

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

In terms of other planning history at the site, full planning permission was granted in 2007 under planning permission 2006/1156 for 26 dwellings including highway improvements and a replacement bridge. A subsequent full application for an amended access road (to the 2006/1156 development) was approved in 2012 under Ref: 2011/1041. A further application (2012/0861) was submitted to renew the 2007 planning permission, but was later withdrawn.

The current position is that there is an extant outline planning permission at the site granted in 2020 under Ref: 2018/2168/OUT for the following development:

"Construction of up to 20 dwellings, new access road and replacement bridge (outline)".

Details of the access were approved under the outline permission, however, matters relating to appearance, landscaping, layout and scale were reserved for future consideration. It is noted the 3 year time period in which to submit the reserved matters under condition 2 of the permission has now expired. Therefore, should the owner or developer wish to develop the site under the outline permission then a Section 73 application would need to be submitted to extend the time period to submit the reserved matters.

More recently a reserved matters application was submitted in 2020 under Ref: 2020/1988/RES, but was later withdrawn as the reserved matters details fell outside of the scope of the scale parameters that accompanied the outline planning application. The decision to withdraw the application was preceded by the submission of a non-material amendment application to amend the scale parameters of the outline. That was refused under Ref: 2020/2240/NMA on the basis that the scale parameters formed part and parcel of the outline planning permission and could not be amended through a non-material amendment application.

This current application was originally submitted as a reserved matters application but was later converted to a full application as the scale parameters for the dwellings are larger than those approved under the outline planning permission.

Site Location

The application site forms an irregular shaped parcel of land measuring some 1.38 hectares that extends from Walters Road along Felin Fran and widens to occupy the land located between the M4 Motorway embankment to the east and the freight railway embankment to the west. The main body of the site that diverts from Felin Fran has previously been cleared of vegetation, leaving re-colonised ground vegetation with an earth embankment and a small line of deciduous trees. The site is currently largely overgrown.

Description of Development

This is a full planning application for the construction of 20 dwellings and replacement bridge. As with the outline permission, access to the site would be derived off Walters Road via a bridge spanning the Nant Bran, which is proposed to be replaced. The access would then follow the alignment of Felin Fran into the site before diverting to create a spine road that would meander through the site. Frontage development is proposed on one side of the street comprising of detached, semi-detached and terraced dwellings, with all dwellings facing a west/north-west direction towards the M4.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Planning Policy

The National Development Framework: 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.

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 (Edition 12: February 2024)

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Access and Inclusivity

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

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

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

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

Character

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

Community Safety

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

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate.

3.13 Existing infrastructure must be utilised and maximised, wherever possible. Where new infrastructure is necessary to mitigate transport impacts of a development and to maximise accessibility by sustainable non car modes, it should be integrated within the development layout and beyond the boundary, as appropriate. This could include works to connect cycle routes within a site to a wider strategic cycling network or provision of bus priority measures on highway corridors serving a new development.

Promoting Healthier Places

3.21 Planning authorities have a role to play in the prevention of physical and mental illnesses caused, or exacerbated, by pollution, disconnection of people from social activities (which contributes to loneliness) as well as the promotion of travel patterns which facilitate active lifestyles. The planning system must consider the impacts of new development on existing communities and maximise health protection and well being and safeguard amenity. This will include considering the provision of, and access to, community and health assets, such as community halls, libraries, doctor's surgeries and hospitals. Health impacts should be minimised in all instances, and particularly where new development could have an adverse impact on health, amenity and well being. In such circumstances, where health or amenity impacts cannot be overcome satisfactorily, development should be refused.

3.23 Green infrastructure can be an effective means of enhancing health and well being, through linking dwellings, workplaces and community facilities and providing high quality, accessible green spaces. In all development and in public spaces especially, there should be sensitive management of light, and exposure to airborne pollution should be kept as low as reasonably practicable. The compatibility of land uses will be a key factor in addressing air quality and creating appropriate soundscapes which are conducive to, and reflective of, particular social and cultural activities and experiences, particularly in busy central areas of towns and cities. Equally, the provision of quiet, tranquil areas which provide peaceful sanctuaries in otherwise noisy environments can help to reduce general levels of pollution and promote both mental and physical well being.

3.24 Where significant effects on human health are likely to arise as a result of development plans or individual development proposals, environmental impacts should be considered in full knowledge of the likely consequences for health. Information to assess potential impacts on health can be required through various mechanisms, such as sustainability appraisal of development plans and environmental impact assessments, and where relevant, health impacts should be incorporated into such assessments. In general, the most effective and collaborative ways of working will require shared and integrated approaches to evidence gathering and assessments. Health Impact Assessment¹³ makes a valuable contribution towards plan making. It may be useful when proposing or making decisions on new development along with evidence collected by Public Service Boards. Evidence on health impacts can help the planning system develop stronger and more coherent approaches towards maximising health and well being.

Sustainable Management of Natural Resources

3.30 In 2019 the Welsh Government declared a climate emergency in order to co-ordinate action nationally and locally to help combat the threats of climate change. The planning system plays a key role in tackling the climate emergency through the decarbonisation of the energy system and the sustainable management of natural resources. The transition to a low carbon economy not only brings opportunities for clean growth and quality jobs, but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

3.34 The Environment (Wales) Act 2016 introduces the Sustainable Management of Natural Resources¹⁴ (SNMR) and sets out a framework to achieve this as part of decision making. The objective of the SMNR is to maintain and enhance the resilience of ecosystems and the benefits they provide. The Welsh Government is required to prepare, publish and implement a statutory Natural Resources Policy setting out its priorities in relation to the SMNR while Natural Resources Wales (NRW) is required to produce a 'State of Natural Resources Report' and prepare 'Area Statements' to inform place based action. The Natural Resources Policy and Area Statements are a key piece of evidence which must be taken into account in development plan preparation.

3.35 Planning Policy Wales translates the principles of SMNR into use for the planning system.

3.36 The planning system is wide in its social, economic environmental and cultural scope and takes an all embracing approach to sustainable development where decisions on short and long term needs and cost and benefits come together. It secures outcomes where multiple benefits (more than one ecosystem benefit) can be provided as part of plan making strategies or individual development proposals. The key features of the SMNR approach to which the planning system can contribute are:

- improving the resilience of ecosystems and ecological networks;
- halting and reversing the loss of biodiversity;
- maintaining and enhancing green infrastructure based on seeking multiple ecosystem benefits and solutions;
- ensuring resilient locational choices for infrastructure and built development, taking into account water supplies, water quality and reducing, wherever possible, air and noise pollution and environmental risks, such as those posed by flood risk, coastal change, land contamination and instability;
- taking actions to move towards a more circular economy in Wales; and
- facilitating the move towards decarbonisation of the economy.

Supporting Infrastructure

3.61 Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working. Infrastructure which is poorly designed or badly located can exacerbate problems rather than solving them.

Active and Social Streets

4.1.19 Well designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy, and children can play. To make streets safer and more attractive places for people, the Welsh Government is making 20 mph the new default speed limit for most streets and taking measures to prevent pavement parking.

4.1.20 The design and layout of streets must give a high priority to their role as public spaces and meeting the needs of pedestrians, cyclists and public transport users, reflecting the principles of the sustainable transport hierarchy. To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds of 20 mph or less.

4.1.21 Well integrated green infrastructure, such as SUDS, street trees and verges, not only create a pleasant environment but can also achieve a range of other benefits, including pollutant filtering, urban cooling, water management and habitat creation. Such features should be included as part of a well designed street layout.

Active Travel

Planning authorities must support active travel by ensuring new development is fully accessible by walking and cycling. The aim should be to create walkable neighbourhoods, where a range of facilities are within walking distance of most residents, and the streets are safe, comfortable and enjoyable to walk and cycle.

4.1.32 Planning authorities must ensure new housing, jobs, shopping, leisure and services are highly accessible by walking and cycling. The design of development proposals should, in accordance with the sustainable transport hierarchy, start with identifying the shortest, most attractive walking and cycling connections and then addressing the other transport needs. Further guidance on this is contained within Manual for Streets and the Statutory Active Travel Guidance.

4.1.34 In determining planning applications, planning authorities must ensure development proposals, through their design and supporting infrastructure, prioritise provision for access and movement by walking and cycling and, in doing so, maximise their contribution to the objectives of the Active Travel Act.

4.1.35 New development must provide appropriate levels of secure, integrated, convenient and accessible cycle parking and changing facilities. As well as providing cycle parking near destinations and public transport interchanges, consideration must also be given to where people will leave their bike at home. Guidance on cycle parking is contained within the Active Travel Act Guidance. Planning authorities may alternatively wish to adopt locally specific minimum cycle parking standards and guidance.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Car Parking

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

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

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

Housing Delivery

4.2.21 Where new housing is to be proposed, development plans must include policies to make clear that developers will be expected to provide community benefits³⁴ which are reasonably related in scale and location to the development. In doing so, such policies should also take account of the economic viability of sites and ensure that the provision of community benefits would not be unrealistic or unreasonably impact on a site's delivery.

4.2.22 Where up to date development plan policies have set out the community benefits expected from development, planning applications which comply with them should be assumed to be viable and it should not be necessary for viability issues to be considered further. It is for either the applicant or the planning authority to demonstrate that particular exceptional circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the development plan and the viability evidence underpinning 34 'Planning Obligations', Welsh Office Circular 13/97 www.gov.wales/planning-obligations-circular-1397 and 'The Use of Planning Conditions for Development Management', Welsh Government Circular 016/14 www.gov.wales/use-planning-conditions-development-managementwgc-0162014 it are up to date, and any change in circumstances since the plan was adopted. Such circumstances could include, for example, where further information on infrastructure or site costs is required or where a recession or similar significant economic changes have occurred since the plan was adopted. Where negotiation is necessary, the planning authority and developer should operate in an open and transparent manner with all information provided on an 'open book' basis.

4.2.23 Planning authorities will need to ensure that in development plans and through the development management process they make the most efficient use of land and buildings in their areas. Higher densities must be encouraged on sites in town centres and other sites which have good walking, cycling and public transport links.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Affordable Housing

4.2.26 A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers.

4.2.30 Where development plan policies make clear that an element of affordable housing or other developer contributions are required on specific sites, this will be a material consideration in determining relevant applications. Applicants for planning permission should therefore demonstrate and justify how they have arrived at a particular mix of housing, having regard to development plan policies. If, having had regard to all material considerations, the planning authority considers that the proposal does not contribute sufficiently towards the objective of creating mixed communities, then the authority will need to negotiate a revision of the mix of housing or may refuse the application. Development plan policies should also state what the authority would regard as affordable housing and the arrangements it would expect for ensuring that such housing remains reserved for those who need it in perpetuity. All affordable housing, including that provided through planning obligations and planning conditions, must meet the Welsh Government's development quality standards.

Recreational Spaces

4.5.1 Recreational spaces are vital for our health, well being and amenity, and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well being of children and adults and for the social, environmental, cultural and economic life of Wales.

Transportation Infrastructure

5.3.1 The provision of sustainable transport infrastructure is essential in order to build prosperity, tackle the climate emergency, reduce airborne pollution and to improve the social, economic, environmental and cultural well being of Wales. The planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of well being, and is intrinsic to the quality of the spaces we live, work and play in. The planning system must maximise its contribution to the protection and provision of green infrastructure assets and networks as part of meeting society's wider social and economic objectives and the needs of local communities.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Taking a proactive and spatial approach, which links to wider activity being taken by local authorities to protect and provide green infrastructure, will help provide clarity around the contribution which the planning system can make. This means considering how it complements existing and future maintenance and management regimes within urban areas and contributes towards wider land management activities in rural areas to aid nature recovery, and its underpinning natural resources. This will require effective joint working and collaboration across various sectors and activities, including administrative boundaries. Establishing arrangements to promote collaboration across local authority borders will be necessary, especially where the provision of off site compensatory land to address biodiversity loss and provide enhancement will have the greatest benefit for biodiversity and resilient ecological networks.

6.2.11 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

6.2.13 There are multiple ways of incorporating green infrastructure, depending on the needs and opportunities a site presents, and the green infrastructure assessment should be referred to, as appropriate, in order to ascertain local priorities. Landscaping, green roofs, grass verges, sustainable drainage and gardens are examples of individual design measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places. Wider landscape measures, such as the creation of species rich meadows, woodlands and the improvement of linkages between areas of biodiversity value should be considered for larger scale development. In most cases the green infrastructure statement should highlight any baseline data considered and surveys and assessments undertaken, including but not limited to, habitats and species surveys, arboricultural surveys and assessments, sustainable drainage statements, landscape and ecological management plans, open space assessments and green space provision and active travel links.

Biodiversity and Ecological Networks

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement¹²⁴. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well being. Addressing the consequences of climate change should be a central part of any measures to protect, maintain and enhance biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements, Local Nature Plans, Local Nature Recovery Action Plans, Local Biodiversity Action Plans and held by Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

- support the maintenance and enhancement of biodiversity and the resilience of ecosystems;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats, including the most recent targets set out in the 2022 UN Global Biodiversity Framework;
- ensure statutorily and non statutorily designated sites and habitats are properly protected and managed and their role at the heart of resilient ecological networks is safeguarded;
- safeguard protected species and species of principal importance and existing biodiversity assets from direct, indirect or cumulative adverse impacts that affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water, air and soil, including peat; and
- secure the maintenance and enhancement of ecosystem resilience and resilient ecological networks by improving diversity, extent, condition, and connectivity.

6.4.4 It is important that biodiversity and ecosystem resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries, nor by sectoral activity or regulatory regimes, they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on biodiversity and ecosystem resilience cannot be avoided, minimised or mitigated/restored, and as a last resort compensated for, it will be necessary to refuse planning permission.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site. The step wise approach outlined below is the means of demonstrating the steps which have been taken towards securing a net benefit for biodiversity. In doing so, planning authorities must also take account of and promote the resilience of ecosystems, in particular the following attributes, known as the DECCA Framework:

- diversity between and within ecosystems;
- the extent or scale of ecosystems;
- the condition of ecosystems including their structure and functioning;
- the connections between and within ecosystems; and
- adaptability of ecosystems including their ability to adapt to, resist and recover from a range of pressures likely to be placed on them through climate change for example.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Maintaining and Enhancing Biodiversity

6.4.11 Planning authorities must follow a step wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact.

6.4.12 Having worked iteratively, in line with Figure 12, through the stages of the step wise approach below, and providing evidence in the Green Infrastructure Statement that the step wise approach has been followed, a scheme of enhancements must be provided to ensure a net benefit for biodiversity. Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission. Enhancement measures could include on site, locally relevant, habitat creation and/or could be part of the development itself favouring the use of native species using biodiverse nature based solutions such as SuDS, green roofs, grassland management for wildflowers or reptile refugia, woodland expansion, and wetland creation.

Protection for Non statutory Designations

6.4.31 Although non statutory designations do not have a statutory process for their protection, Sites of Importance for Nature Conservation, Local Wildlife Sites, Local Nature Reserves, and Regionally Importance Geodiversity Sites make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given protection in development plans and the development management process. Non statutory sites can form the core of a vital network of threatened habitats, play an essential role in protecting, maintaining, connecting and restoring biodiversity and contribute to nature recovery and a net benefit for biodiversity. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the local authority Ecologist and third sector environmental organisations. In all cases a written opinion must be secured from the local authority Ecologist. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be maintained or enhanced, planning authorities should state in their development plans what features or characteristics require protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority habitats and species including those on the Section 7 list and appropriate weight attached to their protection.

Protected Species 6.4.35 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

Trees, Woodlands and Hedgerows

6.4.37 Trees, hedgerows, groups of trees and areas of woodland are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make an essential wider contribution to landscape character, culture, heritage and sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling the climate emergency by locking up carbon, and can provide shade, shelter and foraging opportunities, wider landscape benefits such as air and diffuse pollution interception, natural flood management, and building materials. The importance of trees, in particular urban trees, in creating distinctive and natural places which deliver health and well being benefits to communities, now and in the future should be promoted as part of plan making and decision taking. Planning authorities must promote the planting of new trees, hedgerows, groups of trees and areas of woodland as part of new development.

6.4.38 Welsh native tree and hedge species, characteristic of the local area, provide a strong ecosystem resilience function, and they provide resources for local wildlife, particularly other native plants and species. Native tree and hedge species can also complement opportunities for natural regeneration. Alongside broader woodland habitat types, such as wood pasture, parkland and traditional orchards, native tree and hedge species help to define our cultural heritage and landscape, creating a strong sense of place and connection to the past.

6.4.39 Planning authorities must protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial green infrastructure function. Planning authorities should consider the importance of trees and woodland, particularly native woodland and valued trees, and should have regard to local authority tree strategies or SPG and the Green Infrastructure Assessment. Planning authorities should adopt appropriate, locally relevant, time sensitive, minimum tree canopy cover targets for their authority area to guide the protection and where appropriate the expansion of canopy cover. The Green Infrastructure Assessment and tools such as NRW's Tree Cover in Wales' Towns and Cities study and Forest Research's i Tree Eco tool will help establish a baseline of canopy cover and guide the identification of appropriate and measurable canopy targets. Tools to help with design and species choice in urban areas are also available.

6.4.40 Where trees, woodland and hedgerows are present, their retention, protection and integration should be identified within planning applications. Where surveys identify trees, hedgerows, groups of trees and areas of woodland capable of making a significant contribution to the area, these trees should be retained and protected. The provision of services and utilities infrastructure to the application site should also avoid the loss of trees, woodlands or hedges and must be considered as part of the development proposal; where such trees are lost, they will be subject to the replacement planting ratios set out below.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

6.4.42 Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step wise approach as set out in paragraph

6.4.15. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost and this must be preferably onsite, or immediately adjacent to the site, and at a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost. Where a woodland or a shelterbelt area is lost as part of a proposed scheme, the compensation planting must be at a scale, design and species mix reflective of that area lost. In such circumstances, the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers. The planting position for each replacement tree shall be fit to support its establishment and health, and ensure its unconstrained long term growth to optimise the environmental and ecological benefits it affords.

Water and Flood Risk

6.6.5 The Welsh Government aims to secure the provision of water services whilst minimising adverse impacts on the environment, amenity, health and communities, in light of the consequences of climate change. Development which is poorly designed or badly located can exacerbate problems associated with resource depletion, exposure to surface water flooding and diffuse pollution. The planning system should:

- protect and improve water resources and quality by promoting and encouraging increased efficiency and demand management of water as part of new developments, particularly in those areas where water resources may be under pressure or may not be available and where failure of water quality standards needs to be addressed;
- ensure that the infrastructure networks, including nature based solutions on which communities and businesses depend is adequate to accommodate proposed development, and takes into consideration the impacts of climate change, so as to minimise risk to human health and the environment and prevent pollution at source;
- ensure sustainable drainage systems are an integral part of design approaches for new development; and
- ensure the protection of the quantity and quality of surface and ground water supplies is taken into account as part of development proposals.

6.6.16 Diffuse pollution and surface water flooding arise as a result of run off from built surfaces, from potentially polluting development types and through sewage discharges from overloaded sewers or from private infrastructure, for example, septic tanks. Planning authorities should secure better management of drainage and surface water so as to tackle these issues by:

- ensuring sustainable drainage systems are incorporated into development enabling surface water to be managed close to or at source; and
- ensuring connection to the sewer in sewered areas and by minimising the proliferation of private sewage systems.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Sustainable Drainage Systems (SuDS) and Development

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

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

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

Development in Sewered Areas

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

Development and Flood Risk

6.6.22 The climate emergency is likely to increase the risk of flooding as a result of sea level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

6.6.24 Development Advice Maps enable planning authorities to take a strategic approach to flood risk and consider the catchment as a whole by providing a preliminary representation of flood risks, which inform decisions on the location of new development and the requirements necessary to support any applications which may be proposed. Together with flood consequences assessments they should assist understanding of how natural and man made defences work as integral components of places and provide a means by which the cumulative effects of development can begin to be understood.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

6.6.27 Planning authorities should be aware of the risk of surface water flooding, usually caused by heavy rainfall, and ensure developments are designed and planned to minimise potential impacts. Development should not cause additional run off, which can be achieved by controlling surface water as near to the source as possible by the use of SuDS. Care should be taken in places of shallow groundwater or where flooding is caused by combined surface and groundwater processes. In such situations direct infiltration SuDS may not be appropriate. Consultation with drainage bodies and NRW should be undertaken and relevant evidence and information drawn from Area Statements taken into account.

6.6.29 The ability of emergency services to respond to flood events should be taken into account when considering if a development in a flood risk area is appropriate. This may involve consultation with emergency planners, local resilience forums and other professional partners such as fire rescue, police and ambulance services.

Air Quality and Soundscape

6.7.1 Clean air and an appropriate soundscape, contribute to a positive experience of place as well as being necessary for public health, amenity and well being. They are indicators of local environmental quality and integral qualities of place which should be protected through preventative or proactive action through the planning system. Conversely, air, noise and light pollution can have negative effects on people, biodiversity and the resilience of ecosystems and should be reduced as far as possible.

6.7.2 National air quality objectives are not 'safe' levels of air pollution. Rather they represent a pragmatic threshold above which government considers the health risks associated with air pollution are unacceptable. Air just barely compliant with these objectives is not 'clean' and still carries long term population health risks. Nitrogen dioxide and particulate matter, which are the pollutants of primary national concern from a public health perspective, currently have no safe threshold defined and therefore the lower the concentration of those pollutants the lower the risks of adverse health effects. It is desirable to keep levels of pollution as low as possible. It is desirable to keep levels of pollution as low as possible.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

6.7.3 Certain sounds, such as those created by trees, birds or water features, can contribute to a sense of tranquillity whilst others can be reassuring as a consequence of their association with the normality of everyday activities. Problematic forms of sound are generally experienced as noise pollution and can affect amenity and be prejudicial to health or a nuisance. Noise action plans drawn up by public bodies aim to prevent and reduce noise levels where necessary and preserve soundscape quality where it is good. Noise levels used to identify priority areas contained in noise action plans are usually set quite high in order to focus resources on the most polluted areas and noise must meet a number of tests before it qualifies as a statutory nuisance. Lower levels of noise, however, can still be annoying or disruptive and impact on amenity and as such should be protected through the planning process wherever necessary. The planning system must protect amenity and it is not acceptable to rely on statutory nuisance under the Environmental Protection Act 1990 to do so.

Framework for Addressing Air quality and Soundscape

6.7.4 The planning system should maximise its contribution to achieving the well being goals, and in particular a healthier Wales, by aiming to reduce average population exposure to air and noise pollution alongside action to tackle high pollution hotspots. In doing so, it should consider the long term effects of current and predicted levels of air and noise pollution on individuals, society and the environment and identify and pursue any opportunities to reduce, or at least, minimise population exposure to air and noise pollution, and improve soundscapes, where it is practical and feasible to do so.

6.7.5 In taking forward these broad objectives the key planning policy principle is to consider the effects which proposed developments may have on air or soundscape quality and the effects which existing air or soundscape quality may have on proposed developments. Air Quality and soundscape influence choice of location and distribution of development and it will be important to consider the relationship of proposed development to existing development and its surrounding area and its potential to exacerbate or create poor air quality or inappropriate soundscapes. The agent of change principle says that a business or person responsible for introducing a change is responsible for managing that change. In practice, for example, this means a developer would have to ensure that solutions to address air quality or noise from nearby pre existing infrastructure, businesses or venues can be found and implemented as part of ensuring development is acceptable.

6.7.6 In proposing new development, planning authorities and developers must, therefore:

- o address any implication arising as a result of its association with, or location within, air quality management areas, noise action planning priority areas or areas where there are sensitive receptors;
- o not create areas of poor air quality or inappropriate soundscape; and
- o seek to incorporate measures which reduce overall exposure to air and noise pollution and create appropriate soundscapes.

6.7.14 Proposed development should be designed wherever possible to prevent adverse effects to amenity, health and the environment but as a minimum to limit or constrain any effects that do occur. In circumstances where impacts are unacceptable, for example where adequate mitigation is unlikely to be sufficient to safeguard local amenity in terms of air quality and the acoustic environment it will be appropriate to refuse permission.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Managing Potential Environmental Risk Arising through Construction Phases

6.7.26 Planning authorities must consider the potential for temporary environmental risks, including airborne pollution and surface and subsurface risks, arising during the construction phases of development. Where appropriate planning authorities should require a construction management plan, covering pollution prevention, noisy plant, hours of operation, dust mitigation and details for keeping residents informed about temporary risks.

Lighting

6.8.1 There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to:

- protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity;
- retain dark skies where appropriate;
- prevent glare and respect the amenity of neighbouring land uses; and
- reduce the carbon emissions associated with lighting.

6.8.4 Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy efficient design and to prevent light pollution.

De-risking Development

6.9.12 The planning system should guide development to reduce the risk from natural or human made hazards affecting the land surface or sub surface. The aim is not to prevent the development of such land, though in some cases that may be the appropriate response. Rather it is to ensure that development is suitable and that the physical, geo technical, chemical and other relevant constraints on the land, including the anticipated impacts which climate change may have, are taken into account at all stages of the planning process.

When considering development proposals planning authorities should take into account the nature, scale and extent of surface and subsurface hazards which may pose risks to health and environment, to ensure that:

- new development is not undertaken without an understanding of the risks, including those associated with the previous land use, pollution, groundwater, flood risk, subsidence, landslips, rock falls, mine and landfill gas emissions and rising groundwater from abandoned mines;
- development does not take place without appropriate remediation or precautions;
- consideration is given to the potential impacts which remediation of land, including land contamination, might have upon the natural and historic environment;
- development is not allowed if expensive engineering projects, which have implications for the public purse, will be required to serve it, for example, to prevent erosion, or in the case of receding cliffs, if a site is likely to be affected by loss of land to the sea during its lifetime or if it could contribute to pollution at a later date; and

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

- unstable land is restored to safeguard investment and, where possible, returned to productive use.

Land Contamination

6.9.16 Opportunities offered by the planning system to address land contamination should be maximised as part of its preference for the use of PDL. Whenever development or re development potential exists the planning system will be the preferred means of addressing potential land contamination.

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

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

Physical Ground Conditions and Land Instability

6.9.25 Planning decisions will need to take into account:

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

6.9.27 Where acceptable measures can overcome instability, planning permission may be granted subject to conditions specifying the necessary measures. If instability cannot be overcome satisfactorily, the authority may refuse planning permission.

Technical Advice Notes (TANs)

Technical Advice Note 2: Planning and Affordable Housing (2006)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2016)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note (TAN) 18: Transport (2007)

Adopted Swansea Local Development Plan (2010-2025)

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

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

PS 1 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.

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

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

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

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

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

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

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

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

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

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

T 2 Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

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

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

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

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

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

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

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

RP 3 Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

RP 4 Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

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

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

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

Supplementary Planning Guidance (SPG):

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

- Placemaking Guidance for Residential Development (adopted 2021)
- City and County of Swansea Parking Standards (adopted 2012)
- Trees, Hedgerows and Woodlands (adopted 2021)
- Biodiversity and Development (adopted 2021)
- Planning for Community Safety (2012)
- Planning Obligations (2010)

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

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Consultations:

Placemaking and Heritage:

"The density remains unaltered, the proposal being for 20 new homes. One of the previous 3 bed dwellings has been swapped to a 4 bed with the development now including 13 x 4 bed homes and 7 x 3 bed homes, including a small terrace of 3 AH's (plots 17-19). As identified previously, the Local Housing Market Assessment identifies the highest need being for 2 & 3 bedroom social rented in this zone.

The layout provides good active frontage to the internal street and plot 1 has been amended to be dual aspect and respond to the entrance to the site. This is welcomed.

A Green Infrastructure Strategy has not been provided. This was flagged in preceding comments and is a fundamental requirement to address GI at all scales. What is the justification for the lack of street greening in the form of build outs/street trees? The GI Strategy will also need to address multifunctional SuDS features at the site. It is not clear where the proposal has got to in addressing the SuDS requirement?

The tree report fails to address the impacts on the trees and the proposed drawings do not show new tree planting to mitigate tree loss.

No update has been provided on the use of the 'amenity space' on site? It is noted that a section 106 secures a contribution to upgrading local play facilities, so this 'amenity space' could effectively include planting/low level shrubs/seating etc?

Parking has been moved to private side driveways, and subsequently dwellings have shifted away from the rear embankment and closer to the street, an approach which is welcomed. The reinstatement of side driveways also allows for more useable rear gardens. Again this is welcomed. The case officer should make a full assessment, taking into account level changes and existing tree coverage to the rear of the plots.

Updated streetscene images have been provided which show a composition of two different detached dwelling housetypes and uniform semi-detached dwellings and a small terrace of three AH. The AH take the appearance of the semi-detached dwellings which is welcomed. A simple material palette is proposed comprising brick and render elevations. Full specification/details of all materials can be secured by condition. The housetypes have evolved considerably since the original submission and now offer an element of variety and interest to the streetscene and are acceptable in this context.

NB. The DAS, whilst dated August 2023, continues to reference the scheme as being for 'mainly 2-bed terraces and 3-bed detached dwellings'.

The proposal is now broadly supported from a Placemaking perspective subject to further information/clarification being provided to address the above points."

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Local Highway Authority (LHA):

The site benefits from a previous planning approval at the site for residential uses (2012/2168/OUT). There was also a section 106 associated with the planning permission. There is also the requirement to provide a financial contribution of £30,000 towards active travel measures. That scheme was supported by a Transport Statement covering up to 31 properties, now only 20 are being proposed.

In addition one of the conditions related to a new bridge needing to be approved (by the council under an Approval In Principle (AIP) process), and that bridge being built before any works commenced on site (due to the existing access bridge being substandard). Discussions had been ongoing with regard to the design of the bridge but an AIP was not forthcoming despite being encouraged to progress it.

The submitted plans indicate a beam/slab bridge supported on piles. The use of a precast culvert was ruled out due to the presence of a high-power gas main which runs under the bridge, and the need to maintain access to it. No further correspondence has taken place with regard to the bridge design.

Assuming that the bridge design can continue to be secured by condition, (as was previously) then this would be acceptable although not ideal. As part of the bridge design process any alterations required to the red line would leave the planning permission invalid.

It is understood that the applicant will ensure that the new bridge will be constructed prior to the commencement of any development, given the current condition of the existing infrastructure and the weight limitations. The new bridge layout has been confirmed to be at a width of 5.5 metres with a 2.0 metre footway along one side. This should be maintained throughout the development as a minimum, although it is seen to vary between the entrance and along the existing Felin Fran frontages.

Turning to the current layout the scheme involves stopping up parts of Felin Fran and the extension/realignment to provide access to the new estate. There are a number of existing residential units that access of Felin Fran and it will be a requirement for this access to be maintained at all times.

Notes made previously in relation to the Construction Method Statement are still valid, ie it is not fit for purpose and makes no mention of the process for removing the old bridge, installation of the new bridge whilst maintaining access for the existing residences. This needs to be addressed.

The development of the application site appears to require a number of construction activities that will impact the existing residents of dwellings on Felin Fran. This proposed method of construction, setting out how the activities will be carried out ensuring the safety of residents and all highway users, would be expected to be set out in detail in a Construction Method Statement. The realignment of parts of Felin Fran should be clearly identified and where direct access to properties is affected, appropriate mitigation set out for review and if appropriate, approval.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The application appears to contain a Construction Management Plan (CMP) which would appear similar to a Construction Method Statement (CMS). This is generic in its nature, could relate to any site and does not specifically deal with issues or constraints related directly to the development of this site.

It was previously determined that the removal of the existing bridge and the new replacement has not been considered within the CMP, this is a significant part of the works and would require to be include or have a separate detailed CMS of its own, once the method of demolition and construction is known. This construction activity may also affect the generic inputs given for noise, dust, hours of operation and site access and parking.

In the previous consultation response, it was set out in the planning conditions that swept path analysis would be required to be set out for refuse and emergency vehicles, that gradient details would be required and that details of how dwellings could continue to be accessed during the construction period.

The applicant has submitted swept path analysis of a refuse vehicle together with an appropriate amount of technical information relating to the vehicle specification, the assessed vehicle speeds through the development and during turning. The vehicle used is a 10.2 metre length refuse vehicle which is the appropriate standard approach. Whilst an emergency vehicle has not been assessed, the refuse vehicle is sufficiently robust to cover both assessments. It should be noted that should this application proceed to detailed design, as part of any S278 access proposals or potential S38 adoption, additional testing would be required in terms of a box luton van passing a large car travelling in opposite directions throughout the proposed layout.

The engineering details provided to show the existing and proposed road levels are noted and generally in the order of what would be expected to be submitted. Any final constructed design should be to adopted standards and as such not exceed maximum gradients.

Given that the principle has been established then it is not considered reasonable to raise an objection.

I recommend that no highway objections are raised to the proposal subject to:

1. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.
Reason: In the interests of highway safety in accordance with LDP Policies T1 and T5
2. The strategic access to the site shall be carried out in accordance with the following approved plans and documents: DDL/FF/01 (Proposed outline planning for 20 new dwellings), received 5th November 2019.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans. The access works will need to be undertaken by agreement with the Highway Authority.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

3. Prior to the commencement of development at the site full calculations and drawings for the new bridge which shall include a third party design check to verify the calculations, shall be submitted to and approved in writing by the local planning authority as part of the Approval In Principle (AIP) process. The bridge shall be constructed in accordance with the approved details prior to any other works commencing on the site.

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

4. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period, this should include all the areas where re-alignment of the Felin Fran is required and where access is provided, and will be maintained to existing dwellings. The Construction Method Statement should include the demolition of the existing bridge and replacement with a new bridge. Should this not be included within the site wide CMS, a specific and stand alone CMS will be required for this construction activity detailing how access to dwellings would be managed and how construction activity for the wider site would be affected. The statement for the whole development or two separate construct parts shall, both, provide for:

- i. the parking of vehicles of site operatives and visitors;
- ii. loading and unloading of plant and materials;
- iii. storage of plant and materials used in constructing the development;
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v. wheel washing facilities;
- vi. measures to control the emission of dust and dirt during demolition and construction; and
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works.
- viii. Full details of Felin Fran re-alignment and how access would be maintained for existing residents at all times.
- ix. Full details as to how the bridge is to be removed/replaced whilst maintaining access for the existing residents at all times.

Reason: To mitigate potential environmental pollution during the construction stage in accordance with LDP Policy RP1.

5. Prior to the commencement of development, highway related details shall be submitted to and approved in writing by the local planning authority of how the existing dwellings can continue to be accessed during the construction activities required. The development shall be completed in accordance with the approved details.

Reason: In the interests of highway safety and to accord with LDP Policies T1 and T5

6. The applicant providing a contribution of £30,000 (index linked from the date of the outline permission) via a Section 106 agreement to put towards active travel measures in the area to encourage sustainable travel.

Pollution Control:

“After reviewing the above planning application please find below conditions:

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

- Prior to commencement of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following: All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The Acoustic Report by Acoustic and Noise LTD does not refer to the current BS 8233 2014 which has now been updated to the measurements above.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

- The applicant is required to implement the mitigations advised in Appendix D of the Air Quality Assessment (Reference: ZJMFFS.AQA.FINAL) by DustScan AQ for the construction impacts”.
- Unforeseen Contamination

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

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

Landscaping (tree officer):

Conditions recommended in relation to a scheme of landscaping and tree protection.

Ecology:

"The ecology reports state that the row of oak trees along the ditch have potential for roosting bats. The woodland/treeline/boundary vegetation is also considered suitable to be utilised as a foraging and commuting feature and possible roosting habitat local bat species. Therefore these shall be retained and shall be managed as a dark corridor. The submitted Landscaping plans do not show any buffer zone to protect the trees from the development".

"Any proposed development layout shall retain the woodland, treeline and boundary vegetation features as a dark corridor, which shall further be protected with a buffer zone to protect these habitats from the development. This shall be shown on an amended Landscape Scheme drawing and submitted to the LPA for approval prior to determination".

Raised no adverse comments to the submitted a Bat Roost Assessment. Provided a series of advisory notes and requested further clarification in relation to the submitted Green Infrastructure Statement.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Recommended conditions in relation to: the timing of works; hedgehog sensitive fencing; trenches/excavations during construction; pre-construction checks; landscaping and tree protection; CEMP; ecological enhancements; precautionary working method for reptiles; sensitive lighting scheme; invasive non-native species (INNS) eradication scheme; and a Preliminary Ground Level Roost Assessment for Potential Roost Features (PRFs) for bats. Also recommended a condition for replacement tree planting.

Recommended informatives in relation to: birds; dormice and reptiles.

Drainage:

"NRW will need to be consulted with respect to the Flood Consequences Assessment as there may be impacts on main river flood risk due to some aspects of the development i.e. new bridge access".

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

Housing:

"The LDP Policy H3 Affordable Housing sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability. In this instance the application is in the East Strategic Housing Policy Zone where the target is for a minimum of 10% of the total number of dwellings provided on site to be affordable homes.

The Local Housing Market Assessment identifies a need for affordable homes across all bedroom sizes within the East Strategic Housing Policy Zone, the highest need being for 2 & 3 bedroom social rented accommodation. The affordable housing must be built to WDQR standard, integrated into the overall development and should not be obviously segregated through location, layout or design. The affordable units will be transferred to either Council/RSL to be determined".

Education:

Requested Contribution:

Primary:

There is no request for contributions to primary education for English (Trallwn) and Welsh (YGG Lon Las) schools as currently there is capacity at the schools to accommodate this development.

Secondary:

There is no request for contributions to Welsh secondary education at YGG Bryn Tawe.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

There is a request for developers' contribution of full generated amount £69,216.00 plus indexation towards English medium Cefn Hengoed secondary school, due to the current and projected limited capacity in the school which does not allow for flexibility with the existing commitments.

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.

Parks:

"I originally replied to this pre-planning application in November 2018 and had further correspondence with the planning officer in November 2019 where I proposed we ask for a financial contribution of £10k for the replacement of the Infant Multiplay Unit and a set of swings at Tregoff Village playground.

We are now nearly 4 years later and finances are in place to upgrade the playground at Tregoff Village so I propose we request a small developer contribution of £15k to £20k for an upgrade of equipment at Herbert Thomas Way which is approx. 500m distance away from the proposed development".

Commercial Waste and Recycling:

No response received to date.

Dwr Cymru Welsh Water:

"We have no objection to the application for approval of the reserved matters subject to compliance with the requirements of condition 5 imposed on the outline planning permission. As part of this latest consultation, we acknowledge receipt of a 'Plan of Surface Water Drainage' (Drawing No. 1748/300 Rev. C) which indicates proposals to dispose surface water flows to a surface water body whereas the accompanying drainage report indicates proposals to dispose foul water flows to the main sewer by gravity which we consider acceptable in principle".

Natural Resources Wales:

"We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: Construction Environmental Management Plan

Condition 2-6: Land Contamination".

"We previously reviewed the Flood Consequences Assessment (FCA) produced by Francis Sant, Report Number R/WWG/D/1748, April 2023. (The FCA is informed using NRW 2D TUFLOW model) to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

We advised in our letter dated 20 June 2023 (Our ref: CAS-19101-X5M7) that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with TAN15.

We acknowledged that the proposed dwellings are located outside of and some distance away from the flood zone and we do not have any concerns regarding flood risk to these new dwellings.

We advised that if the bridge was to form part of the planning application, we would need more information to advise on the acceptability of the design and to assess if it increased flood risk elsewhere.

We have now reviewed the submitted Technical Note, produced by JBA Consulting, Ref. 2023s 1295, dated 3 November 2023.

The Technical Note has been informed using the NRW Swansea Vale hydraulic model, dated March 2023, to which updates have been applied to develop an improved understanding of baseline flood risk. We have not reviewed the updates and our response is provided with that caveat.

The flood modelling exercise has been completed to understand both the flood risk to the proposed access bridge and to understand if the proposals will cause any increase in flood risk to third parties. A design drawing has been provided by CB3 Consult and this has been used to inform the updated model.

The flood modelling exercise has looked at three design events including 3.33%, 1% plus climate change, and 0.1% Annual Exceedance Probability (AEP) events. The Felin Fran access bridge remains flood free in all design events, and there is also a reduction in water levels immediately upstream of the bridge due to an increase in structure capacity and channel capacity.

In the 1% AEP plus climate change event there is an increase in water levels immediately downstream of the proposed access bridge, but this is primarily contained within channel except for a few cells on Walters Road that exhibit increase of 7mm. This increase is considered negligible and importantly has no influence on neighbouring properties. We would agree with this conclusion.

The proposed development does not comply with Technical Advice Note (TAN)15, however the proposed dwellings remain flood free as previously highlighted. The submitted Technical Note has provided evidence that the design of the new access bridge will ensure conveyance beneath the bridge and that the access road remains flood free, and there is no flood risk to third parties. We have no further concerns regarding flood risk to the proposed development site or third parties".

Health and Safety Executive:

"Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case".

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Network Rail:

"Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application".

Cadw:

No response received to date.

National Grid (Gas):

There are no National Gas Transmission assets affected in this area.

Wales & West Utilities:

"You will note the presence of our intermediate/high pressure gas main(s) in proximity to your site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with Wales & West Utilities".

General condition provided to be observed for the protection of apparatus and the prevention of disruption to gas supplies.

Police Designing Out Crime Officer:

No objection raised. Specific design comments provided in relation to Secured by Design standards.

Neighbour Comments:

The application was advertised in the press, by site notices and by neighbour letters. Responses to the public consultation have been received from two objectors, which may be summarised as follows:

- Concerns the roads to and from the development may not be capable of accommodating the amount of material required to construct 20 dwellings. The roads are not in good condition.
- Concerns the proposed road layout would not allow for access to 3 Felin Fran.
- Concerns regarding the level of information provided for the new bridge.
- Concerns regarding the construction of the development in close proximity to the high pressure gas main.
- Concerns the development could impact upon flooding due to the amount of additional water that would drain into the river.
- Concerns regarding the impact the development of the new bridge could have on water supplies and access to existing houses on Felin Fran.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

- Concerns regarding the impact the development may have on the ecology of the area.
- Concerns in relation to the Japanese Knotweed on the site.
- Concerns regarding the health impacts upon the future occupiers given the proximity of the development to the M4.
- Concerns the development would not be affordable for those trying to get on the housing ladder.

APPRAISAL

Main Issues

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

As this is a major development the application has been accompanied by a Pre-application Consultation (PAC) report. This report has been carried out in accordance with statutory requirements set out within the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended).

Principle of Development

The principle of the development has been established by the extant 2020 outline planning permission. At the time that application was considered, there were concerns regarding the isolated nature of the site. The Committee report noted the following:

"The isolated location of the development does weigh against the proposal, however, there are bus stops within walking distance of the site, which are served by services to Swansea, the Swansea Enterprise Park and Morriston hospital. The applicant has also investigated providing a twice daily hail and ride bus service within the site that would travel to Neath via Birchgrove, Skewen and Neath Abbey. More importantly, the site lies adjacent to the Swansea Vale strategic mixed use strategic site under Policy SD 1, this means that within the plan period the site should be located in close proximity to new residential and commercial areas. This will serve to assimilate the development with the regeneration at Swansea Vale and will improve transport links to the Swansea Enterprise Park and the Welsh primary school, Ysgol Gynradd Gymraeg Lon Las. Highways have requested a developer contribution in order to improve highway safety/active travel in the locality of the application site (discussed further below) and this would further improve highway safety and/or active travel connections in the locality.

Taking this into consideration, it is considered that despite its relatively isolated location, on balance, it is considered that the site is not so inherently unsustainable that planning permission should be refused for this reason. It is therefore considered, on balance, that the residential use of the site would not fundamentally conflict with LDP Policies."

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The site remains as white land within the LDP and while comprehensive proposals have not yet come forward for Swansea Vale, this remains a Strategic Development Area within the LDP under Policy SD I. On this basis, and having regard to the extant planning permission at the site, it is considered the principle of residential development at the site is currently established and is acceptable having regard to LDP Policies.

Placemaking and Visual Amenity

The application is highly contained by mature vegetation bordering the M4 to the east and the railway line to the west. The new road serving the development would effectively form a single spur off Felin Fran thus forming a large cul-de-sac layout with no through road.

There are three existing properties on Felin Fran, two of which are traditional stone fronted properties and one dormer bungalow. It is noted No. 1 Felin Fran has been significantly extended with a new two storey addition at the rear. The nearest dwellings on Walters Road are also mixed in character with a traditional gable fronted property at the junction of Walters Road and Felin Fran, sited adjacent to a pair of 1970 style semis and a detached dwelling that appears to be a modernised traditional property.

Importantly LDP Policy PS 2 states that development should enhance the quality of places and spaces and respond positively to aspects of local context and character that contribute to a sense of place. In this instance, given the mixed appearance of the built form in the local context, the provision of a new place with an alternative architectural design approach to existing dwellings in this location would be acceptable in principle.

The proposal is for a linear development that would back onto the railway embankment and face onto the new access road and the M4. A large undeveloped area is proposed to be retained on the eastern side of the site where a gas pipeline easement exists. There are two groups of mature broadleaf trees that would be retained, for the most part, in this area that would provide a mature landscaped setting to the development with their associated GI function in terms of shading, biodiversity and amenity. The plans indicate this undeveloped area would be landscaped as an amenity area for the benefit of the future residents. Both the railway embankment and the M4 are currently well screened by mature trees and this would not change as a result of the proposals. Indeed the proposals include the provision of a raised embankment on the eastern side of the development to provide enhanced acoustic screening.

Four house types are proposed in the form of 13 x 4 bed detached properties and 7 x 3 bed properties. All the dwellings are mainly detached or semi-detached with a single terrace of three units. The design has evolved since the original submission to incorporate side drive parking rather than frontage parking, this has allowed the dwellings to be pushed forward to increase the distance to the trees to the rear. The units are evenly spaced and the provision of front gardens together with the existing mature landscaped setting at the site will give the site a pleasant and verdant setting, despite its proximity to main transport routes.

The house types have also evolved since the original submission (which included only two house types). The dwelling on plot 1 has been turned to face down towards the street entrance while also incorporating windows in its gable elevation to front onto the street.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The variety introduced by the range of house types is welcomed and includes a gable fronted property which is currently popular with the larger house builders. This provides continuity with the other house types which also include smaller gable elements in the front elevations.

A street scene elevation for the whole development has been produced which demonstrates that the development would provide an interesting and varied street scene. The main facing materials would be a mix of brick and render, with red brick being the predominant material. This is acceptable in principle and further specific details can be secured by a condition.

The Council's Placemaking officer has reviewed the proposed development and is broadly supportive of the proposals but considers that further information should be provided in relation to Green Infrastructure requirements and further information regarding the function and landscaping for the amenity area opposite the housing.

A Green Infrastructure Statement has now been provided by the applicant, as highlighted above the existing mature landscaping, which is being retained for the most part will provide a green setting for the development. This, together with proposed tree planting within the amenity area as indicated on the landscaping proposals, has the potential to provide a green corridor on the eastern side of the site. For this reason, and due to the space available in front gardens for tree and shrub planting, it is not considered necessary in this instance to insist on specific street tree build outs within the spine street. The protection of existing mature trees can be secured by conditions and the delivery of a detailed landscaping scheme, including the species, can also be agreed by a condition. The green space on the opposite side of the spine street is indicated as an amenity area and the mature landscape setting would lend itself to a Local Area of Play with an emphasis on natural play such as logs and boulders for younger children to explore within a landscaped setting. Similarly, benches could be provided to allow the new community to dwell and socialise. Again, it is recommended that these requirements can be secured by a condition.

In summary, the overall layout and design of the development has evolved through several iterations and now presents a scheme that is consistent with good placemaking principles. The layout responds positively to the site's constraints in terms of its proximity to transportation routes but has also taken advantage of the opportunities presented by its verdant setting. On this basis it is considered that the proposed development would accord with LDP Policy PS2 and would broadly accord with the guidance contained within the SPG document 'Places to Live - A Residential Design Guide'.

Residential Amenity

The development would not be sited in close proximity to existing properties and would not, therefore, result in any significant overbearing, overlooking or overshadowing impacts upon existing occupiers on Felin Fran. While the development of the site would inevitably result in some noise disturbance during the construction period with could be mitigated by good construction practices. The occupation phase of the development would increase traffic along Felin Fran, however, it is considered the levels of traffic associated with this relatively small development would not result in any significant noise or disturbance upon existing residents in the locality along Felin Fran or Walters Road.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The proximity of the site to noise from the motorway and the railway line has the potential to constrain the development of the site without appropriate mitigation. This was also the case when the outline planning permission was being considered for the site.

When at the site, the noise from traffic on the motorway is clearly audible. A previous planning application at the site was recommended for refusal on the basis that the applicant had failed to demonstrate that the development would not result in significant noise impacts upon the future occupiers of the development.

In order to seek to address these constraints, this application has been accompanied by an acoustic report produced by Acoustic & Noise Limited. The report has been informed by acoustic modelling which allows for the investigation of noise emissions in complex or large outdoor environments.

In order to mitigate the noise impacts of the M4 upon the future occupiers of the development the report recommends the provision of an acoustic barrier (an earth bund or acoustic fence or a combination of both with a minimum height of 3m) on the eastern side of the development and around the northernmost plot (plot 20). This is partially indicated on the drawings along the boundary with the M4 but will need to be extended to the side of plot 20. In addition, the report specifies that an acoustic barrier would be required along the southern boundary of plot 1. It is considered that, in principal, these necessary features can be incorporated into the development without resulting in any significant visual impacts or any significant impacts upon the amenity of the future occupiers. It is therefore recommended that the provision of acoustic barriers are secured by a condition.

Even with the mitigation proposed, the outdoor noise levels for part of the gardens within plots 1 and 20 would exceed the relevant criteria, however, on the basis that over 50% of the garden area would be below the upper design criteria which BS 8233 (Guidance on Sound Insulation and Noise Reduction for Buildings) states would be acceptable in noisier environments, on balance this is considered to be acceptable.

In addition, there are specific requirements in respect of the sound reduction performance for the window units for the front elevations of the all plots and the rear elevation of plot 20. This is because during the day and night time periods the respective elevations of the dwellings on these plots would experience potentially excessive noise intrusion when windows are partially open. Within the affected elevations therefore effective sound insulation measures would need to be incorporated into the construction and adequate ventilation systems to ensure satisfactory levels of ventilation in accordance with building regulation requirements. This could potentially be in the form of trickle vents within the window units or a form of mechanical ventilation. It is recommended that such requirements are secured through planning conditions in order to protect the amenity of the future occupiers. Whilst it is acknowledged this requirement is not ideal, ultimately it would be the choice of the future home owners whether they would wish to utilise the inbuilt ventilation measures in favour of opening the windows. Certainly any future occupiers of the development would be aware and mindful of the noise characteristics in the surrounding area, and this would inform any decision to occupy a property on this site. With this in mind, on balance, it is not considered the noise impacts arising from adjacent noise sources would be so significant upon the future occupiers as to refuse planning permission for this reason alone, indeed it is a strong material consideration that there is already an extant planning permission on the site for 20 dwellings.

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The Council's Pollution Control division have reviewed the acoustic report and have offered no objection to the proposals on noise grounds subject to conditions requiring the implementation of the mitigation measures set out within the acoustic report. Such requirements are considered to be necessary to make the development acceptable in the interests of protecting the living conditions of the future occupiers in accordance with LDP Policies RP1 and RP2.

In relation to air quality, in order to assess the air quality impacts of the development the application has been accompanied by an air quality assessment produced by DustscanAQ. The application site is not located within or close to an air quality management area. The assessment indicates the construction phase of the development is predicted to have a 'Low to Medium Risk' of creating nuisance and/or loss of amenity due to dust. It further indicates the risk of dust nuisance arising from the construction phase can be mitigated by implementing mitigation measures.

In terms of the operational impacts, the assessment considers that due to the small-scale increase in the number of total development traffic and the existing low background concentrations, there would be a negligible impact upon local air quality as a result of the development.

Concerns have been raised by objectors regarding the health impacts upon the future occupiers given the proximity of the development to the M4. In terms of the health of the future occupiers, despite the proximity of the site to the M4, dispersion modelling has been undertaken and indicates the concentrations of NO₂ (sulphur dioxide), PM₁₀ (particulate matter 10 micrometers or less in diameter) and PM_{2.5} (particulate matter 2.5 micrometers or less in diameter) are all below the relevant AQO (air quality objectives) for the proposed development.

The Pollution Control Division have reviewed the air quality assessment and have not objected to the development on air quality grounds subject to mitigation measures for the construction phase which can be addressed through a planning condition requiring the submission of a construction environment management plan. In view of the foregoing, it is considered that the proposed development would not result in any significant impacts upon the living condition of existing occupiers on Felin Fran or the future occupiers of the proposed development. In this respect the proposed development would accord with LDP Policies PS2, S11, RP1 and RP2.

Access and Highway Safety

Felin Fran is an adopted road that effectively forms a cul-de-sac off Walters Road. The development proposes a new spur off Felin Fran to provide a new spine street through the site.

In order to develop the site there is a requirement to replace the existing weight restricted bridge. Concerns have been raised by objectors regarding the level of information provided for the new bridge and the potential for disruption during construction. The applicant's engineers have provided details of a beam/slab bridge supported on piles. The use of a precast culvert was ruled out due to the presence of a high pressure gas main which runs under the bridge. The design of the bridge has been the subject of discussions with the LHA and, subject to the submission of further bridge details, which can be agreed by a planning condition, the LHA have raised no objection with this aspect of the application.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The application has been supported by a Transport Statement produced by LvW Highways and notes that typical traffic movements are estimated at 14 vehicular trips in the morning peak and 12 vehicular trips in the afternoon peak hour. The site will also generate pedestrian, cycling, car sharing and public transport trips.

The LHA has advised that the proposed scheme involves the stopping up of parts of Felin Fran and there will be a requirement for access to the existing properties to be maintained through the course of the development. As Felin Fran is an adopted highway it is considered that this would be achieved through the Section 278 highway agreement. It is not therefore necessary to secure this requirement through the planning legislation.

The parking provision for the development is provided at two or three spaces per unit, which is considered to be acceptable having regard to the Swansea Parking Standards SPG. There have been no concerns raised by the LHA in relation to parking provision for the development.

Details of the road gradients and swept paths have been provided and the LHA have raised no overriding objections to these aspects of the development although some finer details would be resolved as part of separate S.278 or S.38 approvals via Highway legislation.

The LHA have requested a developer contribution of £30,000 in order to provide highway safety and/or active travel improvements in the locality. It is considered the provision of this contribution would serve to mitigate the highway safety impacts of the development and would serve to provide improvements in the locality in order to address concerns raised regarding the isolated character of the site in relation to active travel. On this basis the contribution request is therefore considered to be justified and it is recommended that the provision of this contribution is secured through a Section 106 planning obligation.

Highways have offered no objection to the planning application and have recommended conditions in respect of the following matters: future management of the roads; access to be carried out in accordance with the approved plans; full calculations and drawings for the bridge; and the provision of a construction method statement.

The above requirements are, for the most part considered to be necessary in the interests of highways safety, however, the provision of a construction method statement and details of how access to existing properties on Felin Fran would be maintained through the construction process is not considered to be necessary in this instance. Information regarding traffic movements to and from the site would be agreed through the CEMP. Moreover, in relation to access to existing properties, as the development will required a S278 agreement with the LHA a detailed construction method statement would be secured through that process.

Concerns have been raised by objectors stating that the local roads may not be capable of accommodating construction traffic. No evidence has been provided to suggest why this may be the case and, as such, limited weight is afforded to this concern. It is also noted that the construction route to the development would be along adopted roads as such there is no fundamental reason why this could not be accommodated on the existing highway network. In accordance with LHA requirements, the new bridge would be constructed prior to any other development works at the site and it is recommended this requirement is secured by a condition.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

Overall, therefore, subject to conditions it is considered that the proposed development would be acceptable in relation to its impacts upon highway safety and would therefore comply with LDP Policies PS2, T1, T5, T6 and the 'Swansea Parking Standards' SPG.

Ecology and Trees

The application site includes part of the Cwmrhydyceirw to Birchgrove Railway Site of Importance for Nature Conservation (SINC) and is adjacent to the M4 Corridor SINC. It is noted that concerns have been raised by objectors regarding the impact the development may have on the ecology of the area and that Japanese Knotweed is growing on the site.

The application has been accompanied by an Extended Phase 1 Habitat Survey which has been updated since the application has been submitted.

Large parts of the site have previously been cleared but these areas have now revegetated with species typical on disturbed ground. The key features on the site are the tree lined embankment on the western side. There is a hedge-bank and ditch running across the site with some sessile oak trees growing from it. There are areas of Japanese knotweed within the site.

The Extended Phase 1 Habitat Survey found no evidence of protected species at the site, however, the line of oaks at the start of the site has potential bat roosts, with cracks, holes and lifted bark. A potential bat roost assessment has been undertaken for these trees. The trees are proposed to be retained within the development, for the most part, and the assessment has indicated that no further survey work is required as none showed signs that they would be suitable for bat roosts.

It was established under the previous outline application that the likelihood of dormice at the site was negligible due to the isolated nature of the site from existing dormice records and the sub-optimal habitat on site. In order to address any residual risks of dormice being present on the site a condition requiring a clearance method statement is recommended.

The site has some potential for reptiles and this can be mitigated by a pre-cautionary approach to site clearance and it is recommended this is secured by a planning condition.

The Council's planning ecologist has noted that the proposed development would take place within part of a SINC and would therefore result in a loss of SINC habitat. LDP Policy ER 6 states that development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
- ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

Planning Policy Wales requires that planning authorities must follow a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for.

In respect of the requirements under ER6, it is noteworthy the important ecological features within the site, discussed above, are proposed to be retained, for the most part. The loss of SINC habitat can be mitigated through enhancement of the area which is proposed to be retained on the eastern side of the new access road as an open space/amenity area including the potential for an enhanced tree corridor to connect gaps within the existing corridor of mature trees. This requirement, together with other ecological requirements in terms of appropriate landscaping (to include native planting), sensitive lighting, invasive non-native species eradication, bat, reptile and dormouse mitigation, can be secured through conditions and informative notes which, it is considered, would provide mitigation for the loss of habitat and would mitigate significant biodiversity impacts at the site. Ecological enhancements, for example, in the form of bat or bird boxes and/or hibernaculum can also be secured by a planning condition.

The application has been supported by a tree survey which identifies the following trees would be removed, in the main to allow for the new street to be constructed but also to remove trees that are not suitable for retention due to arboricultural reasons:

Five B category trees (T1086, T1089, T1092, T1098, T1099), nine C category trees (T1039, T1040, T1041, T1043, T1044, T1087, T1088, T1090, T1091) will be removed to facilitate the development. Seven U category trees also need to be removed (T1042, T1059, T1063, T1064, T1065, T1069, T1113, T1114) and minor remedial treeworks need to be carried.

The Council's tree officer has reviewed the tree survey and has offered no objection to the removal of trees identified above, subject to mitigation planting being provided in accordance with the tree replacement standard as set out within the Trees, Hedgerows and Woodlands SPG. A total of 25 replacement native trees would be required and these have been indicatively shown within the tree survey. The Council's tree officer has acknowledged that there is sufficient space within the amenity area opposite the housing to provide these replacements and has offered no objection to the proposals subject to the provision of a landscaping scheme and tree protection measures for retained trees. The Council's Ecologist also recommends a condition for replacement planting.

On this basis it is considered that the proposed development would not conflict with LDP Policies ER2, ER6, ER8, ER9 or the advice within the Biodiversity and Development SPG.

Flood Risk and Drainage

The application has been accompanied by a Flooding Consequences Assessment (FCA) which confirms the site to be partly located within flood zone C2.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

This is an area of the floodplain without significant flood defence infrastructure. It should be noted that under TAN 15 residential development is regarded as highly vulnerable. Concerns have also been raised in a letter of objection that the development could impact upon flooding due to the amount of additional water that would drain into the river.

The Welsh Government issued a letter to Local Authorities in December 2021 providing clarification on the national planning policy position in respect of flood risk following the pause in the new TAN 15:

"Full consideration of flood risk and its management in the planning system remains of the highest priority. During the 18 month pause period, the existing policy framework of Planning Policy Wales, TAN 15 and the Development Advice Map (DAM), along with TAN 14 will remain in place".

"Local planning authorities can expect advice from Natural Resources Wales to highlight the FMfP where it clearly affects the context of the application. For example, if a site in DAM zone C1 will become zone 3 in the FMfP, Natural Resources Wales will highlight that fact and advise whether a flood consequences assessment should be undertaken. Natural Resources Wales may also draw attention to flood risk on sites where they are consulted for other reasons, if it is currently in zone A of the DAM but in a flood risk area on the FMfP."

"This type of advice is possible because the FMfP remains publicly accessible and provides better and more up to date information than the DAM. The FMfP holds no formal weight as it is not yet national policy, but best available information may be regarded as a material consideration."

Within the Flood Maps for Planning (FMfP) part of the site is located within Zones 2 & 3.

Importantly NRW have clarified the following:

"The proposed dwellings are located outside of and some distance away from the flood zone and we do not have any concerns regarding flood risk to these new dwellings"

Under TAN 15 new development should only be permitted within zones C1 and C2 if determined by the planning authority to be justified in that location. TAN 15 notes that highly vulnerable development and Emergency Services in zone C2 should not be permitted. In accordance with TAN 15, development, including transport infrastructure, will only be justified if it can be demonstrated that:

- i. Its location in Zone C is necessary to assist, or be part of, a local authority regeneration initiative or a local authority strategy required to sustain an existing settlement; or,
- ii. Its location in Zone C is necessary to contribute to key employment objectives supported by the local authority, and other key partners, to sustain an existing settlement or region;

and

- iii. It concurs with the aims of Planning Policy Wales (PPW) and meets the definition of previously developed land; and,

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

iv. The potential consequences of a flooding event for the particular type of development has been considered, and in terms of the criteria contained in sections 5 and 7 and Appendix 1 of the TAN15, found to be acceptable.

In terms of justification for the development, while the development is not technically part of a local authority regeneration initiative or a local strategy required to sustain an existing settlement, it is clear that the area of the development within the flood zone is adopted highway and the proposal effectively seeks to upgrade the highway to provide a replacement bridge and facilitate an improved access to the proposed housing development. The dwellings themselves, including their curtilage and the area of open space, would be outside Zone C2 flood risk area. Furthermore, the development benefits from an extant outline planning permission for a development of 20 houses and, on this basis, is effectively a housing commitment, although not formally recognised as such within the current LDP as the outline planning permission was granted after the adoption of the LDP. This extant permission is afforded significant weight in the planning 'balance'. In view of the foregoing, it is considered that the development can be justified under criterion i.

In terms of criterion iii., as indicated above, the part of the proposed development within the flood zone is already adopted highway and therefore would fall within the definition of previously developed land. As such, this reasonably satisfies criterion iii.

With regards to criterion iv., the application has been accompanied by a Flood Consequences Assessment Report (FCA) and Drainage Report, prepared by Francis Sant Ltd. An Emergency Flood Plan and Technical Note has also been submitted, prepared by JBA Consulting. The FCA provides a full assessment of the consequences of flooding at the site and is informed by the most up to date modelling that is currently available. NRW have reviewed flooding information submitted by the applicant. The main considerations in relation to flood risk is the potential consequences associated with flooding of the access to the site. Following NRW's initial comments on the proposals the applicant has submitted a further flooding Technical Note to specifically assess the potential impact of the proposed new bridge on flood risk in the locality.

Where Felin Fran meets Walter Road the existing access road has been shown to flood in both the 1% (1 in 100 year) event and the 0.1% (1 in 1000 year) event.

The flooding reports indicate there is a low point on Felin Fran, just north of the Nant Bran crossing where maximum depths during the 1% AEP plus climate change and 0.1% AEP event maximum depths are 700mm and 1.06m respectively. Generally, however, maximum depths along the highway at the junction are 150mm and 400 mm respectively for the design events.

In terms of the duration of the flood events, the flooding reports indicate that for the 1% AEP event plus climate change, flooding to the highway begins 2 hours into the modelled flood event with localised shallow flooding across Felin Fran. Shallow flooding to Walters Road to the west of its junction with Felin Fran starts flooding at 2 hours 30 minutes into the event with all areas accessible to vehicles and pedestrians at this time (less than 150mm). When 3.5 hours into the event, flood depths exceed those deemed suitable for pedestrians and vehicles. Flood water starts to recede after 4.5 hours, with the area almost entirely drained and passable by pedestrians and vehicles after 5.5 hours. The reports note the total duration of flooding would be 3.5 hours. It is considered that emergency vehicles will only have approximately 2 hours between hours 3.5 and 5.5 when flood water present a challenge to access the site.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

For the 0.1% AEP event, Felin Fran becomes impassable by hour 2.5. Maximum flood depths of 1.05m are experienced at hour 3.5 of the design flood event. However, due to the flashy nature of the catchment, the road is fully accessible 6.75 hours into the event when flood depths are no greater than 150mm. It is considered that emergency vehicles will only have approximately 4 hours between hours 2.5 and 6.5 when flood water would present a challenge to access the site.

The reports demonstrate the flood risk would affect part of the access only, the area of the proposed dwellings would be entirely unaffected. In relation to the consequences of flooding the reports consider emergency vehicles will have approximately 2 hours for the 1% AEP event and 4 hours for the 0.1% AEP event when flood water would present a challenge to access along Felin Fran. This is an existing situation for residents on Felin Fran, however, the provision of a further 20 dwellings accessed off Felin Fran will mean that additional residents will not be able to access their property or will be unable to exit Felin Fran during these extreme flood events. This impact, however, must be considered within the context of the modelled impacts upon the wider road network in the locality which sees the junction of Ynysallan Road and Heol Las impassable and flooded to maximum depths of between 1.6 and 1.8m during the 1% and 0.1% events respectively. It is therefore considered, on balance, that the provision of a further 20 dwellings accessed off Felin Fran would not result in any significant additional flooding consequences over and above the existing situation. In reaching this conclusion, significant weight has been given to the fact that the proposed dwellings would not be physically affected by flooding and that there is already extant permission for the site for up to the same number of dwellings.

A specific Technical Note for the new bridge has set out the results of a modelling exercise for three design events including the more frequent 3.33%, 1% plus climate change and 0.1% Annual Exceedance Probability (AEP). According to the Technical Note, the flood modelling outputs demonstrate the new bridge would result in a reduction of water levels immediately upstream of the Felin Fran access bridge for all design events due to an increase in structure capacity and channel capacity. In the 1% AEP plus climate change event there would be an increase in water levels immediately downstream of the proposed access bridge, however, the Technical Note indicates this is primarily contained within the channel except for a few cells on Walters Road that exhibit an increase of 7mm. The Technical note considers this increase is negligible and would have no influence on neighbouring properties. In commenting specifically on the bridge proposals, NRW state that they agree with the conclusions of the Technical Note and have no further concerns regarding flood risk to the proposed development site or third parties.

The Emergency Flood Plan sets out a flood mitigation strategy which focuses on site containment (stay-put policy) in the event of a flood warning being issued. The report indicates that site containment would only be required for less than 4 hours, even in the most extreme events. Under such circumstances, the actual risk posed to future occupiers of the proposed dwellings would be significantly reduced and, on balance, can be managed to an acceptable level.

The Emergency Flood Plan further recommends that gauge boards should be installed on Felin Fran to provide a visual indication to residents of the water depth during a flood event, it is recommended that this requirement is secured by a condition. Finally, the Emergency Flood Plan report recommends that residents should sign up to the NRW flood warning service and that the developer should include a "Flood Action Information Pack" for those purchasing the properties. The latter two requirements, whilst desirable, would not be enforceable and therefore it is recommended that such requirements should not be included as conditions.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The FMfP indicate that a small part of the site along Felin Fran and along the western part of the amenity area are affected by surface water flooding. The FCA indicates that some water could flow along the access road towards the site entrance via the highway drain or be accommodated within the new access road. Surface water also affects the existing area around the bridge, however, as indicated above, the bridge will be designed to ensure that it would not result in any increase in flood risk to neighbouring properties.

In view of the foregoing, the consequences of flooding at the site are considered, on balance, to be acceptable and can be managed to an acceptable level, subject to a condition to provide a flood gauge. It is also noted that significant weight is afforded to the extant permission for residential development on the site. On this basis it is not considered that the proposed development would not fundamentally conflict with LDP Policy RP5 or TAN15.

In relation to site drainage, foul water is indicated to be discharged to the mains system, however, the submission lacks details in relation to the proposed system and point of connection. DCWW have confirmed discharge of the mains system would be acceptable in principle. A condition is recommended for the submission of further foul water details in the interests of protecting the environment and to ensure the development is provided with satisfactory infrastructure.

Surface water is proposed to be discharged at an attenuated rate into the adjacent watercourse via attenuation basins within the amenity area. Surface water drainage details will be dealt with through the SuDS Approving Body (SAB) consent process and this would be dealt with by separate legislation.

In view of the foregoing it is considered, on balance, that the proposed development would not conflict with LDP Policies EU4, RP1, RP4 and RP5.

Land Contamination

There is potential land contamination at the site given the industrial history of the lower Swansea Valley. NRW has highlighted concerns that the Nant Bran crosses the site as such the potential risks to controlled waters at the site are not yet fully understood. In order to address these concerns NRW has recommended a suite of conditions, which are considered to be necessary to address potential contamination issues at the site and their associated environmental impacts. The Council's Pollution Control Division have also recommended a condition in relation to unforeseen contamination at the site. Subject to conditions, therefore, it is considered the development would not conflict with LDP Policies RP1 and RP6.

Health and Safety

The application site is traversed by the Llandarcy / Pontarddulais gas pipeline. Concerns have been raised by objectors regarding the construction of the development in close proximity to the high pressure gas main.

The HSE have responded to the application via their automated online planning advice service and does not advise, on safety grounds, against the granting of planning permission in this case.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The pipeline operator, Wales & West Utilities, have not raised an objection, but have provided general conditions to be observed for the protection of their assets during construction and highlighted the requirement to contact Wales & West Utilities if working within proximity to the pipeline. It is recommended this advice is included as an informative note.

On this basis, the public objection on safety grounds in relation to the proximity of the pipeline is afforded limited weight in the determination of this application. It is considered that the proposed development would not conflict with LDP Policy PS2 and RP1.

S106 Planning Obligation Matters

Open Space and Recreation Provision

LDP Policy S16 states that open space provision will be sought on all residential development proposals with capacity for 10 or more. This will include the creation of new on-site facilities, or improvements to existing local provision.

In view of the gas main easement at the site and the proximity of the M4, the provision of a formal play facility in the open space area opposite the housing may not be appropriate on noise and safety grounds. However, it is considered that a small local area of play with informal naturalistic play in the form of natural mounts, rocks or logs could be provided to encourage local outdoor play for younger children. Benches should be provided in this area for the community to sit out and socialise. It is recommended that these requirements can be secured by a condition together with a condition for the management of the areas of open space with the development.

In terms of formal play provision to serve the development, the outline planning permission was granted with a S106 planning obligation requiring a contribution for upgrades to the play park within Tregof Village, being the closest park to the development. The Parks department have confirmed that finances are already in place to upgrade this park (without the S106 contribution) and have therefore requested a contribution for upgrades to the park within Parc Bryn Heulog instead. In response to this request, in terms of walking distances, the application site is located some 920m from this park, whereas Tregof play park is some 500m from the site and Heol Las park is some 785m from the site. While it is acknowledged the park within Parc Bryn Heulog may need upgrading, given these distances, it is not considered that the proposed development of 20 dwellings would justify a contribution for the upgrade of a park located approximately 1km from the site when there are two others closer by.

Education

LDP Policy S13 states that where residential development generates a requirement for school places that cannot be met by catchment schools due to school capacity issues, or where there is surplus capacity but investment is required to make existing facilities for the purpose of accommodating the additional pupils, developers will be required to make appropriate financial contributions towards the costs of providing new or improved facilities.

The Education department have requested a contribution of £67,236 towards Cefn Hengoed Comprehensive School, on the basis of limited capacity at this school.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

In response to this request, the development would generate 3 no. English medium secondary school pupils. Reference to the capacity figures demonstrates that as of January 2023 there were 65 no. unfilled places at Cefn Hengoed Comprehensive.

A significant material consideration in this instance is that there is already an extant outline planning permission in place for up to 20 dwellings. When the outline planning application was determined, it was considered that an Education contribution for Cefn Hengoed Comprehensive could not be justified based on the existing surplus capacity at the school. The current capacity figures at the school remain similar, therefore, giving due regard to the extant planning permission, it is not considered that a contribution for Cefn Hengoed Comprehensive would be justified in this instance.

Affordable Housing

Under LDP Policy HC3, proposals for residential development on sites with capacity for 5 or more dwellings should provide on-site affordable housing, subject to consideration of the financial viability of the proposal. The application site is located within the East strategic housing policy zone and therefore the Housing department have requested 10% on-site affordable housing in accordance with LDP requirements.

It should be noted that under the outline planning permission the Housing department previously requested 15% on site affordable housing and this was subsequently secured through a section 106 planning obligation. It is now acknowledged that this was an error, with the correct target percentage for on-site affordable housing within the East strategic housing policy zone being 10%.

The applicant has provided no evidence to demonstrate that a development with a policy complaint level of on-site affordable housing would not be viable, as such it is recommended that 10% affordable housing provision should be secured through a S106 planning obligation.

Concerns have been raised in letters of objection that the housing within the development would not be affordable for this trying to get on the housing ladder. In response to this concern, whilst it is acknowledged there are no 2 bedroom units on the site, there are smaller 3 bed units. Furthermore, the Housing Department of the Council have no objections to the proposal subject to securing the required number of affordable units.

Highway Safety / Active Travel

These requirements have been examined within the access and highway safety section and it is deemed that a financial contribution of £30,000 for highway safety and/or active travel improvements in the locality is justified.

Other Matters

Matters raised during the public consultation within the 'Neighbour Comments' section above have been addressed in the above report.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The application site is within 500m of a scheduled ancient monument, with the closest being Scott's Pit Engine House & Ancillary Buildings, which is also Grade II listed. Sited approximately 450m to the south east of the site, the intervening urban form, including the M4, would prevent any intervisibility between the site and this heritage asset, as such it was not considered necessary to consult Cadw on this application. It is not considered the development would result in an adverse impact upon any significant heritage assets within the vicinity of the site.

Planning Obligations

In 2010 the Community Infrastructure Levy Regulations (2010) came into effect. Reg 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure adequate education provision, secure affordable housing on site, provide sufficient open space and ensure its continued maintenance, monitor air quality, promote local employment benefits, secure appropriate long-term marketing of the retail/ commercial units and to improve accessibility for vehicles and pedestrians to/ from the development to ensure policy compliance.)
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development.) and
- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure the aforementioned contributions for the development of this site).

The Planning Obligations associated with this development include:

- **Affordable Homes** - A minimum of 10% (2 units) on-site affordable housing provision to WDQR standards, house types/sizes to be confirmed, social rented tenure to be transferred to a Registered Social Landlord/Council.
- **Highway Safety and/or Active Travel** - A developer contribution of £30,000 for highway safety and/or active travel improvements in the locality.
- Management and Monitoring fee - £1840 (20% of planning fee).

Conclusion

This is a full planning application for 20 new dwellings on a site that benefits from an extant outline planning permission for up to 20 dwellings. The proposal has been considered in light of the principles established by the previous outline planning permission, noting that that permission was also considered and approved under the current LDP policy framework. Whilst there have been general changes to national planning policies since the previous application was considered, particularly in relation to ecology and green infrastructure, and changes to the Council's SPG, the changes are not wholesale and, where relevant, the proposals have taken into account these changes.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The development has been considered against national and LDP policies relating to matters regarding design and layout; residential amenity; noise; air quality; highway safety; flooding; drainage; proximity to a notified gas pipeline; land contamination; and ecology impacts. The proposal is, on balance, considered to be acceptable having regards to national and local planning policies. Also, an important material consideration in the determination of this application is that the site already benefits from extant permission for up to 20 residential units and significant weight is afforded to this.

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

RECOMMENDATION

That the application be APPROVED, subject to the conditions indicated below and the applicant entering into a Section 106 Planning Obligation in respect of the contributions listed above.

If the Section 106 Planning Obligation is not completed within 6 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with one or more of the following policies: IO1, PS2, ER1, ER2, ER6, ER8, ER9, ER11, T1, T2, T5, T6, EU4, H3, RP1, RP2, RP3, RP4, RP5, RP6 and SI6 of the Adopted Swansea Local Development Plan (2010- 2025).

- 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:

DDL/FF/20/01 J2 (Proposed Planning for 20 New Dwellings C/W Landscape Design)
DDL/FF/20/V1 J2 (Proposed Planning for 20 New Dwellings C/W Landscape Design)
DDL/FF/20/V2 J2 (Proposed Planning for 20 New Dwellings C/W Landscape Design)
DDL/FF/20/V3 J2 (Proposed Planning for 20 New Dwellings C/W Landscape Design), received 1st March 2024.
DDL/FF/20/01 J (Proposed Planning for 20 New Dwellings C/W Landscape Design)
SS.01 (Site Sections), received 21st February 2024
LS01 (Access Road Long section)
LS02 (Access Road Long Section)
SK01 (Proposed Site Layout), received 19th February 2024.
SV.01 (Street Views), received 13th February 2024.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

PD/FF/5P3B/4 (3 Bed Semi-Detached Design WDQR 5P3B Render OPT2)
PD/FF/5P3B/5 (3 Bed Semi-Detached Design WDQR 5P3B Brick OPT2)
PD/FF/5P3B/8 (3 Bed Mid Terrace Design WDQR 5P3B Brick OPT3)
PD/FF/6P4B/1 (4 Bed Detached Design WDQR 6P4B Render Plot 1)
PD/FF/6P4B/1 (4 Bed Detached Design WDQR 6P4B Render OPT2)
PD/FF/6P4B/2 (4 Bed Detached Design WDQR 6P4B Brick OPT3), received 20th November 2023.
PD/FF/5P3B/4 (3 Bed Semi-Detached Design WDQR 5P3B Render)
PD/FF/5P3B/5 (3 Bed Semi-Detached Design WDQR 5P3B Brick)
PD/FF/6P4B/1 (4 Bed Detached Design WDQR 6P4B Render)
PD/FF/6P4B/2 (4 Bed Detached Design WDQR 6P4B Brick OPT2)
PD/FF/6P4B/2 (4 Bed Detached Design WDQR 6P4B Brick)
PD/FF/7P4B/2 (4 Bed Detached Design WDQR 7P4B Render)
PD/FF/7P4B/E2 (4 Bed Detached Design WDQR 7P4B), 2nd October 2023.
Site Location Plan, received 28th April 2023

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

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

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

- 4 No development including site clearance, shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Identify any surrounding watercourses, including intermittent drainage from highways, that could run across the site. Clarify what measures, if any, could be implemented to ensure that water could be prevented from running across the site, so that it could carry on its journey without becoming contaminated from the construction activities.
- Propose measures to ensure how any water that could not be prevented from running across the site, would be protected from becoming contaminated with sediment
- Propose how to manage water arising from the site, such as rainfall, in such a way that it does not become contaminated with sediment.
- Propose measures which ensure how any water contaminated with sediment will be prevented from leaving the site before it is clean.
- Propose how any drains that have been laid are going to be protected from sediment laden water entering them.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

- Biodiversity Management: details of tree and hedgerow protection; species and habitats protection, avoidance and mitigation measures.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Control of Nuisances: details of restrictions to be applied during construction including timing, duration and frequency of works; details of dust control measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- Traffic Management: plant on site, wheel wash facilities.
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to pollution, contamination, water resources, ecology and residential and general amenities, in accordance with LDP Policies PS2, ER8, ER9, RP1, RP2, RP3, RP4 and RP6.

- 5 Prior to the commencement of development at the site full calculations and drawings for the new bridge which shall include a third party design check to verify the calculations, shall be submitted to and approved in writing by the local planning authority. The bridge shall be constructed in accordance with the approved details prior to any other works commencing on the site.

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

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

1. A preliminary risk assessment which has identified:

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

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

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

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

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

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

Reasons: The controlled waters at this site are of high environmental sensitivity and contamination is known/strongly suspected at the site due to its previous industrial uses in accordance with LDP Policy RP1, RP4 and RP6.

7 Prior to occupation of any part of the permitted development, a verification report, where necessary, demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan, where necessary, for longer terms monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reasons: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site in accordance with LDP Policies RP1, RP4 and RP6.

8 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reasons: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated in accordance with LDP Policies RP1, RP4 and RP6.

9 Prior to the occupation of any dwelling hereby approved, in accordance with the recommendations set out within Section 6 of the report produced by Acoustics & Noise Limited, details of an acoustic barrier at the eastern extent of the site and extending around the rear boundary of plot 20, and a barrier on the southern boundary of plot 1 shall be submitted to and approved in writing by the local planning authority. The barrier shall be a minimum of 3m in height with a minimum superficial mass of 20 kg/m². In relation to plot 1 an acoustic barrier shall be constructed to a minimum height of 1.8m with a superficial minimum mass of 15 kg/m².

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The barriers shall be constructed in accordance with the approved details prior to the occupation of any dwelling hereby approved and shall be retained as approved for the lifetime of the development.

Reason: To ensure a satisfactory noise environment for the future occupiers in accordance with LDP Policy RP1 and RP2.

- 10 Prior to commencement of the development a scheme shall be submitted to and approved in writing by the local planning authority to provide the following: All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures shall ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night. The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with acoustically treated active ventilation units. No dwelling hereby approved shall be occupied until the required sound insulation and ventilation measures have been installed in accordance with the approved details.

Reason: To ensure a satisfactory noise environment for the future occupiers in accordance with LDP Policy RP1 and RP2.

- 11 Prior to the occupation of any dwelling hereby approved a flood gauge shall be installed along Felin Fran in accordance with details to be submitted to and approved in writing by the local planning authority. The flood gauge shall be retained as approved for the lifetime of the development.

Reason: To provide residents with an indication of flood levels along Felin Fran, in accordance with LDP Policy RP5.

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

Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the SW system is not designed to accommodate and in the interests of residential amenity, in accordance with LDP Policies PS2, RP4 and RP5.

- 13 Prior to the commencement of development, details of a scheme for the disposal of foul water for the development hereby approved shall be submitted to and approved in writing by the local planning authority. No dwelling hereby approved shall be occupied until the approved foul water drainage scheme has been implemented for that part of the site.

Reason: To ensure the development is served by satisfactory infrastructure and in the interests of health and safety in accordance with EU4, RP1 and RP4.

- 14 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling in accordance with LDP Policies R1 and RP4.

Planning Committee – 9th April 2024

- | | | |
|------------------------|----------------------------|---------------|
| Item 1 (Cont'd) | Application Number: | 2021/0033/FUL |
|------------------------|----------------------------|---------------|
-
- 15 No above ground construction in relation to any dwelling hereby approved shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area in accordance with LDP Policy PS2.
- 16 Prior to any above ground development works, details of a local area for play within the amenity area indicated on drawing no. DDL/FF/20/01 Rev J2 (Proposed Planning for 20 New Dwellings C/W Landscape Design) shall be submitted to and approved in writing by the local planning authority. The local area for play shall incorporate features such as natural mounds, boulders and/or logs and a minimum of 2 benches. The local area for play shall be installed in accordance with the approved details prior to the occupation of the last dwelling to be constructed on the site.
Reason: To provide satisfactory play facilities on site in accordance with LDP Policy SI6.
- 17 Notwithstanding the details indicated on the approved drawings, no development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include a minimum of 25 native species trees as set out within Section 7 (Mitigative Planting) of the RTAC Felin Fran Tree Survey dated 12th February 2024. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land and shall identify those to be retained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with LDP Policies ER2, ER6, ER8, ER9 and ER11.
- 18 Prior to the commencement of any development or clearance works a tree protection plan shall be submitted to and approved in writing by the local planning authority to protect the retained trees as indicated within the RTAC Felin Fran Tree Survey dated 12th February 2024. The approved tree protection measures shall be erected before any equipment, machinery or materials (for the purposes of the development) are brought onto the site, and shall be maintained until all equipment, machinery and surplus materials have been removed from the development site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the Local Planning Authority.
Reason: To prevent detrimental impact to trees, hedges and other landscape features which contribute to the amenity, landscape & biodiversity of the site and surrounding area in accordance with LDP Policies ER2, ER6, ER8, ER9 and ER11.

Planning Committee – 9th April 2024

- | | | |
|------------------------|----------------------------|---------------|
| Item 1 (Cont'd) | Application Number: | 2021/0033/FUL |
|------------------------|----------------------------|---------------|
-
- 19 Prior to the commencement of development, a plan indicating the positions, height, design, materials and type of boundary treatments to be erected within the development shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall include hedgehog gaps. The boundary treatment shall be completed as approved before any dwellings hereby approved is occupied and shall thereafter be retained for the lifetime of the development.
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area in accordance with LDP Policy PS2.
- 20 Notwithstanding the submitted details, prior to the commencement of development, a scheme of Ecological Enhancement Measures and an Implementation Timetable shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Enhancements shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.
Reason: In the interests of biodiversity and to provide a net benefit to biodiversity in accordance with Policy 9 of Future Wales and LDP Policy ER 9.
- 21 No development or site clearance shall commence until a method statement for a Precautionary Method of Working (PMoW) with respect to vegetation and site clearance and the potential presence of legally protected reptiles and dormouse has been prepared by a suitably qualified ecologist and submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved PMoW.
Reason: To mitigate the impact of the development on the biodiversity of the site and surrounding area in accordance with LDP Policies ER2, ER6, ER8 and ER9.
- 22 Prior to any vegetation clearance works an Invasive Non-Native Species (INNS) Management Plan shall be submitted to and approved in writing by the local planning authority. The Management Plan shall detail methods of avoidance, containment or removal in order to avoid the spread of INNS. The Management Plan shall thereafter be carried out in accordance with the approved details and timescales set out within the Management Plan.
Reason: In the interests of enhancing the ecology of the area in accordance with LDP Policies ER2, ER6, ER8 and ER9.
- 23 Prior to the commencement of development a written scheme for the management and mitigation of artificial light emissions for both the construction phase and operational phase shall be submitted to and approved in writing by the local planning authority. The approved scheme for the management and mitigation of artificial light emissions shall be implemented at all times in accordance with the approved details for the respective construction and operational phases.
Reason: To ensure dark corridors and habitats are retained across the site to protect bats and other nocturnal species and to protect nearby habitats in accordance with LDP Policies ER2, ER6, ER8 and ER9.
- 24 Prior to the occupation of any dwelling hereby approved a scheme for the management and maintenance of all areas of formal and informal open spaces and play provision shall be submitted to and approved in writing by the Local Planning Authority.

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

The scheme shall include details of any management company proposed and its terms of reference and shall be carried out thereafter as approved for the lifetime of the development.

Reason: To ensure that the landscaped, woodland areas and play areas are adequately maintained in the interests of general amenity in accordance with LDP Policies PS2, SI6 and ER11.

- 25 Prior to the first beneficial occupation of any unit hereby approved, the access road, footways, turning and parking areas to serve the development shall be provided as indicated on the approved drawings. Thereafter the parking areas shall be retained for parking purposes only and shall not be used for any other purpose for the lifetime of the development.

Reason: In the interests of highway/pedestrian safety and to ensure satisfactory parking provision is available to serve the development, in accordance with Policies PS2, T1, T5 and T6 of the adopted Swansea Local Development Plan (2010-2025).

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:

The National Development Framework: Future Wales - the National Plan 2040:

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 7 - Delivering affordable homes

Policy 3 - Supporting Urban Growth and Regeneration - Public Sector Leadership

Policy 9 - Resilient ecological networks and Green infrastructure

Policy 28 - National Growth Area - Swansea Bay and Llanelli

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: IO1, PS2, ER1, ER2, ER6, ER8, ER9, ER11, T1, T2, T5, T6, EU4, H3, RP1, RP2, RP3, RP4, RP5, RP6 and SI6.

- 2 A Flood Risk Activity Permit will be required from NRW for the proposed replacement bridge. The design of any new bridge and associated structures will need to be agreed with NRW to ensure no increased flood risk or environmental harm.

NRW recommend that you contact their Flood Risk Analysis Team to discuss this matter in greater detail at the earliest opportunity via:

floodriskanalysisSW@cyfoethnaturiolcymru.gov.uk

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

3 Note 1: Management and Maintenance of Estate Streets

The applicant is advised that to discharge condition 5, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

Note 2 - Retaining Wall Informative

Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height. Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.

Note 3: S278

All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer. The section 278 agreement shall include the submission of a Construction Traffic Management plan for approval by the Highway Authority.

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

4 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval 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 for further advice and guidance.

5 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal whether a bat is present at the time or not. It is also an offence to recklessly / intentionally to disturb such an animal.

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

Planning Committee – 9th April 2024

Item 1 (Cont'd)

Application Number:

2021/0033/FUL

- 6 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.
- 7 Site clearance work should be undertaken September/October or April/May when dormice are active, not in hibernation and will not have dependent young. If a dormouse is discovered during works, works must cease immediately and an appropriately licensed ecologist and Natural Resources Wales contacted for advice. Should a substantial period of time pass between the grant of planning permission and the start of development (ie. over two years), the site should be re-assessed for potential dormouse presence.
- 8 All trenches and excavations shall be fenced off or covered overnight to prevent any animals from falling in and becoming trapped. If this is not possible an adequate means of escape shall be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches shall be checked for trapped wildlife each morning before starting construction activities
- 9 Reptiles & amphibians may be present. All British reptile & amphibian species are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). It makes it an offence to intentionally kill or injure these species. If widespread reptile/amphibian species are encountered (common lizard, slow worm, adder, grass snake, common frog, common toad, smooth newt, palmate newt), they should be allowed to move away from the works on their own. An ecologist should be contacted if assistance is required to locate reptiles/amphibians to a suitable habitat.
- 10 You will note the presence of an intermediate/high pressure gas main within the site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with Wales & West Utilities.
-