applications For Non-householder Residential Development. The document sets out the Council's strategy for determining departure applications and provides for an approved mechanism to prioritise certain 'departure sites' above others in the interests of addressing the current shortfall in housing land and delivering affordable housing. The Council's latest (1st April 2016) Joint Housing Land Availability Study (JHLAS) confirms that there is a 3.2 year housing land supply, which evidently falls below the requirement set out in TAN1 (JHLAS) for every local authority to maintain a 5-year supply of readily developable housing land.

Paragraph 4.3 of the Developer Guidance document is clear that priority is focussed on *Strategic Sites recommended for allocation in the Deposit LDP and identified in the approved LDP Preferred Strategy.* Paragraph 4.7 states that "*less priority*" will be afforded to bringing forward smaller Non-Strategic sites which are located beyond UDP settlement boundaries. This is on the basis that such sites

- * Are less likely to deliver associated wider community facilities and highway improvement*
- * would deliver fewer units than larger strategic sites*
- * could divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites; and -*
- * would require multiple releases to redress the shortfall."*

However, the guidance also notes that the Council will take an evidenced approach and consider the merits of any planning application with full regard to the particular circumstances and planning issues. It states there may be circumstances when a small scale site could provide a contribution to housing numbers that would not otherwise be secured by other strategic sites.

The Guidance states that such departure applications will need to demonstrate that the proposed development:

- 1. Is in-line with the emerging LDP**
- 2. Will deliver a meaningful and early contribution to meeting housing supply before adoption of the LDP and will not divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites**

3. Is sustainable, viable and will deliver any necessary social/economic benefits such as community facilities and highways improvements to make the development acceptable

In this context it is therefore significant that the application site at Cefn Gowrydd Colliery is allocated as a Non-Strategic Housing Site under Policy H1 of the Deposit LDP (Site Ref H1:23) for approximately 90 dwellings. The allocation was made following a detailed assessment process and public consultation process undertaken for the LDP, which determined that the site was in principle acceptable for residential development. Furthermore, following a county wide review of all Green Belt / Wedge designations and settlement boundaries it was concluded that the settlement boundary be amended to include the allocation of SD H North of Waunarlyydd / Fforestfach and H1.23. The purpose of green wedges was refined to address those areas at risk of coalescence. As a result of the SD H allocation, the site is no longer adjacent to the wider open countryside. Therefore, the designation of the site as Green Wedge in the emerging LDP is no longer appropriate.

The site was subject to public consultation through the LDP process. It is important to note that the decision to allocate the site was made on the basis that that the site is developed in accordance with the following development principle set out in deposit LDP Policy H1, viz;
"Development should retain and enhance the agreed area of natural greenspace and public access to it. This should include the stabilisation of old mine workings to improve public safety."

The ability of the development to deliver these benefits to the local community are key principles which underpin the rationale for the allocation of the site. The long term management of the retained area, the provision of public footpaths from the development into appropriate sections of the retained area of woodland/greenspace, and the identification and stabilisation of mine workings to ensure safe public access, are therefore essential elements which will be secured as part of the planning permission

It is clear therefore that there is a Council approved mechanism in place to potentially allow a departure application at this location of this Non-Strategic Site allocation.

Notwithstanding this, the proposal must be appraised in its widest terms to determine whether it is appropriate having regard to all planning considerations. In this context, whilst the emerging LDP typically has very limited weight for determining planning applications, given the nature of the proposal it is considered that the allocation in Deposit LDP Site H1.23 should be a material consideration in considering the scheme.

The application has been appraised against the requirements of the Developer Guidance document with regard to the following:

* Scale of the development: The application is for 100 dwellings, and whilst this is not akin to the scale of the Strategic Development site allocations, it is important to note that the site is one of a handful of larger H1 allocations, the majority being under 50 dwellings. It is therefore considered that the site meets the requirements of the developer guidance document in terms of the ability to make a meaningful contribution to meeting housing supply.

* Development Principles of LDP Site H1.23: The Developer guidance document requires evidence of how the application is in line with the emerging LDP. The information provided by the applicant demonstrates how the community benefits required in the development principles upon which H1.23 is based (i.e. re Woodland Management and land stabilisation) will be delivered is welcomed. The information provides a clear timetable and programme of works to ensure that the creation of a managed retained woodland with appropriate public access, the

making safe of the mine workings on site and the making safe of the Colliery Chimney which will be delivered by the end of the development of the scheme.

* Conditions: The Planning Statement sets out the applicants proposal to agree to conditions requiring the undertaking of the necessary survey work and submission of Reserved Matters within a 12 month period. This is supported as a pragmatic solution to achieving the delivery of this complex site. Again the information provided and the timeline submitted provides a clear justification of this approach by setting out a clear timeline of the necessary survey processes and the implications for the progression of the full application and the subsequent phasing and delivery of units on the site. This provides clear evidence to demonstrate how the constraints of the site will be overcome to deliver a scheme in accordance with the principles of Site H1.23.

* Timeline and Phasing: Departure applications must be able to demonstrate that the site will deliver "a meaningful and early contribution to meeting housing supply before adoption of the LDP". Para 5.6 of the Developer Guidance document is clear that the Housing and Infrastructure Delivery Statement "should clearly identify a timeline for the development and the expected start date, the relevant phasing of infrastructure, the annual completion rate, and the expected completion date for the whole development." The timeline submitted shows that the reserved matters permission will be achieved by March 2019, with site works commencing April 2019, and first occupation September 2019. The adoption of the LDP is currently scheduled for summer 2018. Clearly, completion of the scheme is not feasible prior to adoption of the LDP. However, the timeline makes clear the complexity of progressing the development and the commitment to expedite the development in the most pragmatic timescale possible. The approval of the outline permission is therefore the first step in ensuring that this site is able to make a contribution to the housing supply at the earliest opportunity in the plan period post adoption.

* Impact of the application on the delivery of Strategic Site SD H: The ability to demonstrate that the Non-Strategic Site will not "divert the attention and resources of the developer away from the nearby Strategic Site SD H" is a key consideration in determining the extent to which the application satisfies the requirements of the Developer Guidance document. The applicant has provided information on the current position on Strategic Site SDH and has clarified that the progression of the application site will have a positive effect on the time and financial capacity of the landowner (applicant) to engage in the work with other landowners of the strategic site, to progress the ongoing work to ensure the development of the strategic site. In this respect, Committee should note that the developer has agreed 'Heads of Terms' with Pobl over the future sale of the site.

* Affordable Housing: The Developer Guidance document sets out the pressing need to deliver affordable housing to meet the identified shortfall and states that priority may be afforded to applications which are able to deliver housing to meet this need. The level of affordable housing to be provided is therefore an important consideration in providing justification of a departure from the UDP. The Planning Statement confirms that the applicants have agreed Heads of Terms with the Registered Social Landlord, Pobl. The applicant has confirmed their view that the site is in a very strong position to deliver on this requirement of meeting affordable housing need, and that it is considered that the site will achieve in excess of the current adopted policy requirement of 30% affordable housing, including providing a mix of sizes and tenures which have been successfully developed by Pobl elsewhere. This approach is welcomed and provides further evidence of how this departure scheme meets the requirements of the Developer Guidance document.

* Heads of Terms Woodland Management Plan: The management of the woodland is a key development principle which underpins the H1.23 LDP allocation. The applicants have

confirmed that a Woodlands Management Plan will be secured either through condition or through a s106 Agreement which will be agreed prior to the start of the development. This provides the necessary certainty that this important element of the scheme can be secured prior to commencement of works and that the scheme will be in compliance with the H1.23 allocation.

The proposal is a departure to the extant UDP, however the unique circumstances of the site and the Development Guidance document together with the new/emerging policy framework provides a mechanism to allow a departure to the extant development plan in this case. Having regard to the analysis in the paragraphs above, it is considered that the scheme is an acceptable departure scheme, which in particular, will deliver both market and a high proportion of affordable homes within reasonable timescales, which would justify a departure under the Council's approved Developer Guidance.

In this regard, the application is therefore considered to be acceptable.

Visual Amenity / Design Principles

With regard to the impact on the visual appearance of the area, it is noted that the application is in outline form only and as such full consideration of the design of the proposed dwellings and their impact upon the streetscene will be considered when the scale and appearance details are submitted as part of any future reserved matters application. It must be noted however, that the application site lies to the rear of existing residential dwellings in Gorwydd Road and would therefore not have a direct frontage to Gorwydd Road, and as such, would not be highly visible within the existing streetscene.

With regard to the proposed layout of the site, a masterplan approach has been applied to develop this parcel of land and this is highlighted by the submission of an indicative Masterplan, a Design Principles Plan and a series of Parameters Plans. In addition to this, the submitted Design and Access Statement sets out a vision and some principles to guide the development.

The submitted Design Principles Plan demonstrates how the key aspects of the adopted Residential Design Guide SPG can be applied to the site. For example the design principles/framework correctly requires development to face outwards with building frontages facing towards the retained woodland and shows an outward facing edge at the western end which will positively relate to the green space and community at Clos Tregwyr / Tir Y Farchnad and beyond. The submitted Parameters Plans demonstrate the movement through the site, public realm areas, open space and play areas, density, heights and frontages. It is considered that the Parameters and Design Principles Plans represent a robust set of placemaking principles that fix the main requirements for a development of up to 100 homes, whilst allowing sufficient flexibility for the detailed layout issues to be resolved at the reserved matters stage.

The indicative layout also indicates the potential for walking/ cycling links through the site to the west to eventually link to Gowerton Railway station.

On this basis the application is considered to be acceptable.

Residential Amenity

With regard to the impact upon the residential amenities of existing occupiers adjoining the site, it is considered that the use of the site for residential purposes would not cause an undue harmful impact on the amenities of the existing and future residents. As the application is in outline form only, no precise details of the layout (other than a Design Principles Plan, Indicative Masterplan and Parameters Plans) has been submitted. The indicative masterplan plan shows

that up to 100 dwellings can be accommodated on the site without harming the residential amenity of the surrounding residential dwellings. Full consideration of the impacts upon the amenities of surrounding houses with regard to overbearance, overshadowing and overlooking will be considered fully at the reserved matters stage.

As such the application is considered to be acceptable in that it is demonstrated that the site can be satisfactorily developed in accordance with the provisions of Policy EV1 of the Unitary Development Plan 2008 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 highway conditions in Gorwydd Road, as detailed in the 'response to Consultation' section of this report. A Transport Assessment was submitted with the application which shows that the additional movements can be incorporated into the existing traffic flows without any infrastructure works being required, hence the proposed priority junction is satisfactory. The access points into the site have been indicated and an indicative internal layout has been submitted. It is considered that adequate visibility can be provided at the junction of the proposed vehicular access with Gorwydd Road.

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 would be approximately one per minute. It is therefore considered that the development traffic can be accommodated within the existing infrastructure.

The indicative layout shows a mixture of road to adopted standards plus elements of shared private drives / un-adopted areas. Footways have been partly indicated and their full inclusion can be secured by condition. In addition a shared use path will be required to link through the site to tie into the proposed access points.

Parking provision varies across the site and in the main will be required to comply with the Council's parking standards.

The developer has agreed to pay a contribution of £35,000 to provide a Toucan Crossing for pedestrian / cycle use at the pedestrian point of access into the site (opposite 60/62 Gorwydd Road).

As such, no highway objections are raised subject to the imposition of appropriate conditions, and the application is considered to be acceptable in this regard.

Trees

The Arboricultural Officer has raised no objection to the application as detailed in the 'Final Comments' of the Tree Officer's observations (above).

The majority of the protected woodland (contained within the application site and the adjoining blue land) will remain undeveloped with the trees being retained wherever possible, subject to an approved woodland management plan that may prescribe some tree removals to obtain management goals. The woodland management plan would aim to improve the woodlands' poor vertical structure and lack of age diversity.

Sections of the woodland are poor due to lack of management and ground conditions. The main areas of the proposed development are in the lower lying areas that are wet and support mainly

willow. The central area of the western half of the site has only recently been colonised by these willow trees as can be seen from the historic aerial photographs. The woodland TPO generally excludes the wetter area and this is where the proposed development is centred.

The indicative layout places residential roads adjacent to the retained trees which will reduce the likelihood of future tree removals due to tree/ neighbour conflicts.

The drainage strategy shows the connection to the drain for the eastern side of the site to pass through the protected woodland. The applicant has now indicated that any services going through the woodland will be inserted by moling - this will ensure the retained trees are not affected.

There are few opportunities for compensatory planting within the proposed development, but a landscaping scheme will be required via a condition to ensure where there is space available it is used to plant trees.

The majority of the trees will be retained (and be managed), and there will be little pressure on the retained trees from the development. For these reasons, the development, whilst reducing tree cover is a reasonable compromise between development and tree retention and is considered to be acceptable in this regard.

As such the application is considered to be acceptable.

Ecology

The Ecology Officer and NRW have raised no objection to the application subject to conditions and a S106 for towards mitigating the loss of the wet woodland area, and conditions relating to habitat protection during construction, as detailed in the comments in the Ecology and NRW observations section of this report above.

No protected species would be detrimentally affected by the proposed development.

As such, the application is considered to be acceptable in this regard.

Mining Legacy

The Coal Authority has raised no objection to the application subject to conditions.

A Coal Mining Risk Assessment Report was submitted with the application which correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority's records indicate that underground mining has taken place within four coal seams at shallow to 280m depths and that thick coal seams outcrop at or close to the surface of the site may have been subject to historic unrecorded mining. In addition, there are a total of eight recorded coal mine entries (seven shafts and an adit) located within the proposed development site or within 20m of its boundary. Due to potential plotting inaccuracies, the actual position of these features could deviate from their plotted positions by several metres. The Coal Authority hold no details of any treatment of these mine entries.

The Report identifies that the collapse of shallow coal mine workings and the presence of mine entries within and adjacent to the site pose a significant risk to the proposed development.

Accordingly, the Report makes appropriate recommendations for the carrying out of intrusive ground investigations prior to the commencement of development in order to establish the exact

situation regarding coal mining legacy and to inform appropriate remedial measures required to ensure the safety and stability of the proposed development. In the event that mine workings are encountered, the Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

As such, the application is considered to be acceptable in this regard.

Contaminated Land

Pollution Control Officers and NRW raise no objection to the application subject to a conditions requiring detailed measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks.

A Geotechnical and Geoenvironmental Appraisal Desk Study Report was submitted with the application which sets out the site investigation proposals and states that more extensive investigation works are to be carried out.

As part of the condition, the applicant will be required to submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- * a list of potential receptors
- * an assessment of the extent of the contamination
- * an assessment of the potential risks
- * an appraisal of remedial options, and proposal for the preferred remedial option(s).

The Phase 1 report: Desk Top Study shall:

- * Provide information as to site history, setting, current and proposed use.
- * Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- * Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation / information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, which shall provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater and provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Then, in the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, which shall:

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

Finally, on completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

As such, the application is considered to be acceptable in this regard.

Affordable Housing

The applicant has agreed to the requirement of the provision of 30% Affordable Housing on site (in accordance with UDP requirements) with 70% social rent and 30% intermediate. The scheme is required to include a range of DQR complaint house types to include both the social and intermediate tenure. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units. The affordable housing will be secured via a Section 106 Agreement.

Education

The projected pupil numbers generated by the proposed development of 100 houses (having regard to the calculations contained within the Planning Obligations SPG) is as follows:

Primary - 31 pupils (26 English and 5 Welsh medium)
Secondary - 22 pupils (19 English and 3 Welsh medium)

The cost per pupil is £10,372 for primary and £15,848 for secondary

The Education Department have requested a total contribution of £670,188 as they consider that there is lack of capacity in all the catchment schools (both English and Welsh medium).

With regard to the Primary school provision (both English and Welsh), the agreed contribution is: £321,532 (plus indexation), towards both Gowerton Primary and YGG Y Login Fach. The amount being 26 pupils (84.8%) English-medium and 5 pupils (15.2%) Welsh-medium. This is based on lack of capacity projected for these primary schools.

With regard to the secondary school places, it is observed from the capacity figures provided by the Education Department, that the English medium school (Gowerton Comp) has sufficient unfilled places (183) to accommodate the new pupils from the development. The projected figure shows 88 available school places at September 2023. However, the Education Department have indicated that the capacity provided within the existing demountable class rooms (2 single and 3 double) should be excluded from the calculations which then shows the school to be over capacity. However, Circular 13/97 - Planning Obligations specifically states (para B12) that "*the extent of what is sought or offered is fairly and reasonably related in scale and kind to the proposed development*" and "*that developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies*". The existing demountable classrooms are considered to be 'existing deficiencies' in this regard, and cannot be excluded from the capacity calculations as it is not the developer's responsibility to provide an upgrade to existing demountable classrooms. That responsibility lies with the Council / school. S106 monies can only be requested for new capacity within schools, where the school does not have current or projected capacity to accommodate the new children from the development.

As such, it is considered that no contribution can be sought for Gowerton Comp.

Therefore the requested contribution for the secondary Welsh medium school equates to £47,544 for the projected 3 Welsh medium pupils generated by the proposed development.

As such, the total contribution requested is £321,532 (plus indexation), towards both Gowerton Primary and YGG Y Login Fach Primary and £47,544 (plus indexation) for Y Gwyr secondary, which is a total of £369,076.

The education contribution will be secured via a Section 106 Agreement.

Drainage

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

Dwr Cymru / Welsh Water have confirmed that they raise no objection to the application subject to conditions relating to a drainage scheme for the disposal of foul, surface and land water and a 3m easement from the existing surface water public sewer and foul water public sewer which cross the site.

The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor NRW towards all development that drains into CBEEMs, and carried out the following habitat assessment.

Burry Inlet Habitat Regulations Assessment

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

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

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

Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea, as part of the LDP process has undertaken a 'Shadow Habitats Regulations Assessment to inform the Habitats Regulations Assessment of the Local Development Plan. The application site (being an allocated residential site within the deposit LDP) was considered as part of this HRA.

As the proposed development has already been considered as part of this HRA (alone and in combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment of the proposal.

In summary, the HRA concludes that the deposit LDP (which includes the application site as an allocated site) will not be likely to have a significant effect either alone or in combination on any of the European protected sites (Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and Ramsar).

Other possible effects on CBEEMs features

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

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

The former Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, confirmed that they are content with the above approach.

The LPA has therefore satisfied its obligations as the 'competent authority' under the Habitats Directive and associated Habitats Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

Flood Risk

Natural Resources Wales (NRW) have confirmed that the proposed development site is wholly in Zone A on the Development Advice Map (DAM) and within Zone 1 on their current flood map. Other land within the applicant's ownership, but which is not part of the current application, lies within Zone B and borders Zone C2 on the DAM. NRW have accepted that the application site is not within a currently mapped flood zone, but raised a query regarding potential additional flood risk from the main river Gors Fawr Brook - if the culvert beneath the railway became blocked.

The applicant therefore submitted additional information in the form of a Flood Consequences Assessment covering the impact of a potential blockage of the Gors Fawr Brock railway culvert'

NRW have confirmed that the additional survey information indicates that the site is unlikely to be affected in the event of culvert blockage and therefore there is no substantive evidence to suggest that the flood risk to the site from the Gors-Fawr Brook is different to that currently shown on the flood maps.

Archaeology

Gwent Glamorgan Archaeological Trust (GGAT) have assessed the submitted Archaeological Desk Based Assessment and advised that the majority of the remains within the site are of an industrial nature, and because the nature of the land use in the 19th and 20th century, there is a high potential for sub-surface archaeology to be present within the development area. Additionally, standing remains, including a stone and brick chimney stack, were observed during the field visit. The development of industrial sites in the wider area have encountered significant below ground remains associated with previous use. Therefore, it is possible that any ground

disturbance work associated with the proposal may encounter archaeological structures or deposits, as well as reveal further details of the standing remains.

As such it is recommended that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent. The condition will require a programme of work in the form of a watching brief during the ground works with detailed contingency arrangements, including the provision of sufficient time and resources, to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

Japanese Knotweed

It has been confirmed that Japanese Knotweed is present on the site. Therefore a planning condition will be added requiring that a detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, which shall be implemented prior to the commencement of work on site, in the interests of the ecology and amenity of the area. In order for the condition to be discharged, the developer must then devise an appropriate and suitable method statement for the control of the plant.

Welsh Language

The Welsh Language Impact Assessment indicates that at the time of the 2011 Census, 13.2% of the residents of the Gowerton Ward could speak Welsh. At a County level, this figure is 11.4% (19% nationally). It is anticipated that the majority of the new occupiers of the development would be drawn from throughout the City & County of Swansea and therefore is it reasonable to adopt the Swansea wide proportion of Welsh speakers (11.4%) that may be introduced into the Ward as a result of the development. Based on the census figures of residents per household, it is anticipated that 350 new residents would reside within the development and the number of Welsh speakers would be approximately 40.

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

The proposed development would generate 31 children of primary school age, 22 children of secondary school age. As a result of the number of pupils generated by the development, it is considered unlikely that the proposal would alter the balance between Welsh speaking and non-Welsh speaking pupils/students. The developer has agreed to provide a S106 contribution which will include both Welsh and English speaking schools.

Responses to Objections

Issues relating to the increase in traffic, parking, access, the existing road network, access for emergency vehicles, principle of development, the Local Development Plan (LDP) over-development, policy, loss of green wedge, impacts upon schools, privacy, sewerage, drainage, flooding, open space, the character of the area, ecology, impacts on habitats and the SINC,

TPO trees and woodland, children's play areas, pollution, old coal mine workings / land stability, contaminated land, Welsh language, noise, are addressed in the report above.

With regard to the documentation submitted with the application, the technical details have been fully assessed by the respective professionals within their field.

With regard to the other issues contained within the list of objection points including the parking situation at Gowerton Railway station, bus services, the loss of this private land as an informal play area for children, the capacity of the local doctors, pharmacies and dentist surgeries, policing and house values, these issues are not material planning considerations and so do not form a reason for the refusal of the application.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the scheme is an acceptable departure to the Unitary Development Plan 2008, as it will deliver both market and a high proportion of affordable homes within reasonable timescales, and therefore justifies a departure under the Council's approved Developer Guidance.

The principle of the development of this site for up to 100 residential units is therefore considered to be acceptable subject to conditions and an S106 Agreement. As the application is in outline form only with all matters reserved, further consideration will be given to the access, appearance, landscaping, layout and scale at the reserved matters stage.

It is considered however, that the application demonstrates that the site can be satisfactorily developed in terms of impacts upon the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests with regard to the provisions of Policies EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety and The Protection of Trees on Development Sites

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

RECOMMENDATION

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

*** 30% of Affordable Housing (AH) on the site;; comprising 70% social rent and 30% intermediate, provided at 42% ACG and DQR compliant. The AH shall comprise a 50/50 mix of 2 and 3 bedroom properties. The design and specification of the AH should be of**

equivalent quality to those used in the Open Market Units. The AH shall be dispersed across the site in clusters.

* **A Highways Contribution of £35,000 for the provision of a Toucan Crossing for pedestrian /cycle use (suggested location is at a point of secondary pedestrian access opposite 60/62 Gorwydd Road).**

* **Education Contribution of £369,076 to increase school capacity at local schools (plus indexation) - Primary: £321,532 (plus indexation), to be split 84.8/15.2 towards Gowerton Primary and YGG Y Login Fach, respectively. Secondary: £47,544 (plus indexation), towards YG Gwyr.**

* **Management plans for the future maintenance of the retained woodland, and proposed Open Spaces, Leaps and Laps.**

* **An Ecology Contribution of £20,000 towards the on-going management, maintenance and enhancement of Killay Marsh Local Nature Reserve, to mitigate the loss of the wet woodland area.**

* **A Management and Monitoring fee of £8481 (based on 2% of the monetary value of the obligation contained within this S106 agreement)**

* **The Council's legal fees of £1000 relating to the preparation of the S106 agreement**

CONDITIONS

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.
- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission.
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 3 The development shall begin either before the expiration of one year from the date of this permission or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 4 The development shall be carried out in accordance with the following approved plans and documents: G1325-P01 - Site Location Plan received on 30 June 2017.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 5 The proposed development shall be designed in accordance with the urban design concepts contained within the Design Principles Plan received on the 22nd September 2017.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance.

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

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

- 7 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

- 8 The development shall not discharge to the watercourse network at any rate greater than the following:-

- o 1 in 1 year rainfall event - 7.96l/s/developed hectare
- o 1 in 2 year rainfall event - 8.42l/s/developed hectare
- o Qbar rainfall event - 9.06l/s/developed hectare
- o 1 in 30 year rainfall event - 15.98l/s/developed hectare
- o 1 in 100 year rainfall event - 19.76l/s/developed hectare

As indicated in the runoff calculations within the Drainage Strategy Report Dated April 2017, Job No 1067.

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.

- 9 No development shall commence, until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, is submitted to and approved in writing by the Local Planning Authority. The approved surface water removal strategy shall be implemented in full, prior to the occupation of any of the dwellings hereby approved and written confirmation of this must be sent to the Local Planning Authority.

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

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

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

- 11 Prior to the commencement of development a scheme detailing any proposed alterations or modifications to any existing on-site culverts shall be submitted to and agreed in

writing by the Local Planning Authority. Only the agreed culvert works shall then be implemented in accordance with the details thereby approved.

Reason: To ensure that any alterations to the onsite watercourses do not create or exacerbate existing flood risk to the development and surrounding third parties.

- 12 Any reserved matters application relating to layout shall include full details of an 'Autotrack run' that demonstrate that refuse vehicles/emergency vehicles can enter, turn and leave all parts of the proposed development in a forward gear.

Reason: To ensure full access can be gained by refuse and emergency vehicles in the interests of highway safety.

- 13 Prior to the submission of any reserved matters application, a scheme of intrusive site investigations for the mine entries and a scheme of intrusive site investigations for the shallow coal workings, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Coal Authority). Both schemes of intrusive site investigations shall be undertaken in accordance with the approved details thereby approved, prior to the submission of any reserved matters application.

Reason: To ensure the safety and stability of the proposed development.

- 14 The reserved matters application shall be accompanied by the following reports:

(i) The report of findings arising from both of the intrusive site investigations required by Condition 13 (above)

(ii) The submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones;

(iii) The submission of a scheme of treatment for the mine entries for approval; and

(iv) The submission of a scheme of remedial works for the shallow coal workings for approval

Prior to the commencement of development, those treatment/remedial works shall be implemented in accordance with the details thereby approved.

Reason: To ensure the safety and stability of the proposed development.

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

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

- 16 Prior to the commencement of development on site, details of the following phased scheme shall be submitted to and approved in writing by the Local Planning Authority: the phased scheme shall comprise of three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site. Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

(i) a list of potential receptors

- (ii) an assessment of the extent of the contamination
- (iii) an assessment of the potential risks
- (iv) an appraisal of remedial options, and proposal for the preferred remedial option(s).

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Phase 1 report: Desk Top Study - this shall:

- (i) Provide information as to site history, setting, current and proposed use.
- (ii) Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- (iii) Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation - this shall:

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

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

Phase 3: Remediation Strategy Options Appraisal - this shall:

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

Phase 3: Validation/verification Report

On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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

- 17 Reports on monitoring, maintenance and any contingency action relating to land contamination shall be carried out in accordance with a long-term monitoring and maintenance plan to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the dwellings. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reasons: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

- 18 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
Reasons: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 19 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.
Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
- 20 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.
- 21 Prior to commencement of the development on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority which shall make provision for the following:

All habitable rooms adjacent to the railway line be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 30dBA Leq 8 hour at night. The submitted scheme shall ensure that the habitable rooms subject to sound insulation measures shall be provided with acoustically treated ventilation units. The scheme shall then be implemented in accordance with the details thereby approved and retained as such thereafter.

Reason: To minimise future residential exposure to train pass-by noise.
- 22 Prior to the commencement of development on site, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.
- 23 All garages shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.
Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

- 24 All integral garages shall have minimum internal dimensions of 3m width by 6m length.
Reason: To ensure adequate on site car parking provision in the interests of highway safety.
- 25 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.
Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development.
- 26 Prior to the occupation of any of the approved dwellings, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provision for encouraging and incentivising use of public transport and cycling. The approved Travel Plan shall be implemented upon the first occupation of any of the dwellings hereby approved.
Reason: In the interests of highway safety.
- 27 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme, unless otherwise agreed in writing by the Local Planning Authority. The tree protection scheme shall include the following information:
- (a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.
 - (b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.
 - (c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;
 - (d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;
 - (e) Details of any levels changes within or adjacent to protection zones;
 - (f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;
 - (g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;
 - (h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;
 - (i) Provision for the prevention of soil compaction within planting areas;
 - (j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;
 - (k) Provision for briefing construction personnel on compliance with the plan;

- (l) Provision for signage of protection zones and precautionary areas;
- (m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.
- (n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

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

- 28 Prior to the construction of the first dwellinghouse hereby approved, a plan indicating the positions, heights, design, materials and type of all boundary treatments to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. Before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling shall be completed in accordance with the agreed details.

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

- 29 No development shall take place until a Wildlife and Habitat Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Wildlife and Habitat protection plan shall include:

- i) A plan showing the Construction Exclusion Zone (CEZ) fencing scheme designed to protect all features of ecological interest throughout the construction period.
- ii) Details of any proposed activities within the CEZ and measures to be taken to minimise the impact of any works.
- iii) Details of phasing of construction.
- iv) Vegetation Removal Method Statement.

All vegetation removal will need to be supervised by a suitably experienced Ecological Clerk of Works (ECoW) with site-specific knowledge, working to the agreed Vegetation Removal Method Statement. The Protection Plan shall then be implemented prior to any ground works commencing and in accordance with the timings approved by the Local Planning Authority.

Reason: In the interests of protecting retained habitats and wildlife on the site during the construction process.

- 30 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will avoid excess light falling on site features that may be used for foraging bats.

Reason: To ensure a convenient and safe form of development and in the interests of protecting the ecology of the area.

- 31 The proposed development shall be carried out in strict accordance with the Mitigation Measures detailed within Sections 6.4 of the Otter and the Dormouse surveys and Section 5.4 of the Trees & Bats survey received on 29th September 2017. If any roosts, dens or nests are found then work must stop immediately, and Natural Resources Wales must be contacted for further advice.

Reason: In the interests of protecting European Protected Species on the site.

- 32 No development 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 agreed in writing by the Local Planning Authority.

The Method Statement shall identify as a minimum;

- (i) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- (ii) How each of those watercourses and pathways will actually be protected from site runoff.
- (iii) How the water quality of the watercourses will be monitored and recorded.
- (iv) 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.
- (v) Storage facilities for all fuels, oils and chemicals
- (vi) Construction compounds, car parks, offices, etc.
- (vii) Measures for dealing with dust
- (viii) Measures for dealing with any contaminated material (demolition waste or excavated waste)
- (ix) Identification of any buried services, such as foul sewers, so that they are protected
- (x) Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060

The construction phase of the development shall be implemented in accordance with the agreed CEMP at all times.

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

- 33 No development approved by this permission shall be commenced until a Site Waste Management Plan (SWMP) has been produced and submitted in writing for approval by the Local Planning Authority. The construction phase of the development shall be implemented in accordance with the agreed SWMP at all times.
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.

INFORMATIVES

- 1 The developer is advised to note that the "reserved matters" plans are required to be in accordance with the scale parameters shown at section 6.4 of the Design and Access statement (received on 4th July 2017).
- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10
- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

- 4 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.
- 5 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoption 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.
- 6 Network Rail - You are advised to note the following
- Fencing:
If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.
- Foundations:
Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.
- Drainage:
All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:
Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground; Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure; Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.
- Ground disturbance:
The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.
- Access points:
Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.
- Site layout:
It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without

involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

Piling:

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

Excavations/earthworks:

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

Signalling:

The proposal must not interfere with or obscure any signals that may be in the area.

Environmental issues:

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

Landscaping:

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

Plant, scaffolding and cranes:

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

Lighting:

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

Safety barrier:

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

- 7 With regard to condition 15 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

8 Natural Resources Wales (NRW) advise that as the Gors-Fawr Brook is a designated main river, a Flood Risk Activity Permit may be required for activities in, under or over the channel as well as within 8m of the banks or within the flood plain. Further details of which can be found at: <https://naturalresources.wales/permits-and-permissions/flood-risk-activities/?lang=en>

9 The applicant is advised to note the following:

1 Construction Noise

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

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

2 Smoke/ Burning of materials

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

3 Dust Control:

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

4 Lighting

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

10 Highway Informatives:

Note 1 - Management and Maintenance of Streets.

The applicant is advised that to discharge condition 18, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Note 2: The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader (Development), e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

Note 3 - Retaining Wall Informative

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

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

- 11 Natural Resources Wales recommends that developers should:
1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.
 2. Refer to Environment Agency document; 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.
 3. Refer to: Groundwater protection: Principles and practice (GP3).
- 12 The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the: CL:AIRE Definition of Waste: Development Industry Code of Practice.
This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.
- 13 Any waste materials that are generated on site (either resulting from construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website at: www.naturalresourceswales.gov.uk
- 14 The proposed development site is crossed by a 600mm surface water public sewer and a 150mm foul water public sewer with their approximate position being marked on the Statutory Public Sewer Record. Their position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.
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Agenda Item 6

City and County of Swansea
Dinas a Sir Abertawe

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

DATE: 2nd March 2021

Bay Area Team Leader: Liam Jones - 635735	Area 1 Team Leader Andrew Ferguson - 633947	Area 2 Team Leader: Chris Healey - 637424
Castle Cockett Landore Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Llangyfelach Llansamlet Mawr Morrison Mynyddbach Penderry Penllergaer Penyrheol Pontarddulais Townhill	Bishopston Dunvant Fairwood Gorseinon 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	2020/2419/RES	Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6EA Construction of 13 dwellings and ancillary infrastructure (details of the appearance, landscaping, layout and scale pursuant to outline application 2014/0977 allowed on appeal on 11th January 2018)	Approve
2	2020/2068/S73	Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6LP Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highways and ancillary works (outline) (Variation of condition 2 of planning permission 2014/0977 granted 11th January 2018 to allow for the submission of reserved matters applications to be extended by a further 2 years to 11 Jan 2023)	Approve
3	2020/2544/FUL	Site Of Former Russell House , 31 Russell Street, Swansea, SA1 4HR Construction of 21 residential apartments in 1 no. five storey block with access, parking and associated works	Approve

Planning Committee – 2nd March 2021

Item 1

Application Number:

2020/2419/RES

Ward:

Morrison - Area 1

Location:

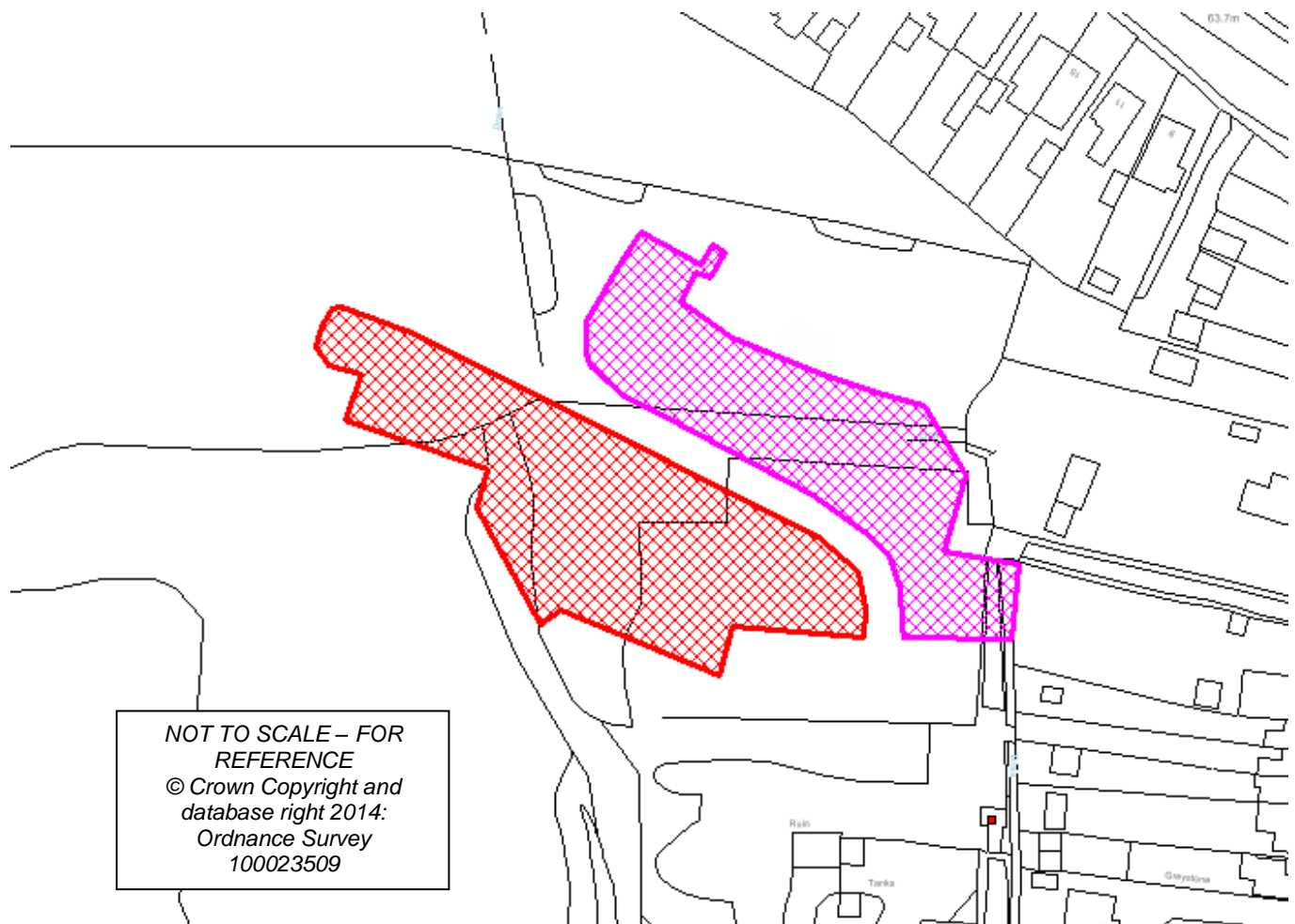
Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6EA

Proposal:

Construction of 13 dwellings and ancillary infrastructure (details of the appearance, landscaping, layout and scale pursuant to outline application 2014/0977 allowed on appeal on 11th January 2018)

Applicant:

Mr Tim Smale Edenstone Homes Ltd



Planning Committee – 2nd March 2021

Item 1 (Cont'd)

Application Number:

2020/2419/RES

Site History App Number	Proposal	Status	Decision Date
2018/1147/PRE	PRE APP for reserved matter application pursuant to outline 2014/0977 for appearance, landscaping, layout and scale for 310 dwellings, public open space and ancillary infrastructure	PCO	
2018/1873/RES	Construction of 28 dwellings, public open space and ancillary infrastructure (first phase reserved matters application pursuant to outline application 2014/0977 relating to appearance, landscaping, layout and scale)	APP	06.12.2018
2018/2019/DOC	Discharge of conditions 7 (presence of gases) and 18 (landfill gases and leachate) of planning permission 2014/0977 granted 11th January 2018	APP	23.05.2019
2018/2317/DOC	Discharge of conditions 5 (A programme for the phasing of the development along with a phasing plan), 9 (The Environmental Management Plan) and 13 (Scheme and method statement for tree protection) of planning permission 2014/0977 granted 11th January 2018	APP	09.04.2019
2019/0219/DOC	Discharge of condition 8 (drainage) of planning permission 2014/0977 granted on appeal 11th January 2018	APP	12.06.2019

Planning Committee – 2nd March 2021

Item 1 (Cont'd)		Application Number:	2020/2419/RES
2019/0220/DOC	Discharge of conditions 10 (confirmation from Natural Resources Wales that an application has been submitted for the definitive closure of site) and 11 (Construction Management Statement) of planning permission 2014/0977/FUL granted on appeal 11th January 2018	APP	10.06.2019
2019/0502/RES	Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018)	APP	12.12.2019
2019/1041/SCO	SCOPING OPINION for a new community hub and gym buildings	REC	
2019/1042/SCR	SCREENING OPINION for a new community hub and gym buildings	EIANR Q	05.07.2019
2019/1473/TPO	Removal of trees that are not suitable for retention, treatment of Japanese Knotweed, further survey work, preparation of groundwork and future development (TPO 654)	APP	08.08.2019
2019/1916/TPO	Removal of the areas identified in red on Plan 1 and 2 of self populated whips and trees covered by TPO 654	APP	24.09.2019
2019/2236/RES	Provision of open space and ancillary infrastructure within former quarry basin (details of access, appearance, landscaping, layout and scale pursuant to outline application 2014/0977 granted 11th January 2018)	APP	04.06.2020

Planning Committee – 2nd March 2021

Item 1 (Cont'd)	Application Number:	2020/2419/RES
2019/2309/FUL	Construction of community hub in connection with the wider development approved under application ref. 2014/0977 for the cessation of landfill and other operations for development of circa 300 dwellings, public open space, associated highway and ancillary work	APP 04.02.2020
2020/0149/DOC	Discharge of conditions 2 (landscaping), 4 (external works) and 5 (bat and bird boxes) of planning permission 2019/0502/RES granted 12th December 2019 to enable progression of superstructure and occupation of dwellings	APP 26.03.2020
2020/2068/S73	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highways and ancillary works (outline) (Variation of condition 2 of planning permission 2014/0977 granted 11th January 2018 to allow for the submission of reserved matters applications to be extended by a further 2 years to 11 Jan 2023)	PCO
2020/2232/TPO	To lop 6 Oak trees and 1 Birch tree covered by TPO 654	APP 22.12.2020
2020/2419/RES	Construction of 13 dwellings and ancillary infrastructure (details of the appearance, landscaping, layout and scale pursuant to outline application 2014/0977 allowed on appeal on 11th January 2018)	PDE

Planning Committee – 2nd March 2021

Item 1 (Cont'd)	Application Number:	2020/2419/RES	
2020/2430/FUL	Two tandem parking spaces and additional landscaping	PCO	
2020/2559/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 3 (75 dwellings) and 4 (36 dwellings), open space and ancillary infrastructure	PCO	
2020/2588/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwelling, public open space, associated highway and ancillary works (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 5 (29 dwellings), open space and ancillary infrastructure	PCO	
2014/0977	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)	REF	15.06.2016
2003/0394	Siting of two detached portacabins and portable toilet block	WDN	11.11.2003

Item 1 (Cont'd)

Application Number:

2020/2419/RES

Background

This application is being reported to Planning Committee as it is a reserved matters application and the outline application was accompanied by an Environmental Statement.

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

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

Housing on phases 1 and 2 have already been approved (2018/1873/RES and 2019/0502/RES respectively). Phase 2 provided for 12 dwellings within the area subject of this reserved matters application for a re-plan. In addition, a reserved matters application for the development of the quarry basin as an area of open space has also been approved (2019/2236/RES).

Phase 1 is nearing completion and phase 2 has also commenced. There are currently two further reserved matters application which are currently being considered for phases 3 & 4 (2020/2559/RES) and phase 5 (2020/2588/RES).

Particularly relevant to this reserved matters application is the submission of an associated full application (2020/2430/FUL) for:

"Two tandem parking spaces and associated landscaping"

The land to which the full application relates is outside, but adjacent to, the outline planning permission area and proposes two parking spaces for use by the occupiers of plots 129 and 130 within this reserved matters re-plan. As such this reserved matters application and the full application for the parking spaces must to be considered together.

Site Location

The application site is the located on the northern and eastern side of the quarry basin. To the east are existing properties on Cwmrhydyceirw Road.

The land the subject of this application was previously made up of mature trees and hardstanding areas in the eastern portion of the site. The site has now been cleared.

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

Description of Development

The proposal is effectively a re-plan of the eastern portion of the approved phase 2 development. The re-plan will affect 12 previously approved plots and, if approved, will increase the number of dwellings within phase 2 by 1 dwelling.

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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.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

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3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

Car Parking

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

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Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.¹⁴⁰ In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

Development in Sewered Areas

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long term maintenance, sewers should be built to Welsh Government standards and adopted. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and Natural Resources Wales may refuse to issue an environmental permit for private treatment in such circumstances. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

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Adopted Swansea Local Development Plan (2010-2025)

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

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

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

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

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

ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

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

Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

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

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- H 3 Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability..
- T 1 Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.
- T 2 Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.
- T 5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.
- T 6 Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.
- The provision of secure cycle parking and associated facilities will be sought in all major development schemes.
- Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.
- RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.
- RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.
- RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

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

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

Supplementary Planning Guidance (SPG):

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

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

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

Consultations:

Local Highway Authority:

The principle of the residential use has been established through an appeal subject to conditions. Circa 300 units are proposed in total.

This element involves a re-plan of 13 units. The internal road layout will be done under agreement with the highway authority, in line with the rest of the site.

I recommend that no highway objections are raised to the proposal subject to permitted development rights being removed with respect to the garage.

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Placemaking and Heritage:

"There is a placemaking objection to this re-plan.

The gap in the approved layout between plots 130 and 131 was to facilitate pedestrian access to Cwmrhydyceirw Road as per the approved outline masterplan.

Closing this gap with a further house severs this active travel link contrary to PPW, LDP and adopted Residential Design Guide.

The re-plan also diminishes the GI provision on site by replacing the planting to rear of 124 with a parking area. This also detracts from the quality of the cul-de-sac area and will increase the parking dominance.

The drainage objection is also noted.

There are no issues with the proposed house types - these are already proposed.

Refusal is recommended".

Pollution Control:

"I refer the applicant to Condition 7 and 18 of application number 2014/0977, which are to be complied with, and if need be should also be added to this application".

Landscaping:

"The landscape plan appears to be on the right lines; however, the trees shown do not appear in the schedule. Confirmation of the species is required in an updated plan".

Ecology:

"I note the submission of the Ecology Update Note: Phases 3-6 by EDP. This now provides up-to-date ecological information from habitat and species surveys completed in October 2020. I also note that building B9 offers limited summer roosting opportunities for bats.

The Environmental Statement and the Environmental Management Plan documents remain extremely important in protecting the on-site habitats and species during each phase of the development, and details contained within these shall be adhered to at all times by site personnel.

I advise that should more than 2 years pass since the date of the latest surveys (Oct 2020), and if no development has begun, then we will require any future submission of reserve matters applications to be supported by further up-to-date information in relation to the ecology of the site, likely impacts of the proposals, and details of any proposed mitigation and/or compensation (as appropriate).

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The results of these further surveys, together with updated ES and EMS documents (as appropriate) shall be provided to the LPA as updated reports prior to any determination, to inform any new ecological constraints to the development.

Landscaping plan

I acknowledge submission of the Soltys Brewster Soft Landscaping Planting Plan Supplemental Area for Parc Ceirw Phase 2 (drawing ref: 1461302 - SBC - 00 - XX - DR - L - 405 Rev PL01). This details the proposed species to be planted. However, as with application 2020/2588/RES, it is disappointing not to have more native species included, and particularly native wildflower species of local/Welsh provenance to support pollinators. In addition, the use of diverse seed mixes/meadow mixes for lawns/ gardens would enhance the habitat for local birds and invertebrates. This combined will improve ecological connectivity across the site and with other nearby habitats. I would advise that as the submitted soft landscaping planting plan is indicative, then the above should be incorporated to enhance biodiversity, and an amended landscape plan be submitted with any further application".

Drainage:

"We have reviewed the submitted information and must OBJECT to the application.

All reserved matters applications submitted after the end of the Schedule 3, FWMA transition period must comply with the WG Statutory SuDS Standards, this application has not provided any details on how that compliance will be achieved. Accordingly the development has failed to demonstrate a satisfactory means of sustainable drainage as required by both Policy RP 4 and the Statutory SuDS Standards.

This will require a further change in layout, possibly density and bring in the requirement for mandatory adoption and commuted sums for the SuDS system".

Dwr Cymru Welsh Water:

"Further to our consultation response (Ref: PLA0041239) on the previous application for approval of reserved matters on Phase 2 of the development, comprising 125 dwellings (Ref: 2019/0502/RES), we offer no objection in principle to this latest consultation (Ref: 2020/2419/RES) which seeks an amendment to the design/layout of 13 dwellings subject to compliance with the requirements of condition 8 as discharged by way of approval 2019/0219/DOC".

Natural Resources Wales:

No substantive response received to date.

South Wales Police Designing Out Crime Officer:

"I am pleased with the site layout. All the vehicle parking bays are within curtilage and/or overlooked".

Other general comments received in relation to Designing out crime within the development.

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Neighbour comments:

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

APPRAISAL

Main Issues

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

Principle of Development

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

Visual Amenity

The area for the proposed re-plan is located at the north eastern end of the site and would affect plots on the northern and southern side of the main spine street that loops around the edge of the quarry basin.

Within this area the approved phase 2 layout included 12 two storey dwellings. If approved, the re-plan would result in 13 dwellings, including 6 x 2.5 storey dwellings.

The main change as a result of the proposed re-plan would be the provision of an additional dwelling on the northern side of the street as a result of a detached "Broughton" house type being replaced with a semi-detached "Ashford" housetype on the corner of the spine street. The provision of an additional parking area within the full planning application will free-up space on the northern side of the spine street.

The semi-detached house types on the northern side of the street are now proposed to change to a 4 bed "Tadlow" and 2 x 3 bed "Tetford" houses. On plot 131, at the bend in the spine street, the detached 3 bed "Burlington" would be replaced with a 4 bed "Shipston".

Also, as indicated above, an additional two tandem parking areas are indicated on the submission drawings to the north of plot 131 within an area outside of the original outline approval. On the southern side of the spine street the layout of plots are broadly remaining as approved but the house types are being changed to provide 2 x "Shipston" houses and 2 x Stanton houses all of which are 4 bed housetypes.

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The Placemaking and Heritage officer has reviewed the proposals and has objected on the basis the amended proposals, through the provision of the two tandem parking areas, would prevent access to the pedestrian link with Cwmrhdyceirw Road that was indicated on the outline masterplan. It is clear from the masterplan that a link was always anticipated in this area, however, the applicant does not own the stretch of land (a private driveway that is currently blocked off) that would link the site to Cwmrhdyceirw Road. On this basis it was accepted when phase 2 was being developed that it would not be possible to provide a practical link from the site to Cwmrhdyceirw Road and phase 2 was approved without a link in this area. On this basis, while a link would be desirable, as indicated on the masterplan, it is not deliverable. As such it is not considered an objection can now be sustained on the basis that no link is being proposed when there was no link provided within the approved reserved matters for phase 2.

The Placemaking and Heritage officer is also concerned that the revised proposals would diminish green infrastructure provision on site by replacing the planting at the rear of plot 124 with parking.

In response to this concern, while it is accepted that the proposal will reduce the green space in this area, the affected area is not in a prominent location on the main spine street plus a green area with tree planting will remain on the most prominent corner which will serve to soften the edge of the cul-de-sac. In broader terms the extension of the site into the area proposed for the tandem parking spaces will allow for additional greening within the development upon an area which is currently an area of wasteland between the site and the rear of existing properties on Cwmrhdyceirw Road. On this basis, it is considered that the proposal would result in a neutral impact upon the green infrastructure within the site.

Aside from the above concerns the Placemaking and Heritage officer has indicated that the house type amendments are acceptable. Street elevations have been provided together with a materials layout which serve to demonstrate that the street scene would continue to have an acceptable vibrant mix of dwelling types and materials including the use of brick, render and weather boarding. The overall design approach of the re-plan will fit comfortably within the approved development for phase 2. The corner unit of plot 124 will contain habitable windows in the side elevation, thus presenting an acceptable façade to the street on this prominent corner within the development. The soft landscaping proposals including trees within frontages will add further quality and greening within the development.

In summary, the overall layout and design approach for the re-plan reflects the principles set out within the masterplan at outline stage and the approved reserved matters for phase 2. The layout responds positively to the sites constraints and opportunities and accords with the principles of good design. On this basis it is considered that the proposed development would accord with LDP Policy PS2 and would broadly accord with the guidance contained within the SPG document 'Places to Live - A Residential Design Guide'.

Residential Amenity

As the layout proposed under this re-plan is very similar the approved phase 2 layout, the relationships and separation distances between the proposed dwellings remains similar. A 21m back to back separation is maintained between the rear elevations of plots 141 and 143.

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The garden depth of plot 141 is marginally below the standard 10m depth that would normally be expected to prevent significant overlooking and loss of privacy, however, in this instance, only a small portion of the garden of plot 143 would be affected to the rear of the car port. On this basis and in light of the relatively large garden available to the occupiers of plot 143, this relationship is considered to be acceptable.

The outlook for the occupiers of plots 128 and 129 would be somewhat compromised by the proximity of the side gable of the dwelling on plot 123, however, this relationship is similar to that approved previously albeit two plots would be affected whereas it was only plot 128 that was affected previously. Notwithstanding this, when factoring in the roof overhang of the dwellings, the back to side separation distance is likely to be in the region of 11.7m which is marginally below the 12m separation distance specified within the Residential Design Guide SPG. Given the marginal deviation from the minimum separation standards and in light of the fact that the affected plots are some 400mm above plot 123, and when factoring in that there would be no significant overshadowing of the affected gardens from the dwelling on plot 123, it is considered, on balance, that this relationship is acceptable.

Garden sizes for the re-plan are broadly similar to those previously approved and would accord with the SPG guidance which requires that usable private amenity space should be no smaller than the footprint of the dwellings they serve.

In light of the above it is considered the proposed re-plan would not result in any significant residential amenity impact upon the future occupiers of the development. In addition, satisfactory separation distance would be maintained with neighbouring existing properties on Cwmrhydyceirw Road such that the development would not result in any significant overbearing, overlooking or overshadowing impacts.

Access and Highway Safety

The road layout remains as previously approved under phase 2. The 4 bed dwellings would benefit from 3 parking spaces and the 3 bed dwellings would benefit from 2 parking spaces, as previously approved.

Highways have raised no objection to the proposals subject to permitted development rights being removed in respect of the garages i.e. for the car ports to be used for parking purposes only and for no other use. It is recommended a condition is included requiring the parking areas to be retained for parking purposes only in the interests of highway safety.

Parking for plots 129 and 130 would be within the area that is subject to consideration under the associated full application. As such a condition will be necessary to ensure that these plots are not constructed until planning permission has been granted for the parking spaces and that the dwellings shall not be occupied until those parking areas have been completed.

In light of the above it is considered that the proposed development would not result in any significant highway safety issues over and above the approved development for phase 2.

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Drainage

The Council's Drainage section have objected to the proposals on the basis that this reserved matters application must comply with Welsh Government statutory SuDS standards. The Drainage section have further indicated that alterations to the layout of the re-plan will be required in order to comply with SuDS standards.

In response to these concerns it is noted that surface water drainage would be dealt with via separate legislation through the SAB consent process. As such the objection from the Drainage section would not be a sustainable reason to withhold permission for this development.

DCWW have offered no objection subject to foul drainage being in compliance with the details approved under condition 8 under ref: 2019/0219/DOC. It is recommended a condition is imposed to confirm this requirement.

Landscape and Ecology

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

Moreover details for bat and bird boxes within phase 2 have already been approved under application 2020/0149/DOC. The proposed re-plan would not affect these approved mitigation measures.

The Council's Ecologist has reviewed the proposals and has offered no objection to the re-plan subject to an amended landscaping scheme with more native species included and native wildflower species of local/Welsh provenance to support pollinators. In addition, the Council's Ecologist would prefer diverse seed mixes/meadow mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates.

While these comments are noted, the landscaping proposals are very similar to those approved for phase 2 under application 2020/0149/DOC. As such it is not considered reasonable in this instance to request and amended landscaping scheme for this phase.

The Tree officer is broadly satisfied with the landscaping proposals and has offered no objection, but a query was raised in relation to the planting schedules. The tree officer's query has now been addressed as such the landscaping proposals are considered to be satisfactory.

Land Contamination

The outline planning permission includes conditions in respect of the requirements to address environmental and human health matters associated with the former landfill operations at the quarry, specifically relating to gas protection measures for the dwellings (condition 7), and for the monitoring of landfill gas and leachate (condition 18). The Council's Pollution Control section advised that the requirements of these conditions must be complied with.

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The developer has previously provided written confirmation to the local planning authority that an application has been submitted to Natural Resources Wales (NRW) for the definite closure of the landfill site and discussions are ongoing between the developer and NRW in this respect.

Affordable Housing

Phase 2 of the development includes all 15 affordable housing units within the Parc Ceirw site as required by the Section 106 unilateral undertaking.

The Council's housing department have previously indicated they are satisfied with the proposed unit sizes and the siting within the site. This proposed re-plan would not affect any of the proposed affordable housing units. On this basis the development would not conflict with LDP Policy H3.

Land Stability

The Environmental Statement submitted with the outline application was able to conclude that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. When consulted on the original phase 2 scheme the Coal Authority raised no objection to the reserved matters submission. On this basis it is considered the proposed re-plan would not conflict with LDP Policy RP7.

Conclusion

This is a reserved matters proposal for a re-plan within the second phase of the approved outline development at the former Cwmrhydyceirw quarry. The proposal has been considered in light of the principles established for the development at the outline planning stage and having regard to the previous phase 2 approved reserved matters scheme. Overall the re-plan is considered to be acceptable in accordance with LDP Policies relating to matters regarding: design/layout; residential amenity; highway safety; drainage; land contamination; land stability; and ecology.

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

RECOMMENDATION

APPROVE, subject to the following conditions:

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

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1000 (Proposed Site Layout - Phase 2 Replan)
1001 (Site Location Plan - Phase 2 Replan)
1002 (External Works Layout - Phase 2 Replan)
1003 (Materials Layout - Phase 2 Replan)
1004 (Storey Height Layout - Phase 2 Replan)
1006 (Parking Strategy Layout - Phase 2 Replan)
1007 (Refuse Strategy Layout - Phase 2 Replan)
1009 (Street Elevations - Phase 2 Replan)
1010 (Proposed Site Layout - Phase 2 Replan)
1100 (Single Car Port - Floor Plans & Elevations)
1200 REV B (House Type Ashford Contemporary Floor Plans)
1201 (House Type Ashford Contemporary Elevations)
1202 (House Type Shipston Contemporary Floor Plans)
1203 (House Type Shipston Contemporary Elevations)
1204 (House Type Stanton Contemporary Floor Plans)
1205 (House Type Stanton Contemporary Elevations)
1207 (House Type Tadlow Contemporary Elevations)
1209 (House Type Telford Contemporary Elevations)
20015-PH2B-SK100 Rev A (Phase 2B Replan Layout Amendment Planning Levels)
1461302-SBC-00-XX-DR-L-405-PL01 (Soft Landscape Planting Plan Supplementary Area), received 24th November 2020.
1206 Rev A (House Type Tadlow Contemporary Floor Plans)
1208 REV A (House Type Tetford Contemporary Floor Plans), received 27th November 2020.

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

- 2 The landscaping scheme for the site shall be implemented in accordance with plan no. 1461302-SBC-00-XX-DR-L-405-PL01 (Soft Landscape Planting Plan Supplementary Area). All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the buildings or the completion of the development within phase 2, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with LDP Policies PS2, ER9 and ER11.

- 3 Prior to the first beneficial occupation of any dwelling hereby approved the means of enclosing the boundaries of the individual curtilage of that dwelling shall be constructed in accordance with drawing no. 1002 (External Works Layout - Phase 2 Replan). The boundaries shall be retained as approved for the lifetime of the development.

Reason: To ensure the boundaries at the site are satisfactory in the interests of visual amenity and residential amenity in accordance with LDP Policy PS2.

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Item 1 (Cont'd)

Application Number:

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- 4 Prior to the first beneficial occupation of any dwelling hereby approved the foul water drainage system to serve each dwelling shall be constructed in accordance with the details approved under application 2019/0219/DOC.
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage in accordance with LDP Polices EU4, RP4 and RP5.
- 5 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, D or E or Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), the on plot car parking spaces as indicated on plan no. 1000 (Proposed Site Layout Phase 2 Replan) shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be permanently retained as such and used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors for the primary purpose of parking of vehicles and for no other primary purpose.
Reason: To ensure adequate parking provision is provided and retained for each dwelling and to ensure that the parking spaces are not inhibited by permitted development in accordance with LDP Policies T5 and T6.
- 6 Prior to the commencement of development on plots 129 and 130 planning permission shall first be granted for parking areas to serve these dwellings in accordance with adopted standards. The approved parking spaces for plots 129 and 130 shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be permanently retained as such and used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors for the primary purpose of parking of vehicles and for no other primary purpose.
Reason: To ensure adequate parking provision is provided and retained for each dwelling in accordance with LDP Policies T5 and T6.
- 7 The external surfaces of the buildings shall be constructed of the materials specified on plan no. 1003 (Material Layout Phase 2 - Replan) and shall thereafter be retained as such for the lifetime of the development.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the 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: ER2, ER6, ER8, ER9, ER11, EU4, PS2, H3, T1, T2, T5, T6, RP1, RP4, RP5, RP6 and RP7.
- 2 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

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For further information please visit <https://www.swansea.gov.uk/streetnamingnumbering>
or contact the Council's Street Naming and Numbering Officer Tel: 01792 637127; email
snn@swansea.gov.uk

Item 2

Application Number:

2020/2068/S73

Ward:

Morrison - Area 1

Location:

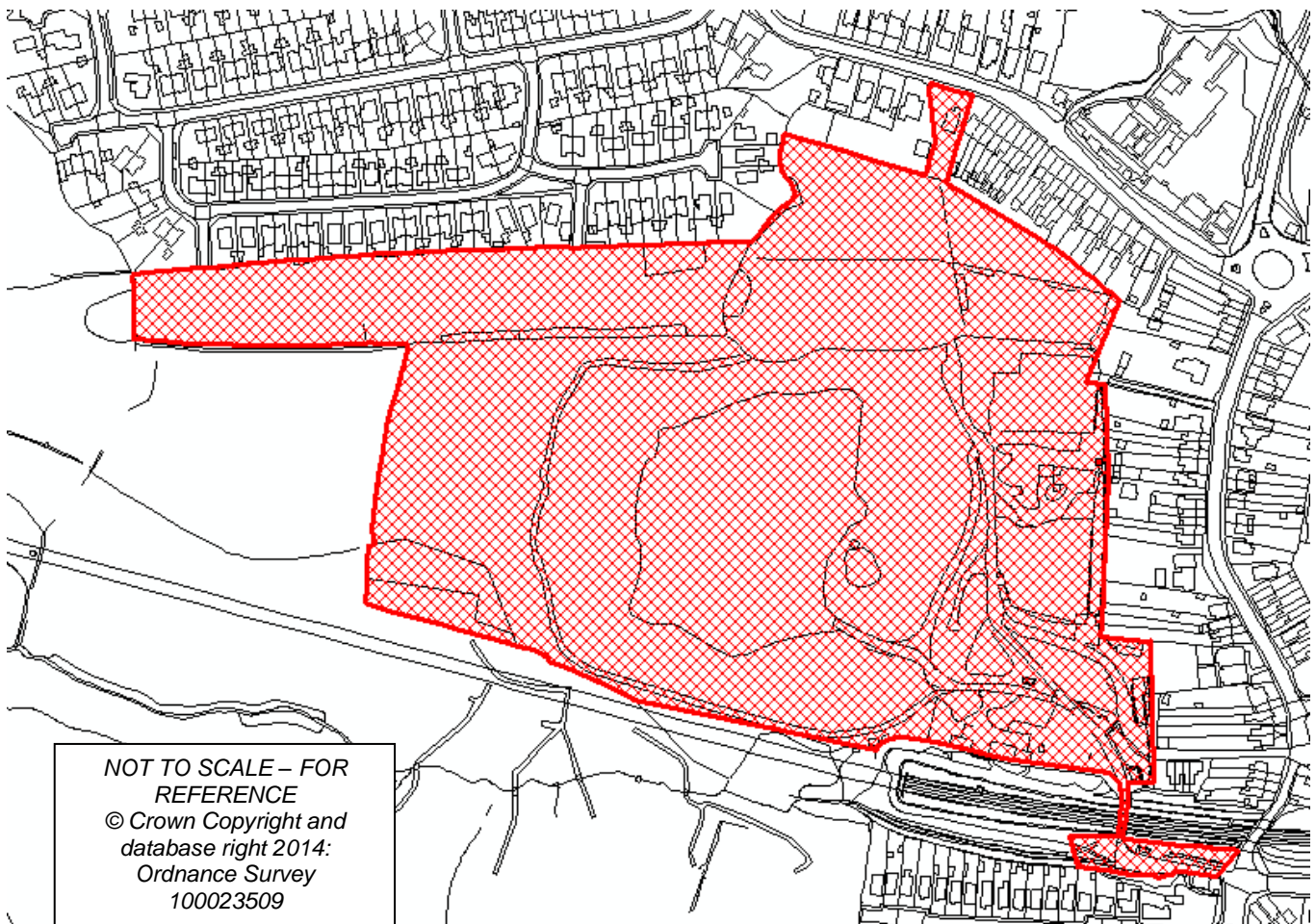
Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6LP

Proposal:

Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highways and ancillary works (outline) (Variation of condition 2 of planning permission 2014/0977 granted 11th January 2018 to allow for the submission of reserved matters applications to be extended by a further 2 years to 11 Jan 2023)

Applicant:

Mr Tim Smale Edenstone Group



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Item 2 (Cont'd)

Application Number:

2020/2068/S73

Background Information

Site History

App Number	Proposal	Status	Decision Date
2018/1147/PRE	PRE APP for reserved matter application pursuant to outline 2014/0977 for appearance, landscaping, layout and scale for 310 dwellings, public open space and ancillary infrastructure	PCO	
2018/1873/RES	Construction of 28 dwellings, public open space and ancillary infrastructure (first phase reserved matters application pursuant to outline application 2014/0977 relating to appearance, landscaping, layout and scale)	APP	06.12.2018
2018/2019/DOC	Discharge of conditions 7 (presence of gases) and 18 (landfill gases and leachate) of planning permission 2014/0977 granted 11th January 2018	APP	23.05.2019
2018/2317/DOC	Discharge of conditions 5 (A programme for the phasing of the development along with a phasing plan), 9 (The Environmental Management Plan) and 13 (Scheme and method statement for tree protection) of planning permission 2014/0977 granted 11th January 2018	APP	09.04.2019
2019/0219/DOC	Discharge of condition 8 (drainage) of planning permission 2014/0977 granted on appeal 11th January 2018	APP	12.06.2019

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Item 2 (Cont'd)		Application Number:	2020/2068/S73
2019/0220/DOC	Discharge of conditions 10 (confirmation from Natural Resources Wales that an application has been submitted for the definitive closure of site) and 11 (Construction Management Statement) of planning permission 2014/0977/FUL granted on appeal 11th January 2018	APP	10.06.2019
2019/0502/RES	Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018)	APP	12.12.2019
2019/1041/SCO	SCOPING OPINION for a new community hub and gym buildings	REC	
2019/1042/SCR	SCREENING OPINION for a new community hub and gym buildings	EIANR Q	05.07.2019
2019/1473/TPO	Removal of trees that are not suitable for retention, treatment of Japanese Knotweed, further survey work, preparation of groundwork and future development (TPO 654)	APP	08.08.2019
2019/1916/TPO	Removal of the areas identified in red on Plan 1 and 2 of self populated whips and trees covered by TPO 654	APP	24.09.2019
2019/2236/RES	Provision of open space and ancillary infrastructure within former quarry basin (details of access, appearance, landscaping, layout and scale pursuant to outline application 2014/0977 granted 11th January 2018)	APP	04.06.2020

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Item 2 (Cont'd)	Application Number:	2020/2068/S73
2019/2309/FUL	Construction of community hub in connection with the wider development approved under application ref. 2014/0977 for the cessation of landfill and other operations for development of circa 300 dwellings, public open space, associated highway and ancillary work	APP 04.02.2020
2020/0149/DOC	Discharge of conditions 2 (landscaping), 4 (external works) and 5 (bat and bird boxes) of planning permission 2019/0502/RES granted 12th December 2019 to enable progression of superstructure and occupation of dwellings	APP 26.03.2020
2020/2068/S73	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highways and ancillary works (outline) (Variation of condition 2 of planning permission 2014/0977 granted 11th January 2018 to allow for the submission of reserved matters applications to be extended by a further 2 years to 11 Jan 2023)	PDE
2020/2232/TPO	To lop 6 Oak trees and 1 Birch tree covered by TPO 654	APP 22.12.2020
2020/2419/RES	Construction of 13 dwellings and ancillary infrastructure (details of the appearance, landscaping, layout and scale pursuant to outline application 2014/0977 allowed on appeal on 11th January 2018)	PDE

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Item 2 (Cont'd)	Application Number:	2020/2068/S73	
2020/2430/FUL	Two tandem parking spaces and additional landscaping	PCO	
2020/2559/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 3 (75 dwellings) and 4 (36 dwellings), open space and ancillary infrastructure	PCO	
2020/2588/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwelling, public open space, associated highway and ancillary works (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 5 (29 dwellings), open space and ancillary infrastructure	PCO	
2014/0977	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)	REF	15.06.2016
2003/0394	Siting of two detached portacabins and portable toilet block	WDN	11.11.2003

Background

This application is reported to Planning Committee as the original outline application was for circa 300 dwellings and was accompanied by an Environmental Statement.

Outline planning permission was granted on appeal by the Welsh Ministers in January 2018 under planning ref: 2014/0977 for the following development:

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

The appeal was allowed subject to conditions and subject to a Section 106 Unilateral Undertaking requiring, amongst other matters, the following:

- Education contribution of £750,000 towards the cost of 3 new classrooms at Cwmrhydyceirw Primary School.
- School specific travel plan contribution of £30,000.
- Highway safety improvements on Maes Y Gwernen Road and Heol Maes Eglwys.
- The provision of 5% affordable housing comprising low cost home ownership units.
- The cessation of landfilling operations.

Housing on phases 1 and 2 have already been approved (2018/1873/RES and 2019/0502/RES respectively). In addition, a reserved matters application for the development of the quarry basin as an area of open space (Phase 6) has also been approved (2019/2236/RES).

Phase 1 is nearing completion and phase 2 has commenced. There are currently two further reserved matters application which are currently being considered for phases 3 & 4 (2020/2559/RES) and phase 5 (2020/2588/RES).

Site Location

The application site is the former Cwmrhydyceirw quarry which is currently being developed for housing by Edenstone Homes under the name of "Parc Ceirw". The site includes the quarry, an area of pasture land to the south of Brodorion Drive and Enfield Close (developed as phases 1&2), and a parcel of greenfield land that separates the quarry from properties on Maes Y Gwernen Road (developed as phase 2). The site is defined to the south by a railway line and the golf course.

Description of Development

This is a Section 73 application to extend the time period in which to submit reserved matters by a further two years.

Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. T

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The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

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.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals.

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Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

Sustainable Transport

4.1.8 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

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Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act.

4.1.9 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

4.1.10 Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

4.1.11 It is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles. The transport hierarchy recognises that Ultra Low Emission Vehicles also have an important role to play in the decarbonisation of transport, particularly in rural areas with limited public transport services.

4.1.12 The sustainable transport hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.

4.1.13 The sustainable transport hierarchy must be a key principle in the preparation of development plans, including site allocations, and when considering and determining planning applications.

Car Parking

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.¹⁴⁰ In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

Development in Sewered Areas

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long term maintenance, sewers should be built to Welsh Government standards and adopted. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and Natural Resources Wales may refuse to issue an environmental permit for private treatment in such circumstances. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

Development and Flood Risk

6.6.22 Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

Land Contamination

6.9.18 Planning authorities should take into account the nature, scale and extent of land contamination which may pose risks to health and the environment so as to ensure the site is capable of effective remediation and is suitable for its intended use. In doing so, development management decisions need to take into account:

- the potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

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.

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

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

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

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

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ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

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

T 5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

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

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

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.

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

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

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Supplementary Planning Guidance (SPG):

No supplementary planning guidance is considered to relevant to the consideration of this application.

Consultations:

Local Highway Authority:

"There are no highway objections to the extension of time to submit reserved matters".

Pollution Control:

"I have no comments to make".

Landscaping:

"No objection".

Ecology:

"I have no objection to extending the timeframe for the submission of the reserved matters.

However, the protected species and ecological surveys which supported the original application are now out of date, as per my comments re: 2019/2236/RES of 24/2/2020. Best practise guidelines state that surveys are only valid for 2 years.

Therefore, I advise that we require any future submission of reserve matters applications to be supported by up-to-date information in relation to the ecology of the site, likely impacts of the proposals, and details of any proposed mitigation and/or compensation (as appropriate)".

Housing:

"In response to the planning consultation relating to 2020/2068/S73, Cwmrhydyceirw Quarry Co Ltd, Western Terrace, I can confirm that Housing has no objection to the application to allow for the submission of reserved matters applications to be extended by a further 2 years subject to the affordable housing agreed under the current application being implemented".

Parks:

"At this point I have no further comment to make on the proposed development".

Education:

"As there is no change currently to the scheme and a S106 in place, education have no further comments to add provided the contributions secured within the S106 are delivered at the necessary trigger points".

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Application Number:

2020/2068/S73

Natural Resources Wales:

"We have no objection to the proposed Variation of Condition 2; however, we wish to provide the following advice.

NRW note the submission of the following documents:

1. 'Edenstone Group - Cwmrhydyceirw Quarry, Cwmrhydyceirw, Swansea: Environmental Statement - Addendum', dated January 2021, by Geraint John Planning Ltd.
2. 'A summary update of the conclusions of Chapter 8 'Landfill Impact' of the Environmental Statement entitled 'Parc Ceirw, Cwmrhydyceirw, Morriston Proposed cessation of landfill and other operations enabled by residential development, public open space, associated highway and ancillary work. Environmental Statement: Main Document (Ref: EDE/CW/LBA/5657/01)', dated December 2020, by MJCA Limited.

Having, reviewed the above documents, we wish to make the following comments:

We note that Section 8.9 of the Environmental Statement Addendum; which, with respect to the landfill concludes: 'In summary, the conditions at the site with regards to landfill are considered to be stable and consistent with the conclusions and recommendations set out within the previously submitted Environmental Statement. Accordingly, the recommendations/conclusions of the ES remain appropriate and will continue to be implemented and monitored as detailed previously.'

We also note that the recommendations of the previously submitted Environmental Statement, which are provided in the Environmental Statement Addendum, and further summarised in the Summary Update (Document 2 above) should be continued to be applied, as these deal with the management of the landfill, including landfill gas, leachate and groundwater.

Therefore, as long as the landfill or its management (including structural integrity, gas, leachate, surface water, and groundwater) is not impacted by the development, and the landfill is managed in such a way to prevent harm or nuisance to the development and its residents, we would not object to the proposed variation of Condition 2, to allow more time for the development.

We also consider it prudent to again highlight to your Authority that the landfill has not entered definitive closure. In addition, we also wish to reiterate the point (made in previous responses) that whilst the risk of landfill gas migration is low, you Authority may wish to consider whether the buildings should be designed to limit any such risk.

In addition, we also wish to take the opportunity to repeat our previous comments, that the development phases must not interfere with, or prevent, the management and control of the former landfill's structural integrity, landfill leachate, landfill gas, and underlying groundwater. The approved management controls will be specified when the landfill site enters definitive closure.

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The management of the landfill site during its closure and aftercare is dealt with through the Environmental Permit. This sets our requirements for the management of leachate and groundwater and also the monitoring required to demonstrate that pollution is not occurring.

While the permitting regime will provide a level of environmental and human health protection/control, the EPR permitting regime in of itself, only provides protection when an operator is in existence. The risks and limitations of the EPR regime have previously been brought to your Authority's attention through NRW's consultation responses to the original application.

Finally, in relation to ecology and protected species we note the conclusions made in Chapter 7 of the Environmental Statement Addendum and the submission of the report titled; 'Parc Ceirw, Morriston, Swansea: Ecology Update Note: Phases 3-6 (Report Ref: 4664_r011a)', by EDP (undated).

We note that the report provides the details of the updated baseline investigations which were carried out during October 2020. We recommend that you should discuss the proposed variation of condition 2 with your Authority's Planning Ecologist to ensure that they are satisfied it will not impact upon any features or protected species.

In addition, we would also remind your Authority that 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 any phases of development have not commenced until after the 2 years has elapsed, then you should discuss the need for updated surveys, with your Authority's Nature Conservation team".

Network Rail:

"Network Rail have no objection to the variation of condition 2".

Welsh Government:

In accordance with Regulation 19 (Further information and evidence respecting environmental statements) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, Welsh Government were notified of the submission of further information in relation to the Environmental Statement. No response has been received from Welsh Government.

Neighbour comments:

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

APPRAISAL

Main Issues

Section 73 of the 1990 Act provides that an application may be made for planning permission without complying with conditions applied to a previous permission.

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It is stated that local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a local planning authority may only consider the "question of the conditions". However, in terms of decision making a S73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary.

The previous planning application was considered against Unitary Development Plan Policies whereas the current proposal will be considered against the Policies within the adopted Swansea Local Development Plan (LDP). In this respect, while not specifically allocated for housing within the LDP, the entire application site is white land within the urban area.

The planning permission is still extant, and clearly works have commenced on site. The principle of the cessation of landfilling operations and the development of the site for housing has now been established and does not conflict with LDP Policies. Therefore, the main issue for consideration is whether the requested extension of time to submit reserved matters would conflict with LDP Policies and whether there are any other material planning considerations that are relevant to the consideration of this application. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Discussion

When the application was originally considered it was accompanied by an Environmental Statement which covered issues principally in relation to the impacts of the former landfilling operations on the future housing and the impacts of the development upon ecology. During the consideration of the application the LPA worked closely with NRW, Council's Pollution Control Division and the Council's Ecologist to ensure that a satisfactory level of information was provided in order to fully assess the impacts of the development.

In relation to this application, upon request, the applicant has provided a "Addendum" to the Environmental Statement which provides a review and update of the matters considered within the original document.

In respect of ecological matters the key issues, when originally considered, were the impacts in relation to the designation of part of the site as a Site of Importance for Nature Conservation and the potential impacts upon any protected species at the site including bats, breeding birds (including Peregrine Falcon), and reptiles. A range of mitigation measures were proposed to address the potential impacts of the development upon the ecology of the area and these were formalised through the submission of an Environmental Management Plan (EMP) that was secured by a condition. The EMP has now been approved and the reserved matters phases are being assessed in relation to the requirements set out within the EMP. Moreover, the developer has, where necessary, provided ecological updates for the subsequent applications, including this application.

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In relation specifically to ecological matters, NRW and the Council's planning ecologist have offered no objection to this application. The Council's landscape officer has also not objected to the proposal. Clearly, as with all the reserved matters that have been submitted to date, it will be necessary for any further reserved matters applications to include up to date ecological information in order to fully assess the impacts of the proposals in this respect. However, on the basis of the information provided to date, it is not considered that the proposed extension of time to submit the reserved matters would result in any significant harmful ecological impacts. On this basis the proposal would not conflict with LDP Polices ER6, ER8, ER9 and ER11.

Through the passage of time since the appeal was allowed further operations have taken place on site in order to address the legacy of the former landfilling operations at the site. These works are ongoing and, for the most part, are covered by the environmental permitting regime administered by NRW. Any necessary mitigation measures in respect of addressing the potential impacts of landfill gas on the future occupiers, and impacts arising from leachate associated with the former landfill area and groundwater impacts were also dealt with through conditions within the outline planning permission. The LPA continues to discuss these matters with the developer as the development progresses. The landfill has now been capped, soil placement and final restoration of the capped area commenced in Spring 2020, but has been temporary suspended and is anticipated to re-commence in Spring 2021. Landfill gas at the site continues to be monitored through a series of boreholes and these will inform any necessary gas protection measures for the dwellings in future phases. The Addendum to the Environmental Statement reports that the results of the gas monitoring undertaken at the site between December 2013 and October 2020 are consistent with the conclusions presented in Environmental Statement that accompanied the outline planning application. The waste in the former landfill area is producing small quantities of landfill gas and the risk of gas migrating laterally from the former landfill area towards buildings or structures round the quarry including the newly consented built development is negligible.

NRW and the Council's Pollution Control Division have offered no objection to the proposal. NRW have pointed out that the development must be designed, implemented and managed in such a way that prevents harm or nuisance to the development and its residents. These requirements are secured through the conditions on the permission, the associated Section 106 Unilateral Undertaking, and through the permitting conditions. Should planning permission be granted for this Section 73 amendment, the conditions of the original permission and the terms of the S106 Unilateral Undertaking would be re-imposed and/or varied, where necessary, to take account of the changes to the scheme and the submission of further information since the original planning permission was granted on appeal. On this basis it is not considered that the proposed development would result in any unacceptable land contamination or landfill gas impacts and would therefore not conflict with LDP Policy RP4 or RP6.

In relation to Highway safety and drainage, matters relating to these aspects of the scheme were fully considered at the outline stage with the relevant and necessary conditions and requirements being attached to the appeal decision and Section 106 Unilateral Undertaking. These matters are also being considered further at the reserved matters stages. On this basis it is considered the proposal would not conflict with LDP Polices RP4, RP5, T1, T5 and T6.

At the appeal for the outline planning permission was granted on the basis that the development would provide 5% affordable housing provision on site as low cost home ownership.

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This was included within the S106 Unilateral Undertaking and the developer provided a viability assessment with the first reserved matters application which demonstrated that the development could not sustain any greater S106 contributions. The applicant has submitted a further viability appraisal with this application that compares the current position with the benchmark figures provided in the previous viability assessment. The updated assessment highlights that the current residual land value is lower now than in previous assessments. In light of the findings of previous viability appraisals on the site, and particularly having regard to the high abnormal cost on the site and the current uncertain economic climate in light of the pandemic, the conclusions of the viability assessment are considered to be valid and it is accepted that the S106 developer contributions and affordable housing should remain at the levels granted on appeal, subject to appropriate levels of indexation.

It should also be noted that the Council's Housing, Education and Parks departments have offered no objections to this application. Network Rail have also not objected to this application.

Other Matters

Under LDP Policies new residential developments of 100 homes or more require the provision of an energy assessment under Policy EU2 to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks. This requirement was not included within the original outline consent and it is considered it would not now be reasonable to require such an assessment in light of the fact that three phases covering a significant portion of the site have already been granted reserved matters approval and a further two reserved matters application for the remaining phases are currently under consideration with the LPA and will be reported to the Planning Committee in due course.

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 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 (the obligations are necessary to ensure adequate education provision, the provision of affordable housing (low cost home ownership), ensure highway safety and the cessation of the landfilling operation);
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development);
- and
- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this site).

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Conclusion

This is a Section 73 application to extend the time period in which to submit reserved matters for a further two years. The LDP has been adopted since the original outline application was granted, after reviewing the further environmental information and viability information provided by the applicant, it is not considered that the proposed time extension would fundamentally conflict with LDP Policies. There are considered to be no other material planning considerations that would weigh against the approval of this application.

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

Recommendation

Approve, subject to the conditions indicated below and the modification of the Section 106 Unilateral Undertaking or the signing of a new Section 106 agreement to secure the obligations within the original Section 106 Unilateral Undertaking, subject to any necessary modifications having regard to any information already provided by the applicant.

If the section 106 agreement is not signed within 3 months of the date of the Committee resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the basis that the proposal would fail to accord with LDP Policies H3 (On-site Affordable Housing), SI6 (Provision of New Openspace) and T1 (Transport Measures and Infrastructure).

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.
- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than two years from the date of this permission.
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 3 The development (in relation to access) shall be carried out in accordance with the following approved plans and documents: PA01 - Site Boundary, W131130/A/10 Rev A..
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 4 The development shall be carried out in accordance with the phasing programme approved under discharge of condition application 2018/2317/DOC.
Reason: To ensure the timely delivery of development and supporting infrastructure in the interests of good planning.
- 5 Notwithstanding the details indicated in the application, all reserved matters applications shall be accompanied by details of existing and proposed levels for the development. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory form of development in the interests of visual amenity and residential amenity.
- 6 The scheme to investigate and monitor the site for the presence of gases (including landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide) being shall be implemented in accordance with the details approved under discharge of condition application 2018/2019/DOC.

In the event that gases are being generated within the site outside of the development areas for phases 1 and 2, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the local planning authority.

All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the development hereby permitted.

Reason: In the interests of protecting human health and property within the development.

- 7 The strategic site wide foul, surface and land drainage strategy, based on sustainable drainage principles, shall be implemented in accordance with the details approved under discharge of condition application 2019/0219/DOC or alternatively in accordance with phased drainage operations to be agreed in writing by the Local Planning Authority.
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.
- 8 The development shall at all times be implemented in accordance with the approved details and timescales set out within the Environmental Management Plan approved under discharge of condition application 2018/2317/DOC.
Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to ecology, pollution, contamination, water resources.
- 9 The application submitted to Natural Resources Wales for the definitive closure of the landfill site made under application reference PAN-004085 (Permit reference: EPR/TP3835LV) shall not be withdrawn without first notifying the local planning authority in writing.
Reason: To ensure the site is definitively closed in the interests of the health and safety of the future occupiers of the development.

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- 10 The development shall at all times be implemented in accordance with the Construction Method Statement and accompanying details approved under discharge of condition application 2019/0220/DOC.
Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to environmental pollution, contamination, and highway safety.
- 11 Any further details of the reserved matters set out in condition 1 shall be accompanied by an arboricultural impact assessment, a tree protection scheme and method statement, which shall include trees to be retained ("Retained Trees") and shall address the impacts raised in the arboricultural impact assessment. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme which shall be retained for the duration of the construction works within that phase.
Reason: In the interests of protecting trees of value within and around the site.
- 12 Prior to first occupation of any dwelling within the Environmental Permit boundary (as defined on Plan No. EDE/CW/06-14/17856 (Figure 8.2 of the Environmental Statement) a scheme to restrict public access to essential infrastructure comprising gas monitoring equipment, gas venting equipment and lagoon pumping equipment, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out and thereafter retained in accordance with the approved details and timescales.
Reason: To ensure essential gas monitoring and groundwater pumping infrastructure is adequately protected from vandalism or accidental damage.
- 13 No Retained Trees as shown on any landscaping scheme approved as part of the reserved matters application, shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved detailed 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 a similar location and that tree shall be of a size and species as specified in writing by the Local Planning Authority.
Reason: To ensure any Retained Trees that are removed are replaced in a satisfactory manner.
- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- 15 Prior to the commencement of construction of any unit sited within 30 metres of the Llangyfelach Railway Tunnel (to the south) details of the construction method for the dwellings shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved construction method.
Reason: To ensure the development would not pose a risk to the stability of the railway tunnel, in the interests of health and safety.

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- 16 The measures for the control, management and monitoring of landfill gas and leachate generated in the existing landfill site shall be carried out in accordance with the detail approved under discharge of condition application 2018/2019/DOC.
Reason: In the interests of protecting human health, ground water, and property within the development, and to protect the railway tunnel from leachate and landfill gas.

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, ER6, ER8, ER9, ER11, T1, T5, T6, EU4, RP4, RP5, RP6.
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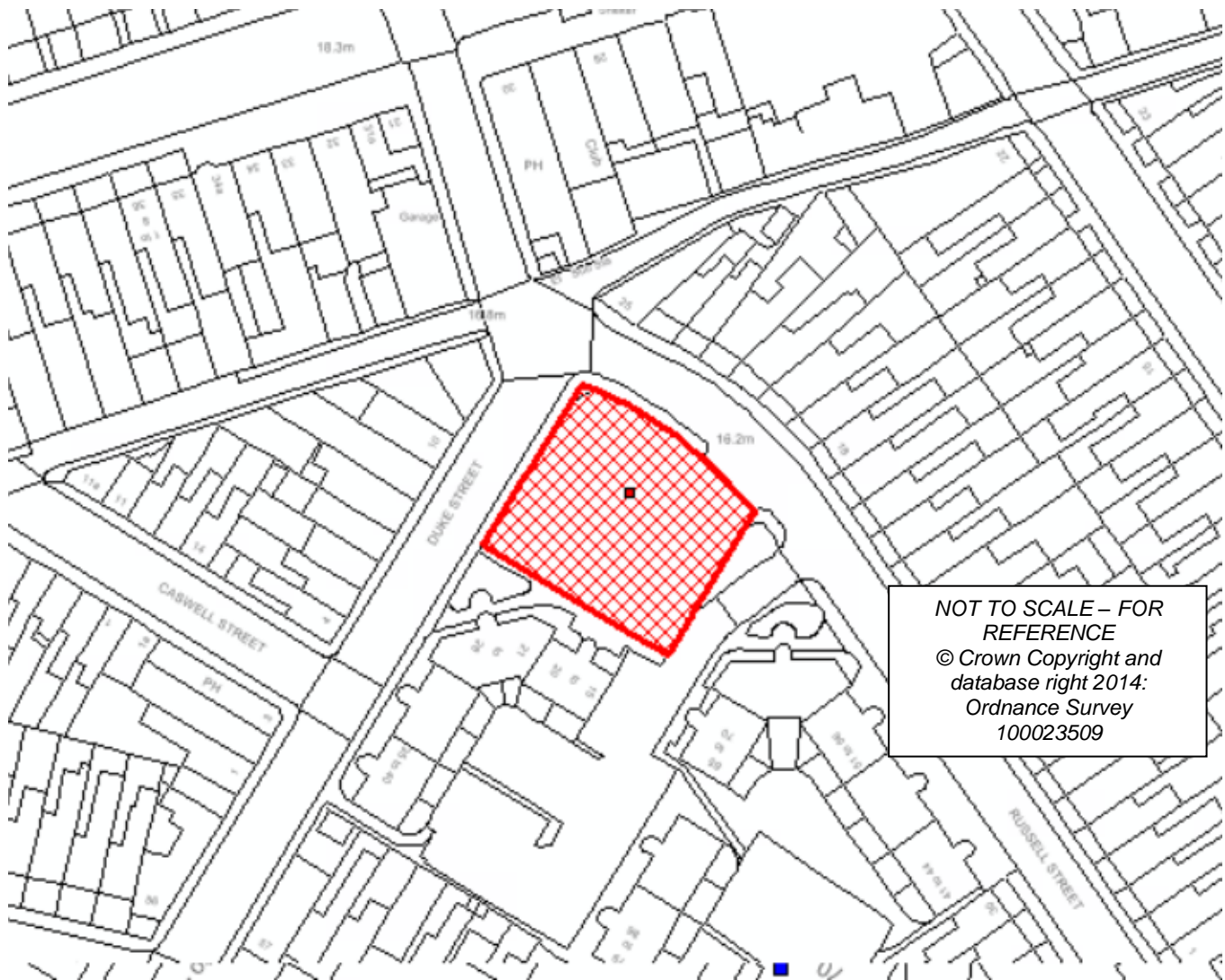
Ward:

Castle - Bay Area

Location: Site Of Former Russell House , 31 Russell Street, Swansea, SA1 4HR

Proposal: Construction of 21 residential apartments in 1 no. five storey block with access, parking and associated works

Applicant: Pobl Group



Background Information

Policies

LDP - T1 - Transport Measures and Infrastructure

Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependent 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 - 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 - RP2 - Noise Pollution

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 NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.

LDP - RP3 - Air and Light Pollution

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.

LDP - ER2 - Strategic Green Infrastructure Network

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

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LDP - 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.

LDP - SI1 - Health and Wellbeing

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

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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.

Site History

App Number	Proposal	Status	Decision Date
2019/2062/S73	Demolition of existing office building and replacement with 18 no. flats with associated parking and works, amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall (variation of Condition 1 of planning permission 2014/1334 granted 18th December 2014 to extend the period of time in which to commence works by a further 5 years)	APP	24.10.2019
2020/2544/FUL	Construction of 21 residential apartments in 1 no. five storey block with access, parking and associated works	PDE	
2014/1512/DOC	Discharge of condition 11 of planning permission 2014/0800 dated 28th August, 2014	NOBJ	29.04.2016

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Item 3 (Cont'd)		Application Number:	2020/2544/FUL
2014/1334	Demolition of existing office building and replacement with 18 no. flats with associated parking and works, amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall	APP	18.12.2014
2014/0804	Demolition of building (application for the Prior Notification of Proposed Demolition)	PGRA NT	24.06.2014
2014/0800	Variation of conditions 6, 12 and 13 of planning permission 2011/1310 dated 26th February, 2012 to allow for demolition of the building to commence.	APP	20.08.2014
2011/1310	Demolition of existing office building and replacement with 18 no. flats with associated parking and works	APP	29.02.2012

Procedural

This application is reported to Planning Committee as it is a Major Development and meets the threshold set out in the Council's Constitution.

Introduction

The proposed development is for the construction of 21 residential apartments in 1 five storey block with access, parking and associated works. All of the 21 flats are proposed to be 'affordable housing' managed by Pobl Group.

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Background Planning History

2011/1310	Demolition of existing office building and replacement with 18 no. flats with associated parking and works Approved 29/02/2012
2014/0800	Variations of conditions 6, 12 and 13 of planning permission 2011/1310 dated 26/02/12 to allow for the demolition of the building to commence. Approved 20/08/2014
2014/0804	Demolition of building (application for the Prior Notification of Proposed Demolition. Prior Approval Granted 24/06/2014
2014/1334	Demolition of existing office building and replacement with 18 no. flats with associated parking and works, amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall. Approved 18/12/2014
2014/1512/DOC	Discharge of condition 11 of planning permission 2014/0800. No objection 29/04/2016
2019/2062/S73	Demolition of existing office building and replacement with 18 no. flats with associated parking and works, amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall (variation of Condition 1 of planning permission 2014/1334 granted 18th December 2014 to extend the period of time in which to commence works by a further 5 years). Approved 24th October 2019

Application Site and Surroundings

The application site was previously occupied by a substantial 3 storey (plus basement) vacant office building with a car park to the rear of the building, that dated from the 1960s with brick end walls and glass curtain walling to the front and rear. The building had a flat roof punctuated with a full storey lift over-run and plant room. The building has subsequently been demolished and the site has been cleared ready for re-development under planning permission 2011/1310, amended application 2014/1334 and the latest permission to extend the period of time to commence development ref: 2019/2062/S73 granted 24th October 2019.

The application site is located at the junction of Russell Street and Duke Street, approximately 55m south of Walter Road, which contains a mixture of terraced 3-4 storey developments comprising shops, offices, bars and residential accommodation. The site is located approximately 150m north of St Helens Road; a mixture of shops, bars, restaurants and offices within two, three and four storey buildings.

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The existing site is effectively an 'island' with 2 frontages (north & east) facing the public highways, the south elevation adjacent to the vehicular access to Brunswick court, and the rear (west) facing the pedestrian route running adjacent to the rear boundary wall of the car park which separates the site from the adjacent flats at Brunswick Court.

Opposite the site (to the east) on Russell Street, is a terrace of traditional 2 storey houses (the majority of which have a 2nd floor within the roof space). To the south & west are 3 and 4 storey buildings at Brunswick Court, which are in use as flats. To the north is the roadway leading to Walter Road.

The surrounding area is characterised by high density residential dwellings ranging from 2-3 storey traditional terraced houses and 3-4 storey blocks of flats, along with a number of local shops, a dentist surgery, a doctor surgery, pubs and offices nearby. The site itself (along with the site of the existing Brunswick Court flats) was formally occupied as a timber yard & saw mill in the late 19th and early 20th centuries, and then in the mid-late 20th century as a bus depot. The office building that previously occupied the site was constructed in the 1960's and the adjacent Brunswick Court was constructed in the 1990's.

The proximity of application site to both St Helens Road and Walter Road, is also within walking distance of local amenities and the City Centre, and also provides sustainable transport links to the City Centre, the bus station and the Train Station, for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east. A regular bus route served by the First Bus Company also runs along both St Helens Road and Walter Road and there are good cycle linkages in the vicinity of the site.

The site is cleared brownfield land following the demolition of Russell House. There is a change of levels within the site and due to the topography of the site the ground floor is in part lower than the ground level of the adjoining streets (the previous office building accommodated a basement floor). This edge of centre location provides an opportunity to revitalise the site, and bring activity and vitality to the streetscene whilst providing good quality housing in a highly sustainable location.

Response to Consultations

Public Response- The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through a press notice for a major application and the display of a notice at the site dated 4th January 2021 and neighbour consultation letters. **THREE LETTERS OF OBJECTION** to original consultation received which are summarised as follows:

1. 5 Storey is simply too big for the area.
2. The flats already at neighbouring Brunswick Court are already falling into disrepair.
3. The buildings surrounding this proposed block will be dwarfed by this imposing series of flats.
4. The design does not in anyway match the general aesthetic of the area
5. Not enough parking for these flats in an already densely populated area.
6. Our objections to the proposal in 2011 are still relevant today and the height is still an issue.

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7. The height is out of proportion to the terraces surrounding it and to the flats in Brunswick Court.
8. Inadequate parking provision, the provision in the 2011 application was inadequate and the new proposal is even worse.
9. The number of residential units has been increased and the plans do not even allow one parking space per unit.
10. We experience a daily battle to secure a parking place near our homes.
11. 21 flats means even more parking problems.

Second site notice dated 11th February 2021 (4 notices posted around the site) - Amended Elevations. **ONE ADDITIONAL OBJECTION LETTER** received summarised as follows:

1. I live opposite the proposed development and am very concerned about the size of the building.
2. It is higher than the office block that was on the site.
3. It will tower over the surrounding houses and my house will be in shadow.
4. It will change the look of the area
5. I objected to the 2011 application because of the height of the building and the lack of parking.
6. I have the same objections to this new application.
7. This new application has increased the number of flats from 18 to 21 which will make the parking situation even more difficult.

PAC

Additionally, the proposed development was subject to a Pre-application Consultation. The submitted PAC report has outlined the pre-application consultations undertaken.

Comments from other consultees were as follows:

Head of Environmental Management (Pollution Control):-

No objection - Please add conditions in respect of Land Contamination and Informatives are recommended in respect of construction noise, smoke/burning of materials, dust control, lighting.

Site Characterisation

The applicant shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- o a list of potential receptors
- o an assessment of the extent of the contamination
- o an assessment of the potential risks
- o an appraisal of remedial options, and a proposal for the preferred remedial option(s).

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The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Phase 1 report: Desk Top Study

this shall:

- o Provide information as to site history, setting, current and proposed use.
- o Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- o Identify if further investigation or remediation is required.
- o In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation

this shall:

Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.

Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.

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

Phase 3: Remediation Strategy Options Appraisal

this shall:

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

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

Imported Soils

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

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

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

Imported Aggregates

Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

Verification/Validation of Remediation Works

Prior to the occupation of any residential unit a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan [a "long term monitoring and maintenance plan"] for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

Unforeseen Contamination

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

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

Council's Drainage Engineer:-

The development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given under Schedule 3, Flood and Water Management Act 2010.

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Additional Drainage Strategy & Design Statement, Drainage Calculations, Soakaway Testing and Draintech Report - 23rd December 2020.

Conceptual drawings of your proposals must be provided. Drawings need to identify the areas where and what proposed SuDs features will be implemented.

The Council's Waste & Recycling Officer Comments:-

The plans are satisfactory in terms of the capacity allowed for wheel bins. The Caretaker/Management will be responsible for placing the bins out for collection at the roadside.

Highway Authority:-

2020/2544/FUL | Construction of 21 residential apartments in 1 no. five storey block with access, parking and associated works | Site Of Former Russell House 31 Russell Street Swansea SA1 4HR

The scheme was preceded by a pre-app reference 2020/1705/PRE and a PAC was submitted to the Highway Authority which was received by Highways DC on 1/12/20 and responded to on 10/12/20 following discussions with Asbri Planning.

Most of the extensive comments made during both those processes have been actioned.

Amended plans have been received on 8th February (swept paths and revised front elevation) and also on 11th February (details confirming extent and overhang of proposed cladding), confirming that the footway is being encroached, albeit at a high level.

ul Background:

The principle of residential use at the site has been established under 2011/1310 and 2014/1334 and 2019/2062/s73 for 18 flats over four floors (not 21 as the design and access statement references)

The site is currently empty and surrounded by hoardings.

Proposals

The development proposals are for 21 apartments and associated works.

A parking layout has been submitted showing 17 parking spaces to serve the 21 flats. The parking provision therefore falls below one space per flat. Even in sustainable locations such as this, the parking levels should not drop below one per flat. The parking levels are considered to be unacceptable notwithstanding that the site is located in a sustainable location with access to local amenities with access to and any overspill onto the surrounding streets is likely to have a detrimental impact on highway safety due to an increase in indiscriminate parking.

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Access:

The proposed form of vehicular access is to be located directly off Russell Street via a simple priority junction.

With regard to the access it should be demonstrated that adequate junction visibility can be provided, Visibility splays will need to be in line with those set out in Manual for Streets and be commensurate with the road speed limits. The splays as submitted would not be achievable given the on street parking that takes place on Russell Street. Notwithstanding that, it is noted that the access is existing and was previously used in connection with the commercial use, and it is also the access as shown on the previously consented scheme. On that basis the access at that location is accepted.

The existing access is wider than that proposed so some reinstatement will be required, plus there is another redundant access on the junction of Russell Street with Duke Street that needs reinstating in the interest of passing pedestrians. A Section 278 will be required to be entered into with the Highways Authority to undertake those works. Given that the substructure works are taking place on the highway boundary it will be a requirement to resurface the footways on both the Duke Street and Russell Street boundaries. The construction process will involve excavating the building foundations on the highway boundary, there will therefore be an implication on the integrity and condition of the footway.

Internal layout:

It appears that the ramp is 4.7m width and the parking spaces are to the correct size albeit that I have already commented that the parking levels are below standard.

The disabled spaces have been amended and are now drawn to standard with a 1.2m hatched strip on three of the four sides, making them Equalities Act and CCS standard compliant.

The ramp gradient indicated at 1:12 to 1:20 is acceptable.

Swept paths have now been submitted (8TH February) to show that cars can turn within the site, enter the parking spaces and access/egress in a forward gear, albeit that the tracks are very tight and on the boundary of other car parking spaces/structural elements in some instances. Speeds will be slow and as such it is not considered that given the movements are internal, and off the highway, then they are unacceptable.

It was noted that the proposed cladding appeared to overhang the highway but the exact details were unclear. A sketch has been received (11/2/21) prepared by the architect BBA showing an overhang of 175mm of the cladding over the adjacent adopted footway. A permanent oversail licence will therefore be required to indemnify the Council against any failure of the overhanging element of the structure.

Car Parking:

Car Parking has been advised to be provided in accordance with the adopted supplementary planning guidance. The parking requirements are clearly set out in the SPG at one per bedroom, not dropping below one per unit. ~~Provision~~ ^{Provision} for 21 units does not meet the SPG.

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However following full consideration of the scheme and the parking shortfall in context of a sustainably located site, the section 106 contribution, and the inclusion of cycle storage then it is not considered that refusal of the scheme solely on highway grounds could be supported in an appeal situation, despite concerns. On that basis and in this instance, the Highway Authority will not object.

Cycle parking

The cycle storage is located in two places, one at the rear of the blue badge parking spaces (the hatching should allow for some usable access), and secondly accessed off the ramp that leads off Russell Street. Whilst neither are particularly conveniently located there are no significant highway safety issues arising.

Waste storage

Previously advice was given regarding the size of the bin store being unrealistically small. CCS Waste management has now been consulted for their comments on this planning application. Subject to their acceptance of the proposals then I do not consider that any highway safety issue will arise from the storage/collection of waste.

Section 106 Contributions to Local Improvements:

Given the shortfall in parking and much being made with regard to the sustainable nature of the site and access to local amenities then the scheme has been assessed with regard to the criteria for requesting Section 106 contributions to enhance non car modes of transport. Under LDP policy T6 there is justification for a request for £15,000 to put towards the delivery of a designated cycle track on Walter Road which will act as an Active Travel Route. £15,000 is well within the within the limits that could be sought. It therefore is considered to be a reasonable and directly relatable request to enhance sustainable transport.

Conclusion

Whilst the scheme does not fully deliver car parking in accordance with the car parking SPG it is considered that that alone is not sufficient to justify a refusal that could be sustained at an appeal situation. In addition the precedent has already been set for residential at the site for 18 units. It is also noted that the applicant (Pobl) usually utilizes less car parking spaces than standard residential. Although there are no formal additional reductions arising over and above the sustainability calculation which has already been undertaken, resulting in the need for 21 spaces.

The cladding overhang will require a separate oversail licence from the Highway Authority and that can be secured by condition.

Recommendations

On balance the scheme is not considered to give rise to any significant highway safety concerns.

I recommend that no highway objections are raised to the proposed development subject to;

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1. The applicant entering into a Section 278 agreement with the Highways Authority to reinstate the existing drop kerbs where appropriate, (partially on the site access, and at the junction of Duke Street with Russell Street) and also to resurface the footways on the site boundaries of Duke Street and Russell Street. The works to be completed prior to beneficial occupation of any of the development.
2. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during demolition and construction; and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

3. Under policy T6, the developer entering into a Section 106 Agreement with the LPA to provide a sum of £15,000 as a contribution towards a dedicated cycle route on Walters Road as part of an Active Travel Route.
4. I recommend therefore that if consent is granted, that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
5. The Developer must contact the Highway Management Group, City and County of Swansea, Guildhall, Swansea, SA1 4PE before carrying out any work, to obtain the necessary oversail licence under Section 177 of the Highways Act.

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.

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, Swansea SA1 4PE before carrying out any work . Please email networkmanagement@swansea.gov.uk with regard to the Section 278 and also with regard to the oversail licence.

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Placemaking and Heritage Team:-

Previous planning permission 2011/1310 was granted for 18no. affordable flats in a 4 storey block with basement and a subsequent application 2014/1334 was approved for amendments to this consent.

The following advice is provided on the compliance with the design and placemaking policies of the LDP, specifically policy PS 2 (Placemaking) and the Residential Design Guide SPG which is underpinned by the proactive placemaking planning approach.

Comments:

The application site forms a prominent corner plot with elevations fronting onto Russell Street and Duke Street. Whilst located outside the city centre, the site occupies a sustainable location and the principle for residential development has previously been established. There is scope to revitalise the site, and bring activity and vitality to the streetscene whilst providing good quality affordable homes in a sustainable location.

The site fronts onto Russell Street and includes the main entrance to the building and a good level of engagement with the streetscene. The main entrance to the building could be better articulated, a slight recess maybe? Additional access to the building is achieved directly off the rear parking area. However the relationship with Duke Street is very poor presenting a substantial length of blank wall interrupted only by a bin store door and high level window serving this. There is a complete lack of active frontage and this element needs further consideration. Can the bin store be relocated and ground floor residential accommodation extend to this frontage to provide 'eyes on the street'? Additionally, refinements are required to the upper floors, with either additional windows added to this elevation and/or the proposed window serving the living room elongated? (The same approach should be taken to the side elevation fronting Brunswick Court). Is the 2m(?) boundary wall required for the entire Duke Street elevation?

In terms of the scale and massing of the proposal, comparison elevation drawings have been provided that demonstrate that the overall height difference between the proposal and previously approved scheme is marginal. Most notably the approved scheme comprised an 'L' shaped building which turned the corner stepping down from 4 storeys fronting Russell Street to 3 storeys fronting Duke Street. The proposal is now made up of a single 5 storey block fronting Russell Street. Whilst it would be preferential to explore reconfiguring the building to break it into smaller components, the schemes viability makes this very difficult. However, in order for a single, 5 storey block to be supported some refinements will need to be made in terms of fenestration/elevational detailing.

The fenestration treatment needs refinement with the front elevation displaying a lack of alignment and clumsy appearance, especially the relationship between ground floor and floors above, which lacks any uniformity. Additionally, refinement to the roof level fenestration is required. The fenestration lacks rhythm which the previous scheme successfully incorporated to conform with the repetitive patterns of the terraces windows in the surrounding vicinity.

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The approved scheme included generous full height windows along with oriel windows to the front elevation which provided depth and visual interest. This detail has been replaced with the addition of some elements of projection including Juliette balconies, an approach which is welcomed however not all flats benefit from a Juliette balcony and a significant proportion of the windows are now much smaller and have lost the more elegant vertical proportions. Is there a reason why the projecting features including Juliette balconies have not been replicated for all flats? Broadly speaking, all flats should have access to private amenity space, and balconies should be incorporated - is this possible?, or at the very least each flat should have a Juliette balcony. Amendments are required to address this.

In addition, the smaller, boxy windows should be elongated to provide full height windows, enhancing the vertical proportions to this prominent elevation. This would be mutually beneficial in terms of visual appearance and also in terms of amenity. Significantly, the building is orientated in a northwards direction and a large number of the proposed flats are single aspect (previously approved scheme included dual aspect flats), and therefore all window openings should be as generous as possible to ensure the receipt of sufficient natural light.

Certain elements from the following two schemes (images taken from google) should be considered i) the Former Pantycelin Hotel, Oystermouth Road which effectively breaks up the massing of the block by including full height set-backs/projections over first-third floors which assists in splitting the massing into several vertical components. Juliette balconies and generous vertical windows are also included; and ii) the Leonard Charles redevelopment which incorporates full height glazing and elements of projection, again which help to break up the massing of the block.

In terms of materiality, the proposal broadly follows the contemporary material palette previously used, albeit is an alternative arrangement. The use of brick is welcomed, although the brick element should be lowered to ground floor only to be read as a single storey plinth which anchors the building. The use of grey cladding and render is also acceptable as the mixture of material/textures helps break up the overall massing into smaller components.

In terms of the roof, this is largely in line with what was previously approved, and is sufficiently set back from the Russell Street elevation. The rainscreen cladding, to the Duke Street elevation however terminates in an odd configuration which needs refinement. Maybe the side elevation to Duke Street is finished in brick only, or possibly a reduction in cladding as this just adds bulk to the building?

In summary, the principle of a residential development of broadly this scale and massing has already been established in earlier consents. However whilst the previous scheme was broken down into components, the proposal is now for a single 5 storey block, which in order to be acceptable in design terms requires refinements, as addressed in detail above. Amendments are therefore required before this can be supported.

Final Placemaking and Heritage Team comments:-

The final plans submitted for consideration now include refinements to the front elevation, including the improved alignment, rhythm and verticality of the fenestration, inclusion of additional full height glazing/Juliette balconies, along with the colour and material palette changes, which are supported.

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The suggested amendments to the Duke Street elevation have been taken on board and additional windows assist in breaking up the massing, add interest and also provide natural surveillance.

The scheme has been amended to make further refinements and the front elevation projecting bay features are now uniform, each spanning three floors. The side elevation windows have been adjusted pulling the second cill down to align with the slot windows.

The proposal is now supported subject to conditions to cover the following:

- i) Large scale drawings of keys aspects such as
- ii) Eaves/roof edges and interface with walling material below
- iii) Window openings - various designs/materials
- iv) Entrance opening

Composite sample to be constructed on site showing materials and junctions between the (2 stage condition where)

- i) a drawing of the materials/junctions going into the sample is provided and
- ii) once constructed a site visit will be undertaken to agree

Precise details of the location, extend, design and finish of all visible external ventilations to be submitted to and approved.

On the basis of the above amendments, and subject to conditions, there is no further comment from a Placemaking perspective.

APPRAISAL

Consideration of planning merits

The main issues for consideration with regard to this application relate to:

- o Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- o The impact of the proposal on the character and appearance of the street scene and the wider area;
- o Impact on residential amenity and the Well-being of Future Generations (Wales) Act 2015
- o Highway Safety

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Development Plan Policy and Supplementary Planning Guidance

National Planning Guidance The Well-being of Future Generations (Wales) Act 2015 places a duty (including Welsh Ministers) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory purpose 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.

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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-taker 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 a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. Paragraph 4.9.2 adds that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- o in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- o in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- o which secure land for urban extensions, and;
- o which facilitate the regeneration of existing communities.

Development should be located having regard towards securing a sustainable settlement pattern, on previously developed land and at locations for higher density development at hubs and interchanges and close to route corridors where accessibility on foot and by bicycle and public transport is good. New development should minimise the need to travel and increase accessibility by modes other than the private car. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development should be encouraged near public transport nodes and corridors well served by public transport.

Swansea Local Development Plan ('LDP')

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

PS 1: Sustainable Places

PS 2: Placemaking and Place Management

PS 3: Sustainable Housing Strategy

RP 2: Noise Pollution

RP 3 :Air and Light Pollution

RP 4: Water Pollution and the Protection of Water Resources

RP10: Sustainable Waste Management for New Development

SI 1 : Health and Wellbeing

SI 8 : Community Safety

IO 1 : Supporting Infrastructure

ER 1: Climate Change

ER 2: Strategic Green Infrastructure Network

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ER 9: Ecological Networks and Features of Importance for Biodiversity

T1 : Transport Measures and Infrastructure

T2 : Active Travel

T6: : Parking

EU4 : Public Utilities and New Development

Supplementary Planning Guidance (SPG):

- o Places to Live - Residential Design Guide (Adopted January 2014)
- o Parking Standards (Adopted March 2012)
- o Planning Obligations (Adopted March 2010)
- o Planning for Community Safety (Adopted December 2012)
- o Swansea Central Area: Regenerating our City for Wildlife and Wellbeing Green Infrastructure Strategy - Draft

The above SPG's provide further information and guidance to support and clarify the policies described in the Appraisal below.

Planning Policy Considerations

Townscape and visual impact

The principle of residential use for this site has been clearly established with the granting of planning permission 2011/1310 (2014/1334 and 2019/2062/S73) for the demolition of existing office building and replacement with 18 no. flats with associated parking and works - Approved 29th February 2012.

This location forms a prime opportunity to revitalise the site, and provide much needed sustainable, good quality affordable residential accommodation on this edge of city centre site.

The site is allocated as a housing commitment in the adopted Local Development Plan given the extant planning permission.

Approved Scheme - 2011/1310, 2014/1334 and 2019/2062/S73

The approved scheme proposes a contemporary designed building of 4 storeys in height with a further basement/lower ground level with an L shaped footprint including a rear projection to the side / rear adjacent to Duke Street. The rear of the building included a stair, lift core and walkways to each of the flats which would be enclosed with glazed panels, louvers and vertical fins. Overall the approved development is for 5 floors made up of the following:

1. Basement level/lower ground floor level would contain 20 car parking spaces, cycle store, a plant / equipment room and a bin store room for recyclables and residual waste.
2. The ground floor level would contain 4 flats (2 x 2 beds & 2 x 1 beds) & the main entrance
3. The first floor level would contain 5 flats (3 x 2 beds & 2 x 1 beds)
4. The second floor level would contain 5 flats (3 x 2 beds & 2 x 1 beds)
5. The third floor level would contain 4 flats (1 x 2 bed & 3 x 1 beds)

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This planning permission is LIVE and can still be implemented subject to discharge of any conditions.

Current Scheme

In terms of the scale and massing of the proposal, comparison elevation drawings have been provided that demonstrate that the overall height difference between the current proposal and previously approved scheme is marginal. Due to the topography of the site the ground floor is in part lower than the pavement level of Russell Street and Duke Street.

1. Lower ground floor level would contain 2 one bedroom flats, plant room and utilities.
2. First floor would contain 5 one bedroom flats
3. Second floor would contain 5 one bedroom flats
4. Third floor would contain 5 one bedroom flats
5. Fourth floor would contain 4 flats (3 two bedroom flats and 1 one bedroom flat)

The Design and Access Statement submitted in support of this application points out that the fundamental difference between the extant planning permission and this current proposal is the housing mix proposed. Whilst the number of flats has increased to 21 in the current scheme from 18 flats as approved in the previous scheme, the overall number of bedrooms has been reduced as the number of 2 bedroom flats has been reduced from 9 x 2 bed flats to 3 x 2 bed flats in the current scheme.

Approved Scheme = 18 flats - 27 bedrooms (9 x 2 bed flats and 9 x 1 bed flats)

Current Scheme = 21 flats - 24 bedrooms (3 x 2 bed flats and 18 x 1 bed flats)

Following on from officer advice provided during the course of this application, the scheme has been amended and the fenestration detailing refined to ensure that good quality residential units are provided with high quality design.

In consultation with the Placemaking and Heritage Team, the final plans submitted for consideration now include refinements to the front elevation, including the improved alignment, rhythm and verticality of the fenestration, inclusion of additional full height glazing/Juliette balconies, along with the colour and material palette changes, which are supported. The suggested amendments to the Duke Street elevation have been taken on board and additional windows assist in breaking up the massing, add interest and also provide natural surveillance.

Pedestrian entrance to the flats is provided directly off Russell Street, which is, legible and generally well overlooked as set out in the Residential Design Guide SPG. The front elevation is set back to provide some defensible space between the ground floor flats fronting onto Russell Street.

There is no strong local vernacular at this location and the scale and massing of the proposed building is considered acceptable, with the overall height being the same height as the scheme approved under the extant planning application 2011/1032 (and 2019/2062/S73 to extend the time to commence development).

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Due to the site levels the ground floor accommodation is set down below the street level and the elevations now comprise a degree of verticality and the refinements to the front elevation projecting bay features are now uniform, each spanning three floors, which assists in breaking up the expansive façade.

The siting and relationship with the adjoining buildings would ensure that there are no overshadowing or overbearing impacts from the new build.

In summary and having regard to the approved scheme, comparison elevation drawings have been provided that demonstrate that the overall height difference between this current proposal and the previously approved scheme is marginal fronting onto Russell Street. It is considered that this proposal would provide a contemporary modern building providing much needed affordable residential units on this edge of city centre site, in a sustainable location close to all local amenities. Subject to conditions to require samples of external finishes including windows and doors, and details of typical window/door units within their opening, together with details of location/design of all visible external ventilation and rainwater goods, the proposal accords with Policies PS1 and PS2 of the Swansea Local Development Plan.

Residential Amenity

In the first instance, the principle of residential development at this location is supported by development plan policy and has a current live planning permission for a residential block of 18 flats approved on this site. This is a densely populated residential area on the edge of the City Centre and future residents should realistically expect a level of activity akin to a mixed use urban area rather than a suburban location.

Turning to the impact of the proposal on the amenity of future residents and the occupiers of existing residential uses within the immediate vicinity, Russell Street is located on the edge of the city centre and residents living within a city centre location will be exposed to relatively high levels of ambient noise, predominantly from traffic but also from late night pedestrian activity due to the application site being located off St Helens Road and Walter Road, which are main routes in/out of the City Centre. St Helens Road in particular, is a busy mixed use local centre with many late night restaurants and shopping facilities. There are also public houses within close proximity to the site on Walter Road and Duke Street. With this in mind, residents who live in close proximity to commercial premises cannot reasonably expect the same level of peace and quiet as people living in a wholly residential area.

Therefore, it is not considered that the proposal would give rise to any harmful impact of the living conditions of future residents or any neighbouring residents through noise and disturbance that would be considered so harmful to warrant a recommendation of refusal on these issues alone.

Well-being of Future Generations Act (2015)

7 Well Being goals:

"A healthier Wales - A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood."

Cramped living conditions are detrimental to mental well-being and as such the duty of the LPA/LA to meet this goal which is a requirement of the Act.

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Having regard to the proposed layout of the apartments, the aim of the LDP Policies and the adopted Residential Design Guide, are to create a quality public realm and building design combined with quality internal living environments to create homes that are good to look at and live in.

In terms of space standards, the residential design guide sets out tried and tested space standards that are a valid reference for all developments, including conversions. A one bedroom self-contained flat requires a floor space of 46m² and a two bedroom self-contained flat requires a floor space of 59m². In this proposal, the flats all have separate bedrooms and a living room/kitchen and achieve or exceed the minimum floor space. Each flat has natural light for every habitable room. The rear flats overlook the car parking area. The front elevation faces onto Russell Street. There are additional windows in the side elevations, however the siting relationship and separation distances with the adjoining residential units, ensures that there is no demonstrable overlooking or loss of privacy impacts. In this respect, the habitable room windows do not give rise to any overlooking or loss of privacy impacts, to either the future residents or the occupiers of the adjoining residential uses. A centrally located communal access is directly from Russell Street which leads to all floors. Furthermore a stairs leading from the central entrance a platform lift is also provided.

In conclusion, the proposal is considered to provide satisfactory and acceptable living conditions for future occupants in respect of internal space and privacy, and will not cause any undue impact upon the residential amenity of existing neighbours, in accordance with development plan policy.

Refuse/Recycling and Cycle Storage

LDP Policy RP 10 requires new development 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. Separate refuse storage is indicated to the rear of the property. Management arrangements will be in place to ensure that refuse and recycling is placed in an accessible location to ensure that collections can be made by Refuse collection vehicles from the roadside. The Councils Waste Management team has been consulted on this proposal and it has been demonstrated that sufficient provision is made for refuse and recycling storage and that management procedures will ensure that refuse can be collected from the roadside.

Sufficient cycle storage is indicated in dedicated storage areas with access for all residents to cater for alternative sustainable modes of transport.

Highway Safety and car parking

Planning Policy Wales aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys.

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Each site will be treated on its merit, however there will be instances where assessed parking demand cannot be met onsite and for such circumstances there is provision within adopted parking standards to require developer contributions towards Transportation initiatives to enhance alternative modes of transport or off-site parking provision. This approach would require the applicant to enter into a Section 106 Agreement.

The Head of Transportation and Engineering has provided full comments on the current proposal and following full consideration of the scheme and the parking shortfall in context of a sustainably located site, a section 106 contribution is required for local Improvements as set out below.

Section 106 Contributions to Local Improvements:

Given the shortfall in parking and much being made with regard to the sustainable nature of the site and access to local amenities then the scheme has been assessed with regard to the criteria for requesting Section 106 contributions to enhance non car modes of transport. Under LDP policy T6 there is justification for a request for £15,000 to put towards the delivery of a designated cycle track on Walter Road which will act as an Active Travel Route. £15,000 is well within the within the limits that could be sought. It therefore is considered to be a reasonable and directly relatable request to enhance sustainable transport.

In conclusion, the Highway Authority considers that whilst the scheme does not fully deliver car parking in accordance with the car parking SPG it is considered that, the shortfall in parking alone is not sufficient to justify a refusal that could be sustained at an appeal situation. In addition the precedent has already been set for residential use at the site for 18 units. It is also noted that the applicant (Pobl) usually utilises less car parking spaces than standard residential. Although there are no formal additional reductions arising over and above the sustainability calculation which has already been undertaken, resulting in the need for 21 spaces.

With the S106 contribution, and the inclusion of cycle storage and the sustainable location of the site, it is not considered that refusal of the scheme solely on highway grounds could be supported in an appeal situation. On that basis and in this instance, the Highway Authority does not object to this current proposal.

In light of the comments received from the Highway Authority, consideration has been given to the requirements of LDP Policy T2 and The Community Infrastructure Levy Regulations (2010) which came into effect in 2010. 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.

In this instance the Highway Authority request of a S106 highway contribution of £15k is considered reasonable and necessary, as this will provide an upgrade to cycle provision in the vicinity which will cater for residents of the development and is related in scale and kind to the development.

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Conditions have further been requested by the Highway Authority to request the applicant enters into the Section 278 agreement, request a construction method statement, travel plan and request that the developer makes contact to obtain an oversail licence. The majority of the matters raised are matters which are best dealt with under Highways legislation and necessary conditions are to be imposed to make the development acceptable from a planning perspective.

In light of the above analysis and subject to a S106 agreement to secure the improvements to the cycle links on Walter Road, and necessary planning conditions, it is considered that the scheme complies with the aims and requirements of policies T6 and T2 in regard to the impact of the development upon highway safety in the area.

Affordable Housing

Proposals that include residential development on sites within settlement limits with capacity for 5 or more residential units should ordinarily provide for affordable housing on site in accordance with the requirements of Policy H 3.

The application site is within the Central Area and that requirement would extend to 20%.

This development proposes 100% affordable housing onsite, social rented tenure, the Housing Service have given strategic support for this scheme for Welsh Government grant through the Programme Development Plan. For the purposes of the Section 106 this site should be conditioned to the LDP policy target of 20% albeit that this scheme provides betterment in this instance.

Ecological Enhancement

A condition is recommended to secure the provision of bat/bird boxes within or on the walls of the development in accordance with details to be submitted to and approved in writing. The developer is also asked to consider whether a green roof can be incorporated into the building design.

Drainage

It has been identified that this scheme will require SAB approval for a sustainable urban drainage system and this is a matter that would be controlled under the SAB legislation.

Response to public consultation

The objections raised by local residents have been noted. In relation to the approved scheme, matters relating to the overall layout, siting, design & height of the building, were carefully considered under planning permission Ref: 2011/2014 which was approved. The commencement time was extended under the subsequent applications. As such, there is a live planning permission for a residential block of 18 flats at this application site.

Matters relating to the size, design & height of the building, in this current application and the impacts upon residential amenity and highways & parking, are addressed in the above paragraphs.

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Conclusion

The principle of re-developing this brownfield site for residential development is supported by both Planning Policy Wales and Local Development Plan policies at both the national and local level. The site is ideally located within a sustainable and accessible location with proximity to a wide range of services and public transport facilities. There is a current extant planning permission at this site for residential development. The provision of the residential flats at this sustainable location on the edge of the City Centre, would make a contribution of delivering additional affordable housing by supporting sustainable transport and shifting modes of transport from the private car as advocated within Planning Policy Wales, along with supporting the Council's regeneration aspirations for the City as a whole.

Overall, it is considered that the proposal is an acceptable form of development that will have no significant detrimental impact on visual amenities of the street scene or the wider area and would result in no demonstrable harmful impact on residential amenity, over and above the scheme previously approved. Subject to a S106 agreement to enhance non car modes of transport within the immediate area and to secure the provision of at least 20% affordable housing for the future, the proposal is considered in accordance with local development plan policy. Approval is therefore recommended.

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

RECOMMENDATION

APPROVE, subject to the applicant entering into a Section 106 Planning Obligation in respect of;

- 1. Contribution of £15,000 to fund non car modes of transport to be put towards the delivery of a designated cycle track on Walter Road which will act as an Active Travel Route (prior to the development being brought into use).**
- 2 The site to maintain 20% Affordable Housing Provision.**
- 2. Management/Monitoring Fee of £300, based on 2% of the value of the obligations (to be paid when the S106 agreement is signed)**
- 3. The Council's Legal fees relating to the preparation of the S106 Agreement (to be paid when the S106 agreement is signed)**

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with Policies PS2, PS3, I01, H3, T1, T2 and T6 of the Swansea Local Development Plan (2010-2025).

and subject to the following conditions

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- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
 - 2 BBA.816.P.02A: Proposed Site location plan, block & site plan, BBA.816.P.10A: Proposed Ground Floor Plan, BBA.816.P.11A: Proposed First Floor Plan, BBA.816.P.12A: Proposed Second Floor Plan, BBA.816.P.13A: Proposed Third Floor Plan, BBA.816.P.14A: Proposed Fourth Floor Plan, BBA.816.P.15A: Proposed Roof Plan, BBA.816.P.16: Proposed Elevations, BBA.816.P.16A: Proposed Elevations, received on 16th February 2021, 816.P.21: Proposed Section DD, 816.P.22: Proposed Section E10A, received on 10th December 2020, P2 Vehicle Track, received on 8th February 2021.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
 - 3 Prior to the commencement of any external works to the superstructure of the development, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - Typical bedroom and lounge window opening units including any external balustrade;
 - Main entrance door within its opening;
 - A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
 - Roof edges and corners to any cladding systems
 - Details of the rear boundary wall and details of the front boundary wall treatment to Russell Street, including details of any railings.
 - Details of the location/design of all visible external ventilation and rainwater goods
 - Details of ramp and handrails, any entry gates
- The development shall be carried out in accordance with the approved details.
- Reason: In order to provide for an acceptable finish to the development in the interest of visual amenity in the surrounding area.
- 4 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding demolition, excavation, site preparation and enabling works) of the relevant part of the development. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The development shall be completed in accordance with the approved details.
Reason: In the interests of visual amenity.
 - 5 The car parking area shall be laid out in accordance with the approved plans prior to the first beneficial occupation of the development hereby approved and shall be retained for parking purposes in connection with the development only thereafter.
Reason: To ensure adequate parking provision on site.

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- 6 Within 12 months from the date of this permission, a Travel Plan shall be submitted to and agreed in writing by the local planning authority. The agreed Travel Plan must be implemented prior to the beneficial use of the building commencing. The development shall be completed in accordance with details shown within the Travel Plan and all residents of the scheme shall be provided with the Travel Plan welcome pack on first occupation of the flats.
Reason: In the interests of promoting sustainable forms of transport to and from the site
- 7 Prior to the commencement of development, a scheme of Ecological Enhancement Measures (in the form of a combination of bat and bird boxes) to be provided within or on the walls of the building, with consideration of a green roof, 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 prior to the first beneficial occupation of any of the flats hereby approved and shall be retained as such in perpetuity.
Reason: In the interests of biodiversity and to provide Ecological Enhancement Measures on site.
- 8 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in Russell Street and Duke Street or the surrounding streets at any time.
Reason: In the interests of highway safety and sustainability.
- 9 The cycle parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of the development hereby approved and shall be retained for cycle parking purposes for the residents of the flats in perpetuity.
Reason: To ensure adequate cycle parking provision on site
- 10 The refuse/recycling storage area shall be laid out in accordance with the approved plans prior to the beneficial occupation of the development hereby approved and shall be retained for waste/recycling storage in perpetuity.
Reason: to ensure adequate refuse/recycling storage areas on site
- 11 Prior to the commencement of development, the developer shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- o a list of potential receptors
- o an assessment of the extent of the contamination
- o an assessment of the potential risks
- o an appraisal of remedial options, and proposal for the preferred remedial option(s).

The reports shall be submitted individually. Page 133

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The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Phase 1 report: Desk Top Study

this shall:

Provide information as to site history, setting, current and proposed use.

Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.

Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation

this shall:

Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.

Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Natural Resources Wales in order to agree any further investigations required.

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

Phase 3: Remediation Strategy Options Appraisal

this shall:

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

Phase 3: Validation/verification Report

On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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

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- 12 Prior to the commencement of development, any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and Guidance Notes.

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

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

- 13 Prior to the occupation of any residential unit a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan [a "long term monitoring and maintenance plan"] for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

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

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

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, PS3, RP2, RP3 RP4, RP10, SI1, SI8, IO1, ER1, ER2 ER9, T1 T2, T6, EU4.

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

- 3 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.

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The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, Swansea SA1 4PE before carrying out any work . Please email networkmanagement@swansea.gov.uk with regard to the Section 278 and also with regard to the oversail licence.

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

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

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

- 5 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).

- 6 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste must be licensed waste carriers.

7 **Development Low Risk Area - Standing Advice**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority