

Report of the Head of Economic Regeneration & Planning

To The Area 1 Development Control Committee

9th December 2014

Land to the side of 28 Christopher Rise, Pontlliw, Swansea

11 Detached Dwellings (Outline)

Planning Application Reference : 2009/1435

1.0 Background

- 1.1 This application was considered by the Area 1 Development Control Committee on the 12th March 2013. The Committee Report is attached at Appendix A. The application was resolved to be approved subject to an amendment to Condition 1 and subject to the applicant entering into a Section 106 agreement to provide two affordable housing units on site and to provide an education contribution of £38,532. The Section 106 agreement was signed 6th November 2014.
- 1.2 Since the application was reported to Committee there has been a change to national planning policy (set out in Planning Policy Wales Edition 7 July 2014) which no longer requires new dwellings to achieve a minimum sustainability standard. These requirements will now be controlled through Building Regulations and not through the planning system. It is therefore no longer necessary for conditions 7, 8 and 9 to be included as part of the planning permission as these conditions require the dwellings achieve a minimum sustainability standard. Such conditions, if imposed, would be contrary to the guidance contained in Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management'.

2.0 Recommendation

That the decision notice be issued without the minimum sustainability requirements set out in conditions 7, 8 and 9 of the Committee Report.

BACKGROUND PAPERS:

Local Government Act 1972, as amended by the Local Authorities (Access to Information) Act, 1985.

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<i>Date of</i>	<i>2nd December</i>	<i>Document</i>	<i>Land to the side of 28</i>
<i>Production:</i>	<i>2014</i>	<i>Name:</i>	<i>Christopher Rise</i>

ITEM	APPLICATION NO.	2009/1435
	WARD:	Llangyfelach Area 1

Location: Land to the side of 28 Christopher Rise, Pontlliw, Swansea

Proposal: 11 detached dwellings (outline)

Applicant: Ms J Godbeer

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV17	Within the boundaries of the large villages as identified on the Proposals Map, development will be limited to existing commitments, small infill plots and, in locations outside the AONB, small scale rounding off, subject to the other defined criteria. (City & County of Swansea Unitary Development Plan 2008)
Policy EV30	Protection and improved management of woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage, and/or recreation value will be encouraged. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)
Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: <ul style="list-style-type: none"> i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)

Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy EV25	Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

None

RESPONSE TO CONSULTATIONS

This application was advertised in the press, on site and 18 properties were consulted. 2 LETTERS OF COMMENT were received, 18 LETTERS OF OBJECTION including a letter from Pontlliw and Tircoed Community Council and 1 PETITION OF OBJECTION CONTAINING 115 SIGNATURES. The responses may be summarised as follows:

1. Concerns the site is accessed from Oaklands Road which is narrow due to parked cars and has a sharp bend. This would present a risk to young children, result in more congestion and may affect emergency vehicle access.
2. Concerns the proposal would result in increased congestion at Penllergaer roundabout.
3. Concerns the construction traffic could cause problems.
4. The proposal would result in noise pollution.
5. Concerns regarding the visual impact of the development given that two storey houses are proposed.
6. Concerns regarding the loss of existing trees and shrubs on the site.
7. Concerns the proposal would represent an incursion into the countryside and green wedge and, if approved, would result in further development pressure that would lead to the disappearance of open spaces.
8. Concerns the proposal would not be 'rounding off' as referred to in UDP Policy EV17 (Large Villages).
9. Concerns the proposal would result in overlooking and overbearing impacts upon existing occupiers.
10. Concerns the proposal would exacerbate surface water problems in the area.
11. Concerns further development in Pontlliw is unsustainable as it would increase pressure on existing services (drainage, highways, parks and schools).
12. Concerns regarding the Japanese knotweed at the site.
13. Concerns the proposal would have a detrimental impact on the environment and wildlife through the destruction of a valuable green area including mature trees.

Following the submission of revised plans the application was re-advertised and 20 neighbours were consulted. 7 LETTERS OF OBJECTION were received including a letter from Pontlliw and Tircoed Community Council. The letters raise no additional concerns to those listed above.

Highway Observations

The application is for outline consent for 11 dwellings on land off Christopher Rise.

The indicative layout shows a road layout to adopted standards with sufficient space to provide parking for each plot. The turning head is acceptable.

Access to the site is off Christopher Rise which itself leads off Oaklands Road. Oaklands Road is narrow and to ensure that traffic can remain free-flowing passed the site it will be a requirement to put in suitable Traffic Regulation Orders along Oaklands Road / Woodfield Avenue to protect the passage of vehicles.

Whilst no parking details have been supplied it appears that suitable space is available within each frontage to provide adequate parking and turning in accordance with our guidelines.

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

1. The internal road layout being undertaken under a section 38 agreement with the Highway Authority.
2. Adequate parking and turning being provided for each plot.
3. Oaklands Road / Woodfield Avenue to have Traffic Regulation Orders implemented in accordance with details to be submitted for approval by the Highway Authority to ensure that the vehicular access to the site remains safe and free-flowing. These TRO's to be fully funded by the developer.
4. The applicant be required to submit a Travel Plan for approval, and that the Travel Plan be implemented prior to the occupation of the first dwelling.

Note 1: The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.

Note 2: The Developer must contact the Network Manager City & County of Swansea (Highways), Penllergaer Offices, c/o Civic Centre, Swansea, SA1 3SN (Tel: 01792 636091) before carrying out any work.

Planning Ecologist (29/10/09)

This development may have an adverse impact on the Burry Inlet SAC through increasing foul water discharges. This issue cannot be resolved at the moment however work is being undertaken to find a solution.

The hedges bordering the site should be retained as these are a valuable habitat. Please include a bird informative.

Planning Ecologist (26/05/10)

The central part of the site is of relatively low ecological value, the main interest is in the hedges and trees surrounding the site. These should be retained. The surveyor indicated that two trees an ash and an oak that are situated on the southern boundary have bat roost potential, should any work be done on these a full bat survey should be carried out before any permission is given by a licensed surveyor following the Bat Conservation Trust Guidelines. There will be some ecological loss as a result of the work some compensatory planting should be considered.

This could be enhancement of the existing hedges or landscape planting. There is knotweed present on the site. A bird informative should be added.

Planning Ecologist (31/10/12)

Providing the trees identified as having bat potential are not to be disturbed there is no need for any further survey work. The tree protection condition will prevent any physical damage to the trees in particular no 43. Bats are particularly sensitive to disturbance caused by increased levels of lighting as a precaution please add a condition restricting any additional lighting falling on the trees surrounding the site in particular those identified as having bat potential.

Environment Officer (06/04/10)

Japanese knotweed is present on the site. A planning condition must be placed on any permission to control the plant.

Landscape / Tree Officer (4/03/13)

A comprehensive tree survey showing the appropriate RPA (Root protection area) has been provided by the applicant. The layout of the development has had due regard to the location of existing trees, as a consequence all trees in Category A and a high percentage of the moderate quality trees can be retained. It is inevitable that a number of trees would need to be removed mainly for arboricultural reasons, are young (less than 150mm in diameter) or are of limited merit in order to facilitate the development.

Of note would be the likely loss of:

2 category B trees on the northern side of the site.

The Siting of the dwelling on plot 7 may result in the loss of 2 category B trees and several category C trees on the southern part of the site.

At the time the planning application was submitted none of the trees within the application site were protected by TPOs. A Tree preservation Order (P17/7/4/563) has been placed on the trees on the southern boundary to ensure a measure of control over the better quality trees on the site

Compensatory planting in mitigation of the loss of trees and to create an attractive setting for the development in perpetuity can be provided as part of a landscaping scheme for the site which is a matter reserved for future consideration.

Environment Agency Wales (12/11/09)

No objection to the development subject to a condition requiring the submission of foul and surface water drainage details.

Environment Agency Wales (15/07/10)

We would object to the provision of a private sewerage treatment plant. The installation of private sewage treatment facilities within publicly sewered areas is not normally considered environmentally acceptable due to the greater risk of failures leading to pollution of the water environment compared to public sewerage systems.

In this instance, we understand that there is sufficient capacity within Gowerton STW to accept foul water flows and as such connection to the mains system must be sought.

Environment Agency Wales (11/02/11)

We have recently been contacted by the agent for the above development regarding on site treatment for disposing of foul water from the development.

We would again advise your authority that we oppose this development proposal based on the intended means of foul water disposal.

Environment Agency Wales (19/06/12)

Would offer no further objection to the proposed development, however, we would wish to make the following comments.

Infiltration on site is not possible due to ground conditions as such the developer is proposing to attenuate surface water flows prior to discharge to a watercourse.

We would offer no adverse comments with regard to the proposals and would accept the proposed surface water discharge rate of 5l/s for this site.

To ensure that a satisfactory form of drainage is implemented we would advise that the proposed method is secured by means of an appropriately worded planning condition.

The developer now intends to connect to the mains foul sewer via a new pumping station. We would offer no adverse comments in respect of the proposals, however, we would advise that the pumping station is designed to adoptable standards and that the developer liaise with DCWW on this matter.

In addition to the above, this development falls within the Gowerton sewerage catchment and as such must accord with the requirements of the agreed Memorandum of Understanding.

Environment Agency Wales (17/10/12)

It is our understanding that the combined sewerage infrastructure which serves the location of the proposed development is hydraulically overloaded. This has manifested itself in the number of spills from a downstream combined sewer outflow (CSO) at Bach Y Gwreiddyn Farm.

In light of this EAW have grave concerns in allowing further connections and input to this hydraulically overloaded system.

DCWW is aware of the capacity issues on this part of the Swansea network and has provisionally programmed works to remedy the problem in AMP 7 (2020 – 2025). This would mean that the issue would not be addressed before 2020. We would therefore recommend that the development be allowed to go forward under a Grampian condition.

If however the developer is not able to wait until these works have been duly completed then they may propose works which will free up adequate capacity in the system to avoid any detriment from their connection.

If, however the developer feels unable to wait for DCWW's programmed works and is unwilling / unable to enter into agreement with DCWW to undertake works to free up capacity in the short term, then we would object to the application and recommend your authority refuse the application.

Countryside Council for Wales (13/11/09)

Would advise the authority carries out a Test of Likely Significant Effect (TLSE) to assess whether the plans/project is likely to have a significant adverse effect alone or in combination with other plans / projects. The issues to be included in the TLSE/AA are surface water drainage and foul water drainage.

Bats have been recorded a short distance from the site and it is possible that bats could use the mature hedges both as roost sites and flight-lines. Therefore it is important that the mature hedges are maintained. Prior to any permission being granted it would be beneficial to carry out an appropriate bat survey.

Further photographs and species/survey details for the whole site should be provided.

To conclude, we can give further views when provided with the information requested above. In the meantime, CCW objects to the proposal.

Countryside Council for Wales (17/06/10)

Having studied the ecological report, CCW are satisfied that the grassland at the site is of limited ecological value. However, we note that two trees were identified as having features suitable for roosting bats.

If the proposals were to involve any works on these trees, then CCW would require that a further bat tree survey be carried out; as recommended in the report.

It is CCW's opinion that CCS as the Competent Authority, should undertake an Appropriate Assessment of the implications of the proposed development for the European Protected sites.

To conclude, we can give further views when provided with the Appropriate Assessment. In the meantime, CCW objects to the proposal.

Countryside Council for Wales (29/10/12)

CCW has no objection in principle to the proposal

CCW recommends that a suitably enforceable planning condition is attached to any planning permission which ensures that the development only proceeds following agreement of the revised drainage scheme with your authority's Planning Ecologist. It may also be advisable to discuss with your planning Ecologist whether an appropriate lighting plan should be implemented which ensures that any security lights do not illuminate the mature trees and hedgerows.

Dwr Cymru Welsh Water (2/12/09)

A 26" diameter public watermain crosses through the proposed development site. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. However, given its strategic nature and current position of the waterman we object to this development.

Dwr Cymru Welsh Water (15/02/10)

We would request that if you are minded to grant planning consent for the above development that the standard conditions and advisory notes are included to ensure no detriment to existing residents or the environment and to DCWW's assets.

APPRAISAL

This application is reported to Committee for decision at the request of Cllr Gareth Sullivan and a site visit has been requested in order to assess the impact of the development on the highway network.

This application seeks outline planning permission for residential development comprising 11 dwellings including the provision of a new vehicular and pedestrian access off Christopher Rise. Whilst the application is in outline form details of access and layout are considered as part of this planning application.

The Site and its Surroundings

The site comprises an irregular shaped parcel of land that forms part of the 'The Poplars', a large house sited within substantial grounds that extend from Christopher Rise to Swansea Road. The site is currently overgrown with ground vegetation and mature trees around the site perimeter. It should be noted that the trees on the southern boundary of the site are protected by a Tree Preservation Order (TPO). According to the design and access statement the land was formerly the orchard for the Poplars but has become neglected and is now described as a paddock.

To the north east the site has a frontage onto Christopher Rise. To the south, south east and south west of the site is land designated within the Llan Valley Green Wedge, the site therefore extends to the village boundary.

Pontlliw itself is an elongated settlement built up around Swansea Road which runs through the village. Older properties generally front onto Swansea Road with new housing branching out to the rear. Local facilities include a post office, pubs, a primary school and church. On the western side of the railway bridge, which bisects the village, there are commercial uses comprising a scrap yard, haulage yard and furniture factory. The haulage yard is the subject of a planning application (Planning Ref: 2008/0912) for 65 dwellings which is currently under consideration.

The site is approached through streets with traditional semi detached properties on Oaklands Road and Woodfield Avenue. The character then changes to a large development of 1960's bungalows and dormer bungalows on Christopher Rise and Vernon Close. The context surrounding the application site is therefore a mix of countryside and low rise low density suburban housing.

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of the proposal in terms of its impacts on the character and appearance of the area, the residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking, highways safety and environmental interests. There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

Under the provisions of Section 54A of the Town and Country Planning Act determinations of applications for planning permission shall be made in accordance with the development plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10th November 2008.

The UDP policies relevant to this application are: Policies EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV17 (Large Villages), EV25 (Sites of International Importance), EV30 (Trees, Woodland and Hedgerow Protection), EV33 (Sewage Disposal), EV34 (Protection of Controlled Waters), EV35 (Surface Water Run-Off), HC3 (Affordable Housing), HC17 (Planning Obligations), AS1 (New Development Proposals), AS2 (Design and Layout), AS6 (Parking).

The site is not allocated for residential development in the Unitary Development Plan, it is indicated as white land and is therefore considered a windfall site within the village of Pontlliw. As Pontlliw is identified in the UDP as a large village the proposal falls to be considered under Policy EV17 where development will be limited to existing commitments, small infill plots and small scale rounding off provided that it meets with the criteria of Policy EV1. Small scale rounding off is defined in the amplification to the policy as development which takes the developed area up to the village boundary. The proposed development would therefore accord with this definition.

Policies EV1 and EV2 seek to ensure that new development is appropriate, inter alia, to its local context in terms of scale, height, massing, elevational treatment, materials and detailing, etc. and integrates into the existing settlement with no detrimental impact on local amenity.

Within Large Villages where opportunities for housing are more constrained negotiations for the inclusion of a percentage of affordable housing in new housing schemes will be sought on developments of 10 or more dwellings or on sites of 0.4ha or more, in accordance with Policy HC3. The development would exceed these thresholds and as such negotiations have taken place to agree an element of affordable housing provision on site given the demonstrable lack of provision in the area.

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990, and these provisions should be fairly and reasonably related in scale and kind to the individual development. In this respect the Council has adopted the Planning Obligations Supplementary Planning Guidance which is also relevant to consideration of this application and has been used to consider requests for contributions in respect of an appropriate level of affordable housing on site and an appropriate contribution for education provision. In this instance in view of the scale of the development a contribution towards transport infrastructure was not considered to be reasonable or necessary, the access and layout would, however, need to comply with the provisions of AS1, AS2, AS6 and EV3. Similarly in view of the scale of the development it was not considered reasonable to require a contribution for outdoor play space in the locality.

With regard to the ecology of the site, full regard has been given to Policy EV25 and the impact on the European protected sites in the Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs), and the requirements of related Policies EV33, EV34, EV35 regarding sewage disposal, surface water run-off, and development and flood risk.

There are mature trees located around the perimeter of the site, which have an intrinsic interest in terms of visual amenity and natural heritage. Policy EV30 requires such assets to be protected and since the application was submitted the trees along the southern boundary of the site have been protected by a Tree Preservation Order (TPO).

Finally, whilst this site has been put forward as a 'Candidate Site' by the applicant to be considered in the preparation of the Local Development Plan, (which will in due course supersede the Unitary Development Plan), the LDP is still in a very early stage of its preparation and it is considered premature to place any weight at this stage to this process.

Character and Appearance of the Area

The application site is located to the east of the existing dwelling 'The Poplars' and would extend the built form to the south of the existing dwellings on the southern side of Christopher Rise. Whereas the existing dwellings on Christopher Rise directly face the road the proposal is for the construction of a new cul-de-sac with turning head accessed near the roundabout at the head of Christopher Rise. In total 11 dwellings are proposed arranged either side of the access road.

Details of access and layout are considered as part of this planning application. The original plans indicated the provision of two storey dwellings on the site, however, following officer concerns regarding the impact on the character and visual appearance of the area (given the context is mainly single storey bungalows) the plans have been amended to indicate the provision of dormer bungalows, which is considered to be acceptable in this context as there are dormer bungalows in the street scene on both Christopher Rise and Vernon Close. With the exception of plots 6 and 7, the house types have an L-shaped footprint which comprises the elongated main body with a projecting integral side garage. Whilst scale is a matter reserved for future consideration it is considered necessary and reasonable in this instance, given the prevailing single storey and dormer style bungalows in the vicinity, to impose a condition to limit the scale of the dwellings to single storey only with accommodation within the roof void.

The layout of the development is dictated by the provision of the central access road within the site. Plot 1 is a prominent corner plot when entering the site and it's important this plot has a dual aspect onto both Christopher Rise and the new access road. At the head of the new road a garage has been indicated to terminate the vista. The plots have off street parking to the sides of the dwellings and front and rear gardens of a good size, which may provide opportunities for compensatory planting for any existing vegetation that may be lost as a result of the development.

Around the perimeter of the site on the northern, southern and part of the eastern boundary there are numerous mature trees which form part of the street scene and contribute to the character of the area. At the time the planning application was submitted none of the trees within the application site were protected by TPOs, however, following concerns regarding the potential loss of some of these trees a TPO has been placed on the trees on the southern boundary.

A tree survey has been submitted which identifies a number of good quality trees on or bordering the application site. In total 3 trees have been identified as category A trees of high quality and value, 15 trees of moderate quality and value and over 30 trees of limited merit or young trees with a stem diameter of below 150mm of low or no significant landscape merit. In addition 12 trees have been identified which should be removed for reasons of sound arboricultural management. The layout of the development as submitted would likely result in the loss of a number of trees on the northern side of the site including 2 category B trees.

On the southern part of the site whilst the siting of the dwelling on plot 7 may result in the loss of two category B trees and several category C trees the majority of the trees on the southern part of the site, including 3 category A trees, should be unaffected by the development, subject to satisfactory protection being afforded during the construction of the development. It is considered the layout of the development has had regard to existing trees on the site and whilst it is inevitable that some trees will be lost the majority of good quality and moderate quality trees can be retained and will provide a wooded backdrop to the development. Furthermore, compensatory/mitigation planting can be provided as part of the landscaping scheme for the site which is a matter reserved for future consideration.

Having regard to the above it is considered the layout of the development and the footprint of the dwellings would be in accordance with the layout and built form of the dwellings in the surrounding area. In this respect the character of the development would complement the low rise, low density housing surrounding the site to the north and east. In terms of the visual appearance of the development, the footprints of the buildings together with confirmation that they will be dormer style bungalows will ensure that, subject to details of appearance, scale and landscaping, which are reserved matters, the development would not result in any significant adverse impacts in terms of visual appearance.

The proposal is considered to be appropriate to its local context and has regard to the existing site features. In summary therefore it is considered subject to the submission of satisfactory details with regard to the appearance, scale and landscaping of the proposed development, the proposal would be satisfactory in terms of its impact on the character and appearance of the area having regard to UDP Policies EV1, EV2, EV17 and EV30.

Residential Amenity

The closest existing dwellings to the development are the single storey bungalows at Nos. 24, 26 and 28 Christopher Rise which back onto the northern boundary of the site. Nos. 24 to 26 have rear gardens in access of 22 metres whereas, at its closest, the corner of the dwelling at No. 28 is some 5 metres from the boundary of the application site. The proposed dwellings on plots 1 to 6 have rear gardens of between 12-13 metres in depth, this is considered to be a satisfactory distance to ensure there would be no direct overlooking of neighbours gardens and no overbearing or overshadowing impacts from the proposed dwellings. A separation distance of some 20 metres would be achieved between the rear elevation of No. 28 Christopher Rise and the rear elevation of the proposed dwelling on plot 3. This is considered to be satisfactory given that No. 28 is splayed away from the rear elevation of the dwelling on plot 3 as such it is not considered there would be any significant detrimental impacts upon the occupiers of No. 28 Christopher Rise.

The proposed development is considered to be a satisfactory distance from the existing dwelling at The Poplars to ensure there would be no significant residential amenity impacts upon the occupiers of this dwelling.

Concerns have been raised in letters of objection that the proposed development would result in a noise pollution to existing occupiers. It is considered the proposed development would complement the existing residential uses surrounding the site and would not generate excessive noise pollution.

In view of the above the proposed development is considered to be satisfactory in terms of residential amenity having regard to UDP policies EV1 and EV2.

Access and Highway Safety

The site is accessed from Christopher Rise via Oaklands Road and Woodfield Avenue. Oaklands Road is narrow due to on street parking and there is a sharp bend which leads onto Woodfield Avenue. Concerns have been raised in letters of objection regarding congestion and highway safety issues on these roads and the surrounding road network. In addition concerns were raised regarding the amount of traffic that may result from the construction of the development.

With regard to traffic concerns on Oaklands Road and Woodfield Avenue, to ensure that traffic is free flowing along this narrow stretch and to avoid conflict at the bend it will be a requirement of any planning permission to put in suitable Traffic Regulation Orders to protect the passage of vehicles. This would address any traffic and highway safety concerns regarding the additional traffic movements arising from the development.

The indicative layout shows a road layout to adopted standards with sufficient space to provide parking for each plot. The turning head is acceptable and the development is therefore considered to be satisfactory having regard to UDP Policies AS1, AS2 and AS6.

Having regard to the above the Head of Transportation and Engineering has raised no objection the proposal subject to: the internal road layout being agreed with the highway authority under a section 38 agreement; adequate parking provision within the plots; the provision of Traffic Regulation Orders on Oaklands Road and; the submission of a travel plan.

Water Quality Issues

This application is one of a number of major planning applications that have been held in abeyance since 2009, due to ongoing concerns raised by Europe and Welsh Government regarding the water quality of the Loughor Estuary which is part of the following European protected sites: Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs). The City and County of Swansea as Local Planning Authority has followed the precautionary approach advised by its statutory advisor CCW towards all development that drains into CBEEMs, and carried out the following Habitat Regulations Assessment.

Burry Inlet Habitat Regulations Assessment

Introduction

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

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

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

Water Quality

With regard to the water quality issues in the Burry inlet and Loughor Estuary, the City and County of Swansea has followed the advice of their statutory advisor, and has commissioned a preliminary assessment under the above Regulations which is limited to the assessment of potential wastewater effects only.

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

As the consents in question have already been subject to a full assessment (alone and in-combination) under the provisions of the Habitat Regulations, there is no need for the City and County of Swansea to undertake a further assessment where development can be accommodated within the post RoC discharge consent limits.

It is the opinion of the authority that this development can be accommodated within the post RoC discharge consent limits, and will not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and RAMSAR. Such effects can be excluded on the basis of the objective information available through the Environment Agency review.

Other Possible Effects on CBEEMS features

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

CONCLUSION

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

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

CCW have now withdrawn their objections on the basis that the Habitats Regulation Assessment has been completed.

Hydraulic Capacity Issues in Gowerton WwTW drainage network

Whilst the LPA is satisfied that it has addressed the issues relating to the Habitats Regulations on this site, the EAW have advised the LPA recently that there are outstanding Hydraulic Capacity issues in the Gowerton Waste Water Treatment Works (WwTW) catchment area. In 2011 Dwr Cymru Welsh Water adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area. They have also prepared a Plan of Improvements works for Gowerton WwTW catchment area to start in 2020 (AMP 7). In the meantime they are prepared to bring forward schemes if developers finance them.

In addition, the Council has kept a register of savings made on brownfield sites and some of these have been completed. This register is required by the Memorandum of Understanding 2011 agreed and signed by the City and County of Swansea, together with its partners Carmarthenshire County Council, Dwr Cymru Welsh Water, Environment Agency Wales and Countryside Council for Wales.

Foul Drainage

In this particular case, the scheme was originally submitted with foul water being treated on site by a private system as the sewer on Christopher Rise was a private sewer, however, this was objected to by EAW. Since late 2011 all private sewers have been adopted by DCWW and new arrangements had to be made to connect this proposal to the newly adopted public sewer. As such further consideration has been given to the impact of this development on the drainage network into Gowerton WwTW.

Both DCWW and EAW have confirmed that the foul connections for this development should be compensated for by surface water removal, preferably in this sub catchment or alternatively in the wider Gowerton WwTW catchment area.

The application has been under consideration for a considerable period of time and as a result of changes in legislation, foul flows from the proposed development must now connect to the newly adopted public sewer as opposed to the on site private system originally proposed. The circumstances regarding the adoption of the public sewer are considered to be relatively unique and together with the concerns raised by DCWW, EAW and CCW have resulted in significant delays in determining this planning application. The applicant can not provide any on site surface water betterment, however, in view of the savings made in the Council's register for the Gowerton WwTW catchment area and given that the volume of foul flows from the development would be relatively small, it is considered that, given the circumstances in this instance, there is sufficient justification to use a small part of these savings secured on the Council's register to facilitate this development.

Land and Surface Water Drainage

The arrangements for surface water drainage have been submitted and have been considered by the Council's drainage officers, EAW and DCWW. Surface water from the roofs, hardsurfaces and roads would be discharged via an attenuation system to an existing watercourse. The details are satisfactory in principle, but it is considered necessary to require further details of the drainage arrangements prior to the occupation of the units to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents. This can be controlled by condition. On the basis of the information submitted to date, it is considered there are no overriding reasons to warrant refusal on drainage grounds alone.

Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and in accordance with the provisions of Policies EV33, EV34 and EV35.

Ecology

The applicant has provided an extended phase 1 habitat report which confirmed that no protected species were identified as having been recorded on or adjacent to the site, however, there are two trees on the site which are considered to have features suitable for roosting bats. CCW have stated that if the proposals were to involve any works on these trees, then a further bat tree survey would need to be carried out.

The siting of the drainage on the site has been amended to bring it outside of the root protection areas of one of the trees identified as having bat interest. The remaining tree with bat interest on the southern boundary of the site would be unaffected by the development. A tree protection condition will prevent any physical damage to these trees.

Bats are particularly sensitive to disturbance caused by increased levels of lighting therefore it is recommended a condition is placed on the permission restricting any additional lighting falling on the trees surrounding the site in particular those identified as having bat potential. This is considered to be both reasonable and necessary in order to ensure there would be no detriment to the conservation status of any bat species in and around the site. It is noted there is Japanese Knotweed on site. The management of this invasive plant may be addressed by condition.

Subject to the conditions recommended above the proposal would be in accordance with EV2(v) which requires the implementation of any necessary mitigation measures and would be in accordance with the advice of CCW and the Council's Planning Ecologist.

Trees

The proposed development would result in the loss of a number of trees on the site, however, the layout will allow for all trees in Category A and a high percentage of the moderate quality trees to be retained.

At the time the planning application was submitted none of the trees within the application site were protected by TPOs. A Tree Preservation Order (P17/7/4/563) has been placed on the trees on the southern boundary to ensure a measure of control over the better quality trees on the site.

Compensatory planting in mitigation of the loss of trees and to create an attractive setting for the development in perpetuity can be provided as part of a landscaping scheme for the site which is a matter reserved for future consideration. The development is therefore considered to be satisfactory having regard to UDP Policies EV2 and EV30.

Affordable Housing

UDP policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in and around Swansea and underpins the Council's Housing Strategy. The LHMA identifies a need for affordable housing provision in this area and the applicant has indicated they would accept the provision of 2 low cost home ownership units on site. This provision would be subject to negotiations with the Housing Enabling Officer and may be secured by a S106 planning obligation.

Education

The Director of Education has requested a financial contribution for both Pontlliw Primary School and Pontarddulais Comprehensive School. Current capacity figures indicate that Pontlliw Primary would have capacity to accommodate the 3.41 pupil places generated by the development. Whilst Pontarddulais Comprehensive may have some capacity this would effectively be consumed by other approved developments within the catchment of that school. The development would create a requirement for 2.42 secondary school pupil places and would therefore result in additional pressure for places at this school.

In this respect the applicant has agreed to provide a contribution of £38,352 which may be used to fund improvements and/or extensions to this school. This figure is in accordance with the guidance contained within the Planning Obligations SPG and may be secured by a S106 planning obligation.

Outdoor Play Space

The nearest open space provision fronts Woodfield Avenue and the nearest outdoor play provision is at Pontlliw Park which is approximately 1km walk from the application site. In view of the size of the development it is not considered reasonable or necessary to require on site open space or play provision. Whilst it may be desirable for the developer to provide a contribution to fund improvements to Pontlliw Park, in this instance in view of the established need for affordable housing in the area and the capacity issues in local schools, S106 contributions for this development have been prioritised for Education and affordable housing. As such, a contribution for outdoor play space has not been sought and was not considered necessary in order to make the proposal acceptable in planning terms.

Other Material Considerations

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to UDP policy considerations, the current status of this greenfield site and its acceptability for development. The highway access and public safety concerns relating to traffic are considered in the Highways Officer's response. The design and layout considerations have been carefully assessed and amendments have been made to address concerns with regard to the impact of the development on the character and appearance of the area and residential amenities of neighbouring occupiers. The impact on local wildlife and ecology has been properly assessed by the Countryside for Wales and the Council's Planning Ecologists and subject to conditions is considered to be satisfactory in this respect.

Conclusion

The proposal is an outline planning application to develop an area of land that currently forms part of 'The Poplars' for 11 detached dwellings. The application site is located within the village of Pontlliw where small infilling and small scale rounding off is considered to be acceptable in principle in accordance with Policy EV17. The plans have been amended to provide 11 dormer style bungalows which, it is considered, would not harm the character or the appearance of the area subject to the approval of details of the appearance and scale of the buildings and landscaping of the site which are subject to future consideration. The layout of the development has had regard to the mature trees on the site, many of which are of high or moderate quality and have both amenity and wildlife value. In addition it is not considered the proposal would have any significant residential amenity impacts on neighbouring occupiers and would not have any significant impacts on highway safety.

The drainage proposals have been considered in the above report, including the new proposals for foul connections and the hydraulic capacity issues, as well as the land/surface water drainage issues. It is considered that the requirements of DCWW and EAW for compensatory surface water savings in the Gowerton WwTW catchment area can be accommodated for in the Council's Register of savings made from brownfield sites in the Gowerton WwTW catchment area.

Having regard to all of the above the proposal is considered to be satisfactory and in accordance with UDP Policies, approval is therefore recommended.

RECOMMENDATION

APPROVE, subject to the following conditions and the applicant entering into a Section 106 Planning Obligation to provide: two affordable housing units on the site and; an education contribution of £38,352:

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.
- 4 Before the development hereby approved is occupied the means of enclosing the boundaries of the site and individual curtilages of all dwellings shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.
- 5 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason: In the interests of the ecology and amenity of the area.
- 6 The materials used for the external surfaces of the development shall be in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason: In the interests of visual amenity.
- 7 The dwellings shall be constructed to achieve a minimum of Code for Sustainable Homes Level 3 and achieve a minimum of 1 credit under category "Ene1 - Dwelling Emission Rate" in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (November 2010 - Version 3). The development shall be carried out entirely in accordance with the approved assessment and certification.

Reason: In the interests of sustainability.

- 8 The construction of the dwellings hereby permitted and any external works shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).
Reason: In the interests of sustainability.
- 9 Prior to the occupation of the dwellings hereby permitted, a Code for Sustainable Homes "Final certificate" shall be submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes (Level 3) and a minimum of 1 credit under "Ene1 - Dwelling Emission Rate", has been achieved in accordance with the requirements of the Code for Sustainable Homes; Technical Advice Guide (November 2010 - Version 3).
Reason: In the interests of sustainability.
- 10 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 11 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.
- 12 Prior to the occupation of any of the dwellings hereby approved a travel plan shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In order to promote more sustainable modes of transportation.
- 13 The development hereby approved shall not be occupied until a scheme to provide Traffic Regulation Orders along Oaklands Road and Woodfield Avenue has been submitted to and agreed in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details prior to the occupation of the development.
Reason: In the interests of highway safety.

- 14 Before the development hereby approved is occupied any external lighting proposed within the development shall be in accordance with details to be submitted to and approved in writing with the Local Planning Authority. The development shall be completed in accordance with the approved details.
Reason: In the interests of nature conservation.
- 15 The development hereby approved shall be restricted to single storey bungalows or single storey bungalows with accommodation within the roof void.
Reason: In the interests of visual amenity.
- 16 No development shall commence on site until a scheme for the retention and protection of trees to British Standard 5837:2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. This shall include full details on all works that impact on the original ground conditions within the root protection areas, as detailed in BS5837:2012 and in particular details of protective fencing, ground protection & construction method, required tree surgery operations, service trenching position and any changes in ground level within the root protection areas of all retained trees. No development shall take place except in complete accordance with the approved scheme, and not before the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.
Reason: To ensure the protection of retained trees on site during construction works.
- 17 No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.
Reason: To ensure the protection of retained trees on site during construction works.

INFORMATIVES

- 1 As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or grey water harvesting from the new buildings, etc.
- 2 The developer and future occupiers are advised that any external lighting should be designed and sited so as to have regard to the potential present of roosting bats in the trees on the southern boundary of the site.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance, work should cease immediately and the advice of the Countryside Council for Wales sought before continuing with any work (01792 634960).

- 4 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild bird

You are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.

- 5 It is an offence under the Town and Country Planning Act 1990 to:

Cut down, uproot, top, lop, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order.

Wilful damage to a protected tree includes damage to its surrounding rooting area by: excavation work, storage of materials or machinery, parking of vehicles, deposit of soil or rubble, disposal of liquids, or the mixing of cement.

- 6 The landscape scheme shall include for mitigation for the loss of trees from the development site and is to create in perpetuity a streetscene that will include trees to the frontages of the houses and that both the dwellings and services should be designed in accordance with this informative. It is expected that at least 1 medium sized species tree is to be planted per property.

- 7 The internal road layout being agreed with the Highway Authority under a section 38 agreement.

- 8 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV17, EV30, EV33, EV34, EV35, AS1 and AS2.

- 9 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

For further information please visit www.swansea.gov.uk/snn or contact the Council's Street Naming and Numbering Officer, City & County of Swansea, Room 2.4.2F, Civic Centre, Swansea, SA1 3SN. Tel: 01792 637127; email snn@swansea.gov.uk

- 10 The Developer must contact the Team Leader, Highways Management, City & County of Swansea (Highways), Penllergaer Offices, c/o Civic Centre, Swansea, SA1 3SN (Tel: 01792 636091) before carrying out any work.

- 11 The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.

PLANS

Design and Access Statement 0835-12 site location plan, 0835-13 existing site plan, 0835-15 photographs received 19th October 2009. 300 Rev. C proposed site plan including trees and drainage layout, SK001 proposed site plan received 23rd October, 2012.