



Dinas a Sir Abertawe

Hysbysiad o Gyfarfod

Fe'ch gwahoddir i gyfarfod

## Pwyllgor Cynllunio

**Lleoliad:** Siambr y Cyngor, Neuadd y Ddinas, Abertawe

**Dyddiad:** Dydd Mawrth, 13 Ebrill 2021

**Amser:** 2.00 pm

**Cadeirydd:** Y Cyngorydd Paul Lloyd

**Aelodaeth:**

Cynghorwyr: 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 a/ac T M White

**Gwyltio ar-lein:** <http://bit.ly/2Njk5Eh>

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### Agenda

Rhif y Dudalen.

- 1 Ymddiheuriadau am absenoldeb.
- 2 Datgeliadau o fuddiannau personol a rhagfarnol.  
[www.abertawe.gov.uk/DatgeluCysylltiadau](http://www.abertawe.gov.uk/DatgeluCysylltiadau)
- 3 Cofnodion. 1 - 10  
Cymeradwyo a llofnodi cofnodion y cyfarfod(ydd) blaenorol fel cofnod cywir.
- 4 Eitemau i'w gohirio/tynnu'n ôl.
- 5 Hen Lofa Cefn Gorwydd, Tre-gwyr, Abertawe. 11 - 69
- 6 Penderfynu ar geisiadau cynllunio o dan Ddeddf Cynllunio Gwlad a Thref 1990. 70 - 132

**Cyfarfod nesaf:** Dydd Mawrth, 4 Mai 2021 ar 2.00 pm

**Huw Evans**

**Pennaeth Gwasanaethau Democrataidd**

**Dydd Mawrth, 6 Ebrill 2021**

**Cyswllt: Gwasanaethau Democrataidd - 636923**

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# Agenda Item 3



City and County of Swansea

## Minutes of the Special **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 9 February 2021 at 10.00 am

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

**Councillor(s)**

C Anderson  
M H Jones  
D W W Thomas

**Councillor(s)**

P M Black  
W Evans  
T M White

**Councillor(s)**

J E Burtonshaw  
M B Lewis  
L J Tyler-Lloyd

**Officer(s)**

Gareth Borsden  
Ian Davies  
Sally-Ann Evans  
Tom Evans  
Steve Smith  
Krystyna Williams  
Jonathan Wills

Democratic Services Officer  
Development Manager  
Lead Lawyer  
Strategic Planning Team Leader  
Placemaking and Heritage Lead  
Urban Design & Conservation Officer  
Lead Lawyer

**Apologies for Absence**

Councillor(s): R D Lewis and P B Smith

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**14 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.

**15 Approval of Public and Stakeholder Consultation on Placemaking Supplementary Planning Guidance for Residential Developments.**

The Head of Planning and City Regeneration presented a report which sought to obtain approval from Members to carry out the necessary consultation and engagement process with the public and stakeholders on three draft placemaking guidance documents for residential development.

Officers provided a detailed and informative visual presentation to the Committee which outlined the main issues and background relating to the updating and revising of the three placemaking guidance documents relating to:

- Householder Development;
- Infill & Backland Development;
- Residential Development.

The likely timescales and process for the consultation exercise were also outlined.

In response to the presentation, Members asked a series of questions on the three documents, to which officers responded accordingly.

Report updated as follows:

Appendix A: Consultation Draft Placemaking Guidance for Householder Development

Amend paragraph 3.39 on p20 as follows

Replace paragraph 3.39 with the following:

3.39 Paragraph 2.29 sets out the importance of maintaining a separation distance of 15m to avoid **overbearing impacts** to any affected properties. In some cases maintaining a 15m separation distance can also be important to ensure development proposals do not give rise to unacceptable **overlooking impacts** on habitable rooms and gardens. Any proposals that seek a reduction in this separation distance will be assessed by the Planning Authority as to whether the individual circumstances that apply in that case justify a relaxation of the 15m standard distance.

Delete associated graphic and caption.

**Resolved** that the Placemaking Guidance's for Householder Development, Infill and Backland Development and Residential Development be approved (subject to the amendment outlined above) for public and stakeholder consultation.

The meeting ended at 11.05 am

**Chair**



City and County of Swansea

## Minutes of the Special **Planning Committee**

Remotely via Microsoft Teams

Monday, 22 February 2021 at 10.00 am

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

**Councillor(s)**

C Anderson  
W Evans  
D W W Thomas

**Councillor(s)**

P M Black  
M B Lewis  
T M White

**Councillor(s)**

M H Jones  
R D Lewis  
L J Tyler-Lloyd

**Officer(s)**

Gareth Borsden  
Ian Davies  
Sally-Ann Evans  
Tom Evans  
Steve Smith  
Krystyna Williams  
Jonathan Wills

Democratic Services Officer  
Development Manager  
Lead Lawyer  
Strategic Planning Team Leader  
Placemaking and Heritage Lead  
Urban Design & Conservation Officer  
Lead Lawyer

**Apologies for Absence**

Councillor(s): J E Burtonshaw and P B Smith

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**16 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.

**17 Adoption of Supplementary Planning Guidance: Development and Biodiversity.**

The Head of Planning and City Regeneration presented a report which outlined to Members the representations received during the public consultation on the draft version of the guidance and highlighted officer responses to these, the report also sought approval to formally adopt the amended version as Supplementary Planning Guidance.

Officers provided a detailed and informative visual presentation to the Committee which outlined the main issues and background relating to the updating and revising of the document.

In response to the presentation, Members asked a series of questions on the revised guidance, to which officers responded accordingly.

**Resolved that**

a) the issues raised in the representations made during the consultation process, and the responses of the Planning Authority to these (set out at Appendix A to the report), be noted;

b) the final version of the SPG (attached at Appendix B to the report) be approved and adopted by the Council;

c) the Head of Planning and City Regeneration, or appropriate delegated officer, be authorised to make any outstanding typographical, grammatical, presentational or factual amendments to the SPG prior to its final publication.

**18 Adoption of Supplementary Planning Guidance: Mumbles Conservation Area Appraisal and Management Plan.**

The Head of Planning and City Regeneration presented a report which detailed the representations received during the consultation on the Mumbles Conservation Area Review, and sought agreement on the proposed amendments to the draft guide and to adopt the relevant document as Supplementary Planning Guidance.

Officers provided a detailed and informative visual presentation to the Committee which outlined the both the historical background to the introduction of the first guidance and the main issues and background matters relating to the updating and revising of the document which included the expansion of the area to be covered by the conservation area.

In response to the presentation, Members asked a series of questions on the revised guidance, to which officers responded accordingly.

**Resolved that**

a) the issues raised in the representations made during the consultation process, and the responses of the Planning Authority to these (as set out at Appendix B and C to the report), be noted;

b) the final version of the Mumbles Conservation Area Character Appraisal and Management Plan (as set out at Appendix A to the report), be approved and adopted by the Council as Supplementary Planning Guidance;

c) the new Mumbles Conservation Area Boundary (as set out at Appendix D to the report) be approved;

d) the Head of Planning and City Regeneration, or appropriate delegated officer, be authorised to make any outstanding typographical, grammatical, presentational or factual amendments to the SPG prior to its final publication.

The meeting ended at 11.34 am

**Chair**



City and County of Swansea

## Minutes of the **Planning Committee**

Remotely via Microsoft Teams

Tuesday, 2 March 2021 at 2.00 pm

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

**Councillor(s)**

C Anderson  
M H Jones  
R D Lewis  
T M White

**Councillor(s)**

P M Black  
W Evans  
P B Smith  
L J Tyler-Lloyd

**Councillor(s)**

J E Burtonshaw  
M B Lewis  
D W W Thomas

**Officer(s)**

Gareth Borsden  
Matthew Bowyer  
Ian Davies  
Sally-Ann Evans  
Andrew Ferguson  
Chris Healey  
Liam Jones  
Jonathan Wills

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

**Apologies for Absence**

None

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**19 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.

**20 Minutes.**

**Resolved** that the Minutes of the Planning Committee held on 2 February 2021 be approved and signed as correct record.

**21 Items for Deferral/Withdrawal.**

None.

**22 Former Cefn Gorwydd Colliery, Gowerton, Swansea.**

The Head of Planning and City Regeneration presented a report which sought 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).

The request has been submitted under S106A(1)(a) of the Town and Country Planning Act 1990 (as amended) with the applicant seeking 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.

The background history to the granting of the original permission in 2018 and the objections received regarding the revised proposals were outlined and detailed in the report.

Gareth Evans (objector) and Phil Baxter (agent) addressed the committee.

Councillor Sue Jones (Local Member) addressed the Committee and spoke against the proposals.

Report updated as follows;

12 late letters of objection reported.

The relevant points of objection contained within these letters re-iterate the points of objection already listed in the planning report.

(Note: Updates to the report referred to above were circulated to Members of the Committee and published on the Council's website prior to the meeting)

**Resolved** that the request to modify the Section 106 agreement be refused for the following reason:

"The proposed provision of intermediate housing as the only form of affordable housing provided within the development site that is secured by a S106 agreement, would fail to provide a balanced mix of housing tenures, which would be to the detriment of community regeneration and social cohesion".

## **23 Determination of Planning Applications under the Town and Country Planning Act 1990.**

A series of planning applications were presented on behalf of the Head of Planning & City Regeneration.

Amendments/updates to this schedule were reported and are indicated below by (#)  
(Note: Updates to the report referred to below were circulated to Members of the Committee and published on the Council's website prior to the meeting)

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

**#(Item 1) – Planning Application 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) at Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea.**

A visual presentation was given.

Report updated as follows:

Future Wales Policies: Policy 1 – Where Wales Will Grow  
Policy 2 – Shaping urban growth and regeneration – Strategic placemaking  
Policy 7 – Delivering affordable homes  
Policy 9 – Resilient ecological networks and Green infrastructure  
Policy 28 – National Growth Area – Swansea Bay and Llanelli

Planning Policy Wales: No changes to substance of PPW section of Officer Report with exception of policy reference number changes.

Since the report was finalised, Natural Resources Wales confirmed that they had no objections to the proposal.

**#(Item 2) – Planning Application 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) at Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea.**

A visual presentation was given.

Application approved subject to a S106 agreement.

Report updated as follows:

Conditions 1 and 2 contained within the 'Recommendation' section of the report should be revised as follows;

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 subject of any reserved matters application(s) submitted after the date of this decision notice 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 11th January 2023.



Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.

Future Wales Policies: Policy 1 – Where Wales Will Grow  
Policy 2 – Shaping urban growth and regeneration – Strategic placemaking  
Policy 7 – Delivering affordable homes  
Policy 9 – Resilient ecological networks and Green infrastructure  
Policy 11 – National connectivity  
Policy 12 – Regional connectivity  
Policy 28 – National Growth Area – Swansea Bay and Llanelli

Planning Policy Wales: No changes to substance of PPW section of Officer Report with exception of policy reference number changes. It is not considered reasonable to request drinking water provision given that the open space within the site already has detailed planning permission, although this will be encouraged as part of any future reserved matters applications where appropriate.

**#(Item 3) – Planning Application 2020/2544/FUL - Construction of 21 residential apartments in 1 no. five storey block with access, parking and associated works at Site of former Russell House , 31 Russell Street, Swansea.**

A visual presentation was given.

Application approved subject to a S106 agreement.

**#Note: All reports updated as follows:**

**POLICY UPDATE – ALL APPLICATIONS**

**Future Wales: The National Plan 2040**

Since the Committee Agenda was finalised, ‘**Future Wales: The National Plan 2040**’ (hereinafter called Future Wales) has been adopted by the Welsh Government and **Planning Policy Wales** (11th Edition – February 2021) has been revised to accompany this.

Future Wales is now the national development plan for Wales and influences all levels of the planning system – the first development plan of its kind. The plan has “development plan” status and is the highest tier of the development plan and all

decisions must now accord with Future Wales unless material considerations indicate otherwise. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans at local authority level.

The three tiers of the development plan should be aligned and complement each other. Strategic Development Plans, which have not yet been prepared in any region, are required to be in conformity with Future Wales. Similarly, Local Development Plans must be in conformity with Future Wales and the Strategic Development Plan for their area.

Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Future Wales is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales does not seek to take decisions that are most appropriately taken at the regional or local level. It provides strategic direction for all scales of planning and sets out policies and key issues to be taken forward at the regional scale. It does not seek to identify the exact location for new development or the scale of growth in individual settlements.

Future Wales contains 11 outcomes. These are overarching ambitions based on the national planning principles and national sustainable placemaking outcomes set out in Planning Policy Wales. The 11 Outcomes are collectively a statement of where the Welsh Government want Wales to be in 20 years time. The plan contains 36 overarching policies, some applicable at a national level across Wales and some area specific.

These are high level policies and the Local Development Plan is in general accordance with these. The specific policies will need to be listed in planning reports going forward and the updates on each application will identify what policies are applicable below.

Future Wales contains 4 regions Swansea is located in the South West Region (including Pembrokeshire, Carmarthenshire and Neath Port Talbot). The regional policies focus on four areas – they provide a framework for national growth, for regional growth, for managing growth and supporting growth. Swansea Bay is identified as a National Growth Area.

### **Planning Policy Wales (11<sup>th</sup> Edition)**

PPW has been revised and includes reference to the Covid-19 pandemic and the Welsh Government's Building Better Places document which pinpoints the most relevant planning policy priorities and actions to aid in the recovery. Information has also been added with regards to the Placemaking Charter.

The updates include the promotion of the incorporation of drinking water fountains or refill stations as part of development in public areas and active travel / public transport infrastructure should be put in place early on in the development process.

Throughout PPW changes have been made to reflect the name change for Future Wales from the National Development Framework and also changes to the terminology regarding 'climate change' to reflect the Welsh Government's declaration of the 'climate emergency' in April 2019. Again, policy changes will be covered where relevant below:

Links to each document are provided below:

<https://gov.wales/sites/default/files/publications/2021-02/future-wales-the-national-plan-2040.pdf>

[https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11\\_0.pdf](https://gov.wales/sites/default/files/publications/2021-02/planning-policy-wales-edition-11_0.pdf)

The meeting ended at 3.54 pm

**Chair**



## Report of the Head of Planning & City Regeneration

### Planning Committee – 13 April 2021

**Planning Application Ref: 2021/0646/106 - Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space**

### **Former Cefn Gorwydd Colliery, Gowerton, Swansea**

#### **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) remove the education contribution for the English Medium schools and change the trigger point for payment; and
  - (ii) reduce the highway contribution from £35,000 to £20,000.
  - (iii) to introduce a Mortgage in Possession clause for the social rented affordable housing.

#### **2.0 Background / Relevant Planning History**

- 2.1 Outline planning application (2017/1451/OUT) was granted on the 10<sup>th</sup> 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 10<sup>th</sup> 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 Variation to the S106 application (2021/0106/106) for the “Modification of Section 106 agreement attached to planning permission 2017/1451/OUT granted 10th August 2018, to alter the tenure split of affordable housing, to remove the education contribution for the English Medium primary school only and change the trigger point for the education payment, and to reduce the Highway contribution to £20,000” was refused on the 5<sup>th</sup> March 2021 for the following reason:

*“The proposed provision of intermediate housing as the only form of affordable housing provided within the development site that is secured by a S106 agreement, would fail to provide a balanced mix of housing tenures, which would be to the detriment of community regeneration and social cohesion.”*

- 2.4 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 this application.

- 3.2 The Placemaking and Strategic Planning Team has commented as follows:

A viability appraisal of the proposed 99 home development for this site was recently undertaken using the Council’s Development Viability Model (DVM). Pobl and their partners have engaged with the Council in an open book manner on these matters, which enabled the costs and values associated with the project to be fully understood and for a fair and accurate assessment of the scheme’s development viability to be undertaken. Pobl submitted sufficient information to demonstrate the high level of abnormal costs involved in developing the site and have shown that, whilst a significant amount of abnormal costs were allowed for when acquiring the site and taking forward proposals, further significant abnormal costs arose following further site investigations.

The viability appraisal work illustrates that, having regard to the quantum of Section 106 (s106) contributions previously agreed on the scheme, the significant abnormal costs associated with this site do impact fundamentally on the financial viability of bringing forward the proposals. These viability matters provide a reasonable justification for the Authority to enter into discussions with the applicant in relation to modifying the s106, with the aim of delivering a development that is acceptable in planning terms.

A previous application to modify the s106 for outline application 2017/1451/OUT was refused by the Planning Committee on the 2nd March 2021. The amendments sought for that application requested the 30%

affordable housing requirement to be required by legal agreement (i.e. the element of affordable homes to be specified in the s106) be for intermediate affordable tenure. For that application, Pobl proposed delivering the following tenure split across the site: 32 open market, 34 social rent affordable homes and 33 intermediate affordable.

The Planning Committee reason for refusal of that application was that the proposed modification to the s106 “would fail to provide a balanced mix of housing tenures, which would be detriment of community regeneration and cohesion”.

Following the decision to refuse the previous application, the new application by Pobl to modify the s106 no longer seeks to alter the tenure of affordable housing from that specified in the original s106. As such, the 30% affordable housing requirement proposed to be specified in the legal agreement will align with the original s106 by specifying that this 30% requirement should be a mix of social rented and intermediate tenure homes at a 70/30 ratio.

Notwithstanding the terms of the revised application, Pobl still intend to provide the following tenure split across the site: 32 open market, 34 social rent affordable homes and 33 intermediate affordable.

In summary therefore, whilst the wording of the legal agreement in respect of affordable housing tenure is different to that specified on the previous application, ultimately the mix of homes proposed to be delivered by Pobl is unchanged. This mix is consistent with policy requirements to provide a sustainable, balanced mix of tenures on developments.

This new application to modify the s106 also proposes that the financial contributions required to be paid are reduced from those specified on the original agreement. The amended contributions are the same as those specified in the previous application to modify the S106. The applicant has pointed out that these reduced figures were not highlighted as a reason for refusal on the decision pursuant to that previous application. My understanding is that the level of proposed amended contributions are all in accordance with the latest evidence and information provided by the relevant Council departments (including Highways and Transportation, Education and Ecology), and that no objections are raised by those departments. LDP Policy IO1 ‘Supporting Infrastructure and Planning Obligations’ requires that planning obligations be paid to ensure that the effects of any proposed development are addressed, and that any obligations required must be in accordance with the relevant legislative framework (Community Infrastructure Levy Regulations 2010). Obligations can only be sought up to a limit of what the evidence demonstrates can fairly and reasonably be related to the effect of the development.

### 3.3 The Education Officer has commented as follows:

*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	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, the fact the site whilst not within the catchment area is closer to another local primary school (Waunarwydd Primary) with capacity, and the advice from Planning, Education has no option but to 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.

In summary, and after careful consideration of the advice from Planning, Education has no option but to agree to the omission of the English medium primary contribution. However, 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:

In response to the planning consultation 2021/0646/106 Former Cefn Gorwydd Colliery Gowerton , I can confirm Housing agree to the modification of the Section 106 agreement attached to planning permission 2017/1451/OUT granted 10th August 2018 to include a Mortgage In Possession Clause for the social rented affordable housing.

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

The original planning application 2017/1451/OUT was approved in 2017 and contained the requirement for the provision of a controlled crossing across Gorwydd Road to link the site to the cycle network.

At the time that the outline application was consulted on, a controlled crossing which could be used by both pedestrians and cyclists was only achievable using a signalised Toucan type crossing.

Alternative crossing types were at that time in their trial phases, but were not included within the regulations as approved crossing types.

In 2019, the new Chapter 6 of the Traffic Signs Manual (TSRGD) was published by the Department for Transport which includes the Parallel Zebra Crossing as an approved crossing type. This can be used by both pedestrians and cyclists, is generally less intrusive than a signalised crossing, and affords priority to pedestrians and cyclists.



Design considerations on the implementation of a controlled crossing include vehicle and pedestrian site lines, vehicle flows, expected usage and the 85%ile vehicle speed in both directions.

These parameters have been checked and the location is suitable for the implementation of a parallel Zebra crossing, had this been an approved crossing type in 2017, it would likely have been selected at the time.

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 again like to confirm my objections to this application. During the Planning Committee of the 2nd of March this application was refused by the Councillors with the decision to alter the houses status on this site. They were informed that this was the only reason that could be defended in any process (Judicial Review). It was evident that Pobl would alter that part of the application and submit another form. There was much discussion over the ability to go back on their agreed 106 agreement and the Council agreeing to this. The costs of the development was cited as a reason although there was much discussion over the land in question. There was also discussion over the agreement of Education to allow funding to be reduced but the Welsh Media were still in line for some funding although there has been a new building for Y.G.G and the fact that they acquired the former Infants building and the Hall within the last four years. There are pupils who have recently moved into the village at the moment asking for places in the English Medium Comprehensive School. The focusing of the pupil population is constantly moving and there seems to be no consideration for this. Councillors had much discussion over this issue.

During this process there has been many objections on this planning application which mainly focused on the ability of Pobl to reduce their contributions to the Education Department - this it seems was not considered to be a strong objection by Planning Officers and the advice was given to concentrate of the housing mix?

I am appalled that this application will now be considered and possibly approved despite the many objections. The message to the Public is - objections are not given any weight so what is the point of consultation?

The message to the Developers is agree to any 106 Agreement you will always be supported to alter this by the Authority? There may be developers looking at this decision and I am sure will be applying to do the same.

I strongly object to this planning application and again reinforce that the original 106 agreement should be upheld.

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 its 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 FIFTY SIX (56) OBJECTIONS from local residents 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.

- City Council Education Department has stated there was insufficient money available when building the English Medium and Primary School, a few years ago, and hence it is already too small for the existing intake of pupils. This funding was most important for this School, as with the number of new properties already built and proposed, will most certainly put too much strain on the School. Pobl has now admitted, after completing the survey on the Cefn Gorwydd, (Old Colliery Site) with its Shallow Mine workings, Mine Shafts, Japanize Knotweed, Wetness, and Contamination, with one being Arsenic, the cost implication to meet the safety standard requirements is too high to absorb. All of these were mentioned in the objections to the original Planning Application, that was granted, by a then Planning Committee and only by the Chairman's Casting Vote. Concerns are now being raised as to what other compromises might be made regarding the ground safety requirements
- It is hoped you will reject this application, and although Welsh myself, also seems to imply Racial Discrimination.
- Yet another round of this application. For heaven's sake, how many times are we going to have to object. This application is not sustainable. It is galling that this once again is being considered without proper contribution to the community. It is clearly not a suitable site, and the parties involved are acting in bad faith. Additionally, this is hardly in line with Swansea Council's own stated policy on the environment/climate emergency.
- My objections are the same as the previous objections that I and all my neighbours have submitted when are we ever going to be listened to. The schools are already full to capacity and now that Pobl don't even wish to contribute to the local primary which as we are in Gowerton would be Gowerton

Primary. What will be next that they don't want to pay for and take off their original application.

- The contractor was fully aware of the conditions at this site which I feel are not safe to build on but was unbelievably granted permission with conditions/requirements attached. Now they want to renege on those conditions. Gowerton primary is already full to capacity and yet more children will need a place with the building of these family homes. So how the cutting of English school contribution can even be considered is beyond belief. Promise of affordable housing is also under threat. Also the crossing which was promised on Gorwydd rd is now deemed not required. I agree in lockdown the road may be less busy but in normal times this is a very busy road in an already well populated area
- Gowerton Primary were using a staff room and a community room for teaching areas and up to the start of the pandemic were having to hold classes outside so that it could manage school numbers, but funding is being given to Welsh medium school where a huge majority of pupils live outside of the village, if you count the number of buses that are on the roads of Gowerton at school start and finish times
- My child is in Llofn Fach and we have been asked to support with giving time to photocopying/reading with children, donating paint and time for the upkeep of the school.....the Council know the reason why but I will remind them of course.....support teachers budget cut, lack of finances for the upkeep of the school. My child was not able to attend swimming lessons because the teacher support budget was cut and there was not an extra person to sit on the bus as per council requirements.....you the council know all of this your just choosing to ignore it.....does anyone even read any of these? Take them into account?
- I continue to object to Pobl's modification of the 106 agreement attached to this planning application. It appears that the Education Department are short-changing local children by agreeing to the removal of the education contribution to English Medium schools. This is despite acknowledging that the housing site will likely create an additional 27 places in Primary school (as opposed to 4 Welsh medium places) and 19 additional secondary places in English Medium schools (as opposed to 3 Welsh medium places at secondary level). Originally Pobl had agreed to pay £272,659.14 to English schools. That is a staggering amount that should be going towards the children. Is there going to be a stipulation that residents of this estate ONLY attend Welsh schools? No, this would be inappropriate. Also, I would be very surprised if Waunarlwydd Primary have space for 27 children! This will have a direct and negative impact on the local children's education and wellbeing. Schools need to forward-plan and prepare for such an influx of children (staffing, resources etc) and to fund them after 50 houses have been occupied is far too late. Zebra crossings are not the safest traffic calming measure so is inadequate for the size of the development. Resident's safety also needs to be prioritised. The developer would have been well aware of the environmental and social impact and risks involved in this site and would have undertaken an assessment prior to submitting the planning

- Gowerton primary school is currently oversubscribed in my opinion! Class sizes are in excess of 30 pupils with some not even able to have a desk and chair in order to carry out their work! My child is in the school and some pupils have to do their work in the 'learning street' or sitting on a carpet which is unacceptable and not conducive to effective learning! The education departments contention that the school will be under capacity by 2022 is not credible especially given the extra developments in the village and the education departments idea that extra children from the new estate who will live in Gowerton could be sent to Waunarlyydd is unviable as they are outside that catchment and it is unfair to divide the villages children in order to save pobl money which they promised to pay on application!
- Strong objection to the removal of the S106 education contribution for the English Medium Primary school. Due to the fact that Waunarlyydd Primary School is within 690m of the proposed planned development of approx. 160 houses to be built at Pen Y Dre and Cefn Gorwydd, and has capacity within its roll, it is possible that this school could be the preferred placement for a number of parents. As such, Waunarlyydd Primary School should also benefit from a share of the education community contribution from Pobl of the original amount of £272,659.14

#### **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 Logyn 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) remove the education contribution for the English Medium schools and change the trigger point for payment; and
- (ii) reduce the highway contribution from £35,000 to £20,000.
- (iii) to introduce a Mortgage in Possession clause for the social rented affordable housing.

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 Since the previous refused application, the developer has removed the requirement to change the tenure of the affordable housing and as such, the affordable housing provision is the same as originally approved under the outline planning application. The developer has stated that *“Ordinarily Welsh Government would expect any homes defined under the s.106 agreement as social rent to be non-grant funded (i.e funded from planning gain from any open market homes). In the case of Gorwydd Rd only 30% of the homes are open market which would have meant building 34 new homes for affordable rent without grant funding and why the request was made to change the wording. There was to be no change of homes provided on site. However after this was refused at Committee, Welsh Government have agreed to fund the affordable homes with grant in the usual way”*.

4.10 Education Contribution Variation - Under the previous variation application, 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 Logyn 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 Logyn 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 1<sup>st</sup> open market house with the remaining 50% to be paid on the occupation of the 50<sup>th</sup> open market house.

The proposed change is to pay 100% of the contribution on the occupation of the 50<sup>th</sup> 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 - 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 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. 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.
- 4.21 Mortgage in Possession Clause (MIP) - The applicant has requested that a Mortgagee in Possession (MIP) Clause is inserted into the S106 agreement for the affordable houses. These are clauses that allow a (commercial) lender who has repossessed the property to operate free of restrictions which are placed upon individual properties. Essentially, a MIP occurs when a borrower defaults on their repayments and the lender subsequently takes possession of, and sells, the property.
- 4.22 In the first instance, it should be noted that repossessions are a relatively rare event and that the RSL who owned the affordable houses would need to become insolvent before this would come into effect.
- 4.23 In addition, the MIP Clause would state that the MIP mechanism can only operate freely (and unencumbered by the affordable housing restriction) after a 3 month period. These clauses were previously resisted by Local Planning Authorities as there is a chance, albeit very small, that the affordable housing unit(s) could be lost permanently.
- 4.24 Since the financial crisis, and tighter lending requirements, lenders are increasingly looking at S106 agreements to ensure that there is provision to recoup their money in the event of default. RSLs have discussed this issue directly with the Welsh Government, who have indicated their support for this approach. Welsh Government have advised that they would likely intervene if an RSL faced financial difficulties, in order to avoid the loss of affordable



housing stock. This 3 month period is considered sufficient time to resolve the issue and is reasonable.

## **5.0 Recommendation**

5.1 It is recommended that:

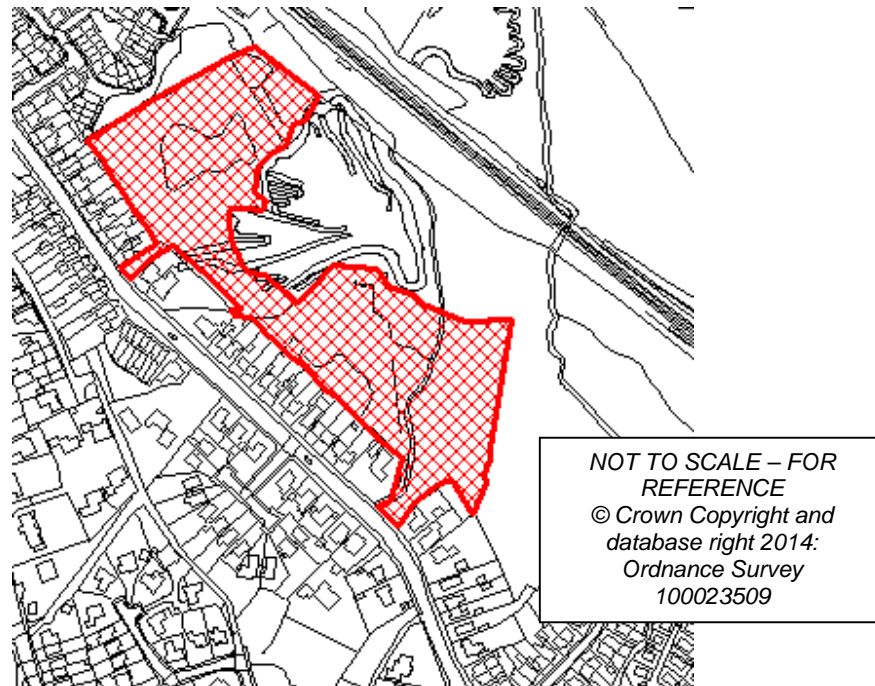
**Consent is granted for the modification of the S106 agreement (planning obligation) to the following:**

- **30% of Affordable Housing (AH) on the site; comprising 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 £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 50<sup>th</sup> 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**
- **The use of a Mortgage In Possession (MIP) clause with respect to the Social Rented Affordable Housing units.**

**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**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
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 Waunarlwydd / 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 Logyn 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](http://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](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.

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](mailto: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](http://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: 13<sup>th</sup> April 2021

<b>Bay Area</b> Team Leader: Liam Jones - 635735	<b>Area 1</b> Team Leader Andrew Ferguson - 633947	<b>Area 2</b> Team Leader: Chris Healey - 637424
Castle Cockett Landore Mayals Oystermouth St Thomas Sketty Uplands West Cross	Bonymaen Clydach Cwmbwrla Llangyfelach Llansamlet Mawr Morryston 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	2021/0453/FUL	260 Oystermouth Road, City Centre, Swansea, SA1 3UH <b>Retention and completion of change of use from residential (Class C3) to a children's home (Class C2) with increase in ridge height of existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation</b>	Approve
2	2020/1590/FUL	Former Swansea Boys Club, Berwick Terrace, Mount Pleasant, Swansea, SA1 6UT <b>Change of use from Community Facility (Class D2) to Residential Dwellings (Class C3) and redevelopment of site to provide 23 units with associated roof extension, new vehicular access, infrastructure and landscaping works</b>	Approve
3	2020/2393/TEM	Field 7700, Bank Farm, Horton, Swansea, SA3 1LL <b>Use of land for a camping rally for a maximum 130 units from 25th August 2021 to 5th September 2021 (inclusive)</b>	Approve



Item 1 (Cont'd)

Application Number:

2021/0453/FUL

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 minimize the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

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 minimize the effects on existing and future occupants.

LDP - SI1 - Health and Wellbeing

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

LDP - SI8 - Community Safety

LDP - ER1 - Climate Change

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

LDP - ER2 - Strategic Green Infrastructure Network

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

LDP - 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.

Item 1 (Cont'd)

Application Number:

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**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.

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2020/0140/FUL	Change of use from residential dwelling to 8 bed HMO with increase in ridge height of existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation	APP	16.03.2020
2020/0166/FUL	Change of use from residential (Class C3) to serviced accommodation (Class C1) with increase in ridge height of existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation	APP	16.03.2020
84/0708/03	2 storey rear extension - bedroom/bathroom.	APP	28.06.1984

**Procedural**

This application is reported to Planning Committee as it has been 'Called In' by Councillor David Phillips and meets the threshold set out in the Council's Constitution.

Full planning permission is sought for the change of use from a residential dwelling to children's home (Class C2) with an increase in the ridge height of the existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation.

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Application Number:

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### Recent Planning History

2020/0140/FUL: Change of use from residential dwelling to 8 bed HMO with increase in ridge height of existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation - Approved 16/03/2020

2020/0166/FUL: Change of use from residential (Class C3) to serviced accommodation (Class C1) with increase in ridge height of existing rear extension, fenestration alterations and addition of glass balustrades to first and second floor front elevation - Approved 16/03/2020

### Assessment of the immediate area

Oystermouth Road is a mixed-use area characterised by substantial terraced properties, which have traditionally been used as commercial, and hotel accommodation. This stretch of Oystermouth Road contains a range of uses, including residential, HMOs, flats, hotels/guest houses, as well as public houses/restaurants. The surrounding streets are still very much residential in nature, being high-density terraced housing, and as such, the principle of residential use in this area is supported in principle. The application building itself is a large residential property (set over 3 floors) that has provided at least seven bedrooms. The rear of the properties at this section of Oystermouth Road predominantly provide car parking areas accessed from a rear lane. The application property itself can provide access from the rear lane (as existing). No off street parking is currently provided, however it is proposed to create two off street parking spaces to serve the proposed use.

The proximity of the application site to the City Centre, which is within easy walking distance also provides sustainable transport links from the bus station and train station, for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east. In addition, there are good cycle linkages in the vicinity of the site.

### 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 the display of a notice at the site dated 26th February 2021 and neighbour consultation letters. **72 LETTERS OF OBJECTION, 16 LETTERS OF SUPPORT, 1 LETTER OF COMMENT, A PETITION OF OBJECTION WITH 48 SIGNATURES** have been received, the main points raised in the objections letters are summarised briefly below, the full comments received are available to read on the public website:

### Letters of Objection

1. The property does not have adequate provision for parking.
2. Increase on street parking.
3. The road to the rear is narrow and does not allow two cars to pass.
4. Vehicles blocking the entrance have caused difficulties to the residents of Pearl Court in entering/leaving their car park.

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5. Oystermouth Road has seen an increase in rate of crime, drug use and antisocial behaviour.
6. Noise nuisance from building work.
7. Not the right place to put a children's home where children/young adults could be influenced by the antisocial issues and behaviour.
8. Not safe to put vulnerable children and young adults in an area with known problems.
9. A children's home on a busy main road is not the best idea.
10. Safeguarding issue due to antisocial issues in the area.
11. Will affect the livelihood of those who run and own the hotels as will deter tourists from living close to a children's home.
12. Need to attract tourists back.
13. Holiday accommodation in this area should be increased not diminished.
14. Local residents have enough problems in the area without adding to it.
15. This area is already struggling and the neighbourhood feels unsafe, residents scared to walk down the street. Approval of this application will add to the problems.
16. Police constantly at Oystermouth Road due to antisocial issues and behaviour.
17. Location of property is close to two local primary schools and would have a detrimental impact on those children attending.
18. Not suitable for the area or community.

### Support

1. Support this project. It is a worthy cause and something that should be backed.
2. Much needed facility.
3. These children will be well cared for and nurtured.
4. It could bring a fresh outlook to the area.
5. Concerns due to current misuse of the area is all over Swansea and not solely this area.
6. Children need our support and having a home in Swansea that would keep them safe with support is much needed.
7. Perfect location close to all the activities the sea front offers.

### Petition of Objection (48 signatures)

We the residents of the Sandfields area and neighbours of 260 Oystermouth Road strongly object to the change of use of this property to a Children's Home. Currently at the adjoining properties and wider across the Sandfields area there are known issues related to drug and alcohol abuse as well as anti-social behaviour that the Safer Swansea Partnership Team has been attempting to address for over some 12 months. Placing a Children's Home alongside this setting is not the right thing to do as such behaviour would set no example and possibly expose the children to replicate or join in with such behaviours.

As a Community, we have endured antisocial behaviour for several years, which has sent absolute fear throughout our Community with most of our vulnerable residents including the vulnerable elderly afraid to step outside their front door, and our Community spirit is currently almost wiped out.

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The Community have tried to engage with the Council and the Safer Swansea Partnership to request that they do what they can to reinstate our Seafront and support tourism - NOT to have a Seafront that supports the judicial system and Prison outreach services etc. The Council are investing significantly in tourism with the new arena just yards from the troubled row of properties. Yet again as a Community we make a plea to the Planning Committee NOT to approve this application for the sake of the Health and Wellbeing of our Community, the safeguarding of children and to support reinstating one of the Council's aims re "Strong Communities - To build strong communities with a sense of pride and belonging".

**Comments from other consultees are as follows:**

### **Highway Authority**

The current lawful use of the property is as a large single dwelling with no parking. Proposals are for the retention and completion of change of use from residential (C3) to a children's home (C2).

The application site is located on Oystermouth Road, a busy thorough fare and one of the main routes in and out of the City Centre. Strict parking regulations are in force on Oystermouth Road. The surrounding streets are controlled by limited time parking and resident only permit bays. The time restrictions and the permit holder bays are subject to civil enforcement should any indiscriminate parking occur. The area is regarded as highly sustainable with excellent transport links and within easy walking distance of a range of amenities within the city centre core and a local shopping district on St Helen's Road. Parking is required for staff and the applicant is providing a dedicated area to the rear of the property for two cars and cycle parking, the inclusion of the latter facility will ensure that non car owners are also catered for. The provision of parking and cycle parking can be secured by a condition. It is felt that visitor parking can be accommodated on street.

A revised plan PC19/45/4A was submitted on 18th March 2021 indicating that parking bays of 2.6m x 4.8m can be achieved, which comply with current standards, are achievable.

On balance, given that the site lies within easy walking distance of a range of facilities within the City Centre with a frequent bus route, access to the train station, and provision will be made on site for cycle storage to support sustainability to reduce the dependency on the car, it is not considered that the application will result in any adverse effects on local car parking and highway safety over and above the existing use of the property that can be demonstrated as so harmful to warrant a recommendation of refusal.

On that basis, there are no highway objections subject to

1. Prior to the beneficial occupation of the premises commencing, the two car parking spaces, the covered and secure cycle parking as indicated on the proposed block plan drawing shall be fully laid out, installed and be available for beneficial use and shall thereafter be retained in perpetuity.

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## Social Services

Following internal consultation with the Council's Social Services Department, the comments received are summarised below:

1. The first point to note is that there is already a surplus of children's homes and beds in Swansea.
2. At any given point in time, we typically need approximately 30 children's home placements. One of our strategic objectives for the coming years is to reduce this number further to around 20.
3. At the end of February there were 57 beds already available in Swansea. As we do not have the demand to fill the available beds, independent providers are accepting children and young people from other authorities.
4. Children in residential care have a range of complex needs. Swansea cannot support an ever increasing number of children who are coming to the area from other parts of the UK. The services children in these settings require - e.g. special school placements, specialist mental health services - are at capacity already and creating more demand will only exasperate problems.
5. The area being proposed is situated on a busy road, and in an urban area with a number of social issues compared to other areas in the Council.
6. This is not an area we would currently consider a safe location for operating a home. We would, as a result, be unlikely to commission a place from a children's home in this area.

## Support Statement from Applicant

In support of the application a statement has been submitted by the applicant. In brief, the main points are provided below:

The home will provide support and accommodation for up to five children this may be reduced in accordance with CIW regulation and advice. The children and young people between the ages of eight and fourteen where living in a normal living arrangement becomes unavailable to them. Sea Breeze home is set in a desirable location in the heart of Swansea. Sea Breeze is set overlooking Swansea beach with outstanding views of the sea front and mumbles. Sea Breeze location is within walking distances of the city centre, accessibility to trains and buses along with Museum, theatre, leisure centre, out-door swimming pool, indoor Olympic swimming pool, cycle track, woodland walks, beach, cinema, gym, golf, tennis, rugby, football, cricket pitches all located on the doorstep of Sea Breeze.

### Services and Objectives

Our main aim is to make sure all young people can live life to the fullest with daily support and guidance from staff on a one-to-one basis. The one-to-one support will be the foundations to provide a high-quality level of care and support which aids positive outcomes, to ensure the child and young people reach their full potential, achieve their goals and to prepare them for their future.



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Our aims to support the community

The high level of support for children and young people in our care alongside our ethos and bespoke services will help support local activity centres, clubs and library. The children will be supported on a one-to-one basis in the community that will reduce the risks in the community that may present.

Approximately twenty-five internal and external jobs will be supported at full capacity of the home. The job vacancies will be supported by training and qualification in children and young people health and wellbeing to further develop careers and support employees that may live in the community. We will provide funding and training for staff in local approved centres that provide qualification in this sector.

Parking and access

We understand that parking facilities are limited in the community and some objections have raised worthy concerns in relation to the matter. We have completed an assessment to reduce the need for additional spaces. We currently have access to two off road parking spaces at the rear of the property. This will be used for two vehicles, to reduce any additional spaces needed we will make use of the two vehicles to transport staff to an allocated collection point for example bus and train station, home, car parks. In addition, we also have an agreement with a local transportation company that can also provide the same service in a highly unlikely event. Also, the location of the home is easily assessable via bus and walking distance from bus station. This would also strengthen local transportation companies by paying customers.

Definition and clarity

We understand that objection have been made in regard to the change of use as some of the community have stressed, they feel it is not best suited. We would like to state our organisation operate openly and would like to provide transparency to the community especially with concerns raised. We understand some of the objections stated are intentionally of a good nature and our organisation welcomes and respects all objections and hopefully we have provided more clarity in this statement of understanding how the service operates and our intentions. We would like to provide clarity on the service we provide but also respecting the potential services users and local community however, we would like to remind everyone involved in this process to remain respectful and refrain from comments and objections that have been unpleasant or discriminatory towards children and young people.

We also would like to say children and young people in local authority care have be widely scrutinised and made a targeted of in the media. We understand some services providers across the UK have been widely publicised due to children and young people within their care that have shown high risk behaviours and subsequently shown strain on local communities. It is important in this process that all children in care are not tarnished with the same brush that is portrayed in the media. We would like to say all children have the right to live in an environment that is safe and promotes their safety, health and wellbeing.

We are aware that some objections have perhaps speculated on the type of services users that will be accommodated that could add to the suggested problems the community faces. We have provided some points below that address the majority of objects raised.

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**Application Number:**

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- We are not housing young offenders or individuals in the justice system
- We are not a rehabilitation centre for young people involved in drug abuse
- We are not a hostel or halfway house
- We are not supported lodgings for 16-18-year-olds
- We are not housing high risk individuals that could impact the community

We would also like to state that we have risk assessments and policies in place to keep children and young people safe from harm. Our services are going to be provided for children and young people between the ages of eight and thirteen where normal living arrangements have failed to meet the basic needs of the child. We understand concerns that have been stated refer to issues in the local community, individuals in our care are provided one to one support at the home and within the community. The community see each year an abundance of families from Swansea and outskirts make use their local community by visiting the promenade and sea front where the home is situated. Our use of the community will be much like the tens of thousands of families that use the sea front for walks and bike rides and other activities. We believe that children in care should not be discriminated against due to circumstance or living arrangements.

We also understand the community feels it has a significant drug related problem however, the city as a whole statistically suffers with the same issues. However, with project ADDER in place we as a community will see the drop in drug related crime as pledged by the government. The service we provide will not be of a nature that will add to the drug related issues across Swansea. There are many other service providers that operate within worse statistical red zones in Swansea.

## **APPRAISAL**

### **Consideration of planning merits**

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

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

#### **Future Wales - The National Plan 2040**

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Item 1 (Cont'd)

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Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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. 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:

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

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- RP 2: Noise Pollution
- RP 3: Air and Light Pollution
- SI 1: Health and Wellbeing
- SI 8: Community Safety
- ER 1: Climate Change
- ER 2: Strategic Green Infrastructure Network
- ER 9: Ecological Networks and Features of Importance for Biodiversity
- T2: Active Travel
- T6: Parking

For the avoidance of doubt, Policy H10: Specialist Housing is not applicable to this application as this is not an application for specialist housing development.

#### **Supplementary Planning Guidance (SPG):**

- Places to Live - Residential Design Guide (Adopted January 2014)
- Parking Standards (Adopted March 2012)
- Planning for Community Safety (Adopted December 2012)
- Development and Biodiversity (February 2021)
- 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**

##### **Character and Appearance**

It is important to make clear that the existing use of this application property is a large 7 bedroom residential property in the urban area. The external and internal alterations currently being undertaken were approved under planning applications 2020/0140/FUL and 2020/0166/FUL as detailed in the background planning history. The application is not currently occupied whilst renovation works are being undertaken. Either of these extant planning permissions could be implemented.

The external alterations approved under the previous permissions, include marginally raising the ridge height of the existing second floor rear wing, which currently has a low pitch, to create additional headroom within the rear bedroom to comply with current regulations. Many of the properties within the terraces fronting Oystermouth Road feature large extensions of varying scale to the rear. The rear of the properties are not highly visible from public view being accessed from the rear lane. Given the scale of properties along Oystermouth Road and in the immediate vicinity, the proposed second floor increase in ridge height was considered acceptable and would not detract from the character and appearance of the host property or the visual amenity of the streetscene or the surrounding area.

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The previously approved schemes also included replacement windows and the addition of stainless steel glass balustrades to the front elevation. The design of the fenestration glazing bars has been slightly modified in this current application to show the windows installed during renovation works. The fenestration alterations and balustrades are considered visually acceptable and therefore there would not be any harmful impacts on the character of the host property, the Oystermouth Road streetscene or wider area.

### **Principle of the proposed change of use**

The application site is located on Oystermouth Road, which comprises a mix of hotels, guest houses, commercial premises, flats, HMOs and large single residential dwellings. The surrounding terraced streets in the Sandfields are predominantly residential. The proposed use as a Class C2 remains residential in nature, but with an element of care.

The application has been submitted by the applicant on the basis that the proposed use would be a Class C2 (residential institution) use. The Town and Country Planning (Use Classes) Order 1987(as amended) states specifically that the element of "care" which is necessary to satisfy inclusion in the class "includes the personal care of children". However, it could be argued that a children's home may fall within Use Class C3 (Dwelling houses) where the total number of residents does not exceed six and the carers and the cared-for live as a single household. This provision has given rise to debate, particularly where carers do not live at the premises, but operate on a shift basis. The case law in relation to the question of whether such a use would fall within a C2 or C3 use does not provide a clear steer on how such uses should be classified, rather the approach has been to consider whether the proposed change of use from a C3 dwelling to a C2 residential institution would amount to a material change of use that would require planning permission.

In this case, the applicant has confirmed that the change of use to Class C2 is a requirement of any application for future registration as a Children's Home.

The application property is located within a densely populated urban area, where residential uses are located on both Oystermouth Road and the Sandfields area. There are flats immediately next door to the application property which are in residential use. As such, the proposed use of this property as a residential home with an element of care, would be in keeping with the uses of surrounding properties.

In view of the numbers of children that would be accommodated at the site and the associated staffing levels, as described above, it is not considered that the principle of the development would conflict with LDP Policies nor national planning policy and guidance set out within Planning Policy Wales. On this basis, the principle of the proposed development is considered to be acceptable.

In terms of the impacts of the use on the character of the area, it is considered the comings and goings of staff, visitors and occupiers would not be distinctly different from the use as a large residential property, a guest house/hotel, HMO or a cluster of individual flats/apartments as in the building adjoining this property, or the densely populated residential streets immediately surrounding the application site.

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Therefore, in light of the continued residential use of the property, it is not considered the proposed development would introduce a use that would result in any significant harm to the character and appearance of the area. In this respect, the proposed development would not conflict with LDP Policy PS2.

### **Residential Amenity**

In the first instance, the principle of residential development at this location is supported by development plan policy. The last use of the property was residential, there is also recent planning approval for the change of use to a HMO (residential) and a serviced guest house, either of which could be implemented. This is a densely populated residential area on the edge of the City Centre and any 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, Oystermouth Road 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 on Oystermouth Road, which is one of the main routes in/out of the City Centre. On Oystermouth Road there is a mix of uses both commercial and residential including flats/apartments. With this in mind, residents who live in close proximity to a mix of uses 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.

With regard to residential amenity, there are no additional windows proposed that would result in loss of privacy impacts over and above that currently experienced. It is not considered that the proposed change of use would result in any harmful impacts in regard to increased overlooking, overbearing or overshadowing over and above the use as a large single dwelling or over and above that considered in the previous planning approvals. In terms of potential noise and disturbance to neighbouring properties from the proposed use, it is not considered the coming and goings of residents, staff and visitors would result in any material harm in terms of noise and disturbance to neighbouring occupiers significantly over and above the use of the premises as a dwelling house, as a HMO or a guest house and the use of other hotels, guest houses and blocks of flats in the immediate area.

The submitted floor plans indicate that the proposed accommodation provides ample living conditions comprising; to the ground floor - a separate living room, laundry room, rear office with toilet/shower and kitchen/dining room with direct access to the rear cycle/bin store and parking area; to the first floor - a second living room/games room, three en-suite bedrooms: to the second floor- a staff bedroom with en-suite facilities, and two further en-suite bedrooms. Each habitable room has a window with natural light.

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Regard needs to be given to the fact that this is a large property that can currently provide up to 7 bedrooms and be occupied by a large or extended family living as one household. It could also be occupied by a family with young children. It is also noted that the application property is 'sandwiched' between a hotel on one side and a property split into 6 flats on the other side. In the context of the other commercial uses and other hotels along Oystermouth Road, residents living in this location will be exposed to relatively high levels of ambient noise. A children's home (Class C2) is a residential use and as such, it is not considered that there is sufficient evidence to demonstrate that the use of the property as a Class C2 residential use would, in itself, result in an unacceptable intensification of the use of the building over and above the current residential use, that would result in any significant increase in noise and disturbance.

In light of the above analysis, it is not considered that there is any evidence to demonstrate that the proposed use will result in unacceptable noise and disturbance, which could reasonably warrant the refusal on this issue alone.

On this basis, there is considered to be acceptable living conditions for future occupiers in accordance with Policies PS2 the advice contained within the Places to Live Residential Design Guide.

In conclusion, the proposal is considered to provide satisfactory living conditions for future occupants in respect of internal space and privacy, and whilst the concerns of neighbouring residents have been noted in relation to existing current antisocial issues in the area, there is no demonstrable evidence that this use will cause any undue impact upon the residential amenity of existing neighbours, in accordance with development plan policy.

### **Refuse/Recycling and Cycle Storage**

There is external amenity space to the rear within the rear courtyard, which can also provide space to accommodate cycle storage and bin storage. An appropriate condition can ensure that this is provided and retained in perpetuity.

### **Parking and Highway Safety**

The application site is located on Oystermouth Road, a busy thorough fare and one of the main routes in and out of the City Centre. Strict parking regulations are in force on Oystermouth Road. The surrounding streets are controlled by limited time parking and resident only permit bays. The time restrictions and the permit holder bays are subject to civil enforcement should any indiscriminate parking occur. The area is regarded as highly sustainable with excellent transport links and within easy walking distance of a range of amenities within the city centre core and a local shopping district on St Helen's Road. Parking is required for staff and the applicant is providing a dedicated area to the rear of the property for two cars and cycle parking, the inclusion of the latter facility will ensure that non car owners are also catered for. The provision of parking and cycle parking can be secured by a condition. It is felt that visitor parking can be accommodated on street.

The site plan PC21/145/4 submitted on 18th February 2021 indicated that the parking bays fell short of the required depth to be considered as viable parking spaces, this matter was queried and following a site visit when measurements were taken, a revised plan PC19/45/4A was submitted on 18th March 2021 indicating that bays of 2.6m x 4.8m, which comply with current standards, are achievable.

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On balance, given that the site lies within easy walking distance of a range of facilities within the City Centre with a frequent bus route, access to the train station, and provision will be made on site for cycle storage to support sustainability to reduce the dependency on the car, it is not considered that the application will result in any adverse effects on local car parking and highway safety over and above the existing use of the property that can be demonstrated as so harmful to warrant a recommendation of refusal.

On this basis, and given that the site lies within very easy walking distance of a range of facilities within the City Centre with a frequent bus route, access to the train station, and provision will be made on site for cycle storage to support sustainability to reduce the dependency on the car, it is not considered that the application will result in any adverse effects on local car parking and highway safety, that can be demonstrated as so harmful to warrant a recommendation of refusal. There are no highway objections to raise and subject to a planning condition to provide for the two car parking spaces and cycle parking the application is acceptable on its highway impacts.

In conclusion, Oystermouth Road is located within a sustainable location within walking distance of the City Centre and civil enforcement parking restrictions in the area to prevent indiscriminate parking. There are no highway objections and the proposal is in compliance with the provisions of Policies T 6 of the Swansea Local Development Plan and advice contained within the Parking Standards SPG.

### **Ecological Enhancement**

It is recognised that this is an existing dwellinghouse with little opportunity to provide for Green Infrastructure of any meaningful scale. However, there is an opportunity to provide ecological enhancement and a condition is recommended to secure the provision of a combination of bat/bird boxes and/or sparrow terraces within or on the walls of the development in accordance with details to be submitted to and approved in writing, to comply with the provisions of LDP Policy ER9.

### **Response to objection comments**

Many of the objections refer to antisocial issues and antisocial behaviour currently being experienced in the area, associated with the use of existing properties in Oystermouth Road, and that allowing this property to be used a children's home (Class C2) is not an appropriate location, could create more antisocial issues or place vulnerable children at risk and would exacerbate existing problems in the area. Concerns in relation to parking provision and parking issues have also been raised. All material planning considerations have been addressed in the main body of this report. The majority of the issues raised in relation to crime, antisocial behaviour, civil matters in relation to blocking of access, perceived issues of further antisocial behaviour, increase in crime, the appropriateness of a children's home at this location etc., are not controlled by planning legislation but by separate more appropriate legislation such as Social Services, Care Inspectorate Wales and by the Police. Matters relating to the principle of use, visual and residential amenity (including refuse/recycling), and to parking and highway safety are addressed in the report above.



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Whilst many object to the introduction of a Children's home (Class C2) to this residential area, it must be remembered that a Class C2 use is a residential home with an element of care, albeit that the occupants are not related to one another. A Class C2 use could also be occupied as a small scale assisted living residential use by adults that need an element of care.

Planning permission is only concerned with the land use and does not discriminate against the end user. There is other legislation and registration requirements that the developer would need to comply with, which more properly considers the suitability of the property for the intended use, the location and the registration of the use. This would be required in order to operate as a residential children's home and is controlled through separate legislation.

The comments received from the Council's Social Services have been carefully noted. However, as stated above, such issues are controlled through separate legislation and the planning application process can only consider material planning matters in relation to the proposed land use.

### Conclusions

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

In conclusion, the proposed change of use would provide for a residential home with an element of care and would not result in an over intensification of the property and would provide adequate living conditions for future occupiers. Therefore, it is considered that the development complies with the requirements of Policies PS 1, PS 2 and T 6 of the Swansea Local Development Plan. Furthermore the development complies with the thrust of policies within Future Wales: The National Plan 2040. Approval is recommended.

### RECOMMENDATION

#### APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents: PC19/45/4A: Site location plan, P19/45/3A: Site plan, received on 19th March 2021, PC21/145/1: Existing and proposed floor plans, PC21/145/2: Existing and proposed elevations, received on 18th February 2021.

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

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- 3 The car parking area for two cars as shown on drawing no.PC19/45/4A: Site Plan (each space 4.8m x 2.6m), shall be laid out in accordance with the approved plans and be available for use prior to the 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.

- 4 Prior to the beneficial use commencing, the secure and covered cycle parking for a minimum of 6 cycles and the refuse/recycling storage area as indicated on drawing no.PC21/145/1: Proposed ground floor plan, shall be fully installed and be available for use, and shall be maintained and retained as such for the lifetime of the use.

Reason: In the interests of encouraging sustainable forms of transport and to ensure safe storage of refuse/recycling in the interests of visual and residential amenity.

- 5 Prior to the beneficial use commencing, a scheme of Ecological Enhancement Measures (in the form of a combination of bird and/or bat boxes and sparrow terrace) to be provided within or on the walls of the building, shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided prior to the beneficial occupation of the development hereby approved and shall be retained as such in perpetuity.

Reason: In the interests of biodiversity and to provide Ecological Enhancement Measures

**Informatives**

- 1 Future Wales: The National Plan 2040. 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, RP2, RP3, SI 1, SI 8, ER 1, ER 2, ER 9, T2, and T6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-

Item 2

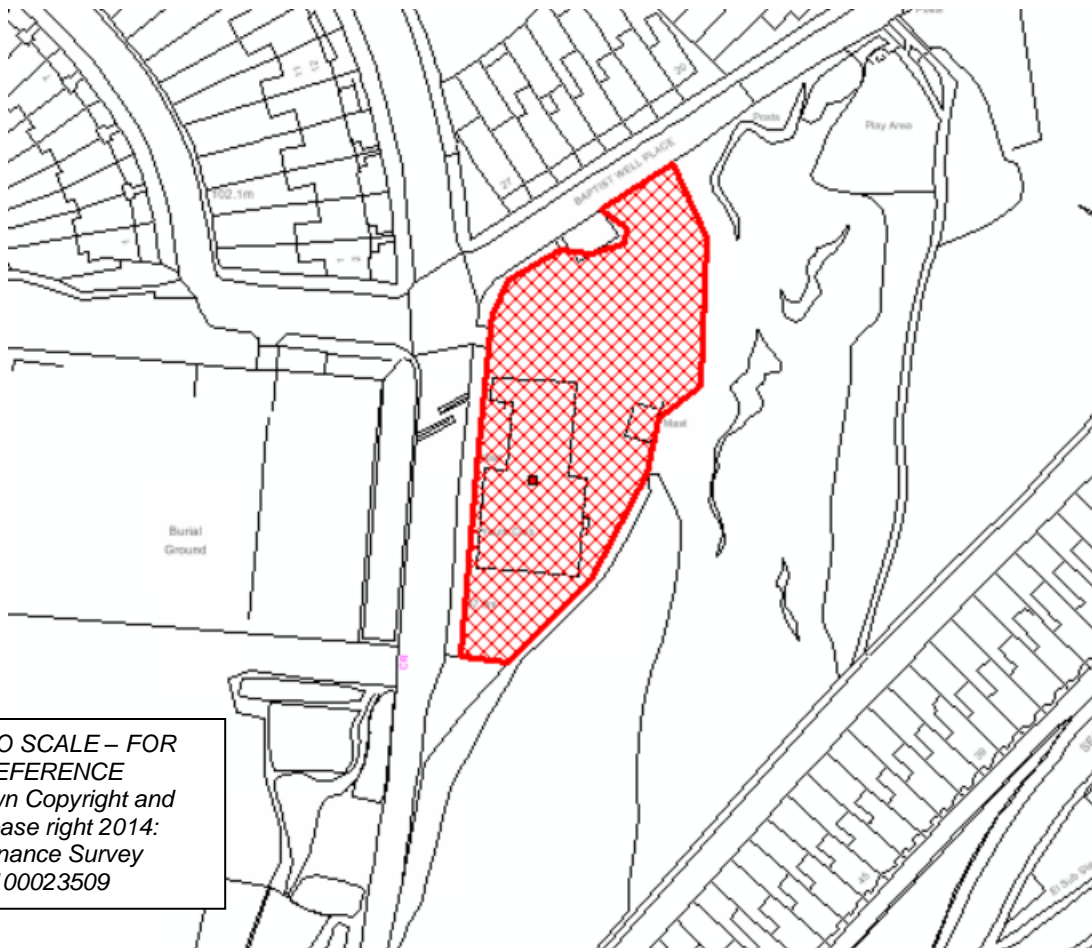
Application Number: 2020/1590/FUL

Ward: Castle - Bay Area

Location: Former Swansea Boys Club, Berwick Terrace, Mount Pleasant, Swansea, SA1 6UT

Proposal: Change of use from Community Facility (Class D2) to Residential Dwellings (Class C3) and redevelopment of site to provide 23 units with associated roof extension, new vehicular access, infrastructure and landscaping works

Applicant: Mr Amit Mohan - Lifestyle Dimensions Ltd



## **Background Information**

### **Policies**

LDP - H3 - Affordable Housing

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

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**LDP - ER8 - Habitats and Species**

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

**LDP - PS1 - Sustainable Places**

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

**LDP - PS2 - Placemaking and Place Management**

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

**LDP - PS3 - Sustainable Housing Strategy**

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

**LDP - 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 NAPPA 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 - 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.

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**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 - SI8 - Community Safety**

**LDP - IO1 - Supporting Infrastructure**

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

**LDP - ER1 - Climate Change**

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

**LDP - ER2 - Strategic Green Infrastructure Network**

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

**LDP - 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 - 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 - 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.

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**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.

**Site History**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2020/1590	Change of use from Community Facility (Class D2)) to Residential Dwellings (Class C3) and redevelopment of site to provide 23 units with associated roof extension, new vehicular access, infrastructure and landscaping works	PDE	
2016/1406	Pre-application - extension and refurbishment of existing derelict youth club/community centre	PREMI X	04.08.2016
2014/0098	Installation of a 15 metre high replacement street works monopole and two equipment cabinets (application for the Prior Notification of proposed development by telecommunications code system operators)	PGRA NT	24.02.2014
2006/2746	Erection of a 15 metre high streetworks monopole with 6 internal antennae and equipment cabinet (application for the Prior Approval of the Local Planning Authority)	PAREF	23.01.2007

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### **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.

### **Description**

Full planning permission is sought for the change of use from Community Facility (Class D2) to Residential Dwellings (Class C3) and redevelopment of site to provide 23 units with associated roof extension, new vehicular access, infrastructure and landscaping works at Former Swansea Boys Club, Berwick Terrace, Mount Pleasant.

The existing site comprises a part two storey part three storey detached building, at the top of a sloping site. The building is split into two distinct parts, with what appears to be the original two storey pitched roof building attached to a three storey flat roofed addition. The building was originally used as a social club, however it has not been occupied for a significant period and has been bordered up for security. Since the application was made, there have been a number of antisocial behaviour incidents at the site, including small fires and a large fire which caused significant damage to the building.

The proposal will see the creation of 23 one bed apartments, the majority of which have an open plan kitchen/living room and a toilet, with a few having a separate kitchen.

The site currently has no parking and Berwick Terrace has no vehicle access. The application includes the opening up of the highway to provide access and the creation of 21 parking spaces, in part, through levelling part of the site and installation of retaining walls. There will also be the creation of a bin and cycle storage area.

### **Assessment of the immediate area**

The application site is positioned in a predominantly residential area, with a school and graveyard to the West of the site.

### **Planning History**

There is no relevant planning history for the site.

### **Responses to Consultations**

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by means of notice in the local press on 28<sup>th</sup> August 2020 and a site notice on the 1<sup>st</sup> September 2020. No representations from members of the public have been received to date.

### **Drainage Officer**

The SAB has received a pre-application on this site, reference 2020/0037/SPA which we are considering.

Schedule 3, Flood and Water Management Act 2010.

**Item 2 (Cont'd)**

**Application Number:**

2020/1590/FUL

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

From 7 January 2019, all new developments more than 100m<sup>2</sup> will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

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

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

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

What does it mean for my development?

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

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



Item 2 (Cont'd)

Application Number:

2020/1590/FUL

## Welsh Water

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We note that our consultation response (Ref: PPA0004982) has been acknowledged and included at Appendix G of the accompanying Pre-Application Consultation (PAC) Report, prepared by Asbri Planning Ltd, which highlights that foul flows can be accommodated within the public sewerage system whereas surface water will be subject to SAB consent. As part of this application, we acknowledge receipt of a 'Drainage Plan' (Drawing No. J007/002) and 'SuDS Compliance Statement (Ref: J007/SCS) which indicates proposals to dispose foul and surface water flows to the public sewer and soakaway system respectively and in principle we offer no objection.

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

### Condition

No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

### Advisory Notes

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991).

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The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).

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

### Placemaking & Heritage Team

The above application seeks the change of use from community facility (Use Class D2) to residential (Use Class C3) comprising 23no. Units with associated roof extension, new vehicular access, infrastructure and landscaping works.

This submission follows a pre-app (ref: 2019/2544/PRE) for a similar description of development.

At pre-app stage, concern was raised specifically in terms of the northern element of the proposal, namely the lack of inset and excessive height of the third floor roof extension. It was detailed that if a roof extension is to be considered appropriate in this location it must be sufficiently set back from the existing building line and designed to complement the host building.

The following advice is provided on the compliance with the design and placemaking policies of the LDP and Residential Design Guide SPG which focusses on development of 10 or more homes and is underpinned by the proactive placemaking planning approach.

#### Comments:

- The new roof extension has been lowered and is now inset which is welcomed. However, the stair core is not - is there a reason for this/ can this be amended? Additionally, the top floor should be made recessive through the use of a darker colour to better juxtapose the main body and break up the mass of the whole building. To achieve this, and also from a maintenance point of view, it would be better to see this in a more robust materiality such as grey standing seam metal or similarly appropriate. Furthermore, the roof edges should have less projection - this was also raised at pre-app. At present the roof extension fails to be sufficiently subservient and is not supported in its current form.
- The fenestration proportions are unacceptable. The pre-app visuals showed the retention of the existing, generous windows which assisted in breaking up the bulk and massing. The proposal now shows replacement windows, in many instances with smaller windows. This has a negative impact on the proportions/appearance of the overall building. The windows should be reinstated to that previously shown at pre-app.

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- Is there scope to provide some Juliet/full balconies as private amenity space and maximise outlook, in particular to the east facing elevation? This is a fantastic site that fails to fully respond to the context/opportunity. Also, could the ground floor flats have direct access to external private terraces as amenity space?
- Notably there is a lack of overlooking of the main parking to the north - only 3 windows, which can result in risk of car crime, personal safety and anti-social behaviour. Additional windows should be added to the north facing elevation.
- The cycle storage needs to be covered and secure - the external hoops are not acceptable.

This a visually prominent building and at present the proposal is not acceptable and refusal is recommended unless the issues above can be suitably rectified.

**Highway Authority**

This application relates to the conversion of the former Swansea Boys Club, Berwick Terrace into 23 1 bedroom residential units, and has been the subject of a pre application to the LPA ref 2019/2544/PRE, and a statutory Pre-application consultation, comments on both were submitted by the Highway Authority at that time.

This application is for 23 one bed units, the proposals to repurpose adopted highway as parking have been removed from the proposals, and it is presented with 21 off street spaces. The applicant has completed the sustainability appendix from the current adopted parking SPG, this has been checked and is correctly applied, the proposed 21 parking spaces acceptable.

Berwick Terrace is an adopted highway, which currently has a prohibition of driving TRO to prevent its use as a through route. This application will necessitate moving the point of the restriction South along Berwick Terrace to provide a secondary access and turning facility. This will require amendments to the existing TRO and relocation of the barriers, the developer must meet all costs for this. Swept Paths have been provided which demonstrate the proposed turning head on Berwick Terrace is acceptable, and a service vehicle has the required space to safely turn.

There is an adopted 2m wide highway verge on the Southern side of Baptist Well Place, the applicant will be required to construct footway along this section from the existing footway on Baptist Well Place to the Eastern site boundary.

The site plan details the presence of retaining walls, any wall over 1.5m in retained height, or 1.37m if within 4ft of a highway will require formal approval by the LPA, as per the West Glamorgan and Highways Acts. This should be secured through a suitable condition.

Concerns were raised previously over the gradient of the car park access road and pedestrian provision into the car park, pedestrian access is shown as segregated, which is welcomed, however I would still like to see confirmation of the gradient of the car park access, this to ensure adequate visibility vertically as well as horizontally for any emerging vehicle. The access is in close proximity to the existing cross roads, Baptist Well Place/ Long Ridge / High View and Berwick Terrace.

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As such it would be advisable to place give way road markings on the side roads (Baptist Well Place and High View) to reinforce right of way, and reduce the likelihood of collisions.

The submitted Transport Statement seeks to quantify vehicle based trips from the development, the data has been checked and is thought to be correct. The effect of the development is not thought to have any adverse effect on the operation of the highway.

Subject to confirmation of the horizontal and vertical visibility splays Highways would have no objection to the proposals, subject to the improvements listed above, and the usual conditions relating to boundary treatments, working on the adopted highway and retaining walls.

If you could request the further information relating to the car park access, to allow me to complete my observations.

*The additional information was received and passed onto the Highway Officer, who provided an updated comment:*

Further to the confirmation below I can confirm that Highways have no objection to the proposals subject to:

1. The completion of the footway on Baptist Well Place between its junction with Berwick Terrace and the North Eastern Site boundary.
2. The construction of the new access and turning head to Highway Authority standard and specification.
3. The relocation of the vehicle barriers on Berwick Terrace, and amendments to the Traffic Regulation Order.
4. No development shall commence until full design details of any retaining structure above 1.5m in retained height or 1.37m if within 4yds of an adopted highway must be submitted to and approved in writing by the LPA

Note: Any alterations to the Public Highway must be constructed via an agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and terms and conditions under which they are to be carried out. Please contact the Highway Authority's Network Management Team at [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk), allowing sufficient time for preparation and signing the agreement.

NB: Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. All design and implementation will be at the expense of the developer.

**Placemaking & Heritage Team**

The Authority's Placemaking Officer provided comments and suggestions on a number of iterations of the proposals, leading to the formation of the most recent plans under consideration. They consider that given the viability issues on site, recent arson attacks and benefits of the building being brought into beneficial use the amended proposals can be considered acceptable.

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### Planning Ecologist

The Authority's Ecologist attended the site following the fire and consider that the building still has bat roost potential. On that basis it was advised that an updated bat survey was required.

### APPRAISAL

#### Consideration of planning merits

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

- Principle of development and compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- The impact of the proposal on the character and appearance of the street scene and the wider area;
- Impact on residential amenity and the Well-being of Future Generations (Wales) Act 2015;
- Parking and Highway Safety;
- Drainage;
- Ecology;
- Affordable Housing.

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

#### Development Plan Policy and Supplementary Planning Guidance

Future Wales: The National Plan sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 3 - Supporting Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient Ecological Networks and Green Infrastructure

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. 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.

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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:

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

Planning Policy Wales (PPW)

Technical Advice Note (TAN) 5: Nature Conservation and Planning

TAN 5 brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities.

Para 6.2.2 advises that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval.

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

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- 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
- SI2: Providing and Safeguarding Community Facilities and Locally Important Uses
- SI 8: Community Safety
- IO 1: Supporting Infrastructure
- ER 1: Climate Change
- ER 2: Strategic Green Infrastructure Network
- ER 8: Habitats and Species
- ER 9: Ecological Networks and Features of Importance for Biodiversity
- T1: Transport Measures and Infrastructure
- T2: Active Travel
- T5: Design Principles for Transport Measures and Infrastructure
- T6: Parking
- EU4: Public Utilities and New Development

Supplementary Planning Guidance (SPG):

- Places to Live - Residential Design Guide (Adopted January 2014)
- Parking Standards (Adopted March 2012)
- Planning Obligations (Adopted March 2010)
- Planning for Community Safety (Adopted December 2012)
- Biodiversity and Development (Adopted February 2021)

**Principle of Use**

The application property is positioned within the Swansea Urban Area and a predominantly residential area. Its use for residential flats can therefore be considered acceptable. It is noted that Policy SI2 requires that important community facilities such as social clubs should be preserved unless it is demonstrated that the use is defunct, replaced nearby or well served in the local area by similar existing uses. The Policy states the following:

*SI 2: Providing and Safeguarding Community Facilities and Locally Important Uses*

*New community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible.*

*Development that would adversely affect the operation, or lead to the loss, of a community facility of local value will not be permitted unless:*

- i. An alternative facility of at least equal quality and scale to meet community needs will be provided; or*

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- ii. It can be demonstrated that the existing provision is surplus to the needs of the community and there is sufficient provision of a similar relatively accessible and convenient facility to serve the community nearby; or*
- iii. Evidence is provided that the existing use is no longer viable; and*
- iv. Evidence is provided of appropriate marketing undertaken to secure an occupier for the established use.*

The property has been vacant for a significant period of time and allowed to fall into a state of disrepair. Attempts appear to have been made to bring the building into beneficial use, however none were successful and the property was put on the market for sale in 2015 by Swansea Council. In recent years the property has been a target for anti-social behaviour, despite security fencing, and there have been numerous break-ins and arson attacks. Towards the end of 2020 an arson attack caused significant damage to the property, leading to further concerns over the stability and safety of the building. It is clear that the existing function of the building as a community facility is no longer required and furthermore the building is in desperate need of redevelopment. It is therefore considered that the principle of the change of use is acceptable, encouraged and compliant with Policy SI2.

**Visual Amenity**

The existing structure is a relatively large building of little character, which through its raised position is highly visible from the wider public realm. The existing building arguably detracts from the character of the local area as it is clearly abandoned and falling into disrepair, even prior to its recent fire damage.

The existing property forms two distinct parts with what appears to be the original part-pitched part flat roofed two storey building, with a three storey flat roofed extension. The incongruous flat-roofed projection dominates the original building and the skyline. The proposal will see the removal of the existing pitched roof and replacement with a third floor with a flat roof increasing the ridge height. There will also be an additional floor fitted to the existing flat roofed projection, this extension is set-back from the existing external wall. The extensions and external alterations seek to renovate the existing building to reflect more modern residential flats, utilising render and Juliet balconies. The set-back roof extension will be clad with a different material, which is a style reflected to similar roof extensions in the city centre.

The proposed extensions will increase the scale and bulk of the building, and this would not strictly be in keeping with the scale of the buildings in the local area. It is noted however that the scale of the existing building is similarly at odds with the scale of the predominantly traditional residential dwellings nearby. Furthermore it is not considered that the increase in height would have a significant visual impact compared to existing circumstances. It is also considered that the resultant structure and continuous flat roof would have an improved visual relationship than the existing miss-matched pitched roof and flat roof structures.

In terms of the detailed design the proposed window openings and high degree of uninterrupted render, create a fairly bland and uninteresting façade. However some account is given to the viability of the scheme given the likely relatively low value of the resultant flats and the significant works needed to make the building habitable.



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Furthermore the benefits of bringing the building back into use both in regard to visual impact and protection against anti-social behaviour, can be considered sufficient to allow some shortfall in standards in this instance.

The proposal includes some landscaping work and levelling of the site to create a parking area. The level of hard standing and retaining walls represent a significant change. Whilst the large hardstanding is not in-keeping with the local area, it is not considered that either the impact or loss of a relatively small area of unusable green space would have an unacceptable visual impact.

It is therefore considered that the proposal represents an acceptable development that will on balance have a positive visual impact on the character of the immediate and wider area, in compliance with LDP Policy PS2.

### **Residential Amenity**

In regard to neighbouring residential amenities, it is not considered that the proposal would result in any significant impacts in terms of overbearing, overlooking and overshadowing, given its physical separation from neighbouring properties. In terms of noise and disturbance, it is noted that the comings and goings from the flats, including cars would be fairly significant. However consideration is given to the fact that the lawful use of the property is a social club and if this use recommenced it would also likely result in a level of noise and disturbance itself. Furthermore, the residential nature of the properties is considered consistent with the local area, and therefore any impacts can be considered acceptable.

Turning to the suitability of the proposed flats for future occupants a key consideration is whether the flats provide sufficient useable space to achieve an acceptable standard of modern living that is appropriate for the health and wellbeing of occupants. The Authority's Residential Design Guide recommends that as a minimum 1 bedroom flats should provide 46m<sup>2</sup> internal floor area, which all flats achieve.

The occupants of the flats should also benefit from an outlook and natural lighting to ensure a sufficient standard of living. The flats contain a bedroom, bathroom and kitchen/living space, with a few flats having separate kitchens. The majority are well served by external windows, with those with an Eastern aspect having a Juliet balcony. It is considered that all the living rooms should have Juliet balconies, however it is accepted that the necessary layout to fit all the flats prevents this and all the flats are needed to make the scheme viable. The flats with separate kitchens, lack external windows to these spaces, however, in this instance this relationship can be considered acceptable as the bedrooms and living rooms to these spaces provide adequate lighting and outlook.

There is a proposed flat on the lower ground floor of the building which contains a living/dining area, kitchen, bathroom and bedroom amounting to a total of 50m<sup>2</sup> space and is served by a hall. The flat has a western facing aspect from the main living/dining area whilst the bedroom looks out towards the east to the rear of the site. The living/dining room of the flat is served by a single high level small window only. This raises some concerns in so far that the outlook from the room is limited and there will be lower levels of natural light to the flat.

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The applicant has advised that they consider this window to allow a greater level of security to the flat, given that the window faces the street and is in any event set-down from the highway facing a small bank. On balance, it is noted that the flat is for a single occupant or couple, who would have an outlook and natural lighting from the Eastern facing bedroom. Furthermore whilst these circumstances would not normally be desirable, the benefit of bringing this building into beneficial use for the reasons described above, weighs in favour of allowing this minor impact in this instance.

It is therefore considered that the proposal will have an acceptable impact on neighbouring residential amenity and provide adequate accommodation for future occupants.

**Parking and Highway Safety**

The application site currently contains no parking and the proposal includes the creation of 20 parking spaces. The Authority's Car Parking Standards SPG requires that single bedroom flats should be served by a minimum of 1 parking space per flat with an additional visitor space per 5 flats. The 23 flats would therefore create a demand for 27 spaces and result in a shortfall of 7 spaces. It is noted that sites in accessible locations can have a shortfall of spaces, however this is not considered to be an accessible location. That being said it is noted that there is an existing shortfall on site from the lawful use of the property as a social club. In addition, the scheme indicates a cycle storage area on site in the form of hoops. Provision of a covered secure area is considered to be appropriate in order to encourage sustainable forms of transport, which can be secured through a planning condition.

On balance the proposed shortfall on parking spaces can be considered acceptable in this instance especially given the positive of bringing the building back into beneficial use. Conditions are to be imposed in order to require the laying out of the access, retention of the parking areas, removal of the vehicle barrier along Barwick terrace to allow access to visitor parking, continuation of the footway along the boundary of the application site and the provision of further information in connection with the retaining structures to be provided on site. On this basis it can be regarded that the application is acceptable on its planning and highway safety impacts.

**Drainage**

The Authority's Drainage Officer has raised no objections to the proposal and a SAB application has been received. The drainage details are therefore considered acceptable.

**Ecology**

The submitted Bat Survey advises that some evidence of bats was observed in the local vicinity and that a licence from NRW should be obtained. However, following receipt of the application in August 2020 the building has suffered from fire damage. This may impact upon any bat population in the building. The Council's Planning Ecologist has recommended that a new survey be undertaken, however, in the interest of moving the application forward to decision (given that surveys could only be undertaken between May and September) the applicant has provided a recent document entitled 'Method Statement - Bats' as a follow on to the original survey and to set out bat mitigation measures.

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The survey sets out the short term installation of bat roost boxes on the southern and eastern elevations of the building and then in the long term the provision of 6 no. Schwegler Bat Tube/Box/panels integrated into the building.

Whilst plans of the indicated mitigation have not been provided at this stage it is considered reasonable and acceptable in this instance to require, by condition, plans/details of the full mitigation measures to be provided prior to the commencement of development. The applicant is aware that a bat licence from NRW will be required prior to any work being carried out on site.

Planning Policy Wales (Chapter 5 - Conserving and Improving Natural Heritage and the Coast) sets out the requirements for determining planning applications for developments where protected species are present.

The Regulations allow developments that would be likely to result in disturbance or harm to individuals of a European protected species, or to their breeding sites and resting places, but only if there is:

- no satisfactory alternative and
- if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. In addition,
- the development works to be authorised must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

These derogations from the Habitats Directive to allow disturbance or harm to bats and their breeding and resting places are granted by licences issued by Natural Resources Wales.

The proposal is for the redevelopment of a derelict former social club for residential use and it is not considered that there is a satisfactory alternative location for this development. The proposal includes mitigation measures to compensate for the loss of any bat roosts in the existing building and therefore it is not considered that the proposal would have a detrimental impact on the population of the protected species in the local area. The proposed development is justified insofar that it will provide housing for the immediate local area and bring back into use a derelict property. Furthermore the building has been subject to recent arson attacks which have made the building unsafe, so the development is required to improve public health and safety. It is therefore considered that the proposal is suitable justified in line with the requirements for a bat licence.

On that basis, the impact upon protected species from the development can be considered acceptable and is in accordance with policies ER8, ER9 and advice in the Biodiversity and Development SPG.

**Affordable Housing**

Proposals that include residential development on sites within settlement limits with capacity for 5 or more dwellings should ordinarily provide for affordable housing on site in accordance with the requirements of Policy H 3.

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The application site is within the Central Area and that requirement would extend to 20%. Notwithstanding this normal policy requirement, the plan, at paragraph 2.4.17, specifically sets out that 'proposals for the conversion, demolition or change of use of commercial property will be exempt from the policy'. On this basis, the provision of affordable housing at the site is not a policy requirement.

## Conclusions

In conclusion, it is considered that the proposal represents an acceptable form of development. The proposed change of use will have an acceptable impact on residential amenity, visual amenity, highway safety, ecology and the loss of the social club use is considered justified and compliant with the aims and requirements of the policies contained within the Swansea Local Development Plan (Adopted February 2019) and the Supplementary Planning Guidance Documents: Places to Live - Residential Design Guide (Adopted 2014), Car Parking Standards (Adopted 2012), Biodiversity and Development SPG (Adopted February 2021).

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

## RECOMMENDATION

### APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

- 2 The development shall be carried out in accordance with the following approved plans and documents: 066-01 site location plan, 066-03 proposed site plan received on 21st August 2020. J007/001 car park layout, J007/002 drainage plan received on 24th September 2020. 066-24 REV B proposed upper second floor plan, 066-25 REV A proposed roof plan received on 2nd November 2020. 066-20 REV C proposed lower ground floor plan, 066-21 REV D proposed ground/upper ground floor plan, 066-22 REV D proposed first & upper first floor plan. 066-23 REV C proposed second floor plan, 066-26 REV D proposed elevations sheet 1, 066-27 REV D proposed elevations sheet 2 received 27th January 2021.

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

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- 3 No building shall be occupied until the foul drainage system for the site has been completed in accordance with the approved details. Thereafter no surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

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

- 4 Prior to the commencement of development details to provide for a safe continuation of the footway on Baptist Well Place between its junction with Berwick Terrace and the North Eastern Site boundary shall be submitted to and approved in writing by the Local Planning Authority. The footway shall thereafter be completed in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety, in line with the requirements of Policies T5, T6, and PS2 of the Swansea Local Development Plan.

- 5 The apartments hereby approved shall not be brought into beneficial occupation until the new access and turning head has been laid out to Highway Authority standard and specification.

Reason: In the interests of highway and pedestrian safety, in line with the requirements of Policies T5, T6, and PS2 of the Swansea Local Development Plan.

- 6 The apartments hereby approved shall not be brought into beneficial occupation until such time that the vehicle barriers on Berwick Terrace have been removed, and amendments to the Traffic Regulation Order, have been completed.

Reason: In the interests of highway and pedestrian safety, in line with the requirements of Policies T5, T6, and PS2 of the Swansea Local Development Plan.

- 7 No development shall commence until full design details of any retaining structure above 1.5m in retained height or 1.37m if within 4yds of an adopted highway are submitted to and approved in writing by the Local Planning Authority, the works shall thereafter shall be completed in accordance with the agreed details prior to the beneficial occupation of the approved building.

Reason: In the interests of highway and pedestrian safety, in line with the requirements of Policies T5, T6, and PS2 of the Swansea Local Development Plan.

- 8 The car 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 parking purposes unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure adequate parking provision on site.

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- 9 Prior to the commencement of the development of the proposed building structure, details of the external materials shall be submitted to and agreed in writing with the Local Planning Authority. In regard to the external render specification, this shall be an anti-fungicidal coating/possible roughcast with detailing such as projecting drips to shed water rather than running down the façade. The development shall thereafter be carried out in full accordance with the agreed details.

Reason: In the interests of visual amenity and to ensure the proposal is constructed to an acceptable standard in compliance with Policy PS2 of the Swansea Local Development Plan.

- 10 Full details of the boundary treatments shall be submitted to and agreed in writing with the Local Planning Authority. The development shall thereafter be carried out in full accordance with the agreed details, prior to the beneficial occupation of the building.

Reason: In the interests of visual amenity and to ensure the proposal is constructed to an acceptable standard in compliance with Policy PS2 of the Swansea Local Development Plan.

- 11 Prior to the commencement of development and notwithstanding the submitted 'Proposed Site Plan' drawing full details of a cycle storage facility shall be submitted to and approved in writing by the Local Planning Authority. The facility shall be provided 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.

- 12 Prior to the commencement of development full details of the refuse/recycling store shall be submitted to and approved in writing by the Local Planning Authority. The store 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.

- 13 Prior to the commencement of development detailed plans of the proposed ecological mitigation and enhancement measures to compensate for the loss of bat roost habitats in the existing building, as described in the document entitled: Method Statement - BATS received on 24th March 2021, shall be submitted to and approved in writing by the Local Planning Authority. The mitigation and enhancement measures shall be provided on site prior to the first beneficial occupation of the development and retained as such for the lifetime of the development.

Reason: In order to mitigate for the potential impact to protected species from the development and provide opportunity for ecological enhancement at the site.

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- 14 Before the development is commenced, a sensitive lighting strategy (relating to both the construction and operational phases of the development) shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall outline the measures to be taken to avoid the impacts of lighting (both during the construction phase and the operational phase) on bats and other nocturnal species. The lighting strategy shall ensure that the habitats adjacent to and within the site are not lit and that protected species using the site for commuting and foraging purposes can continue to do so without disturbance.

The measures contained within the approved lighting strategy shall be implemented at all times thereafter and any external lighting serving the proposed development shall not conflict with the mitigation measures contained within the lighting strategy at any times.

Reason: In the interest of bats and other nocturnal species.

- 15 Prior to works commencing on site a precautionary method statement with regards to reptiles shall be submitted and agreed with the Local Planning Authority. The method statement shall outline how the development will avoid, mitigate and compensate for any potential impacts on reptiles. The development shall be undertaken in adherence to the agreed method statement.

Reason: In the interests of protecting reptiles.

- 16 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.

**Informatives**

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: Policies PS2, RP2, T5, T6, and SI2.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (0300 065 3000).

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- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild 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 Any alterations to the Public Highway must be constructed via an agreement under Section 278 of the Highways Act 1980 with the Council, which would specify the works and terms and conditions under which they are to be carried out. Please contact the Highway Authority's Network Management Team at [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk), allowing sufficient time for preparation and signing the agreement.
- 6 Planning permission is not permission to work in the highway. A Highway Agreement under Section 278 of the Highways Act 1980 must be completed, the bond secured and the Highway Authority's technical approval and inspection fees paid before any drawings will be considered and approved. All design and implementation will be at the expense of the developer.
- 7 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the City & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

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



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

- 8 From 7 January 2019 the Welsh Government enacted Schedule 3 of the Flood and Water Management Act 2010; all new developments of more than 1 house or where the construction area is 100m<sup>2</sup> or more will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with the document 'Statutory Standards for Sustainable Drainage Systems' published by Welsh Ministers. If your development meets the above criteria then Sustainable Drainage Approval will be required before any construction work commences. Further details can be found on the Authority's website: - <https://www.swansea.gov.uk/sustainable-drainage> and the SuDS Approval Team can be contacted via [SAB.Applications@swansea.gov.uk](mailto:SAB.Applications@swansea.gov.uk) for further advice and guidance.
- 9 **Warning: A European protected species (EPS) Licence is required for this development.**  
This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to recklessly damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>
- 10 Hedgehogs may be present. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. To avoid killing or injuring of hedgehogs it is best practice for any brush piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
- 12 Reptiles may be present. All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This makes it an offence to intentionally kill or injure adder, grass snake, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960 or 0300 065 3000 or contact the species team by email on [trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk](mailto:trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk)).

**Item 3**

**Application Number:**

2020/2393/TEM

**Ward:**

Gower - Area 2

**Location:**

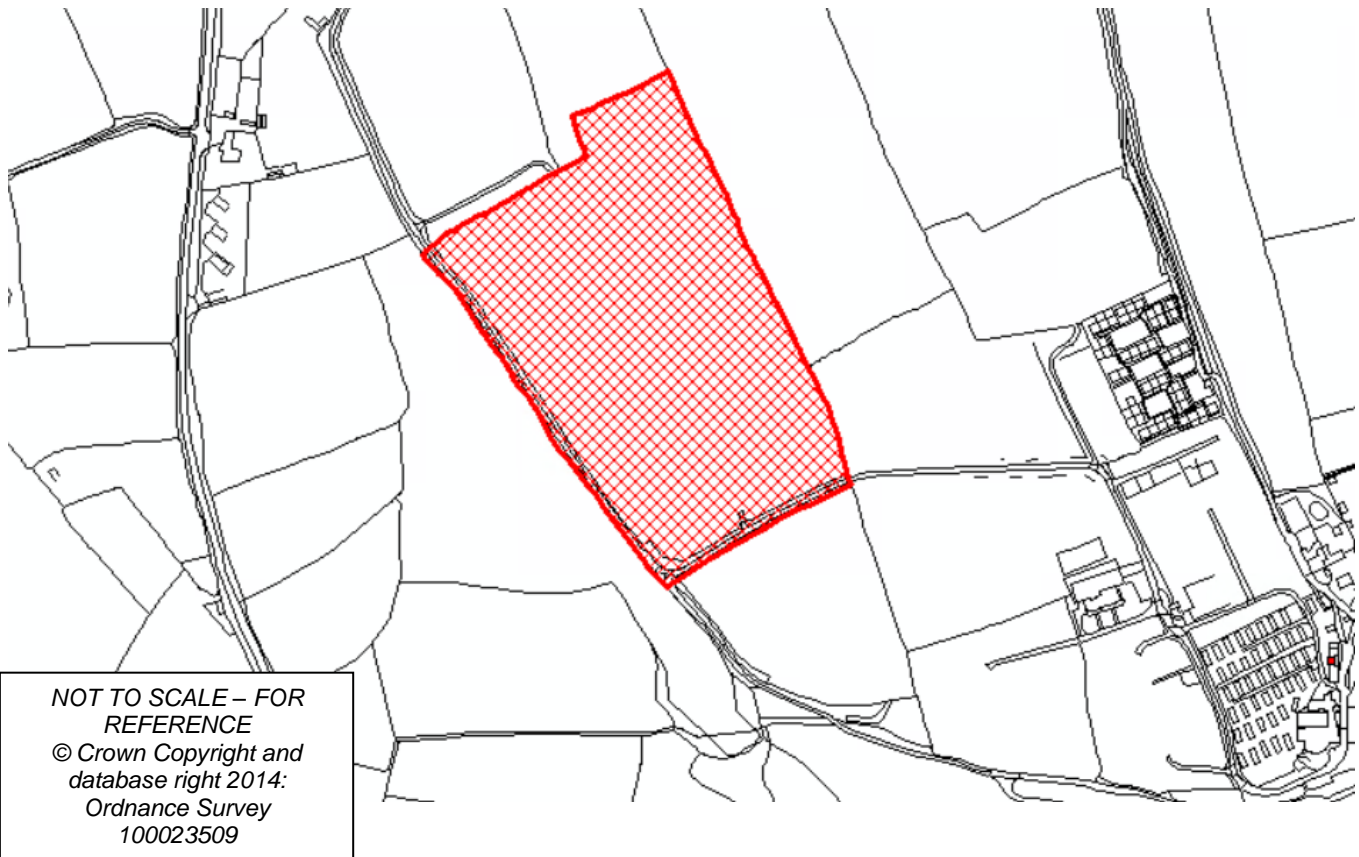
Field 7700, Bank Farm, Horton, Swansea, SA3 1LL

**Proposal:**

Use of land for a camping rally for a maximum 130 units from 25<sup>th</sup> August 2021 to 5<sup>th</sup> September 2021 (inclusive)

**Applicant:**

The Caravan And Motorhome Club



## **Background Information**

### **Policies**

LDP - PS2 - Placemaking and Place Management

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

LDP - CV2 -Development in the Countryside

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

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

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

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

LDP - TR11 - Caravan Rallies

Caravan Rallies - Permission for caravan rallies will be permitted subject to compliance with specific criteria. Preference will be given to rallies on established rally sites.

### Site History

App Number	Proposal	Status	Decision Date
2017/0292/TEM	Use of land for a caravan rally for a maximum of 30 units from 28th July 2018 to 11th August 2018 (inclusive)	APP	27.03.2017
2017/0712/TEM	Use of land for caravan rally for a maximum of 60 units in field 0005 from 27th October 2017 to 1st November 2017 (inclusive)	APP	24.05.2017
2017/1362/TEM	Use of land for a caravan rally for a maximum of 60 units from 26th October 2018 to 1st November 2018 (inclusive)	APP	10.08.2017
2017/1371/TEM	Use of part of land for a caravan rally for a maximum of 90 units for Field 7700 from 30 March 2018 to 15 April 2018 (inclusive)	APP	24.08.2017
2017/1372/TEM	Use of part of land for a caravan rally for a maximum of 60 units for Field 0005 from 28th December 2018 to 1st January 2019 (inclusive)	APP	07.08.2017
2017/1374/TEM	Use of land for a caravan rally for a maximum of 90 units in field 7700 from 25th May 2018 to 3rd June 2018 (inclusive)	APP	24.08.2017

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2017/1375/TEM	Use of land for a caravan rally for a maximum of 90 units from 25th July 2018 to 22nd August 2018 (inclusive)	APP 07.08.2017
2017/1577/TEM	Use of land for a caravan rally for a maximum of 70 units from 25th May to 3rd June 2018 (inclusive)	APP 11.09.2017
2017/2716/FUL	Two storey side extension to existing clubhouse	REF 27.03.2018
2018/0012/TEM	Use of land for a caravan rally for a maximum of 40 units from 28th July 2018 to 11th August 2018 (inclusive)	WDN 21.06.2018
2018/0152/TEM	Use of land for a caravan rally for a maximum of 40 units from 28th July to 11th August 2018 (inclusive)	APP 07.03.2018
2018/0214/TEM	Use of land for a caravan rally for a maximum of 70 units from 10th May to 20th May 2018 (inclusive)	APP 15.03.2018
2018/0612/TEM	Use of land for a camping rally for a maximum 90 units from 12th April to 26th April 2019 (inclusive)	APP 11.05.2018
2018/0613/TEM	Use of land for a camping rally for a maximum 90 units from 24th May to 2nd June 2019 (inclusive)	APP 11.05.2018
2018/0614/TEM	Use of land for a camping rally for a maximum 90 units from 20th July to 17th August 2019 (inclusive)	APP 11.05.2018
2018/0615/TEM	Use of land for a camping rally for a maximum 60 units from 27th December 2019 to 2nd January 2020 (inclusive)	APP 13.06.2018
2018/0882/FUL	Two storey side extension to existing clubhouse including an increase in ridge height	APP 15.10.2018
2018/1679/TEM	Use of land for a caravan rally for a maximum of 80 units from 24th May to 2nd June 2019 (inclusive)	APP 13.09.2018

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2018/2523/TEM	Use of land for a caravan rally for a maximum of 40 units from 26th July 2019 to 10th August 2019 (inclusive)	APP 15.01.2019
2019/0630/TEM	Use of land for a camping rally for a maximum 90 units from 3rd April to 19th April 2020 (inclusive)	APP 09.05.2019
2019/0634/TEM	Use of land for a camping rally for a maximum 60 units from 30th December 2020 to 3rd January 2021 (inclusive)	APP 13.06.2019
2019/0635/TEM	Use of land for a camping rally for a maximum 90 units from 22nd May to 31st May 2020 (inclusive)	APP 09.05.2019
2019/0636/TEM	Use of land for a camping rally for a maximum 90 units from 20th July to 16th August 2020 (inclusive)	APP 09.05.2019
2019/1606/TEM	Use of land for a caravan rally for a maximum of 80 units from Thursday 21st May 2020 to Sunday 31st May 2020 (inclusive)	APP 30.08.2019
2019/2308/TEM	Use of land for a caravan rally for a maximum of 30 units from 24th July 2020 to 9th August 2020 (inclusive)	APP 12.11.2019
2019/2420/TEM	Use of land for a caravan rally for a maximum of 30 units from 23rd May to 30th May 2020 (inclusive)	WDN 08.11.2019
2019/2421/TEM	Use of land for a caravan rally for a maximum of 30 units from 13th June to 28th June 2020 (inclusive)	APP 03.12.2019
2019/2578/TEM	Use of land for a camping rally for a maximum 30 units from 23rd May 2020 to 30th May 2020 (inclusive)	APP 31.12.2019

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2019/2611/TEM	Use of part of land for a caravan rally for a maximum of 80 units for Field 7700 from 27th August 2020 to 6th September 2020 (inclusive)	APP 31.12.2019
2020/0841/TEM	Use of land for camping and caravan rally for a maximum of 30 units from 4th to 18th July 2021 (inclusive)	APP 25.06.2020
2020/1049/TEM	Use of land for a caravan rally for a maximum of 30 units from 23rd July 2021 to 8th August 2021 (inclusive)	APP 20.07.2020
2020/1050/TEM	Use of land for a camping rally for a maximum 30 units from 28th May 2021 to 5th June 2021 2021 (inclusive)	APP 20.07.2020
2020/1441/TEM	Use of land for camping and caravan rally for a maximum of 90 units from 26th March 2021 to 11th April 2021 (inclusive)	APP 15.09.2020
2020/1442/TEM	Use of land for camping and caravan rally for a maximum of 90 units from 28th May 2021 to 6th June 2021 (inclusive)	APP 15.09.2020
2020/1446/TEM	Use of land for camping and caravan rally for a maximum of 90 units from 29th December 2021 to 2nd January 2022 (inclusive)	APP 15.09.2020
2020/1447/TEM	Use of land for camping and caravan rally for a maximum of 90 units from 19th July 2021 to 16th August 2021 (inclusive)	APP 15.09.2020
2020/1662/TEM	Use of land for a caravan rally for a maximum of 80 units from 28th May 2021 to 6th June 2021 (inclusive)	APP 16.10.2020
2020/1682/TEM	Use of land for camping and caravan rally for a maximum of 40 units from 31st August 2021 to 5th September 2021 (inclusive)	APP 14.10.2020

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>	
2020/2393/TEM	Use of land for a camping rally for a maximum 130 units from 25th August 2021 to 5th September 2021 (inclusive)	PDE	
2021/0126/FUL	Two external umbrellas	APP	30.03.2021
2021/0303/TEM	Use of land for a camping rally for a maximum 50 units from 9th August 2021 to 22nd August 2021 (inclusive)	APP	26.03.2021
2021/0809/FUL	Proposed front canopy, side and rear extension	PCO	
2016/1850	Use of land for a caravan rally for a maximum of 80 units from 26th May to 4th June 2017 (inclusive)	TEM	09.11.2016
2016/1375		WDN	11.07.2016
2016/1083	Use of land for a caravan rally for a maximum 70 units from 26th May to 4th June 2017 (inclusive)	APP	15.07.2016
2016/1082	Use of land for a caravan rally for a maximum 70 units from 28th July to 20th August 2017 (inclusive)	APP	15.07.2016
2016/1081	Use of land for a caravan rally for a maximum of 60 units from 29th December 2017 to 1st January 2018 (inclusive)	APP	15.07.2016
2016/1079	Use of land for a caravan rally for a maximum of 60 units from 14th April to 23rd April 2017 (inclusive)	APP	15.07.2016
2016/1078	Use of land for a caravan rally for a maximum of 60 units from 28th October to 1st November 2017 (inclusive)	APP	15.07.2016
2015/1476	Use of land for a caravan rally for a maximum of 80 units from Friday 27th May to Sunday 5th June 2016 (inclusive)	APP	25.08.2015

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2015/0769	Use of land for a caravan rally for a maximum of 60 units from 30th December 2015 to 3rd January 2016 (inclusive)	APP 09.06.2015
2015/0767	Use of land for a caravan rally for a maximum of 60 units from 30th December 2016 to 1st January 2017 (inclusive)	APP 09.06.2015
2015/0534	Use of land for a caravan rally for a maximum 70 units from 27th May 2016 to 5th June 2016 (inclusive)	APP 15.05.2015
2015/0531	Use of land for a caravan rally for a maximum of 60 units from 25th March to 3rd April 2016 (inclusive)	APP 18.05.2015
2015/0526	Use of land for a caravan rally for a maximum 70 units from 5th August 2016 to 30th August 2016 (inclusive)	APP 18.05.2015
2015/0504	Use of land for a caravan rally for a maximum of 40 units from 28th October to 30th October 2016 (inclusive)	APP 12.05.2015
2014/1763	Use of land for a caravan rally for a maximum of 40 units from 1st to 6th September 2015 (inclusive)	APP 08.01.2015
2014/1758	Use of land for a caravan rally for a maximum of 40 units from Saturday 8th August to Saturday 22nd August 2015 (inclusive)	APP 03.02.2015
2014/1659	Use of land for a caravan rally for a maximum of 30 units from 27th December 2014 to 2nd January 2015 (inclusive)	APP 22.12.2014
2014/1762	Use of land for a caravan rally for a maximum of 30 units from 27th December 2015 to 2nd January 2016 (inclusive)	APP 08.01.2015



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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2014/0667	Use of land for a caravan rally for a maximum 160 units from 24th July to 16th August 2015 (inclusive)	APP 26.06.2014
2014/0664	Use of land for a caravan rally for a maximum 160 units from 22nd May to 31st May 2015 (inclusive)	APP 26.06.2014
2014/0137	Use of land for a caravan rally for a maximum of 80 units from 23rd May to 1st June 2014 (inclusive)	APP 13.03.2014
2013/1461	Use of land for a caravan rally for a maximum of 60 units from 23rd May to 1st June 2014 (inclusive)	APP 25.11.2013
2013/1281	Use of land for a caravan rally for a maximum of 80 units from 25th May to 1st June 2014 (inclusive)	WDN 04.02.2014
2013/1277	Use of land for a caravan rally for a maximum of 25 units from 21st to 23rd March 2014 (inclusive)	APP 21.10.2013
2013/1004	Use of land for a caravan rally for a maximum 160 units from 23rd May to 1st June 2014 (inclusive)	APP 23.09.2013
2013/0713	Use of land for a caravan rally for a maximum of 60 units from 24th - 29th October 2014 (inclusive)	APP 25.06.2013
2013/0711	Use of land for a caravan rally for a maximum of 60 units from 18th - 27th April 2014 (inclusive)	APP 24.06.2013
2013/0709	Use of land for a caravan rally for a maximum 160 units from 23rd May to 1st June 2014 (inclusive)	APP 24.06.2013
2013/0704	Use of land for a caravan rally for a maximum 160 units from 18th July to 10th August 2014 (inclusive)	APP 24.06.2013
2013/0575	Use of land for a caravan rally for a maximum of 40 units from 26th July to 9th August 2014 (inclusive)	APP 06.06.2013

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2013/0116	Use of land for a caravan rally for a maximum of 35 units from 24th July to 13th August 2013 (inclusive)	WDN 04.04.2013
2013/0027	Use of land for a caravan rally for a maximum of 30 units from 27th July to 11th August 2013 (inclusive)	APP 05.04.2013
2013/0157	Use of land for a caravan rally for a maximum of 58 units from 5th to 15th September 2013 (inclusive)	APP 08.04.2013
2012/1482	Use of land for a caravan rally for a maximum 50 units from 2nd April to 7th April 2013 (inclusive)	APP 19.02.2013
2012/1216	Use of land for a caravan rally for a maximum of 30 units from 27th July to 11th August 2013 (inclusive)	WDN 08.01.2013
2012/0990	Use of land for a caravan rally for a maximum of 100 units from 15th to 27th August 2014 (inclusive)	APP 17.12.2012
2012/0989	Use of land for a caravan rally for a maximum 300 units from 21st August to 26th August 2014 (inclusive)	APP 17.12.2012
2012/0457	Use of land for a caravan rally for a maximum of 60 units from 25th to 31st October 2013 (inclusive)	APP 28.05.2012
2012/0447	Use of land for a caravan rally for a maximum 160 units from 24th May to 2nd June 2013 (inclusive)	APP 16.05.2012
2012/0442	Use of land for a camping rally for a maximum 160 units from 2nd to 27th August 2013 (inclusive)	APP 16.05.2012
2012/0440	Use of land for a caravan rally for a maximum of 60 units from 29th March to 7th April 2013 (inclusive)	APP 04.05.2012

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2012/0228	Use of land for a caravan rally for a maximum of 80 units from 3rd August to 17th August 2013 (inclusive)	APP 02.04.2012
2012/0154	Use of land for a caravan rally for a maximum of 80 units from 24th May 2013 to 2nd June 2013 (inclusive)	APP 29.02.2012
2012/0153	Use of land for a caravan rally for a maximum of 30 units from 30th July, 2012 to 13th August, 2012 (inclusive)	APP 11.04.2012
2012/0039	Use of land for a caravan rally for a maximum of 35 units from July 26th to 13th August 2012 (inclusive)	APP 24.02.2012
2011/1375	Use of land for a caravan rally for a maximum 40 units from 11th May 2012 to 13th May 2012 (inclusive)	APP 21.12.2011
2011/0862	Use of land for a caravan rally for a maximum of 80 units from 1st to 10th June 2012 (inclusive)	APP 12.04.2012
2011/0532	Use of land for a caravan rally for a maximum of 80 units from 6th - 15th April 2012 (inclusive)	APP 06.06.2011
2011/0531	Use of land for a caravan rally for a maximum 160 units from 1st - 10th June 2012 (inclusive)	APP 02.06.2011
2011/0529	Use of land for a caravan rally for a maximum 160 units from 3rd - 29th August 2012 (inclusive)	APP 02.06.2011
2011/0231	Use of land for a caravan rally for a maximum of 30 units from 8th June to 13th June 2011 (inclusive)	APP 09.05.2011
2010/1705	Use of land for a caravan rally for a maximum 80 units from 1st July 2011 to 3rd July 2011 (inclusive)	APP 31.12.2010

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2010/1576	Use of land for a caravan rally for a maximum of 30 units from August 6th 2011 to August 20th 2011(inclusive)	APP 22.03.2011
2010/1540	Use of land for a caravan rally for a maximum of 35 units from 20th July to 10th August 2011 (inclusive)	APP 22.03.2011
2010/0841	Use of land for a caravan rally for a maximum 120 units from 27th August 2010 to 31st August 2010 (inclusive)	APP 23.07.2010
2010/0691	Use of land for a caravan rally for a maximum of 80 units from 27th May 2011 to 5th June 2011 (inclusive)	APP 07.10.2010
2010/0570	Use of land for a caravan rally for a maximum of 35 units from 20th July to 10th August 2010 (inclusive)	APP 27.05.2010
2010/0568	Use of land for a caravan rally for a maximum 160 units from 22nd April 2011 to 3rd May 2011 (inclusive)	APP 24.06.2010
2010/0564	Use of land for a caravan rally for a maximum 160 units from 22 July 2011 to 14 August 2011 (inclusive)	APP 24.06.2010
2010/0491	Use of land (Field 0005) for a caravan rally for a maximum 25 units from Friday 28th May 2010 to Tuesday 1st June 2010 (inclusive)	WDN 28.06.2010
2009/1602	Demolition of storage/workshop and cellar (application for Conservation Area Consent)	APP 28.06.2010
2009/1575	Replacement building to provide laundry, storage and cellar and office/reception with first floor self-contained apartment and change of use of existing flat (Class C3) to communal room ancillary to the existing clubhouse.	APP 28.06.2010

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2009/1269	Use of land for a caravan rally for a maximum of 30 units from 21st to 23rd May 2010 (inclusive)	APP 08.10.2009
2009/1268	Use of land for a caravan rally for a maximum of 30 units from 12th to 14th March 2010 (inclusive)	APP 08.10.2009
2009/1484	Use of land for a caravan rally for a maximum of 30 units from 30th April 2010 to 3rd May 2010 (inclusive)	APP 19.11.2009
2009/1037	Use of land for a caravan rally for a maximum of 30 units from 21st to 23rd March 2010 (inclusive)	APP 28.08.2009
2009/0953	Use of land for a caravan rally for a maximum of 30 units from 5th to 23rd August 2010 (inclusive)	REF 28.08.2009
2009/0918	Use of land for a caravan rally for a maximum of 60 units from 28th May to 6th June 2010 (inclusive)	APP 06.08.2009
2009/0624	Use of land for a caravan rally for a maximum 160 units from 23rd July to 15th August 2010 (inclusive)	APP 16.07.2009
2009/0031	Use of land for a caravan rally for a maximum 60 units from 10th April 2009 to 14th April 2009 (inclusive)	APP 19.03.2009
2008/1886	Use of land for a caravan rally for a maximum of 50 units from 1st to 4th May 2009 (inclusive)	APP 05.11.2008
2008/1884	Use of land for a caravan rally for a maximum of 35 units from 10th July 2009 to 12th July 2009 (inclusive)	APP 06.11.2008
2008/1858	Use of land for a caravan rally for maximum of 50 units from 10th June to 15th June 2009 (inclusive)	APP 11.02.2009

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2008/1728	Use of land for a caravan rally for a maximum 160 units from 16th August 2009 to 5th September 2009 (inclusive)	APP 16.10.2008
2008/1721	Use of land for a caravan rally for a maximum 80 units from 22nd May 2009 to 31st May 2009 (inclusive)	APP 16.10.2008
2008/1232	Use of land for a camping and caravan rally for a maximum 160 units from 22nd May to 31st May 2009 (inclusive)	REF 04.08.2008
2008/1227	Use of land for a camping and caravan rally for a maximum 160 units from 24th July to 16th August 2009 (inclusive)	REF 04.08.2008
2008/0957	Demolition of existing storage/workshop and cellar (application for Conservation Area Consent)	REF 31.07.2008
2008/0951	Replacement building to provide cellar, ground floor workshop/store and reception area with first floor self-contained apartment	REF 28.08.2009
2008/0904	Use of land for camping and caravan rally for a maximum of 30 units from 20th to 22nd March 2009 (inclusive)	APP 17.06.2008
2008/0793	Use of land for a caravan rally for a maximum 60 units from 1st to 15th August 2009 (inclusive)	APP 11.06.2008
2008/0792	Use of land for a caravan rally for a maximum 60 units from 22nd May to 31st May 2009 (inclusive)	APP 11.06.2008
2008/0543	Use of land for camping and caravan rally for a maximum of 38 units from 23rd May 2009 to 30th May 2009 (inclusive)	APP 28.04.2008

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2008/0422	Use of land for a caravan rally for a maximum 20 units from 3rd August 2008 to 17th August 2008 (inclusive)	REF 05.06.2008
2008/0077	Use of land for a caravan rally for a maximum 50 units from 1st May 2008 to 5th May 2008 (inclusive)	APP 20.02.2008
2007/2728	Demolition of workshop, storage and cellar building (application for Conservation Area Consent)	REF 06.03.2008
2007/2574	Use of land for camping and caravan rally for a maximum of 40 units from 20th June 2008 to 22nd June 2008 (inclusive)	APP 11.01.2008
2007/2573	Use of land for a caravan rally for a maximum 30 units from 14th March 2008 to 16th March 2008 (inclusive)	APP 13.12.2007
2007/2678	Replacement building to provide cellar, ground floor workshop/store and reception area with first floor self-contained apartment	REF 06.03.2008
2008/0147	Use of land for a caravan rally for a maximum 30 units from 1st to 15th August 2008 (inclusive)	WDN 15.04.2008
2007/2498	Use of land for a caravan rally for a maximum 50 units from 13th June 2008 to 15th June 2008 (inclusive)	APP 17.12.2007
2007/2483	Use of land for camping and caravan rally for a maximum of 60 units from 26th August 2008 to 31st August 2008 inclusive	APP 17.12.2007
2007/2256	Use of land for camping and caravan rally for a maximum of 50 units from 18th July 2008 to 3rd August 2008 inclusive	APP 31.10.2007

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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2007/1121	Use of land for camping and caravan rally for a maximum of 50 units from 16th May 2008 to 7th June 2008 inclusive	APP 31.07.2007
2007/1206	Use of land for camping and caravan rally for a maximum of 160 units from 25th July to 17th August 2008 inclusive	APP 06.07.2007
2007/1202	Use of land for camping and caravan rally for a maximum of 50 units from 23rd May to 1st June 2008 inclusive	APP 06.07.2007
2007/0645	Use of land for a caravan rally for a maximum 50 units from 23rd August 2007 to 2nd September 2007 (inclusive)	APP 27.04.2007
2006/0753	Use of land for a caravan rally for a maximum of 160 units from 27th July 2007 to 19th August 2007 (inclusive)	APP 15.05.2006
2006/0752	Use of land for a caravan rally for a maximum of 160 units from 25th May 2007 to 3rd June 2007 (inclusive)	APP 15.05.2006
2006/0751	Use of land for a caravan rally for a maximum of 160 units from 19th October to 28th October 2007 (inclusive)	APP 19.06.2006
2005/1023	Use of land for a caravan rally for approximately 160 units from 14th July to 6th August 2006 (inclusive)	APP 24.06.2005
2005/1021	Use of land for a caravan rally for approximately 160 units from 26th May to 4th June 2006 (inclusive)	APP 24.06.2005
2005/0243	Temporary use of land for siting of tents for approximately 100 units from 23rd July 2005 to 14th August 2005 (inclusive) and 26th August 2005 and 30th August 2005 (inclusive)	APP 21.03.2005



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<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	<b>2020/2393/TEM</b>
2004/1557	Use of land for a camping and caravan rally for approximately 160 units from 15th July 2005 to 7th August 2005 (inclusive)	APP 20.08.2004
2004/1554	Use of land for a camping and caravan rally for approximately 160 units from 27th May 2005 to 5th June 2005 (inclusive)	APP 20.08.2004
2004/1121	Temporary use of land for siting of tents for approximately 100 units from to 30th July 2004 to 11th August 2004 (inclusive) and 27th August 2004 to 31st August 2004 (inclusive)	APP 09.07.2004
2004/0293	Use of land for a caravan rally for approximately 35 units from 14th May to 16th May 2004 (inclusive)	APP 19.03.2004
2003/1927	Siting and occupation of touring caravans for up to 12 months each year in fields 1700,1388 and 0289 at Bank Farm, Horton (application for a Certificate of Lawfulness)	WL 20.02.2004
2003/1900	Occupation of caravans for residential or holiday purposes for 12 months each year (application for a Certificate of Lawfulness)	IL 27.04.2004
2003/1032	Use of land for a caravan rally for approximately 160 units from 16th July to 8th August 2004 (inclusive)	APP 23.07.2003
2003/1025	Use of land for a caravan rally for approximately 160 units from 28th May to 6th June 2004 (inclusive)	APP 23.07.2003
2003/0963	Use of land for a caravan rally for approximately 80 units from 28th May to 6th June 2004 (inclusive)	APP 10.07.2003
2003/0958	Use of land for a caravan rally for approximately 50 units from 7th - 9th May 2004 (inclusive)	APP 10.07.2003

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<b>Item 3 (Cont'd)</b>		<b>Application Number:</b>	2020/2393/TEM
2003/0899	Temporary use of land for siting of tents for approximately 100 units from 23rd May 2003 to 28th May 2003 (inclusive), 25th July 2003 to 10th August 2003 (inclusive) and 22nd August 2003 to 26th August 2003 (inclusive)	APP	04.07.2003
2002/0951	Use of land for a caravan and camping rally for approximately 300 units from 23rd May to 1 June 2003 (inclusive)	APP	19.07.2002
2002/0748	Temporary use of land for siting of tents for approximately 100 units from 31st May to 9th June 2002 (inclusive), 25th July to 5th August 2002 (inclusive) and 23rd August to 27th August 2002 (inclusive)	APP	14.06.2002
2001/1364	Use of field for a caravan rally for approximately 150 units from 24 May to 5 June 2002 (inclusive)	APP	21.09.2001
2001/0897	Use of land for caravanning rally for approximately 150 units from 24 May to 2 June 2002 (inclusive)	APP	13.07.2001
2001/0895	Use of land for a caravan rally for approximately 150 units from 19 July to 11 August 2002 (inclusive)	APP	13.07.2001

### **RESPONSE TO CONSULTATIONS**

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by placing a Site Notice within the vicinity of the site on 18th January 2021. The application was also advertised by means of a Press Notice, as a departure to the Swansea Local Development Plan. No objections have been received to date.

### **Penrice Community Council**

Council did not object providing that the CCS are monitoring the number of caravans in the area at any one time and that the number is not excessive to the amount that would detrimentally affect the area for the residents and visitors to the Gower.

### **Head of Transportation and Engineering**

No objection

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Application Number:

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## APPRAISAL

### Introduction

This application is reported to Planning Committee for determination as it does not accord with the provisions of the Swansea Local Development Plan.

### Description

This application seeks temporary planning permission for the use of land for a caravan rally for a maximum of 130 units, from 25th August 2021 to 5th September 2021 (inclusive) at Field 7700 Bank Farm, Horton.

### Policy Context

The primary issues in the consideration of this application relate to the impact of the proposed development on the character and appearance of the area and highway safety, having regard to Policies PS2, CV2, ER4 and TR11 of the Swansea Local Development Plan (2019).

### Planning Considerations

Policy TR 11 - relating specifically to caravan rallies - states that 'The duration of any one rally on a site will be restricted to no more than 28 consecutive days or a total of 65 days in any one calendar year'.

Field 7700 of Bank Farm has already been given planning permission for the following events during 2021:

2020/1441/TEM - Use of land for camping and caravan rally for a maximum of 90 units from 26th March 2021 to 11th April 2021 (inclusive)

2020/1442/TEM - Use of land for camping and caravan rally for a maximum of 90 units from 28th May 2021 to 6th June 2021 (inclusive)

2020/1447/TEM - Use of land for camping and caravan rally for a maximum of 90 units from 19th July 2021 to 16th August 2021 (inclusive)

The above events amount to a total of 56 days. The additional 12 days requested as part of this application would mean that the site could in theory be used for a total of 68 days in this calendar year, contrary to the '65 day cap' specified in Policy TR 11.

The first scheduled rally was not permitted to commence on the 26th March due to pandemic restrictions, but was only able to commence on the 27th March, when self-catering holiday accommodation was permitted to take place in Wales. Consequently, if this application was approved, the site would only be used as a caravan rally for 67 days - 2 days in excess of the 65 day cap.

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It should be noted that Policy TR 11 limits the duration of rally days to one site for two reasons; to avoid significant highway impacts and to avoid landscape impacts.

In July 2020, the Welsh Government wrote to all Local Planning Authorities to explain how the planning system can aid in the recovery of the economy and businesses during the Coronavirus crisis. In terms of caravan parks and self-catering accommodation the Welsh Government advises that "the industry has identified a need to boost income and encourage recovery by supporting an extension of the season for caravan parks and self-catering accommodation which are prevented from opening all year."

It is accepted that this application is contrary to Policy TR11, as the proposed caravan rally will result in the site being used for a cumulative number of 67 days this calendar year, which is 2 days in excess of the 65 days permitted by this policy. However, given the Welsh Government's advice above, it is considered that the additional 2 days should be permitted for this calendar year, as it will aid the economic recovery of the tourism sector during the current Coronavirus crisis. It should also be noted that no objections have been made to the application by third parties or consultees.

**Access and Highway Safety**

The Head of Transportation was consulted and responded with the following comments:

Bank Farm is an established site regularly used by the Caravan and Camping Club. The site is well managed with established access from the highway network. Given that arrivals and departures are managed in accordance with club and site rules and not all arrivals and departures are not expected to occur simultaneously there are no highway objections.

It is noted that there is already a rally taking place at another field within Bank Farm at this time. Approval has been given for 40 units on Field 0005 from 31st August 2021 to 5th September 2021 (ref. 2020/1682/TEM). As such, it is important to take in to account the cumulative impact of all rallies on the area. The applicant has stated that if this application was granted, planning permission 2020/1682/TEM would not be necessary and therefore would not be implemented. Notwithstanding this, it is not considered that a combined total of 130 units would have such a detrimental impact upon highway safety to warrant the refusal of this application.

Notwithstanding this, arrivals and departures would need to be adequately managed by the site. If there are problems reported, they would be taken into account for any subsequent applications.

**Conclusions**

In conclusion, it is considered that the proposal represents an acceptable form of development. Whilst it is accepted that the proposed development would fail to comply with Policy TR11 of the Swansea Local Development Plan (2019), in this instance, the temporary highway and landscape impacts should not outweigh the economic benefit to the site owner and the wider tourism sector within Swansea. On that basis, approval is therefore recommended.

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## RECOMMENDATION

### APPROVE subject to the following conditions:

- 1 This permission relates to the siting of a maximum of 130 touring caravans and permission is granted for a temporary period only from 25th August 2021 to 5th September 2021 (inclusive) after which time the use shall cease. No caravans or other structures associated with the use hereby approved shall be on the site before 25th August 2021 or after 5th September 2021.

Reason: To define the scope of this permission and to enable the Local Planning Authority to review the situation at the end of that period.

- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, received 19th November 2020.

Reason: To define the extent of the permission granted.

### 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, CV2, ER4 and TR11
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The site shall be kept in a neat and tidy condition at all times and compliance with this requirement will be taken into account in the consideration of any subsequent application for the renewal of this consent.
- 4 The applicant shall comply with the requirements of the Head of Environmental Management and Protection of the City and County of Swansea.