

PLANNING COMMITTEE – 17TH MARCH 2015

ITEM 1

APPLICATION NO.

2014/0885

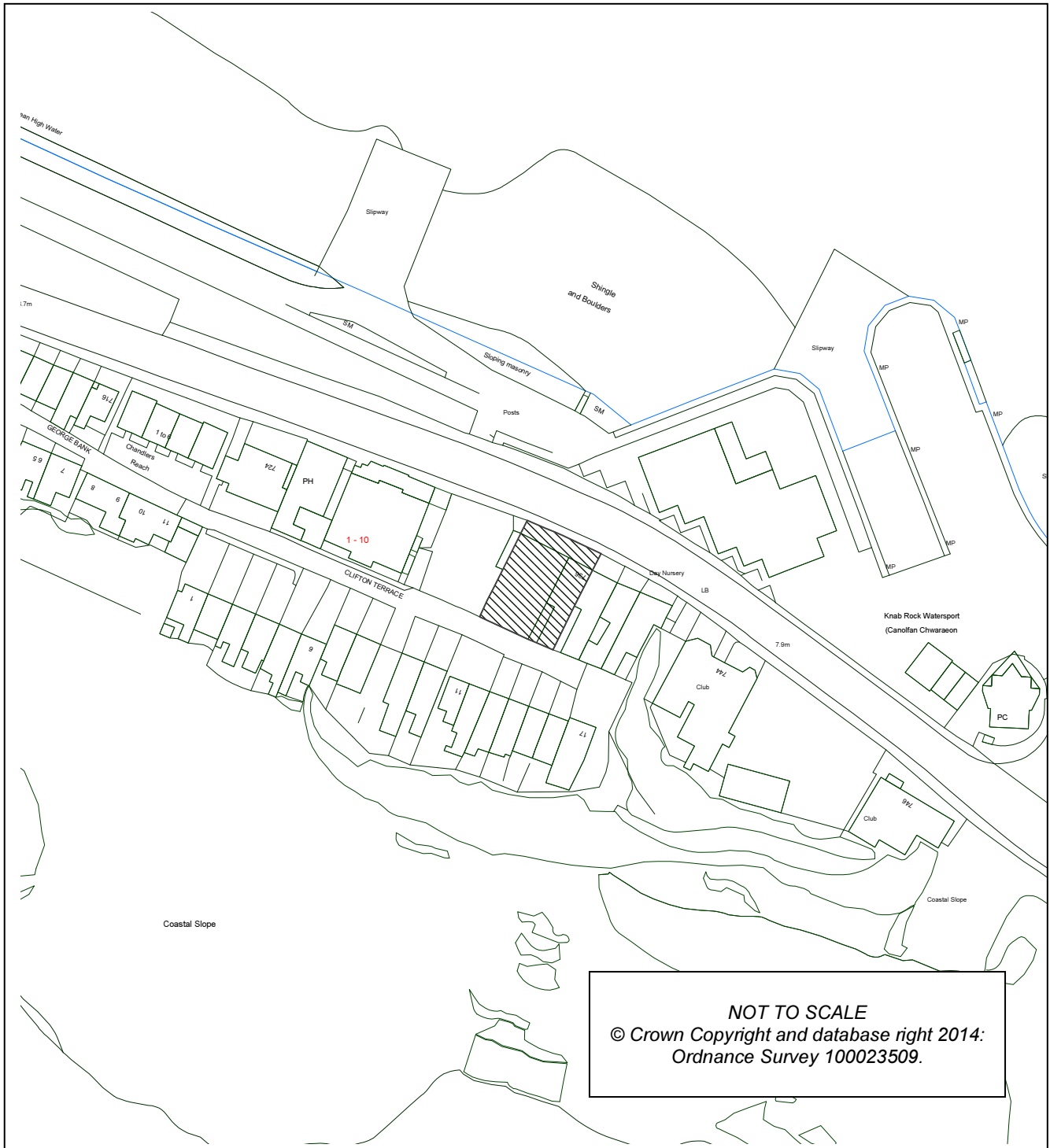
WARD:

Oystermouth

Location: Ocean Living 734 Mumbles Road Mumbles Swansea SA3 4EL

Proposal: 2 x second floor rear extensions to form 3 additional bedrooms, rear raised terrace, external staircase and alterations to the existing flue

Applicant: Ms J Thorburn



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2014/0885

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 EV9	Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)
Policy EV26	Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2008/2214	Change of use of 734 Mumbles Road from hotel and restaurant (Classes C1 and A3) and 736 Mumbles Road from three self contained flats (Class C3) to one residential care home (Class C2), rear lift shaft, fire escape and front access ramp Decision: Grant Permission Conditional Decision Date: 11/02/2009
2003/1082	Change of use of existing hotel (Class C1) to 6 self contained flats (Class C3) with part three storey part two storey rear extension, addition of bay window to first floor front elevation and external alterations to front elevation Decision: Perm Subj to S106 Agree Decision Date: 24/09/2004
2007/0190	First floor side extension, 2 No.front decked areas at ground floor level and associated alterations Decision: Grant Permission Conditional Decision Date: 25/05/2007

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2007/0871 Externally illuminated individual letters sign and projecting sign
Decision: Grant Advertisement Consent (C)
Decision Date: 06/06/2007

INTRODUCTION

This application was originally presented to the Area 2 Development Control Committee on the 16th December 2014, with a recommendation of conditional approval. However, Members of that Committee raised concerns to the proposal, as they considered it would adversely affect the living conditions of the neighbouring occupiers. Rather than determine the application, Committee instead resolved to defer the application in order to allow Officers an opportunity to negotiate an amended scheme with the applicant/agent.

The applicant/agent indicated that they were not willing to amend the scheme (even though Officers did explain the concerns of the now dissolved Area 2 Committee), but requested that the application be determined as submitted. This application was therefore re-presented to the (newly created) Planning Committee for consideration at the 17th February 2015 meeting.

However, at the February meeting, Committee resolved to defer the application so that Members of the Committee could visit the site. Whilst it was acknowledged that the site had previously been visited by Members of the dissolved Area 2 Committee, it was evident that only a limited number of Members sitting on the Planning Committee has been present on that site visit.

This application is therefore re-presented to Committee for consideration and decision. The recommendation previously made remains unchanged.

RESPONSE TO CONSULTATIONS

ORIGINAL SCHEME

The application was advertised on site and in the press as a development within the Mumbles Conservation Area and two individual properties were consulted. TWO LETTERS OF OBJECTION have been received, which are summarised as follows:

1. We may be late with this objection as no letters were posted in our street, the Council should have acted properly in this where the application is the building of an extension.
2. How would the building materials get to the site as Clifton Terrace is a very narrow road with access only for resident's cars?
3. I note that the windows would overlook Clifton Terrace and as it is a very narrow road, I do not want people staring into my living room or bedroom.

Mumbles Community Council – No objection

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AMENDED SCHEME

The application was advertised on site and five individual properties were consulted. ONE LETTER OF OBJECTION was received from one of the original two objectors. The comments contained within this objection letter are summarised below.

1. No site notice advertising the planning application was posted in Clifton Terrace.
2. The objector's house (12 Clifton Terrace) is directly opposite the rear of Ocean Living. Due to the narrowness of Clifton Terrace, the objector estimates that her property is only some 5m from the proposed extension.
3. Objection is made to the close proximity of the windows directly looking into the objector's front bedroom and living room. The objector already has persons looking into her property from Ocean Living. If there are windows 8m closer to her property she will have no privacy at all. The proposed terrace will also enable people to sit and stare across to her property.
4. No thought has been given to the residents living in Clifton Terrace.
5. There is no access to the proposed extension. The objector queries how builders' lorries and materials will gain access to the site. To gain access to the rear of Ocean Living, George Bank has to be entered and then Clifton Terrace – George Bank is only 6ft 6ins wide, is very steep and has ancient cobblestones. The rear access lane is only for residents' cars.
6. The application was deferred in December because it was considered that the living conditions of neighbouring properties would be adversely affected. The application is the same as before and it is believed that the applicant refuses to change it.

Council's **Head of Transportation and Engineering** - This proposal is for the provision of 3 additional bedrooms at the property which is a residential care home. Adopted parking standards recommends that one visitor space be provided for every 4 bedrooms therefore the scheme would require one additional space to comply with the standards. The site does not currently have any dedicated off street parking, with visitors having to use any available spaces on street or rely on public parking facilities which are available in the vicinity.

It is unlikely that the demand for one additional parking space will result in any significant impact on parking issues in the area and on balance therefore I recommend that no highway objections are raised.

APPRAISAL

The application was originally presented to the Area 2 Planning Committee (as explained in the 'Introduction' section of this report) at the request of Councillor Anthony Colburn, in order to assess the impact on neighbouring properties and concerns of over intensification. A Committee site visit was also previously undertaken.

Full planning permission is requested for 2 second floor rear extensions to form 3 additional bedrooms, a rear raised terrace, an external staircase and alterations to the existing flue at Ocean Living Nursing Home, 734 -736 Mumbles Road, Mumbles. The extension would provide three additional en suite bedrooms which would be split over two halves of the rear elevation.

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The design of the originally submitted extension was not considered acceptable in visual terms and due to its impact upon the neighbouring property. An amended scheme was subsequently put forward which reflected discussions that had taken place.

The proposed extension adjacent to the empty plot at 730 Mumbles Road would measure approximately 9m in width, between 5.4m and 8.5m in depth with a maximum variable roof height of 5m. The extension adjoining no. 738 Mumbles Road would measure approximately 4.3m in width, be approximately 7m in depth, have an eaves height of 3.6m and an overall height of 4.1m. As the extension would be at second floor level the overall height of the extension from ground level would be approximately 9.4m. The extension would be finished in smooth painted render, with a slate tiled roof and UPVC windows and doors to match the existing building. The external staircase would be constructed out of galvanised steel as would the metal railings that would surround the external terrace area.

The main issues to be considered are the impact of the extension and alterations on the residential and visual amenities of the area and highway safety having regard to the relevant policies of the City and County of Swansea's Unitary Development Plan 2008.

Policies EV1, EV2, EV9 and EV26 would be the most relevant to the consideration of this planning application. Policy EV1 refers to developments complying with good design criteria, Policy EV2 refers to development being preferred on previously developed land that does not unduly impact upon visual or residential amenity or highway safety. Policy EV26 states that within the Gower AONB the primary objective is the conservation and enhancement of the area's natural beauty. Policy EV9 is particularly relevant as it states that developments within or adjacent to a conservation area will only be permitted if it would preserve or enhance the character and appearance of the conservation area or its setting.

In terms of highway safety, the Head of Transportation and Engineering raises no highway objection. On balance it is considered that although the one additional space required could not be accommodated on-site, as the nursing home has no dedicated off-street car parking at present, the non-provision of one on-street car parking space would not significantly impact upon parking conditions in the area.

The siting, scale and amended design of the proposed extension is considered to relate well to the overall appearance of the existing building as the roof design now follows the existing roof line. It is considered therefore that the extension would not appear as a discordant and incongruous feature within the rear highway at Clifton Terrace, albeit it is acknowledged that the other properties in the terrace have not been extended at second floor level previously. However, members will recall that planning permission has been granted for two new dwellings on the currently vacant land at 728 and 730 Mumbles Road. Both of these properties have rear wings which project beyond the existing rear elevation of Ocean View by approximately 5.4m. It is considered therefore, that the extension would preserve the character and appearance of this part of the Mumbles Conservation Area, thus complying with the overall requirements of Policy EV9.

Turning to residential amenity, the extension adjacent to 738 Mumbles Road would be within 1m of the nearest 2nd floor habitable room window of this neighbouring property. It is acknowledged that the proposed extension is 7m long and is sited hard on the common boundary between the application site and this neighbouring property.

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However, whilst long, the roof of the proposed extension has been specifically designed to mitigate the impact of the extension on this neighbouring window. Thus, whilst it is accepted that the depth of the extension could have the propensity to cause overbearance and loss of light to this window, its impact is mitigated to an acceptable degree by virtue of the sympathetic design of its roof.

It is also acknowledged that No. 738 lies to the east of the application site and on balance, it is not considered that the proposed extension would result in an unacceptable physical overbearance for the occupiers of no.738. It is acknowledged that the existing rear wing would already impact upon the ground and first floor windows of no.738, and it is considered that the additional structure would not further significantly compromise an already difficult situation on site.

It is not considered that the proposed development will give rise to any unacceptable overlooking problems onto neighbouring land.

In conclusion and having regard to all material considerations, on balance, the proposal is considered to be an acceptable form of development at this location. It is considered that it would not unduly impact upon the visual amenities of the Mumbles Conservation Area or the residential amenities of the occupiers of the existing neighbouring property (No.738) and the occupiers of the new dwelling yet to be built at no.730 Mumbles Road. The scheme is therefore considered to comply with the requirements of Policies EV1, EV2, EV26 and EV9 of the City and County of Swansea's Unitary Development Plan 2008 and approval is recommended.

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 Samples of all external finishes shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. The scheme shall be implemented in accordance with the approved details.
Reason: In the interests of visual amenity.

INFORMATIVES

- 1 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, EV26, EV9

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- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 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 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 (01792 634960).
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird
- Care should be taken when working on buildings particularly during the bird nesting season March-August.
- 4 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

PLANS

01 existing site and location plans, 02 existing ground and first floor plans, 03 existing second floor and roof plan, 04 existing elevations, 05 proposed site and location plans, 06 proposed ground floor plan, 07 proposed first floor plan dated 18th June, 2014, 08B proposed second floor plan, 09B proposed roof plan, 10B proposed elevations dated 28th October 2014.

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ITEM 2

APPLICATION NO.

2014/1499

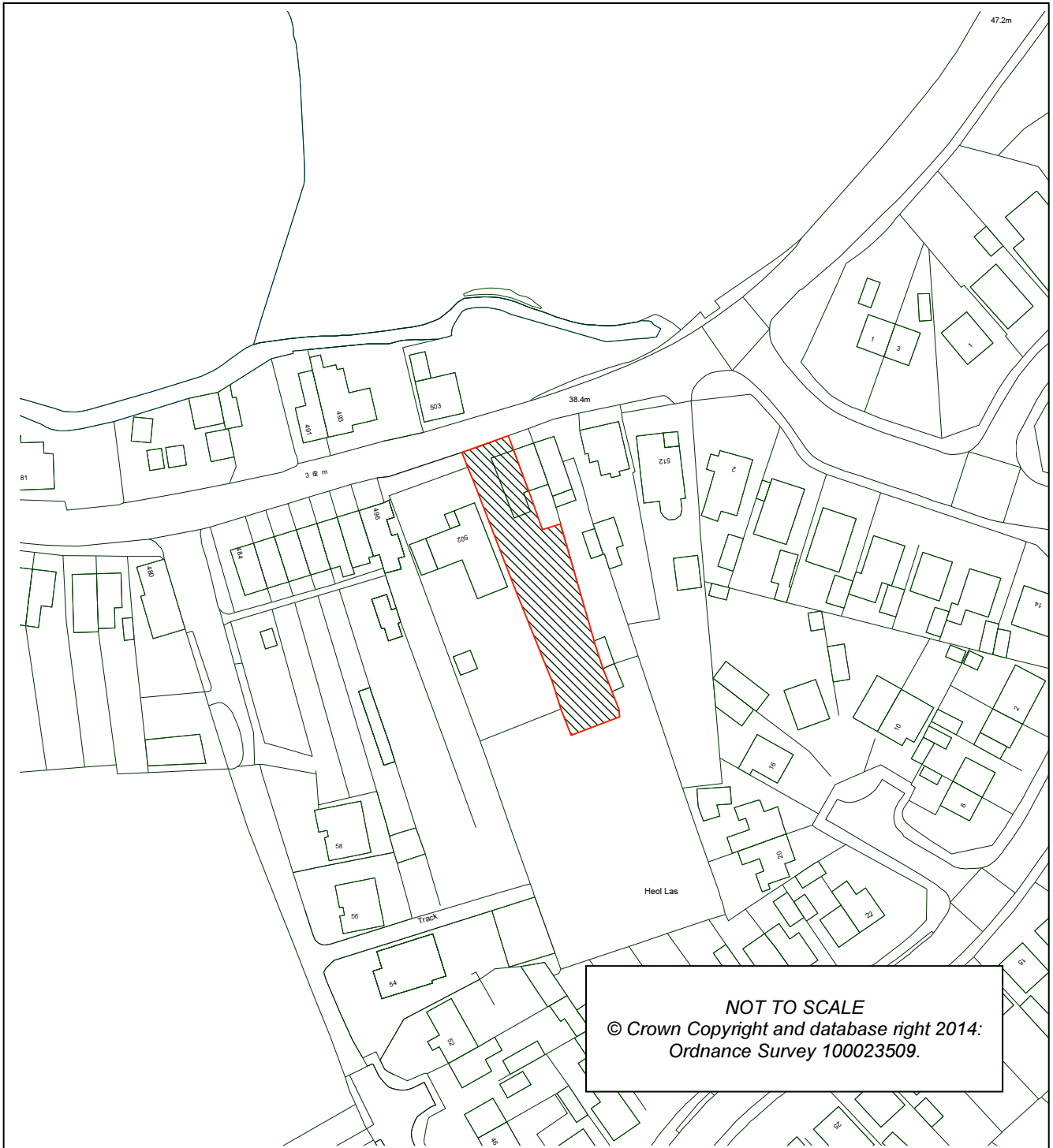
WARD:

Llansamlet

Location: 504 and part of rear garden at 506 Heol Las Birchgrove Swansea SA7 9DX

Proposal: Demolition of No. 504 and construction of detached dwelling (outline)

Applicant: Miss Sarah Brocklebank



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ITEM 2 (CONT'D)

APPLICATION NO.

2014/1499

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 EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2014/0094	Demolition of No. 504 and construction of a detached dormer bungalow (outline) Decision: Refuse Decision Date: 10/04/2014

RESPONSE TO CONSULTATIONS

The application was advertised on site and four neighbours were consulted. No responses have been received.

Highways Observations

There are no highway objections to the application for outline consent for a dwelling subject to:

1. The site frontage being set back 2m to allow a Highways footpath to be constructed at the applicant's expense under a section 278 Agreement.
2. Adequate parking and turning to be provided within the site.

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3. The front boundary wall being kept below 1m in the interests of visibility.

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

Planning Ecologist

The house has been subject to a bat survey, the surveyor is confident there is no bat use of the property at the time of the survey, as a precaution please include standard bat and bird informatives.

Dwr Cymru Welsh Water (DCWW)

Recommend, if approved, standard conditions and informatives.

Drainage and Coastal Management Observations

The application form indicates that a sustainable drainage system is to be used to dispose of the surface water arising from the development; however no further information has been presented with the application to demonstrate that any proposed solution is viable. As part of any application we would expect to see a drainage strategy supported by an appropriate level of information.

APPRAISAL

This planning application has been called to Committee for decision at the request of Councillor Uta Clay in order to consider highway safety.

This application seeks outline planning permission for the demolition of No. 504 Heol Las and the construction of a detached dwelling. All matters are reserved for future consideration. The application site is located within the established residential area of Birchgrove. The application site has a frontage of approximately 10 metres onto Heol Las and a maximum depth of 60 metres. The site is generally level in profile.

This planning application is a re-submission of an application refused in 2014 (2014/0094 refers) for the following reasons:

1. The proposed dormer bungalow by virtue of its siting and design would result in an incongruous development that would not be in keeping with the pattern of development nor the design of dwellings in the locality. The proposal would therefore be contrary to EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the supplementary planning guidance 'Infill and Backland Design Guide' adopted 2014.

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2. The proposed dormer bungalow, by virtue of its size, siting and design would result in significant adverse impacts on the residential amenities of the occupiers of Nos. 502, 506 and 508 Heol Las by way of excessive physical overbearing and overshadowing impacts. The proposal would therefore be contrary to EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the supplementary planning guidance 'Infill and Backland Design Guide' adopted 2014.
3. The application has not been accompanied with sufficient information to fully assess the possibility of protected species using the building that is proposed to be demolished (No. 504). There is insufficient information to assess whether there would be significant harm caused to nature conservation interests the proposal is therefore contrary to EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008)

In order to address the above reasons for refusal the applicant has altered the indicative siting of the dwelling by pushing it forward within the plot, reducing the footprint of the dwelling and increasing its height to more closely accord with the neighbouring terraced properties. Moreover, a bat survey has been submitted in support of the application.

MAIN ISSUES

The main issues are the impacts of the development on the character and appearance of the area, the impacts on the residential amenities of neighbouring occupiers and the impacts on highway safety.

The relevant City and County of Swansea Unitary development Plan (UDP) policies are EV1 (Design), EV2 (Siting and Location), EV3 (Accessibility), EV36 (Development and Flood Risk) and HC2 (Urban Infill Development). Also relevant is the adopted Supplementary Planning Guidance (SPG) 'Infill and Backland Design Guide'.

The site is not allocated for residential development in the UDP it is 'white land' on the proposals map and can be considered an infill development under Policy HC2. This policy allows infill development in the urban area provided the development does not result in:

- (i) Ribbon development or contribute to the coalescence of settlements;
- (ii) Cramped/overintensive development;
- (iii) Significant loss of residential amenity;
- (iv) Significant adverse effect on the character and appearance of the area;
- (v) The loss of urban greenspace;
- (vi) Significant harm to highway safety;
- (vii) Significant adverse effects in relation to:
 - (a) Landscape,
 - (b) Natural heritage,
 - (c) Security and personal safety,
 - (d) Infrastructure capacity,
 - (e) The overloading of available community facilities and services.

The criteria for assessing whether the design and layout is acceptable in the context of the surrounding area is important. UDP 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 or the general environment. EV2 also states that the siting of new development should give preference to the use of previously developed land over greenfield sites. EV3 requires developments to provide satisfactory access and parking arrangements. The above design policies are further expanded upon in the 'Infill and Backland Design Guide' SPG. EV36 states that new development in flood risk areas will only be permitted where its location is justified and the consequences of flooding are acceptable.

Visual Amenity

The proposal is for a detached dwelling and whilst all matters have been reserved indicative siting has been provided which indicates a dwelling set back some 8.5m from the site frontage onto Heol Las and some 1.5 metres in front of the building line of the adjacent bungalow. Forecourt parking is indicated in front of the proposed dwelling. Indicative scale parameters have been provided which indicate the main body of the dwelling would have the following dimensions: 7m in width, 8.5m in depth and 7.2m to the ridge (minimum 7m). The proposed dwelling is also indicated to have a single storey rear wing extension with the following maximum dimensions: 4m in width, 7m in depth (minimum 3m) and 4.2m to the ridge (minimum 4m).

The site incorporates the existing end of terrace dwelling at No. 504, which is proposed to be demolished, together with part of the rear garden of No. 506. The surrounding built form comprises a linear development of mainly traditional housing fronting onto Heol Las which gives way to established post war housing estates to the east of the application site. The traditional dwellings along Heol Las together with the narrow nature of the road and the proximity to the green wedge to the north east of the site gives the area a distinctive semi rural character.

Along this section of Heol Las there are examples of frontage parking to the terraced properties to the east and west. The neighbouring bungalow also has a large forecourt parking area. It is also noted that despite the street incorporating sections of consistent building lines, a uniform building line is not a strong characteristic of the street in this location. Therefore it is considered that the siting of the development set back from the neighbouring terrace and the provision of a frontage parking area as indicated on the illustrative drawings would not result in any significant visual impacts upon the street scene. Furthermore, the indicative scale parameters which, in particular, indicate that the ridge height of the dwelling would broadly follow that of the neighbouring property at No. 506 demonstrate that a new dwelling can be accommodated on the site without resulting in a cramped form of development and without resulting in any significant adverse effects on the character and appearance of the area.

Residential Amenity

The indicative scale parameters would limit the siting of the dwelling to that broadly shown on the indicative block plan.

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2014/1499

The dwelling could not be pushed back further within the site as this would have a harmful impact on the character and appearance of the area (see above reason for refusal 1. of the previous planning application) and would have a harmful impact on the residential amenities of neighbouring occupiers (see above reason for refusal 2. of the previous planning application). Moreover, the dwelling could not be pushed forward without impacting on the frontage parking area. Against this context, whilst the layout is indicative only and would not form part of any planning permission, significant weight has been attached to the indicative scale parameters and the indicative layout, when assessing this proposal.

The dwelling as indicated would be sited some 1.5 metres in front of the bungalow at No. 502, less than 1 metre from its side boundary and some 2 metres from its side elevation, which contains habitable room windows. There is one window in particular which would be affected. It is considered the siting of the side gable in such close proximity to this window would reduce the natural light reaching this room and would have an overbearing effect on the outlook from this window. This effect would be greater than that which might occur were a 2m boundary enclosure to be erected under permitted development rights.

In relation to No. 506 the height and proximity of the proposed dwelling in relation to the western side boundary of this property would, it is considered, result in significant overbearing and overshadowing impacts to the rear garden and rear aspect of this property. At present this property is not occupied and is in a poor state of repair, however, there is no reason why this dwelling may not be occupied in the future. In which case any development on this site must have regard to the residential amenities of the future occupiers of this dwelling.

For the above reasons therefore it is considered the proposed development would have a significant adverse effect upon the living conditions of the occupiers of Nos. 502 and 506 Heol Las. The proposed development would therefore be contrary to UDP policies EV1, HC2 and the 'Infill and Backland Design Guide' SPG.

Access and Highway Safety

The Head of Highways and Transportation has raised no objections to the application, subject to the requirements listed in the Highways observations (above). The provision of a 2m footway would make a small but necessary contribution to improving pedestrian access along the road.

Other Issues

Planning permission was previously refused on the site as no evidence or information had been produced to counter concerns about the potential use of the building to be demolished as a habitat for protected species. To address this reason for refusal a bat survey has been submitted. The surveyor is confident there is no bat use of the property at the time of the survey. The survey has been considered by the Council's ecologist and is considered to have addressed previous concerns in this respect.

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ITEM 2 (CONT'D)

APPLICATION NO.

2014/1499

The Drainage section has requested surface water drainage details. Given that the proposal is for a replacement dwelling and given the large area of garden to the rear that could be utilised for infiltration drainage, had the application been acceptable in all other respects this matter could have been addressed by condition.

In respect of flooding, NRW commented on the previous planning application as follows:

'The proposed development itself is outside of the area identified as being at risk of flooding on our current flood maps. However the access to the site from Heol Las is shown to be at risk of flooding and is classed as Zone C1 on the development advice map referred to by Welsh Government TAN15 (July 2004). Whether potential restricted access is a constraint to development is a matter for your Authority to determine'.

Having regard to this advice and the new flood maps issued in January 2015, given the development is for a replacement dwelling the consequences of flooding are considered to be acceptable and would not conflict with Policy EV36.

The applicant has drawn attention to the fact that cars have mounted the pavement along this stretch of the highway and in the most recent incident in 2014 a car was driven into the front garden of No. 504. The applicant has provided this information in order to justify and support the indicative proposals to set the dwelling back within the site. Whilst this concern is noted, it is not considered to provide sufficient justification that would outweigh the harm to neighbouring occupiers that would result from setting the dwelling back, as indicated within the submission.

Conclusion

The proposed development would not be acceptable in terms of its impacts on the living conditions of the occupiers of neighbouring properties and would therefore be contrary to UDP Policies EV1, HC2 and the 'Infill and Backland Design Guide' SPG. The application is therefore recommended for refusal.

RECOMMENDATION

REFUSE, for the following reason:

- 1 The proposed development by virtue of its size and siting in proximity to neighbouring properties would result in significant adverse overbearing impacts and loss of light impacts to the detriment of the residential amenity of the occupiers of No. 502 and 506 Heol Las. The proposal would therefore be contrary to EV1 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and the supplementary planning guidance 'Infill and Backland Design Guide' adopted 2014.

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APPLICATION NO.

2014/1499

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, HC2 and the 'Infill and Backland Design Guide' SPG.

PLANS

Site location plan received 10th October 2014.

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ITEM 3

APPLICATION NO.

2014/1225

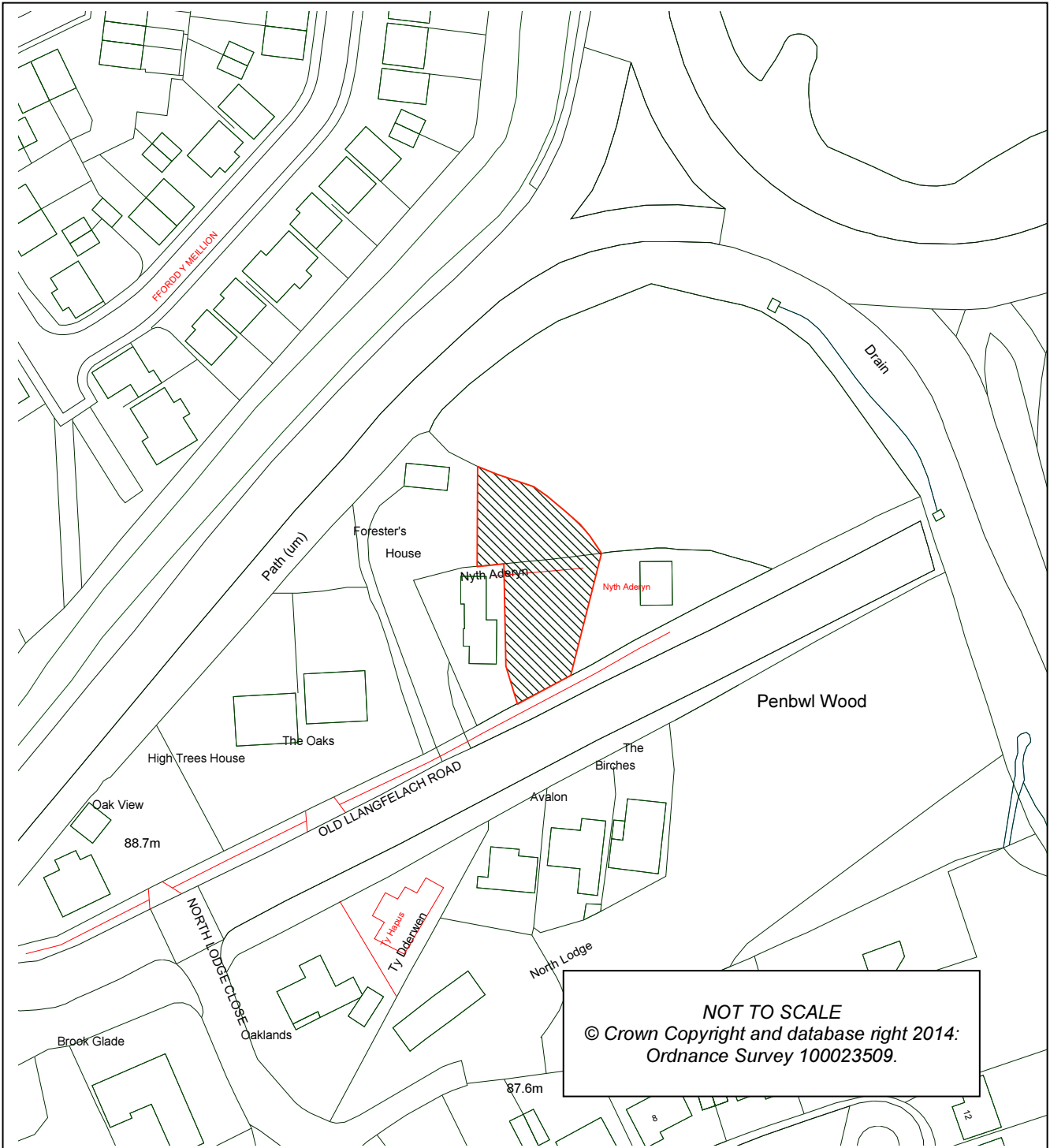
WARD:

Penllergaer

Location: Land adjacent to Foresters House, Old Llangyfelach Road, Penllergaer, Swansea, SA4 9GP

Proposal: Detached dwelling (outline)

Applicant: Mr Samuel Appleby



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ITEM 3 (CONT'D)

APPLICATION NO.

2014/1225

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
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 EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
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 HC2	Housing development within the urban area will be supported where the site has been previously developed, its development does not conflict with other policies, does not result in ribbon development, and the coalescence of settlements, overintensive development, significant loss of residential amenity, significant adverse effect on the character and appearance of the area, loss of urban green space, significant harm to highway safety, significant adverse effects to landscape, natural heritage, security and personal safety, infrastructure capacity, and the overloading of community facilities and services. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
2014/1503	Detached dwelling and detached garage (Amended plans received) Under Consideration

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ITEM 3 (CONT'D)	APPLICATION NO.	2014/1225
2005/2125	Residential development (outline) Decision: Grant Permission Conditional Decision Date: 21/03/2006	
2006/1966	Eight detached dwellings with garaging and parking with associated access and landscaping works and off site drainage connections. Decision: Refuse Decision Date: 15/08/2007	
2008/0123	Removal of condition 09 of planning permission 2005/2125 granted 21st March 2006 to remove the restriction that the development has to be orientated in a northerly direction Decision: Refuse Decision Date: 28/05/2008	
2009/0383	Construction of 8 detached dwellings (details of siting, design, external appearance, access, landscaping and parking pursuant to conditions 1, 5, 7 and 9 of planning permission 2005/2125 granted on 21st March 2006) Decision: Grant Permission Conditional Decision Date: 18/09/2009	

RESPONSE TO CONSULTATIONS

The application was advertised on site and one neighbouring property was consulted. TWO LETTERS OF OBJECTION have been received including one letter from Penllergaer Community Council. The letters may be summarised as follows:

1. Concerns regarding the removal of so many trees as part of this proposal which currently have a positive visual impact on the area. A relocation of the proposed property within the available plot would appear to be more practical without the need to remove so many trees.
2. The proposed site layout and site location plans are not a true representation as they feature drawings of similar neighbouring properties which do not exist nor do they have planning permission; comparisons to these properties is misleading.
3. The proposed development will rely on a cess pit. The neighbouring properties also have private drainage. There is a concern regarding the effect of so many cess pits in close proximity.
4. Concerns the loss of the trees would result in increased road noise to the properties on Old Llangyfelach Road.
5. The proposal would leave Forester's House without a garden, which would result in a significant loss of amenity for the future occupiers of this property. Furthermore, the loss of the garden would not be in keeping with the character of the road as all other properties have front gardens.

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6. Concerns regarding the loss of the stone wall and hedge along the site frontage.

Other Consultation Responses

Natural Resources Wales - 28.10.14

We would ask that determination of the application is deferred until confirmation of the method for disposal of foul water is received.

We note from the application form that the proposed method of foul sewage disposal is to a cesspool. Our opinion is that cesspools are not a viable long-term sewerage option in anything other than exceptional circumstances. In this respect the applicant should undertake a satisfactory non-mains drainage assessment in line with the requirements of Welsh Office Circular 10/99.

We would also recommend that you consult your Authority's own Public Health Team, along with your Drainage and Pollution Teams, for their comments on this proposal.

Further comments - 7.12.14 (following receipt of additional information)

As your Authority is aware there are a number of existing dwellings within this area which are all discharging sewage effluent via septic tanks or package plants to the ground. We are concerned that the land in this area may not be suitable for the disposal of effluent on such a scale, in such close proximity to each facility or dwelling and in close proximity to a tributary of the Afon Llan; a water body which is currently failing the Water Framework Directive (WFD).

Given the proliferation of private sewage treatment systems in this area, it is of paramount importance that the drainage proposal is looked at carefully. We advise that your Authority should consider the potential in-combination effects of the existing septic tanks and package plants within this area, prior to determining the above application.

In consideration of the above only if your Authority is satisfied with the information provided, and that it will not lead to any pollution, should use of a PTP be permitted.

Dwr Cymru Welsh Water

As the applicant intends utilising a cesspit facility we would advise that the applicant seeks the appropriate advice from the Building Regulations Authority or an Approved Inspector. However, should circumstances change and a connection to the public sewerage system/public sewage treatment works is preferred we must be re-consulted on this application.

The Coal Authority

The new development falls outside of the defined Development High Risk Area with only the northern edge of the rear garden area falling within it. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and **do not object** to this planning application. An informative note is recommended.

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Council's Highways Observations

This proposal is for a new dwelling in the side garden of Foresters House which is located off the Old Llangyfelach Road, Penllergaer. This road was formerly the main road through Penllergaer but is now a cul de sac. The road is very wide and there is a footway and verge area along the site frontage.

The proposed dwelling will have a direct and separate access from Old Llangyfelach Road leading to a substantial plot with a long drive. There is room within the plot for parking in excess of the recommended maximum requirement of 3 spaces and therefore this aspect is acceptable. Traffic generation from this one additional house is unlikely to be significant and can be accommodated on Old Llangyfelach Road.

I recommend no highway objection subject to the construction of a vehicular crossing to Highway Authority Specification and informatives.

Council's Drainage Section

We have reviewed the submitted information and while no information has been submitted to demonstrate that soakaways will work the site does lie adjacent to an area where catchment soil maps indicate infiltration should work, accordingly we recommend that the conditions are appended to any permissions given to secure an appropriate means of surface water drainage for the site.

Pollution Control

Recommend conditions in relation to the provision of sound insulation measures and a construction pollution management plan.

In relation to drainage there is concern regarding the suitability of the land for further effluent disposal in combination with all the existing discharges in the surrounding area. No percolation tests have been carried out.

It is recommended a decision is either deferred until a test can be carried out and ourselves and NRW are satisfied that the ground is suitable for another effluent discharge in this area or in terms of foul drainage arrangement it is refused.

It is technically feasible to deal with foul waste from another dwelling but there are alternative methods rather than the suggested package treatment system and foul discharge to soakaway. The alternatives include connecting to the foul sewer with pumping station, a cess pit or a package treatment system with a piped discharge (which would need consent from NRW)

Council's Environment Officer

Recommend, if approved, a condition for the treatment of Japanese knotweed at the site.

Council's Planning Ecologist

The trees on the site will have wildlife value the trees indicated as being in good health in the tree survey should be retained

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Recommend, if approved, standard bat and bird informatives should be included on the grant of any planning permission.

Council's Landscape Officer

No observations.

Amended Plans – received 6th February 2015.

The applicant has submitted an amended plan amending the site boundary. The application was re-advertised on site and additional consultations undertaken. No further comments received.

Council's Highway Observations – No additional comments to make. Previous observations still apply.

APPRAISAL

This application is reported to Committee for decision at the request of Councillor Wendy Fitzgerald in order to assess the impact of the development on trees which act as a screen and pollution mitigator. A site visit has been requested.

This application seeks outline planning permission with all matters reserved for one detached dwelling on land adjacent to Forester's House, Old Llangyfelach Road, Penllegaer.

The application site is an irregular shaped parcel of land that forms part of the garden of Forester's house. The 0.08 hectare site is located on the northern side of Old Llangyfelach Road. To the north of the site is a wooded area with the A483 trunk road beyond. To the east is the dwelling 'Nyth Aderyn' and to the west Forester's House. The southern boundary has a frontage of some 17.7m onto Old Llangyfelach Road and is currently defined by a hedge and low stone wall. The northern part of the site has a number of trees; the remainder of the site is laid to lawn.

There is no planning history for the application site. Planning permission has previously been granted for a development of 8 detached dwellings to the north east (Planning Refs: 2005/2125 and 2009/0383 refers), however, this planning permission has now expired.

A full planning application for a detached dwelling and detached garage is currently being considered on land to the north west of the site (Planning Ref: 2014/1503 refers).

MAIN ISSUES

The main issues for consideration are the impact of the development on the character and appearance of the area; the impacts of the development on the residential amenities of neighbouring occupiers; and the impacts of the development on parking and highway safety. It is not considered the provisions of the Human Rights Act would raise any further material planning considerations.

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The City and County of Swansea Unitary Development Plan (UDP) policies relevant to the consideration of this planning application are: AS6 (Parking) EV1 (Design), EV2 (Siting and location), EV3 (Access), EV30 (Trees, Woodland and Hedgerow Protection), EV33 (Sewage Disposal) and HC2 (Urban Infill Housing).

The site has no planning designation in the UDP proposals maps and is 'white land' within the urban area. The proposal would constitute infill development which is supported by Policy HC2 provided the proposed development does not conflict with the listed policy criteria. Policies EV1 and EV2 seek to ensure that new development accords with the listed objectives of good design and has regard to the physical character and topography of the site. In addition Policy EV3 requires developments to have satisfactory access and parking arrangements. Policy EV30 seeks protection and improved management of, amongst other things, trees and hedges which are important for their visual, historic, natural heritage and recreation value. Policy EV33 requires developments to have satisfactory foul water drainage arrangement.

Also relevant is the adopted Supplementary Planning Guidance (SPG) entitled 'Infill and Backland Design Guide'.

Having regard to the above UDP Policies, in broad land use terms, residential infill development within the urban area is supported. The acceptability of the proposal therefore rests with the consideration of the submitted indicative details having regard to the main issues described above.

Visual Amenity

The area is characterised by large detached dwellings set back from the wide street frontage. The stone boundary walls and hedges which define the frontages of these properties together with the undeveloped wooded and open areas at the eastern end of the road give the area a semi-rural feel, which contrasts with the modern design and materials of the infill developments that have incrementally taken place along the road.

The site is not readily visible from the road frontage given the presence of a high hedge, however, the mature trees at the rear of the site are visible. These trees, which include both coniferous and deciduous varieties, are not covered by tree preservation orders.

The indicative details illustrate a dwelling sited some 20m back from the site frontage and some 14m rearward of the Forester's House frontage. The design and access statement explains that the indicative siting reflects the constraints imposed by the proximity and orientation of the neighbouring properties to the east and west, which both have habitable room windows in the elevations facing the application site. In order to try to address any potential significant overbearing or overshadowing impact to neighbouring properties the dwelling has been pushed back within the site towards the area covered by mature trees.

In street scene terms the lack of a consistent building line on the northern side of the road together with the stone wall and hedge along the site frontage, which are a strong visual features along the road and are indicated to be retained as far as possible within the design and access statement, would serve to ensure that the siting of the proposed dwelling in relation to neighbouring properties, would not result in any significant visual impacts in street scene terms.

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The scale parameters for the dwelling have been provided as follows: 9-9.2m in width, 6.25-9m in depth and 6-8.2m in height. The applicant has also indicated that if the footprint of the dwelling increases from 9m by 6.25m to 9.2m by 9m then there would be a compensation with a reduced roof eave height as low as 6m.

Indicative details have been provided for the proposed dwelling which illustrate a dwelling measuring some 8.5m in width, 5.75m in depth and 8m in height to the ridge. The scale and design of the indicative dwelling would not appear out of place within this mixed street scene and would accord with the scale and design of the dwellings approved within the development for 8 dwellings to the north east.

Turning to the impacts of the development on the mature trees within the site, whilst landscaping is a matter reserved for future consideration the application has been accompanied by a tree survey which surveyed a total of 16 trees within or straddling the boundary of the site. These comprise of 3 Lawsons cypress, 3 Douglas fir, 3 beech, 4 oak, 1 birch, 1 goat willow and 1 Wellingtonia redwood. The trees form part of a wooded area which extends to the north to provide screening from the A483 and the nearby motorway junction 48. The tree survey recommends the removal of 10 of the trees, which the survey states are forestry trees of little amenity value. Of the 16 trees on the site, 6 have been categorized as C1 of low quality and arboricultural value, 8 have been categorised as R which are trees to be removed for reasons of sound arboricultural management and 2 are categorised as B1 which are trees of moderate quality and value.

A total of 5 trees are indicated to be retained within the development, which includes the 2 B1 beech trees and 3 C1 oak trees. The retention of these trees would ensure that the woodland setting of the site would be retained, however, the proximity of tree 13 in particular to the siting of the dwelling as indicated does raise concerns in terms of the potential physical overbearing impacts of this tree upon the living conditions of the future occupiers. As this tree is not protected whether it is proposed to be retained or removed would ultimately be the decision of the developer or future occupiers. The submission of landscaping details at the reserved matters stage will confirm the developer's intentions with regards to these trees, however, if they are proposed to be removed replacement tree planting would be required.

It is therefore considered that the proposed development has taken into account and where possible indicated the retention of existing trees and hedgerows within the site as required by policy EV2. Moreover, in view of the low quality of the trees proposed to be removed and that they are not covered by a Tree Preservation Order, it is not considered that their removal would result in any significant detrimental impacts on the character or appearance of the area.

In light of the above it is considered that the proposed development would not result in any significant detrimental visual impacts on the character and appearance of the area, subject to the submission of satisfactory details in respect of the reserved matters whereby full and detailed consideration can be given to the proposed site layout, appearance, scale and landscaping of the proposed development. Given the importance in street scene terms of the front boundary wall and hedge it is recommended a condition is imposed requiring its retention.

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In terms of visual amenity, therefore, the proposal is considered to be in accordance with UDP policies EV1, EV2, EV30, HC2 and the SPG 'Infill and Backland Design Guide'.

Residential Amenity

In terms of impacts upon residential amenity, the siting of the dwelling as indicated set back in line with the garage of Forester's House would ensure that there would be no significant overbearing or overshadowing impacts to the occupiers of this property. Similarly, the dwelling could be designed to mitigate against any significant overlooking of this property. Turning to the impacts on Nyth Aderyn to the east, a separation distance of 15 metres is indicated to be retained between the side elevation of the proposed dwelling and the rear elevation of this property, which contains a number of habitable room windows. The indicative siting therefore indicates that a dwelling could be accommodated within the site without resulting in any significant overbearing or overshadowing impacts to the occupiers of this property. Similarly, the dwelling could be designed to mitigate against any significant overlooking of this property.

Turning to the residential amenity impacts on the future occupiers of the development the rear elevation windows of Forester's House would overlook the front garden area of the proposed dwelling. Whilst this relationship is not ideal, the indicative plans indicate there would be sufficient usable private amenity space available within the site for the future occupiers of the development, as such it is not considered there would be any significant impacts to the living conditions of the future occupiers in this respect.

In relation to the proximity of the dwelling to the trees indicated to be retained at the rear, as stated above, whilst there is a concern regarding tree 13 in particular, a considered assessment of the impacts upon the residential amenities of the future occupiers can only be made at the reserved matters stage. In principle, however, it is considered that the site can accommodate a new dwelling without resulting in any significant overbearing impacts from existing trees.

In relation to potential noise impacts to the occupiers from the proximity of the A483 and the M4, having regard to the advice contained within Technical Advice Note (Wales) 11 Noise, the site would fall within Noise Exposure Category 'C'. The TAN states 'Planning permission should not normally be granted. Where it is considered that permission should be given, for example, because there are no alternative quieter sites available, conditions should be imposed to ensure a commensurate level of protection against noise'.

In this instance, there are no alternative quieter sites available within the applicant's ownership. It is also noted that when outline planning permission was granted on the adjacent site for 8 dwellings (2005/2125 refers), a site specific noise assessment was undertaken which categorised the site within category 'B' where according to the TAN 'Noise should be taken into account when determining planning applications and, where appropriate, conditions imposed to ensure an adequate level of protection'. In this regard the Pollution Control Division have recommended a condition in relation to the provision of sound insulation measures, which should ensure the living conditions of the future occupiers would not be significantly harmed by surrounding road noise.

The proposed dwelling would be sited on land that currently forms part of the private garden area serving Forester's House. It is considered sufficient private outdoor amenity space would be retained for the occupiers of this dwelling.

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In view of the above, it is considered that the development can be accommodated on the site without result in any significant adverse residential amenity impacts to the occupiers of neighbouring properties. The proposal would therefore be in accordance with UDP policies EV1, HC2 and the SPG 'Infill and Backland Design Guide'.

Highway Safety and Access

The Head of Highways and Transportation has raised no objection to the proposal subject to the requirements listed in the highways observations above, which may be secured by conditions and informatives. The proposal is therefore considered to be in accordance with UDP policies AS6, EV1, EV3 and HC2.

Other Issues

In relation to drainage issues the applicant has stated that mains drainage cannot be achieved at the site due to the distance to the nearest available connection some 70m away in an elevated position across private land. NRW have commented that they are concerned by the proliferation of non-mains drainage in the area in terms of the potential impacts on the water environment, including in-combination effects with other non-mains drainage in the area. Similarly the Council's Pollution Control Division have also expressed concerns in this respect on environmental health grounds.

Policy EV33 (Sewage Disposal) states that in exceptional circumstances where connection to the main sewer is not feasible, consideration will be given to the use of private drainage systems, provided the criteria set out in Circular 10/99 are met.

The responsibility for demonstrating that a development can be effectively served by a sewerage disposal system rests primarily with the developer. The applicant has carried out a non-mains drainage assessment as required by EV33 which demonstrates that a mains connection is not possible. The applicant has indicated a preference for the use of a package treatment system discharging to a soakaway. Private treatment systems require regular maintenance in order to work effectively and it is the responsibility of the homeowner to ensure the system is maintained correctly in order to ensure no detriment to the environment or public health.

Whilst the above concerns of NRW, the Pollution Control Division and neighbours are noted, as a mains connection is not possible in this instance, it is considered it would be unreasonable to withhold planning permission for this reason. There are a number of private treatment systems available on the market which would need to comply with the relevant effluent standards. The Council's drainage officer has confirmed that the soil characteristics of the site should allow for infiltration drainage as such any proposed foul drainage solution which breaks down the foul discharges from the site should be able to effectively discharge the purified waste water to the ground via infiltration or to a local watercourse, if available.

In principle, therefore, it is considered that a satisfactory means of foul water drainage disposal can be achieved at the site without resulting in any detrimental effect to the environment or public health. It is recommended that the provision of satisfactory foul water drainage details are required by condition which will also require the maintenance regime for the approved scheme/system to be in accordance with the manufactures instructions.

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Turning to surface water drainage, soakaways are proposed which is considered to be acceptable in principle and it is recommended that the details are required by condition in accordance with the advice of the Council's drainage officer.

Concerns have been raised in a letter of objection regarding the potential noise impacts on Old Llangyfelach Road from the A483, should the trees be removed on the site. No evidence has been provided to substantiate this concern. A bank of trees would remain between the application site and A483, moreover, it is likely that the provision of a dwelling within the site may also serve to attenuate some noise from the A483. It is not considered that a refusal of planning permission for this reason could not be sustained at appeal.

Concerns have been raised that the plans feature drawings of the scheme approved (but now expired) for 8 dwellings at the adjacent site. Whilst this fact is acknowledged, the application drawings and supporting information have provided sufficient accurate details to consider the merits of the proposed development.

Conclusion

In conclusion it is considered that a detached dwelling can be accommodated on the application site without resulting in any significant adverse impacts to the character and appearance of the area or any significant adverse impacts on the residential amenities of neighbouring occupiers or the future occupiers of the development. Furthermore, it is not considered the proposal would raise any significant highway safety issues. Noise and drainage issues can be adequately dealt with by conditions. The proposal is considered to be in accordance with the above UDP policies and SPG, as such conditional approval is recommended.

RECOMMENDATION

APPROVE, subject to the following conditions

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

Reason: 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.

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- 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 The development shall be carried out in accordance with the following approved plans and documents: [A-002-03 site location plan received 6th February 2015].
Reason: To define the extent of the permission granted.
- 5 Before the development hereby approved is occupied the means of enclosing the boundaries of the site 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.
- 6 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.
Reason: In the interests of ecology and general amenity.
- 7 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. The scheme shall include the results of soakaway tests carried out in strict accordance with BRE Digest 365 or the equivalent CIRIA document and any surface water drainage system must be designed to accommodate the 1 in100 year critical storm including an appropriate allowance for climate change. The 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 and to minimise surface water run-off.
- 8 No development shall commence until a scheme for the disposal of foul water at the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved prior to the occupation of the development. All equipment installed as part of the approved scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
Reason: To ensure that a satisfactory means of drainage is achieved and that no adverse impact occurs to the environment or public health.

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- 9 Prior to any superstructure works commencing a scheme shall be submitted to and approved by the Local Planning Authority to provide the following:
All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 1 6 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 37 dBA Leq 16 hour during the day and 35 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 habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room, and shall be retained as such at all times.
Reason: To mitigate any significant impacts to the future occupiers from surrounding road noise.
- 10 Details of landscaping submitted pursuant to condition 1 shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development together with mitigation tree planting for existing trees which are proposed to be removed.
Reason: In the interests of visual amenity and ecology.
- 11 Details of layout, appearance and landscaping pursuant to condition 1 shall specifically include the retention of the front boundary wall and hedge, save for the area required for the new vehicular access.
Reason: In the interests of visual amenity.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, EV33 and HC2. Supplementary Planning Guidance 'Infill and Backland Design Guide'.
- 2 The proposed development lies within an area that has been defined by The Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.

It is recommended that information outlining how the former mining activities affect the proposed development, along with any mitigation measures required (for example the need for gas protection measures within the foundations), be submitted alongside any subsequent application for Building Regulations approval (if relevant). Your attention is drawn to the Coal Authority policy in relation to new development and mine entries available at www.coal.decc.gov.uk

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2014/1225

- 2 Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority. Such activities could include site investigation boreholes, digging of foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain Coal Authority permission for such activities is trespass, with the potential for court action.

Property specific summary information on past, current and future coal mining activity can be obtained from www.groundstability.com

If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to The Coal Authority. Further information is available on The Coal Authority website www.coal.decc.gov.uk

3 BIRDS

Birds may be present. 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 is in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings, trees and clearing bushes particularly during the bird nesting season, March to August

- 4 The construction of a vehicular crossing shall be provided to Highway Authority Specifications. The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work to the highway . Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

- 5 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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ITEM 4

APPLICATION NO.

2011/0345

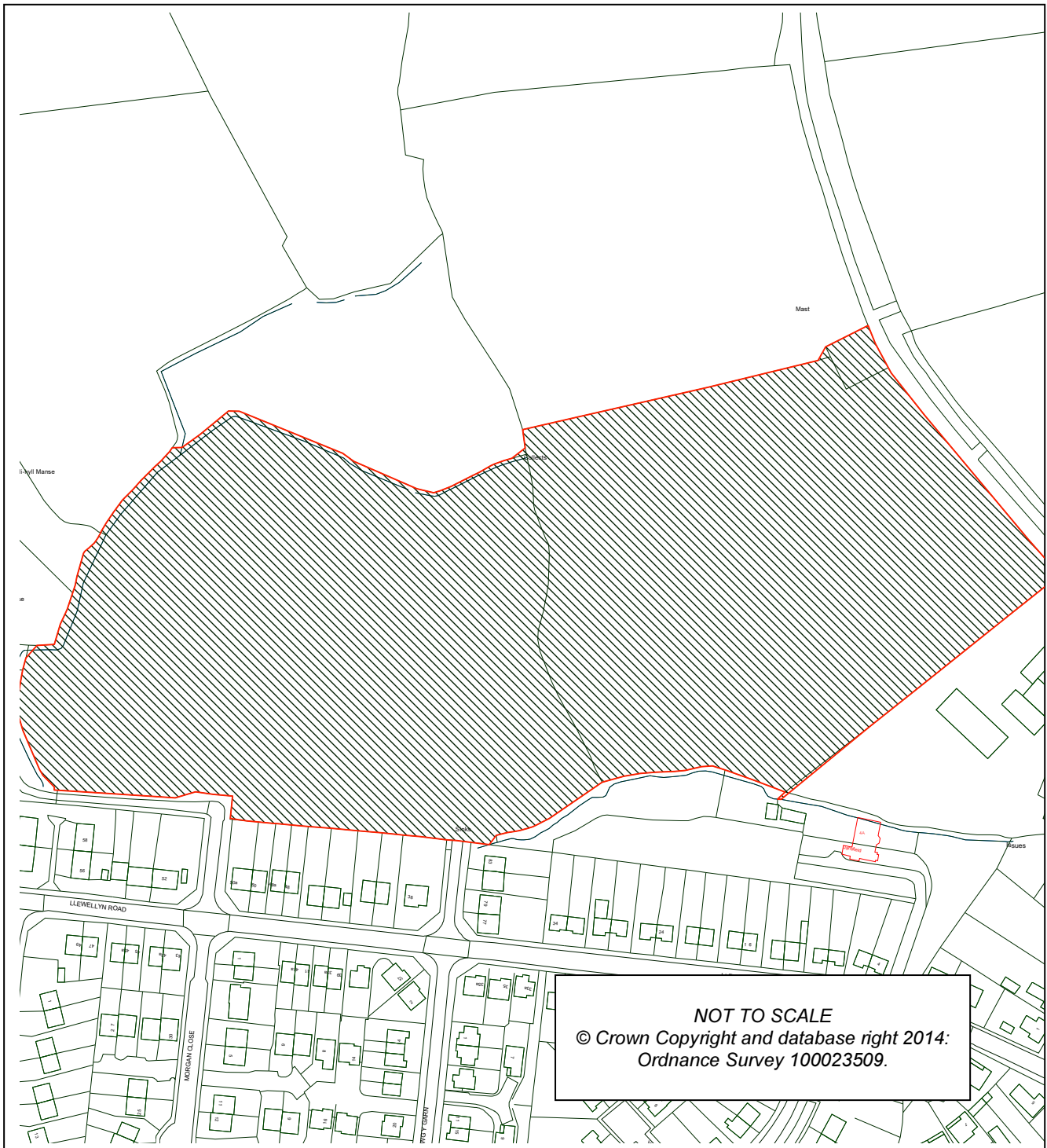
WARD:

Penllergaer

Location: Land north of Llewellyn Road Penllergaer Swansea

Proposal: Construction of up to 200 residential units with associated access (outline)

Applicant: Taylor Wimpey UK Limited



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ITEM 4 (CONT'D)

APPLICATION NO.

2011/0345

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 EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
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: 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 EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)

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Policy EV38	Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)	
Policy EV40	Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC3	Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)	
Policy HC17	The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)	
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 AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)	
Policy AS10	Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)	

SITE HISTORY

App No.	Proposal
2001/1112	Erection of 15 metre lattice telecommunications tower with 10 equipment cabinets and ancillary equipment (Application for the Prior Approval of the Local Planning Authority) Decision: Prior Approval is Refused Decision Date: 10/08/2001

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2001/1978	Erection of 15m column and equipment cabin with development ancillary equipment (Application for the Prior Approval of the Local Planning Authority) Decision: Prior Approval be given unconditional Decision Date: 14/01/2002	
LV/76/0433/08	RESIDENTIAL DEVELOPMENT Decision: Withdraw Decision Date: 01/01/2001	
2011/1337	Change of use of former school building to a dwelling (Class C3) and incorporation of adjoining land to form residential curtilage Decision: Grant Permission Conditional Decision Date: 25/07/2012	

Background

Following a request from the applicant, the Council issued a Screening Opinion in November 2006 advising that an Environmental Impact Assessment (EIA) would not be required for the proposal. A subsequent Screening Opinion was given in September 2010, again advising that an EIA would not be required for the proposed development.

However the applicant, Taylor Wimpey has elected to voluntarily submit an Environmental Statement taking the view that the project could be considered as EIA development and could impact on environmentally sensitive areas such as the Carmarthen Bay and Estuaries Special Area of Conservation, Carmarthen Bay SPA (Special Protection Area), Burry Inlet SPA, Burry Inlet Ramsar Site, Pembrey Coast SSSI (Site of Special Scientific Interest) and its location partly within the Llys Nini SINC (Site of Importance for Nature Conservation). A Scoping Report was subsequently submitted to the Council and a Scoping Opinion was issued in November 2011 advising that an Environmental Statement should include the impact of the development on ecology, surface water drainage/ flood risk and water quality.

The applicant submitted an Environmental Statement in line with the Scoping Opinion in October 2014.

Since the submission of the application, it should be noted that the Countryside Council for Wales (CCW) and the Environment Agency (EA) have merged together and have become Natural Resources Wales (NRW). Comments in the report that follows have been attributed to the body that originally provided them.

Summary of Environmental Statement

An ecological survey has been prepared to assess the impacts on ecology and nature conservation. The application site forms part of the Llys Nini SINC which is approximately 58Ha in size. However the site is not covered by any form of statutory designation, although it is in close proximity to an environmentally sensitive area, namely Carmarthen Bay and Estuaries SAC, Carmarthen Bay SPA, Burry Inlet SPA, Burry Inlet RAMSAR site and Pembrey Coast SSSI.

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Ecological desk and field surveys were carried out on the site and its surroundings in 2010 and then resurveyed in July 2013. These identified that a number of valued ecological features exist within and adjacent to the site.

As part of the site preparation works, a number of habitats including short sections of hedgerows, improved grassland and arable fields are to be cleared. These works would result in significant adverse impact on these features as they would be permanently lost. However, there is unlikely to be any significant impact on other ecologically valuable features as they are to be retained or adequately compensated by the planting of new hedgerows and areas of open space with the adoption of appropriate mitigation measures. Mitigation proposed would allow for retention and management of more valued features such as woodland and hedgerows.

For species such as bats, birds, hedgehogs, reptiles and badgers, significant adverse impacts were considered unlikely, although significant adverse impacts within the application boundary in the short term were predicted reducing towards neutral for breeding birds, foraging bats and reptiles over the longer term.

With regards to drainage, the assessments confirmed that the site is not within a Flood Risk Zone and therefore not at significant risk from fluvial or tidal flooding. The application site is currently at pasture and therefore produces run-off at Greenfield rates.

Surface water drainage currently goes into the public sewerage system and is proposed to enter it again with attenuation to Greenfield rates. With regard to surface water run-off, the preferred method of disposal is the utilisation of SuDs, such as soakaways or swales or other infiltration methods. Current soakaways test data confirms that infiltration methods are unfeasible as a sole means of surface water management due to the impermeable nature of the soils. A surface water strategy encompassing attenuation to restrict discharge rates to existing levels as a minimum has therefore been developed.

The hydrological status quo would be maintained and flood risk to third parties is not exacerbated. An attenuation pond and sub-surface modular storage may also be required.

The discharge of foul flows has been calculated in accordance with the criteria outlined in the Memorandum of Understanding (MoU), and the discharge of foul flow from the new development is calculated to be 3.25l/s (250 no. properties at 0.13l/s/property). DCWW have confirmed that the downstream system does not have sufficient capacity to accommodate the foul flows generated by the proposed development. The increase in discharge may result in an increase in incidents of sewer flooding within the downstream system unless mitigation is provided.

In accordance with the MoU, it is necessary to remove surface water from the combined sewer to provide betterment in the system. Currently the betterment should be twice the maximum proposed discharge from the site. In this case it would be necessary to remove 6.5 l/s of surface water from the combined system in order to achieve a betterment of this magnitude for the maximum of 250 houses that are proposed for the site.

Extensive drainage investigations have proved inconclusive in identifying local opportunities for surface water removal from the combined system to offset the proposed development flows. It is therefore necessary to utilise a donor site to remove surface water from the combined sewer within the same WWTW catchment.

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The overarching Statement of Water Quality identified two areas of concern where development could potentially affect water quality in the estuary. The first point of concern related to the hydraulic load on the existing combined sewerage systems. The discharge of surface water to the combined system is the main cause of the problem and the MoU has addressed this by stipulating that no surface water from new developments shall discharge to the combined sewer. The second concern relates to nutrient loading on the Estuary. Certain nutrients are removed from the sewage by appropriate treatment at the WWTW but it has been determined that WWTW effluent discharges contain the highest percentage of phosphates when compared with other nutrient sources.

The removal of any surface water from the combined system would be greatly beneficial in that its removal would result in fewer CSO spills, reducing bacterial and nutrient impact on the controlled waters. The removal of surface water from combined sewers generally would reduce the volume of flow (even within developments) such that storage facilities at the pumping stations would more efficiently cater for more frequent storm events or greater population equivalence.

The potential for using a donor site within the catchment has been discussed with DCWW and CCS. DCWW has confirmed that one of the sites will be made available in Denver Road, Fforestfach. DCWW have confirmed that the proposed surface water removal schemes (i.e. the donor site abstraction schemes) will remove 3.1l/s and 3.7l/s of surface water from the combined sewer. A total removal of 6.8l/s will be removed compared with a required removal of 6.5 l/s.

All surface water run-off generated by the new development would be contained within the site boundary for all events up to and including a 1% + Climate Change probability. In the interests of maintaining the quality of the surface water discharge, surface water run-off from areas of hardstanding such as car parking and highways will pass through interceptors or trapped gullies prior to discharging to the public surface water network.

The ES concludes that through appropriate mitigation strategies inherent to the proposed development or to be secured by planning conditions or planning obligations, measures would be taken to ensure that the environmental impact of the proposed development is minimised.

Neighbour comments:

The development was advertised on site and in the press as a development that may have a substantial impact on the amenity of the area in which it is situated, and 76 no. properties were consulted individually. 14 LETTERS OF OBJECTION (9 from individuals and 5 from RSPCA Llys Nini) were received, which are summarised as follows:

Community:

- Concern that the proposed construction of 200 houses will have an adverse effect on the community and village of Penllergaer.
- Site is a green wedge and proposal will destroy scenery and views.
- Future concerns about the long term effect of further expansion of this “village”.
- Infrastructure and amenities need to be looked at to cater for increasing population. Taking into account current development at Bellways site north of Pontarddulais Road, and possible future locations in the area there could be a total of 1378 units?

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- With regards to facilities, the provision of a small children's area within the development is not good enough.
- Concerns that the development and its impact will have on the charm and countryside the village of Penllergaer offers.
- Need to consider all infrastructure and amenities within Penllergaer – infrastructure already at saturation point and will be exacerbated further by this development.

Access and traffic

- Proposed access is through a small cul-de-sac where there are just 4 houses which have six cars and no off road car parking. If this road is opened up there would be at least 400 cars passing by objector's houses to gain access to their houses.
- The access is only a small road with vehicles parked along it which already has traffic calming on and increased traffic will increase concerns.
- Concerns that there will be increased traffic passing through the village increasing the danger to children and parents using the school.
- Question whether there will be a pedestrian crossing facility across Llewellyn Road which will be busier after the development.
- Concerns regarding the effect of exhaust fumes on the community.
- Concerns that the proposal will impact on traffic congestion on the slip road at J47. Traffic jams on all arms of the junction.
- Concerns regarding the effect of construction traffic – noise/ safety.
- Previous problems of damage, dust etc due to construction in the area (over 7 years).
- Concerns regarding increased traffic near to the school.
- Penllergaer is already grid-locked due to the main road leading to Gorseinon in one direction and the M4 in the other – extra traffic would exacerbate an already difficult situation.

School:

- Will the existing school at Penllergaer have the capacity (buildings, facilities, staff) to cater for the proposed increase in population.
- Where will the funds come from to upgrade the school?
- Do the local schools have capacity to take increased numbers of pupils?
- There is currently insufficient parking for parents/ visitors at school start and finishing times.
- Playgrounds at the school should not be built on as they are required for pupils.

Public open space:

- Mobile phone mast adjacent to the public open space – an attempt to keep houses an appropriate distance from mobile phone mast. No proof either way on health effects but Minister of Rural Affairs appears to be taking a precautionary approach. Wimpey are taking the same cautious approach.
- NHS Health Advice explains body and nervous system are still developing into teenage years and Wimpey are taking a cautious approach by not building houses nearby and yet they propose it as an informal kickabout area for children – is there planning guidance on this?

Sewerage/ Drainage:

- Removal of sewerage has not been resolved as there is a lack of capacity at Gowerton works.

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- Removal of sewerage within Penllergaer is not a new concern. The current Bellway site necessitated increased pipework along part of Gorseinon Road. A definite scheme should be agreed before planning permission is settled.
- Surface water drain off into a pond, whilst current practice on some sites, has its own dangers. Children playing near water is potentially dangerous. A safer method should be preferred irrespective of cost.
- Concern that Burry Estuary cannot take any more sewerage.
- Penllergaer already suffers with excess surface water. Excess waste and water would not benefit the community, its waste infrastructure or the site at Gowerton.

Wildlife:

- Objection on the grounds that the application will destroy wildlife.
- Proposed site is part of Penllergaer SINC with protected species such as pipistrelle bats and otter species recorded. Other species reported include badgers, red kites and other endangered species which depend on the natural setting of the area.
- Request a comprehensive EIA is carried out.
- Could not further consideration be given to building homes on brownfield sites such as those around Waunarlwydd and Old Felindre Steelworks. Brown belts are less intrusive and more convenient and accessible than Penllergaer.

One neighbour did state that they were not opposed to development per se but the impact on existing community should not be detrimental.

RSPCA Llys Nini Animal Centre:

RSPCA Llys Nini is a local independently registered and locally financed charity based at Llys Nini, Penllergaer. Llys Nini is a 78 acre property just north and downhill of the proposed development. The charity is a major employer in the area, with 45 people currently on the payroll.

(28/3/11) – raised a number of objections relating to security of Llys Nini site; drainage, European Protected Species, noise nuisance, SINC, green wedge, lack of consultation at IHP stage, and impact on Llys Nini business.

(29/3/11) – requested copies of ecological surveys and drainage strategy because concerns that drainage may affect biodiversity within their conservation area and adversely affect their own reed bed due to diversion of water away from the site.

(11/4/11) – Summary of objections and addition to objections, including concerns that the proposed work would jeopardise the charity's conservation work, and asked for assurances from developer to cover potential impact. No Environmental Impact Assessment has been undertaken.

(14/4/11) Main concern is the lack of a comprehensive Environmental Impact Assessment resulting in closure of business and huge impact on local biodiversity.

(9/12/11) A letter was subsequently received from RSPCA Llys Nini removing their drainage objection.

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Following the submission of the Environmental Statement, the applicant advertised the application within the press and on site as an EIA application accompanied by an Environmental Statement (Reg. 14).

ONE further letter has been received as a result of this re-notification from Llys Nini. They reiterate concerns with regards to biodiversity at the Llys Nini SINC and repeat original concerns about their drainage catchment. They also raise concerns that the ES may be out of date as local biodiversity has been increased locally (including water vole which is a protected species status under the 1981 Wildlife and Countryside Act and increased numbers of Sky Lark). With regards to archaeology, they believe there is a Roman Practice Fort in or close to the proposed development site and a survey should be undertaken. Further concerns are raised with regards to site security, the secondary access through adjacent land finally, the ever increasing volume of traffic from along the A48 has made it increasingly difficult to turn into and out of Llys Nini's gates. Traffic congestion will also deter visitors and customers to the site, reducing income (and animal adoptions). This will have a detrimental effect on business.

One neighbour has written in to state that residents do not have off-street parking and speed humps/ road narrowing further restrict access. Recent development has added to traffic using Llewellyn Road. The resident also queries whether this site is within a green belt area.

A further query from a local resident regarding the application site boundary has been clarified through the submission of an amended plan.

Pollution Control:

"With relation to Noise, I would like to condition the following: -

Road Traffic:

- 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 1 6 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 37 dBA Leq 16 hour during the day and 35 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 habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

There has also been recent case law that introduces the possible defence of a change of the locality. The change in land use, to residential, could well be used as a defence by Llys Nini RSPCA centre should any future residents' complaints about statutory noise nuisance caused by the barking of dogs. The burden would still be on Llys Nini to show that they have been operating in a consistent manner for the last twenty years and that they are taking all reasonable steps. I would advise that the final layout plans take this into account as there is the potential for complaints to occur.

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Site Investigation Report

I've had a look at the site investigation report accompanying the application and there don't appear to be any particularly significant contamination potentials. 10.4 of the report refers to a marginally elevated concentration of 34 mg/kg of arsenic. In the local context I agree with the conclusion stated in that section that this should not be considered significant. In addition, I would not consider there any need for additional bio-accessibility testing [ref. 10.5]

I also agree with the conclusion that chromium levels do not require any further consideration.

Minimal traces of carbon dioxide have been detected but, provided the Radon protective measures referred to in 10.7 are put into place, these should pose no risk to subsequent occupiers. I would expect this particular requirement to be addressed by Building Regulations requirements.

There are, however, some potential problems that might arise during the development phase and these will need to be addressed by a combination of conditions and informatives.

Ecology:

"The site has already been subject to an ecological survey dated 2006 which was updated in 2010. The grass fields are of low ecological value, the main interest being the hedges on the site and the water course that runs along part of the southern boundary. There are also several boundary trees which have potential for bats and have habitat value. The developer's ecologist suggestion is that these features are retained and that a series of further surveys are carried out in order to clarify some of the points raised in the previous surveys. It has also been suggested that in order to control surface water flow an attenuation pond will be constructed. These suggestions will protect the most valuable aspects of the sites ecology and provide compensation for the loss of grassland."

Ecology (further comments):

"It was agreed that the boundary features are to be retained; these include hedges, boundary trees and watercourses. The internal hedge row is to be largely retained as a wildlife corridor and habitat. The hedges should not have fences constructed against them that will impede their growth. Some of the trees have been identified as having bat potential if any arboricultural work is needed on them a bat survey will be needed before any work is undertaken. The hedges are used by foraging bats light spill onto them must be minimised as increase in light levels will deter a number of bat species this could be done through an agreed lighting plan.

The attenuation pond in the south and the area around the electricity tower to the north of the site provide opportunities for mitigation and compensation for habitat loss, it was agreed that these two areas would be managed with wildlife in mind. In order to retain the interest of these two sites we will need an agreed management scheme.

Reptiles are present on the site we should request a mitigation plan is submitted for our approval prior to work starting. Informatives are required as birds may be present on site.

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In view of the drainage study the developers have commissioned and my previous discussions with the developers and their ecologist I don't think that a change to the drainage pattern on the development site at Llewellyn Road will adversely affect drainage to the Llis Nini SINC. The ecology of the Llis Nini SINC should remain unaffected."

Highways:

Raised several questions – further information needed. Likely that traffic calming on Llewellyn Road will need to be supplemented. This would likely take the form of a speed table at the access junction on to Llewellyn Road. Works to Dillwyn Road would likely be necessary. Currently the carriageway is narrow and conflict occurs along its length. A possible solution would be to narrow the wide footways and increase carriageway width or consider reverting to one-way movement.

Highways (further comments):

1 Background

1.1 This outline proposal is for a residential development on an allocated site. Access is to be gained from the spur road opposite Golwg y Garn off Llewellyn Road. Whilst not indicated on Ordnance Survey plans, the road has a name plate showing Mount Crescent.

1.2 An assessment of the traffic impact from up to 200 dwellings has been submitted in support of the application.

2 Traffic Generation

2.1 Reference to national data predicts 112 movements out and 28 movements in during the am peak hour, with 98 movements in and 42 movements out during the pm peak hour. The busiest outbound movement in the am peak equates to 2 movements per minute onto the surrounding highway network.

2.2 The impact of the predicted traffic movements have been tested at the following junctions and updated in October 2014;

Llewellyn Road/ Gorseinon Road

Modelling of the mini roundabout has been inconclusive due to the uneven traffic distribution. Traffic movements along Gorseinon Road are significantly higher than Llewellyn Road therefore the traffic model has failed to replicate the current movements indicating queuing far in excess of actual queues measured during the junction surveys. The disproportionate flows result in the mini roundabout junction operating more like a priority junction. A detailed model therefore has not been possible and on the basis that the predicted traffic movements would equate to one vehicle every 3 minutes from the east and one vehicle every 12 minutes from the west during the am peak, insignificant impact is predicted.

In the PM peak, more vehicles are travelling towards the site and the highest figure predicted is one vehicle a minute from the east. This is not considered to have a significant impact.

The presence of the traffic signal junction at Dillwyn Road, disrupts the flow approaching the mini roundabout and therefore provides gaps in the flow allowing egress by Llewellyn Road and the development site traffic.

Dillwyn Road/Gorseinon Road

Modelling of the traffic signals at this junction predict no measurable impact from the development, with any queuing expected to stay the same as currently save for one extra vehicle.

Penllergaer roundabout

The impact of predicted additional flows here is minimal with an expected 4.4% increase. This is below the 5% used at sensitive sites to require detailed testing and the 10% figure used in situations where no sensitivities or significant queuing occurs. With percentage impact used as a guide attention is then turned to actual figures which in this case are 1 to 2 vehicles a minute during the peak hour. Whilst this is an increase in movements at this sensitive roundabout, the actual impact of the development traffic is again minimal and will not have a significant effect on the operation of the roundabout.

J47

The impact of development traffic at Junction 47 is indicated to be 1.4%. This is well below the threshold for detailed analysis and in traffic terms is insignificant. In the PM peak 1 vehicle every 5 minutes is expected to be generated heading to the development.

3 Site Access and Improvements

- 3.1 Mount Crescent on the approach to the site access is to be altered to provide a 5.5m wide carriageway with a 2.4m wide footway on the west side and a 2m wide footway on the east side. This will provide a carriageway of standard estate road width and footways above minimum requirements. On entering the site, the proposed carriageway is indicated to be narrowed to 4.1m for a length of 10m. This is to retain an existing tree and the proposed width will allow two cars to pass but not a car and larger vehicle. Footway provision is also retained along this length so pedestrian safety is not compromised. This is typically the type of layout applied to calm traffic movements and help to reduce vehicle speeds.
- 3.2 Currently there are 4 houses fronting Mount Crescent and resident's park on the carriageway. With the widening of Mount Crescent to a standard 5.5m estate road width, this will be able to continue.
- 3.3 Llewellyn Road has been subject to traffic calming over recent years and in order to supplement that, the applicant has been advised that a speed table should be constructed at the junction of Mount Crescent/Golwg y Garn/Llewellyn Road.

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4 Local Facilities/Accessibility

4.1 The nearest shop is at the junction of Llewellyn Road with Gorseinon Road and there is a post office on the opposite side of the road nearby. The nearest school is at Penllergaer roundabout approximately 700m from the site and bus services here are of a 20 minute frequency with an hourly service along Llewellyn Road itself. Footways are present in the area with crossing facilities at the Llewellyn Road/Gorseinon Road junction and a controlled crossing about 30m from this mini roundabout, with further controlled crossings near the school. Crossing facilities are also available at the Dillwyn Road traffic signals. There are no dedicated cycle facilities in the immediate area.

5 Conclusions and Recommendation

5.1 This site is allocated for residential development in the current UDP. Evidence has been submitted indicating that the traffic generated by up to 200 dwellings will not have a significant impact on local highway conditions and improvements to the access together with further traffic calming is proposed.

On balance therefore, no highway objections are raised subject to conditions;

Parks:

Applicant should supply an appropriate planting schedule listing the proposed species of trees and shrubs in order to determine any maintenance/ safety implications.

Due to current spending predictions any commuted sum for a proposed new play area (LEAP) would be better directed to the upgrading of an existing play facility we currently maintain at Penllergaer Playground, Gors Road. We would not wish to create any additional play areas whilst the Authority is looking to rationalise its existing play areas due to both financial constraints and a reduction in staffing resources.

There are concerns regarding the depth of the lagoon with regards to safety issues which will be dependent upon the actual depth of water and the severity of the edge around the lagoon as this will determine if safety fencing is required and also the responsibility and future maintenance of the lagoon. Further information would therefore be required prior to final planning approval.”

Parks (further comments):

“The Parks service would suggest a 1.2m high galvanised “hooped top” fence around the attenuation pond with a 1.5m wide service access gate, however the requirement of fencing would be determined by the edge of the pond whether it is gradual or sheer, as there may only be a need to provide lifesaving buoys and appropriate signage.

With regard to the provision of play, there would be a capital construction cost of £100,000 based on the requirements of a Local Equipped Area of Play (LEAP) on the development, however a commuted sum for a 25 year maintenance period of £75,225 would not be required if the capital cost was allocated to the upgrading of the existing play facility on Gorseinon Common as we are currently maintaining this equipment.”

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Urban Design:

“The application site forms part of a larger HC1 (91) allocation over 7.9ha which is identified as having potential for approximately 250 units. The application in outline is for up to 200 units on 5.9 ha of the allocated area. This gives a reasonable suburban gross density of 34dph including the open spaces associated with the development. Provision is made to access the remainder of the allocated site to the east which is not in the applicant’s control.

The scheme is underpinned by a landscape appraisal which retains and strengthens existing hedges to create green corridors through and around the site. This gives the site a green structure which will help create a distinctive sense of place.

As the scheme is in outline with all matters except access reserved for future consideration, the Design and Access Statement (DAS) sets out a strategic approach to movement and landscape as well as character areas in order to break the site into a series of distinctive locations. The character area guidance addresses, layout, massing and scale; parking; boundaries and lighting. Whilst this approach is welcomed in principle, some elements do require refinement:

- § The movement strategy requires more thought (have Highways commented on this yet?). The street hierarchy and important street design aspects such as carriageway widths, building setbacks, etc should be covered with the character area sections of the DAS.
- § The principle of a Crescent as an identifiable heart of the site is supported, however the three storey development as shown in the Area 1 Site Elevation and Area 1 Section AA is not appropriate in this suburban location on the settlement edge. Development around the Crescent should be 2.5 storeys with dormer windows and the top floor within the roofspace.
- § The interior character area is supported to create a background to the focal areas, however this should not include the approach from Llewellyn Road to the Crescent. This key link into the site should be designed in the same manner as the ‘Principle Street’ character area with a more spacious feel, clear building lines, higher spec finishes and street trees. This will require the layout plan to be redrawn.
- § The boundary section needs to address rear garden boundaries where they abut public realm areas in a strategic manner. These should be quality and robust – close boarded fencing will not be acceptable.
- § The landscape strategy needs to indicate the type of play area proposed. It is in an accessible, well overlooked location as part of the green corridor alongside the retained hedge, but the equipment and target age needs to be stated.
- § Clear guidance is needed for corner buildings to ensure that they have two public elevations. These should be identified on the massing plan.
- § The access section needs to indicate how visitor parking is to be accommodated. Will provision be made on street?
- § The environmental sustainability section describes the site as a ‘town centre location’ – is this correct?

There are also a number of issues with the indicative plans which need to be addressed:

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- § The terraced unit to the west of the central hedge with parking alongside does unacceptably narrow the green corridor width. This unit should be omitted from the layout plan and the landscape strategy should define a consistent width for the central green corridor.
 - § Are the narrow one way lanes acceptable to Highways? Perhaps these could be a series of private drives or adopted shared surfaces with safe pedestrian areas?
 - § Whilst the 1:1000 plans are indicative, there are a number of issues of overlooking, overshadowing and overbearing. It is impossible to state the locations because the plots are not numbered. However all plots should achieve:
 - § 21m between habitable room windows
 - § 10m between elevations with habitable rooms at first and second floors to boundaries with neighbouring gardens
 - § 12m between flank two storey elevations and rear elevations
- It should be noted that there is a 24m fall across the site, therefore it may be that these distances need to be increased due to level differences.

In summary, whilst the general concept is supported, the information provided does not demonstrate that the site can successfully accommodate up to 200 dwellings and it may be that the maximum stated capacity in the description needs to be altered. However, in the first instance elements of the guidance in the DAS need refinement and the indicative parameters plans need to be revised to see if 200 units can be accommodated in an acceptable manner. Incidentally, when the indicative plans are redrawn, the footways should be continuous across driveways.

Whilst the indicative layout plan is required as part of the outline planning application, the strategic plans such as the open space plan, character areas, massing/townscape could be diagrammatic and conceptual without the precise building footprints.”

Urban Design (further comments):

“The outline permission should be linked to the Development Framework Plan through the use of a condition. Such a condition should ensure that all future reserved matters applications in relation to this outline application must be in accordance the submitted DAS Addendum (dated Nov 14) and the Development Framework Nov 14 (dwg ref: 6414 SK27B) unless otherwise agreed in writing. This condition should also put in place a mechanism for updating the Development Framework following each phase of development to ensure that further phases can be designed and built in accordance with this.”

Housing:

“As previously discussed the Housing Service will require the provision of 30% Affordable Housing on this site.

We ask that the scheme would include a range of DQR compliant 2, 3 and 4 house types, pepper potted throughout the site, to include social and intermediate rent.

The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

The units should be disposed of via a nominated RSL.”

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Education:

“The catchment area for this development is Penllergaer. The catchment schools are:

English Medium Primary	Penllergaer Primary
English Medium Secondary	Pontarddulais Comprehensive
Welsh Medium Primary	YGG Pontybrenin
Welsh Medium Secondary	YG Gwyr

The development (based on 200 units) will generate the following pupils with the associated cost:

Primary: 62 (£643,064)

Secondary: 44 (£697,312)

Rationale

Primary:

In principle, the local Penllergaer Primary school could accommodate some additional growth but not enough to accommodate all pupils if all the Candidate sites were developed. The cumulative impact of all developments in the catchment area of Penllergaer Primary School and Pontarddulais Comp. School would need further careful consideration in order to determine if a new primary school in a more central position should be considered. In January 2014, the surplus capacity at Penllergaer Primary was - 26 with the projection figures for September 2021 being 45. However, for the purpose of Section 106 and the removal of temporary accommodation (namely the one current double demountable on site) a revised capacity is generated; making the school effectively even more oversubscribed i.e. January 2014: - 47; January 2021: - 7.

However, the nearby Welsh medium primary school, YGG Pontybrenin, is already over capacity. There is no capacity for growth in Welsh Medium. In January 2014, the surplus capacity at YGG Pontybrenin was 55 with the projection figures for September 2021 as being over capacity by 40. For the purpose of Section 106 and removal of temporary accommodation planned for future disposal (namely the one current double demountable on site), a revised capacity is generated; making the school effectively even more oversubscribed i.e. -56: January 2014; – 151: Jan. 2021. However, there is also another double demountable on site together with a Timber building – both of which should be again deducted from these calculations. This would make the school even more over capacity i.e. - 159: January 2014; – 254: Jan. 2021.

N. B. Projected Unfilled Pupil Capacity (Based on January 2014 Projections) (Table A)

School	January 2014	Sept. 2014	Sept. 2015	Sept. 2016	Sept. 2017	Sept. 2018	Sept. 2019	Sept. 2020
YGG Pontybrenin	55	27	6	-18	-19	-36	-30	-40
* with one double demountables removed from calculations	-56	-84	-105	-129	-130	-147	-141	-151

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School	January 2014	Sept. 2014	Sept. 2015	Sept. 2016	Sept. 2017	Sept. 2018	Sept. 2019	Sept. 2020
* with 2 double demountables removed from calculations, together with the Timber building.	-159	-187	-208	-232	-233	-250	-244	-254
YG Y Gwyr**	182	140	102	73	8	-25	-118	-197
* * with demountables removed from calculations	111	69	31	2	-63	-96	-189	-268
Penllergaer Primary	-26	-23	-24	-17	-9	-8	4	45
* With one double demountable removed from calculations	-47	-44	-45	-38	-30	-29	-17	-7
Pontarddulais Comp.	11	10	20	22	38	44	44	31
Penyrheol Comp.	47	91	82	111	127	122	90	114

One has to bear in mind that there is a number of other proposed Candidate developments for the area which are still under consideration by Planning and the results of these would further exacerbate the situation.

In order to accommodate any pupils from this development in this instance, Education will require a developer's contribution for improvements in the form of a new build to provide additional teaching facilities at the school and on this basis, we would be requiring the full generated amount of £643,064 plus inflation for the local English Medium primary school whether on its existing or possible future site.

However, there are also other Planning Applications which have already been agreed, and some currently still under consideration, by Planning which would have an effect on all the catchment schools involved here, and on the pupil numbers being then even more over capacity than those stated in the table above.

Secondary:

Whilst the development will generate 44 secondary pupils there will be a request for a specific contribution towards the English Medium secondary provision at this time as there is not sufficient capacity within the catchment school of Pontarddulais Comp. School. In January 2014, Pontarddulais Comprehensive had a surplus capacity of 11 pupils, with a projection for January 2021 of 31 pupils.

However, the cumulative impact of all developments in the catchment area of Pontarddulais Comp would need further careful consideration in order to determine increased secondary provision.

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In addition, there is not sufficient capacity within the catchment Welsh Medium secondary school of YG. Y Gwyr. In January 2014 the school had a surplus capacity of 182 with the projection for January 2021 now being an overcapacity of 197. It must be remembered that this site also has a number of temporary demountable buildings (i.e. two double classrooms), this temporary accommodation can be removed for purpose of calculations which would then also put YG Y Gwyr even more over capacity.

There is no capacity for growth in Welsh Medium.

Please note: There is very little or no capacity in the neighbouring Penyrheol Comp School. Although there is sufficient capacity within the catchment school at present, (In January 2014, Penyrheol Comprehensive had surplus capacity for 47 pupils, but with a projection for January 2021 of 114 unfilled pupil places), there is a double classroom demountable building on site which could be excluded from these calculations as temporary accommodation can be removed for this purpose - which could then leave Penyrheol Comp School with less available capacity than listed.

In addition, there are other proposed developments in the area which have already received Planning consent but have yet to be built and which would also have an adverse effect on both Pontarddulais Comp. & Penyrheol Comp. Schools' available spaces.

Conclusion

N. B. Should any further sites be submitted for planning consideration for proposed development in the area then we would, of course, want to reconsider the accumulative effect on this particular application alongside any new ones received in the near future.

In summary, in order to accommodate any pupils from this development:

- The Authority would seek a Developer's contribution of £643,064 plus inflation for Primary School enhancements to provide additional new build facilities necessitated by the additional demand on the local English Medium school of Penllergaer Primary school, whether on its existing or possible future site.
- In addition, Education would also be seeking the full £697,312 plus inflation for Secondary School enhancements which will require a developer's contribution for new build and this would mean claiming the full figure generated for secondary schools for Pontarddulais Comp. School.

In this instance, please could we confirm the actual named schools to be recipients of this Developer's Contribution at a later stage when the emerging strategy for education provision in West Swansea has been considered further?

In addition, it must be remembered that, as Education are currently undertaking an LDP Review with regard to the effects the proposed Category A Sites might have on Education provision as a whole throughout the Authority, then the emerging strategy for education provision in this area may require reconsideration of our request particular in this case at a later stage.

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When the Review has been completed and finalised for submitting feedback to planning to aid the whole current LDP process, then there will obviously be a different picture from the present time due to the large number of proposed development Candidate sites in the local area. If this is the case, would we be able to confirm the actual named school to be a recipient of this Developer's Contribution at primary school level at a later stage (i.e. in place of the current request made for Penllergaer Primary; as there may well be a need then for additional primary provision in the area when the emerging strategy for education provision in the Penllergaer area of Swansea has been considered further (e.g. a new school on a new site perhaps because of the large primary pupil numbers which could be generated)? It has to be appreciated that the actual delivery dates of this proposed development would also have a bearing on any request being submitted at this time, or in the future. If this arrangement is not acceptable at this time then please advise accordingly."

Drainage:

"We have reviewed the amended Drainage Strategy dated January 2015 and offer the following comments and recommendations.

The Drainage Strategy relies on a connection into DCWW apparatus and therefore they should be consulted and their agreement sought with respect to the proposed discharge rates.

In regards to the requirements of the MoU the strategy identifies that a design foul discharge rate of 9.3l/s has been calculated, but that the compensatory SW removal schemes identified show a possible shortfall of approximately 3l/s, this will need to be resolved.

We would also recommend that our Water Safety Officer be consulted since the attenuation pond is currently designed to hold a 500mm depth of water.

Provided the above issues can be resolved to the satisfaction of the Planning department no objections are raised subject to conditions.

Welsh Water:

"We would request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes provided are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Environment Agency:

As you are aware, there are on-going concerns regarding the foul and surface water drainage networks within this area, resulting in additional pollution and nutrient loading spilling to the Carmarthen Bay and Estuaries Marine SAC (Burry Inlet). It is unclear from the information submitted in support of this application how drainage from this site is to be managed.

Protection of the water environment is a material planning consideration and your authority must be satisfied that the proposed method of foul and surface water drainage will not cause any detriment to water quality. Given the scale of the development and the uncertainties surrounding site drainage, we would object to the proposal as it currently stands.

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It is our understanding that the combined sewerage system serving this area is working at full capacity (Gowerton STW). Any increase in surface water in the sewerage catchment will increase the number of untreated sewage discharges to the Burry inlet. It is therefore imperative that no surface water be allowed to enter the sewerage infrastructure.

To accord with the agreed and signed Memorandum of Understanding (MoU), foul connections should only be allowed when compensatory surface water removal has been implemented within the same catchment and agreed relevant details recorded on the LPA's register of compensatory surface water disposal.

Determination of the application should therefore be deferred until the required drainage scheme has been submitted. If the applicant is unable to satisfy the above requirements, then we would maintain our objection to the proposal.

Environment Agency (Further comments):

Further to our previous response, we have received a letter from Waterman which seeks to address our concerns regarding site drainage.

We do not consider the information provided in this letter to fully address the concerns expressed in our previous response.

To accord with the agreed and signed MoU, no surface water from the site should drain to the public foul sewer, either directly or indirectly via any interconnected surface water system.

We can however confirm that the Greenfield run-off rate calculated by Waterman is considered to be acceptable. This figure was calculated using IH124 method with a 2 year Greenfield run-off rate of 10.5l/s/ha. We have calculated the 2 year Greenfield run-off rate using the ReFH method to 11.2l/s/ha. Both figures would be considered to be acceptable.

We strongly recommend that you consult with your Authority's Drainage Engineers on this matter to establish whether they consider the proposed drainage design to be acceptable.

Countryside Council for Wales:

"In discharging its functions under Section 130 of the Environmental Protection Act 1990 the Countryside Council for Wales (CCW) champions the environment and landscape of Wales and its coastal waters as sources of natural and cultural riches, as a foundation for economic and social activity, and as a place for leisure and learning opportunities. CCW aims to make the environment a valued part of everyone's life in Wales.

CCW objects to the proposal, because there is not enough information for us to assess possible effects on the interests listed below.

Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Burry Inlet Ramsar site.

As you are aware, there are concerns with regard to the potential cumulative impacts of developments on the foul water infrastructure and the potential ecological impacts on Carmarthen Bay and Estuaries SAC and Burry Inlet SPA and Ramsar site in the catchments of the Loughor Estuary.

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If a proposal links to the Gowerton STW or will be serviced by a package treatment plant which will discharge into the Burry Inlet, then we advise that you must consider the proposal under Regulation 61 of the Conservation (Natural Habitats etc) Regulations 2010 for the SACs, SPAs and Ramsar sites listed above.

CCW remains concerned about the potential in-combination effect of all the proposed developments on the features of the European protected marine site and is therefore adopting a precautionary principle as required by the Conservation (Natural Habitats etc) Regulations 2010.

It is CCW's opinion that CCS as the Competent Authority should, by collating all the relevant information, undertake an Appropriate Assessment (AA) of the implication of the proposed development for the European Protected site in view of the site's Conservation Objectives (Regulation 61). The detailed information in this AA where it relates to Water Quality should have been agreed with both the EA and DCWW.

The issues to be addressed in the AA are:

1. Surface Water Drainage: Measure to ensure satisfactory disposal of surface water run-off, ensuring no increase in storm water flow to Gowerton STW as a result of this development. The surface water drainage scheme should be to the satisfaction of the EA.
2. Foul Water Drainage/ Water Quality: The capacity and effectiveness of the Gowerton STW and any cumulative ecological impacts there could be from the foul drainage to the SAC; i.e. there is a need to ensure that there will be no increase in nutrient loading (phosphates and nitrates) to the designated site as a result of this development."

Natural Resources Wales:

"Natural Resources Wales does not object to the above application provided appropriately worded conditions are attached to any planning permission your authority is minded to grant."

Drainage Strategy:

We welcome the submission of the document entitled: 'Proposed Development for Penllergaer Swansea: Drainage Strategy Report', dated January 2015, by Waterman Transport & Development Ltd. As you are aware, since the submission of this document, NRW have also been involved with ongoing discussions with Mr Andrew Wilkinson (Waterman Transport and Development Ltd) in relation to the above proposal.

We also note the results of the dye test carried out on the 3rd February 2015, the results of which were provided in an email dated 5th February 2015. We also welcome the additional clarification provided by Mr Andrew Wilkinson (Waterman Transport and Development Ltd) in emails dated 14th January, 26th January and 17th February 2015.

Surface Water Disposal:

Surface water drainage design is a matter for the LA Drainage Engineers. As mentioned previously we would prefer to see overground attenuation and are pleased to see this has been noted in the email from Mr Andrew Wilkinson (Waterman Transport and Development Ltd) and that the majority of the attenuation on the site will be above ground.

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We also welcome the use of other methods, including porous paving, water butts, rainwater harvesting and filter strips, infiltration trenches or Swales. We would recommend that these options are investigated further and agreed with your Authority's Drainage Engineers, prior to work commencing on site.

We are aware that there are issues of ownership with regards to the receiving sewer/ watercourse; however this is a matter for Dwr Cymru/ Welsh Water (DCWW) and your authority to resolve. Nevertheless, until any transfer to the Local Authority is made, DCWW remain the responsible body and as a result, our comments will reflect this.

In consideration of the above; we would recommend that the following condition is included in any permission granted.

Condition: No development approved by this permission shall take place until details of the implementation, maintenance and management of a sustainable drainage system (SUDS) for surface water drainage has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall be implemented prior to the construction of any impermeable surfaces draining to this system, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

Foul Water Disposal:

As stated in the Drainage Strategy report, we note that foul water flows are to be discharged to the main public sewer and that DCWW have also advised that there is currently no spare capacity within the public foul water network that serves the Penllergaer residential estate to the south of the site.

We also note that the report goes on to state that DCWW have advised that a Hydraulic Modelling Assessment (HMA) would need to be undertaken in order to identify a point of adequacy within the public sewerage system and recommend sewerage improvement works. The report also states that DCWW have confirmed that this work can be conditioned.

Should your Authority and Drainage Engineers be satisfied with this proposal, then we would advise that the provision of the Hydraulic Modelling Assessment should be conditioned and carried out prior to the submission of any detailed planning permission. We request to be consulted on the findings of the HMA.

Memorandum of Understanding:

As your Authority is aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet (which includes the Loughor WFD waterbody).

As such, a Memorandum of Understanding (MOU) has been prepared and agreed by all relevant parties to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and your Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality.

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We note that it is intended to dispose of foul water to the main sewerage system, which is our preferred and most sustainable method of foul water disposal. Please note that we would oppose any alternative proposal for a non-mains drainage system at this location.

We would recommend that your Authority consult with Dwr Cymru/ Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution. We would also remind your Authority that to accord with the terms and content of the agreed MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

For larger scale developments such as this, bespoke solutions may be necessary, depending on the size and location of the particular development. We recommend that applications such as this are discussed with the Technical Advisors Group.

The agreed relevant details must be recorded on your Authority's register of compensatory surface water disposal.

In addition to capacity and hydraulic overload issues, the Burry Inlet is understood to be sensitive to nutrient enrichment, notably to Phosphorous – a constituent of sewage-related discharges. Consequently, in respect of Phosphorous, the UK has an obligation under the Water Framework Directive (WFD) to protect sensitive water bodies from deterioration. We would therefore recommend that a corresponding amount of Phosphorous is removed to that expected to be produced by this development at the time of completion. This would prevent further deterioration caused by Phosphorous in the Burry Inlet.

With regard to surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure. This is in order to avoid hydraulic overloading of the sewerage system.

In relation to surface water disposal, we recommend that approval should be sought from your Building Control Officers & Drainage Engineers. This is in order to ensure there is no connection of surface water to the main sewerage system.

Protected Sites:

We note the information provided by the applicant in relation to the potential impacts of the development on the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Ramsar site and Carmarthen Bay SPA.

We welcome the intention to separate foul and surface water drainage and providing DCWW are in agreement with the proposals and that sufficient capacity is available to deal with the additional drainage from the development, we consider it unlikely to have any significant side effects on the above sites.

Nevertheless, there is a requirement to assess any potential impacts under the Conservation of Habitats and Species Regulations 2010. Regulation 61 of the Regulations requires you, as the competent authority to undertake a test of the likely significant effects of the proposal on the SAC.

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Ecology and Protected Species:

In relation to the Phase 1 Walkover Survey, Bat Survey and Reptile Method Statement, we would refer you to the previous comments (ref:1521526/SS69/MJL) from the former legacy body the Countryside Council for Wales), which are still applicable.

Pollution Prevention:

As your Authority will be aware, there can be no deterioration of water bodies under the Water Framework Directive. It is therefore vital that all appropriate pollution control measures are adopted on site to ensure that the integrity of the controlled waters (surface and ground) is assured.

As best practice, we would advise the developer to produce a site specific construction management/ pollution prevention plan with particular reference to the protection of the surrounding land and water environments.

If planning permission is granted, we would ask that conditions are included.

Waste Management:

Given the scale and nature of this development, we recommend that a site waste management plan (SWMP) for the project is produced. Completion of a SWMP will help the developer/ contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. Guidance for SWMPs are available from the Defra website (www.defra.gov.uk).

We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such, may be best undertaken post permission.

Any waste materials that are generated on site (as a result of construction) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/ exemption can be found on our website: www.naturalresources.wales.gov.uk

In addition to the above, we would ask that the attached planning advice note is provided to the applicant/ developer. This provides further information and advice on matters such as SUDS, pollution prevention and waste management.

To conclude, NRW recommend that appropriately worded conditions are attached to any planning permission you are minded to grant.”

Glamorgan Gwent Archaeological Trust:

“The archaeological desk-based assessment prepared by Cotswold Archaeology in 2011 for the above site, found it unlikely that any archaeological material would be disturbed by the proposed development. Consequently it was and remains our opinion that there is no requirement for further archaeological work in the case of the proposed development.

The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of this Trust. Nevertheless, as the archaeological advisors to your Members, we have no objection to the determination of this application.”

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Police Design Prevention Officer:

FR recommendations have been made to prevent crime and anti-social behaviour

Glamorgan Badger Group:

"We have not surveyed the land in question nor do we have any casual records for the land. However, since there are recorded badger setts on adjacent land, we feel it is likely that there may be badger setts on the land that is subject of this application.

We would recommend that a badger survey is carried out by a competent badger expert before the application is determined."

Penllergaer Community Council:

"The Council is objecting to the above application on the grounds of over intensification of development in the area. In particular, the Council is of the opinion that the highway infrastructure is inadequate to cope with the additional traffic likely to be generated by the proposed development. The traffic flow on Gorseinon Road at peak times reaches saturation point and will be exacerbated when Parc Penderri (Bellway) development comes fully on line.

Also of concern is the adequacy of the drainage and sewage system to deal with additional residential units. You will be aware of the problems associated with the Parc Penderri development and the concerns of residents over the problems of flooding during periods of heavy rain as a result of an overloaded drainage and sewage infrastructure. The proposed new development can only worsen the situation. The planned development encroaches on designated site of nature conservation, and will lead to the further erosion of the natural habitat of the area with consequences for wildlife and degradation of the amenity value for future generations.

The Council is concerned that the proposed development will exert further pressure on existing overstretched public services including education, social services, law and order and transport and is therefore strongly opposed by the Council."

Ward Member

Cllr Fitzgerald has raised the following queries/ points:

- Site is a green wedge at the southern end of a SINC – 70 metres from southern boundary of Llys Nini
- Attenuation pond and permanent wetland area proposed to deal with surface water drainage – risk for children
- Concerns over pollutant residues left over in dry spells
- Where will petrol interceptors be located?
- Changes to drainage status quo may impact on Llys Nini
- Concerns over capacity of Gowerton Treatment Works and the consequences of any flooding incidences that lead to surcharging into the Burry Inlet, which is a European site given the status of the Special Protection Area.
- How will drainage for the development be handled?
- Why has the second access from Llewellyn Road not been considered?
- Concern about the fact that there is only one access point into the development via Mountain Crescent which is currently a narrow road of 4.1 metres – this road serves 4 properties with no off-street parking

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- Reiterate resident's concerns regarding the mobile phone mast and proximity to children's open space
- Existing roads already at capacity at peak times
- Need to consider the highway implications of this development as well as other recent developments in the area
- Slow moving traffic will result in increased pollution and noise
- Consider a Pelican crossing on Llewellyn Road in light of increased vehicular activity
- Further refinements and improvements to traffic calming will be required on Llewellyn Road, Dillwyn Road and Heol y Gelli
- Impact of proposal on Penllergaer Primary School and Pontardulais Comprehensive
- Lack of parking for parents transporting children to/ from school

Site Location

The application site comprises of two pasture fields with a combined area of 5.9Ha, located to the north of Llewellyn Road, which is located on the northern edge of Penllergaer. These fields were associated with Coedwig Hywel farmhouse but they are no longer in agricultural use. The site falls from north east to south west. Open fields adjoin the site to the north, with a farm located adjacent to both the eastern (Gelli-hyll) and western boundaries (Coedwig Hywel) and there are existing semi-detached residential properties located to the south.

The site is bounded by several mature trees and hedges and has a hedge running through the middle of the site in a north-south direction. The main access is via a farm access road located off Gors Road to the east of the site whilst the proposed access to the site is located off Llewellyn Road via an access spur into what is currently a dead end (Mount Crescent). There is a small stream forming a ditch along the southern boundary, from east to west. The site lies in the sub catchment of the Afon Lliw, which flows into the Carmarthen Bay SAC and Burry inlet SPA. Views to the north and east are generally farmland but are limited due to ground levels and existing vegetation. A mobile phone mast is located in the NE corner of the site and a small area within this part of the site was previously used for open cast coal mining (which ceased in 1960 and does not present a constraint to the site).

Description of Development

Outline planning permission with the strategic access into the site to be considered at this stage is sought for a residential development of up to 200 dwellings, with accompanying access, landscaping, drainage and parking.

The applicant has indicated the minimum and maximum parameters of the scheme and has submitted an indicative layout which is likely to predominantly comprise of a mixture of 2 and 2.5 storey dwellings with tenures consisting of 2, 3 and 4 bed dwellings. The indicative layout suggests that there would be one access to the development from Llewellyn Road via the Mount Crescent spur to the north. The access would be narrowed to avoid a mature oak tree locating in close proximity to the end of this spur. It is envisaged that 30% affordable housing would be provided as part of the development.

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The concept plan has been informed by the identified constraints and opportunities of the site and the main access would lead to a crescent around a small area of public open space as a focal point within the development. The internal road would lead off in either direction to provide a principal street with internal areas of a higher density between this road and the existing settlement and a lower density fringe area to the north of this principal street. The existing hedgerows/ trees that surround the site would be retained and supplemented where required and the existing hedgerow feature dividing the fields would be retained to provide a green corridor. A Local Equipped Play Area would be located adjacent to the green corridor in the northern section of the site. In addition, an area of public open space would be provided in the NE corner of the site and an attenuation pond (all year round) would be created in the SW corner to provide a wetland habitat and for stormwater mitigation.

The dwelling parameters are as follows:

House Type	Storey Height	Ridge Height (m)		Width (m)		Depth (m)	
		Max	Min	Max	Min	Max	Min
2 bed	2 storey	9.5	6	12	4	9	5.5
3 bed	2 storey	9.5	6	9.5	4.5	9.5	5.5
	2.5 storey	10	6.5	5	4.5	10	9.5
4 bed	2 storey	9.5	6	9.5	5.5	10.5	7
	2.5 storey	10	6.5	5.5	5	10	9

The application has been submitted along with a Planning Statement, Development Brief, Breeding and Passage Bird Survey Report (July 2010), Penllergar Reptile Method Statement (October 2010), Penllergar Bat Activity and Ground Level Tree Surveys Report (October 2010), Landscape and Visual Appraisal (February 2011), Archaeological Desk based Assessment (2006), Phase 1 Habitat and Animal Walkover Survey Report (October 2010), Coedwig-Hywel Ground Level Tree and Initial Bat Survey Report (October 2010), Site Investigation Report (2010) and a Transport Assessment (February 2011).

As indicated in the background section of the report, the applicant subsequently voluntarily submitted an Environmental Statement, which included an update to the ecological assessments (undertaken in July 2013).

A Supplementary Transport Note (October 2014) was submitted at the request of the Highways Officer who requested additional traffic analysis to be undertaken. The following information was included:

- review of traffic flows in the local area;
- junction capacity testing at Gorseinon Road/Pontardulais Road roundabout; and
- junction capacity testing at M4 junction 47 signalised grade separated roundabout.

The Transport Note acknowledges that the local road network is congested during peak hours. As a result it is therefore unlikely that traffic flows would alter as a result of the proposed development and that peak hour spreading is more likely to occur. The detailed traffic modelling of the Gorseinon Road/ Pontarddulais Road roundabout has noted that the junction is already at or nearing capacity. Using the Linsig model provided by Highways Officers it is noted that junction 47 of the M4 operates within capacity in the morning peak hour but is at or nearing capacity in the evening peak.

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The traffic impact on the junction as a result of the proposed development is however not material and within typical day to day variation in flows. The applicant concludes that in practice the proposals would not impact on the operation of the junction as a whole.

The Geo-Environmental Report also includes information on the adjacent land within the UDP allocation but outside of the application site boundary. Based on the information gathered within the report, the geological map indicates that the Penysallen seam sub-crops in the western corner of the site. Hence potentially other shallow seams may be present in the western part of the site. However it is thought that this area has not been actively mined. An adit is shown just off site on the horizon and hence potential mineworkings exists. This adit is not identified on the Coal Authority report so it is inferred to be greater than 20m from the site boundary. The Swansea Five Feet seam is likely to be 70 – 90m below ground level and any workings would not affect the site. Further to the publication of BR 211 regarding Radon protective measures for new dwellings, it is known from adjacent sites that no radon protective measures would be required for new dwellings. The available data indicates that there are no registered landfill operations within 500m of the site. Made ground was found extensively across the eastern end of the site. Its distribution was not limited to the area of the former opencast pit and quite thick layers were encountered outside the limits of the opencast excavation representing stocking areas or the general spread as part of the restoration. Arsenic was detected slightly above the threshold value and is not considered significant in the context of the development. Similarly, chromium was detected but given the levels, no further consideration is necessary. No detected concentrations of hydrocarbons were identified within the soil samples.

APPRAISAL

This application seeks outline planning permission, on land off Llewellyn Road, Penllergaer, and has been submitted with details of access derived solely off Llewellyn Road, with all other matters reserved for future consideration. Whilst an indicative layout plan for approximately 200 dwellings has been submitted, this is for illustrative purposes only.

The application site comprises of two pasture fields with a combined area of 5.9Ha, located to the north of Llewellyn Road with residential development to the south, a farm adjoining both the eastern and western boundary's and fields located to the north.

The site is allocated in the City and County of Swansea Unitary Development Plan for residential development (Policy H1 (91)). The application was submitted in 2011 but was put on hold due to issues with regards to drainage and the outfall into the Loughor Estuary and Burry inlet. During this time, the applicant has sought to resolve other issues involving the application and has voluntarily submitted an Environmental Statement covering the issues of ecology, drainage and flood risk, and water quality.

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Main Issues

The main issues to consider in the determination of this application relate to the acceptability of the residential development at this site in terms of its impact on visual and residential amenity, highway safety, ecology, drainage and water quality issues, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Policy considerations/ Principle of development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined 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.

Several representations received in response to this application state that the site forms part of a green wedge, however, the site is allocated for residential development in the UDP under Policy HC1(91) on land at Llewellyn Road for up to 250 dwellings. This application seeks outline planning consent for the majority of the site and provides for up to 200 dwellings. A smaller section of allocated land has not been included within this application but the indicative plan provides for an access link to this remaining section, should it be required in the future. As an allocation within an adopted plan, this is considered to be committed for development and forms part of the committed land bank. Comments that further consideration should be given to building homes on brownfield sites such as those around Waunarlwydd and Old Felindre Steelworks have been given limited weight in the determination of this application for the above reason.

In line with the objectives of Planning Policy Wales 2014 (7th Edition) and TAN 12: Design (2014), UDP policies EV1 and EV2 seek to ensure new development is appropriate, inter alia, to its local context and integrates into the existing settlement with no detrimental impact on local amenity. In addition, UDP policies EV3, AS1, AS2 and AS6 require that new development provide satisfactory access and facilities for parking.

The current proposal needs to be considered in the context of the surrounding area. The natural environment of this site is further supported by Policy EV30 which particularly seeks to protect and improve woodlands.

With regard to drainage from this site, full regard has to be given in this case to Policy EV25 and the impact of drainage on the water quality of 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 and EV36 regarding sewage disposal, surface water run-off, development and flood risk.

Affordable Housing provision on a site of this scale should be provided in accordance with Policy HC3 and 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 (as amended), and these provisions should be fairly and reasonably related in scale and kind to the individual development.

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This is an outline application with layout, scale and design reserved for future consideration. However, the applicant has provided an indicative layout and the Council's Urban Design Officer has commented on the design objectives included within the Design and Access Statement (DAS). The Officer has advised that the scheme is underpinned by a landscape appraisal which retains and strengthens existing hedges to create green corridors through and around the site. This gives the site a green structure which would help create a distinctive sense of place. The DAS sets out a strategic approach to movement and landscape as well as character areas in order to break the site into a series of distinctive locations. Whilst this approach is considered acceptable in principle, the Officer requested further refinement and the incorporation of these principles in an overarching masterplan for the site. This masterplan includes the key concepts such as a hierarchy of streets with different characters, dwellings fronting on to open spaces and a central green corridor provided around existing retained trees, corner plots to have two public elevations, character areas increasing in density towards the boundary of the site and a high quality public realm.

In summary, whilst the general concept plan is supported, the masterplan provides both a degree of certainty and flexibility for the final layout plan to ensure the proposal does not have a detrimental impact on the character of the area and to ensure a high quality development and a condition requiring the development to progress substantially in accordance with this masterplan would be attached to any grant of consent. It is considered that with adherence to the masterplan, the proposal would pay due regard to the integrity and character of the area as the indicative layout highlights.

Neighbouring/ Residential Amenity

Whilst this application is outline with all matters reserved apart from access, the illustrative layout submitted demonstrates that a sensitively designed layout can be accommodated on this site without harming the residential amenity of future or existing residents. Any scheme on this site would have to meet the standards of separation between residential properties normally applied by the Council (in accordance with the adopted SPG) and meet the requirements for amenity space and car parking requirements.

The site's southern boundary backs on to the rear elevations of dwellings located on Llewellyn Road and there is an existing farm house located on either side of the site with farmland/ fields to the north. Having regard to the above considerations and the site context, and subject to an appropriately designed scheme at reserved matters stage, it is not considered that the residential development of this site would result in any significant harm to the residential amenities of future residents or existing residents. Llys Nini have raised concerns with regards to the potential for noise complaints from dog's barking. The Pollution Control Officer has advised that recent case law that introduces the possible defence of a change of the locality. The Officer has advised that this type of noise can be judged to be a statutory nuisance under certain circumstances. However, as with any similar situation involving the barking of dogs in particular, when assessing the nuisance potential, Pollution Control would be looking for an adequate element of control to be exerted over the animals at any time that noise from them may become an issue. In essence this means that whenever the dogs begin to bark, provided a member of staff is present to control the barking and bring it to a stop, they would consider this to be adequate control and not consider it to be a statutory nuisance issue and therefore no abatement notice would result. However, the applicant should be aware of this potential issue and should take it into account with regards to the layout of the site.

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Upon re-consultation, the Pollution Control Officer requested that a scheme is submitted to safeguard future residents from noise from the nearby M4 motorway. However, Officers queried why this hadn't been requested originally and after further dialogue, the Pollution Control Officer reconsidered their comments and it was determined that this request was unnecessary in this instance, given that there was no evidence that noise from the M4 was a significant issue. It would be considered appropriate to outline the potential concerns regarding noise to the developer at this stage so they could consider it in the subsequent design stage.

Comments have been raised by residents in terms of air quality given the number of vehicles that would be associated with the development. The Council's Pollution Control Officer has advised that this issue would be considered further when the precise mix of dwelling types and parking provision is known and an assessment could be requested at a later date, if required.

Finally, given the proximity of nearby dwellings and the issues involved with the construction of the development on nearby residents, it is considered appropriate to attach a condition requiring the submission of a Construction Pollution Management Plan for the proposed development in line with the request of the Pollution Control Officer.

Highway Safety/ Parking

It is noted that trip rates for residential development have generally gone down in the peak hours in comparison with those used in the original Transport Assessment (dated February 2011). For consistency, the original agreed trip rates were used in the Supplementary Planning Note. However this is likely to overestimate the traffic generation from the site generated in the peak hours.

Residents have raised several concerns with regards to access to the site and the impact of traffic generation on the surrounding area, including the impact on the roundabout at J47 of the M4 given that there are already traffic jams on all arms during peak periods and impact on the nearby school.

One resident living on the spur serving the development is concerned with regards to where the residents living on this spur would be able to park. Currently all of the residents park their vehicles on the access road although one dwelling has a garage. The Local Councillor and one resident have raised this as a concern and advised that residents would be opposed to new parking provision within the new development. As part of the proposal, the carriageway width along the access spur would be widened to 5.5m with a 2.4m wide footway on the western side and a 2m footway on the eastern side. This would provide sufficient width for on-street parking in this location, although it is acknowledged that this would reduce the available carriageway width at the site entrance when vehicles are parked, but the Highways Officer has raised no objections to this.

The road serving the site is not wide enough to provide dedicated off-street parking without removing one footway or reducing the footways on either side to very narrow footways approximately 1m in width which are considered unacceptable given that then Highways Officer would normally require a minimum width of 1.8m (the document Inclusive Mobility advises that widths of 1.1m would be required for a blind person with a long cane or guide dog, 1.2m would be required for a visually impaired person being guided and 1.5m would be required for a wheelchair user and an ambulant person side by side).

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Whilst the indicative parking layout also indicates 4 off-street spaces within the site for residents which could be utilised if required by the residents for additional parking, it is not considered that these would necessarily be used by residents due to distance and given that they would not be overlooked, it is not considered necessary to attach a condition requiring these spaces.

On entering the site, the proposed carriageway is indicated to be narrowed to 4.1m for a length of 10m. This is to retain an existing mature tree and the proposed width would allow two cars to pass but not a car and larger vehicle. Footway provision is also retained along this length so pedestrian safety is not compromised. The Highways Engineer has stated that this is typically the type of layout applied to calm traffic movements and help to reduce vehicle speeds. Llewellyn Road has been subject to traffic calming over recent years and in order to supplement that, the applicant has been advised that a speed table should be constructed at the junction of Mount Crescent/Golwg y Garn/Llewellyn Road.

The Highways Engineer has advised that predicted traffic movements at the Gorseinon Road/ Llewellyn Road junction would equate to one vehicle every 3 minutes from the east and one vehicle every 12 minutes from the west during the AM peak which would be insignificant. In the PM peak, more vehicles would be travelling towards the site and the highest figure predicted is one vehicle a minute from the east. This is not considered to have a significant impact. The presence of the traffic signal junction at Dillwyn Road, disrupts the flow approaching the mini roundabout and therefore provides gaps in the flow allowing egress by Llewellyn Road and the development site traffic. No significant impacts are expected at Gorseinon Road/ Dillwyn Road.

With regards to Penllergaer roundabout (Gorseinon Road and Pontarddulais Road), the impact of predicted additional flows here is minimal with an expected 4.4% increase. This is below the 5% used at sensitive sites to require detailed testing and the 10% figure used in situations where no sensitivities or significant queuing occurs. With percentage impact used as a guide, attention is then turned to actual figures which in this case are 1 to 2 vehicles a minute during the peak hour. Whilst this is an increase in movements at this sensitive roundabout, the actual impact of the development traffic is again considered minimal and would not have a significant effect on the operation of the roundabout.

The impact of development traffic at Junction 47 is indicated to be 1.4%. This is well below the threshold for detailed analysis and in traffic terms is insignificant. In the PM peak 1 vehicle every 5 minutes is expected to be generated heading to the development. The Highways Engineer has raised no concerns with regards to general traffic within the area on this basis and has no objections to the proposal subject to conditions and the provision of a speed table at the junction of Mount Crescent and Llewellyn Road.

Evidence has been submitted indicating that the traffic generated by up to 200 dwellings would not have a significant impact on local highway conditions and improvements to the access together with further traffic calming would be acceptable for a development such as this. The Highways Engineer has advised that parking provision should be in accordance with the Adopted Parking Standards. This stance is supported by the Crime Prevention Design Officer who has advised that due to the location of this development the level of parking proposed is inadequate and if the average number of parking spaces per property were to remain as proposed it would lead to neighbourhood disputes and arguments. This has been the case on other estates where lack of parking spaces has been an issue.

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In addition, due to cuts in public sector funding, funding for bus services as a whole have been reduced quite significantly which has resulted in people being more reliant on cars due to a reduction in public transport. Therefore it is considered necessary to attach a condition to this effect. The proposals are therefore considered acceptable in terms of access, highway safety and parking.

Ecology/ Trees/ Landscape

Several objections have been received in regards to the impact of the proposal on wildlife. The site forms part of the Penllergaer SINC which houses protected species and is in close proximity to the Llys Nini Animal Centre who raise several concerns.

Firstly in terms of trees, the majority of the trees are located along the site boundary and are proposed to remain. The access to the development has been amended and reduced in width to avoid a mature specimen at the entrance to the site and its root protection area. The applicant has indicated that the existing planting along the boundaries would be supplemented by additional planting and this would be included in any subsequent Reserved Matters application submitted.

As part of the site preparation works, a number of habitats including short sections of hedgerows, improved grassland and arable fields are to be cleared. These works would result in significant adverse impact on these features as they would be permanently lost. However, there is unlikely to be any significant impact on other ecologically valuable features as they are to be retained or adequately compensated by the planting of new hedgerows and areas of open space with the adoption of appropriate mitigation measures. Mitigation proposed would allow for retention and management of more valued features such as woodland and hedgerows.

The Glamorgan Badger Group suggested that a badger survey be carried out and this was considered within the Environmental Statement. For species such as bats, birds, hedgehogs, reptiles and badgers, significant adverse impacts were considered unlikely, although significant adverse impacts within the application boundary in the short term were predicted reducing towards neutral for breeding birds, foraging bats and reptiles over the longer term.

The Council's Ecologist raises no concerns with the outline application as the larger part of the site is of relatively low ecological value, the loss of this can be mitigated for but there are features on the site which should be retained. It was agreed that the boundary features are to be retained; these include hedges, boundary trees and watercourses. The internal hedgerow is to be largely retained as a wildlife corridor and habitat. The hedges should not have fences constructed against them that would impede their growth. Some of the trees have been identified as having bat potential and if any arboricultural work is needed on them a bat survey would be needed before any work is undertaken.

The hedges are used by foraging bats and light spill onto them must be minimised as increase in light levels would deter a number of bat species. The Ecologist has advised that this could be achieved through an agreed lighting plan.

The attenuation pond in the south and the area around the electricity tower to the north of the site provide opportunities for mitigation and compensation for habitat loss, it was agreed that these two areas would be managed with wildlife in mind.

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A management scheme would be required for this element and a reptile mitigation plan should also be conditioned. In view of the drainage study the developers have commissioned and the Ecologist's previous discussions with the developers and their ecologist, it is not considered that a change to the drainage pattern on the development site at Llewellyn Road would adversely affect drainage to the Llys Nini SINC. On this basis, the ecology of the Llys Nini SINC should remain unaffected.

Natural Resource Wales (the new body which brings together the work of the Countryside Council for Wales, Environment Agency and Forestry Commission) have raised no objections to the proposal.

A condition would be attached to any grant of consent regarding a landscape and drainage management scheme for the future maintenance of these ecologically sensitive areas, the woodland and any other landscape features (such as ponds/ swales etc).

Contaminated Land

The Geo-Environmental Report covers both the site subject of this application and the remainder of the UDP allocation (HC1(91)). The report concludes that no further assessment is required, but careful working practices should be adopted based on the information contained within the report.

The Council's Pollution Control Officer has reviewed the site investigation report accompanying the application and has advised that there doesn't appear to be any particularly significant contamination potential and agrees with the conclusions contained within the report. Minimal traces of carbon dioxide have been detected but, provided the Radon protective measures referred to in 10.7 are put into place, these should pose no risk to subsequent occupiers. This requirement would be addressed by Building Regulations should permission be granted. The Officer has also advised that a condition should be attached to any grant of consent requiring that the remediation strategy be updated should any unforeseen contamination be found on the site detailing how this unsuspected contamination shall be dealt with. Therefore, the approach recommended by the Council's Pollution Control Officer is considered appropriate for this development.

Archaeology

Llys Nini stated in their most recent comments that some authorities believe that there is a Roman Practice Fort in or close to the proposed development site. Llys Nini would like to suggest that an on-the-ground survey of the area is carried out before construction starts. However the applicant submitted an archaeological desk-based assessment prepared by Cotswold Archaeology. This work identifies a potential archaeological restraint in the area surrounding Coedwig-hywel Farm, but as this area is excluded from the proposed development area this would not be an issue in the determination of any planning application. Consequently, GGAT have advised that it remains their opinion that there is no requirement for further archaeological work in the case of the proposed development and they raise no objections to the proposal.

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Recreation Provision

In accordance with Policy HC24, all new housing will be required to make provision for areas of open space either within the site or at an appropriate location where the level and nature of open space provision in the locality is inadequate to meet the demands of the future occupiers together with the needs of the existing population.

As part of the LDP process, the Council has prepared an Open Space Assessment to identify the existing situation in the County. Within the Penllergaer ward, there is a marginal surplus in open space provision in accordance with Fields in Trust guidelines (due to over provision of outdoor sports facilities), however there is a deficiency in Children's Playing Space (0.6ha) and Equipped Playgrounds (0.03ha). On this basis, and in accordance with the Council's Adopted Supplementary Planning Guidance – Planning Obligations, the developer should provide an on-site Local Equipped Area of Play for the site and provide a commuted sum for its on-going maintenance. The developer has provided an indicative layout which suggests the location of a LEAP on site. The Council's Parks Officer has advised that due to current financial restrictions, it would be preferable for the developer to provide a commuted sum towards maintaining the existing playground at Gors Common, however it is considered that an additional facility to Fields In Trust standards would improve the play provision within the vicinity and on this basis it is considered appropriate to attach a condition requiring a LEAP on site. In addition, it is considered necessary and appropriate to require a commuted sum for the on-going maintenance of this facility over the next 25 years.

The indicative plan also provides for several informal areas of open space throughout the development and the proposals would retain the existing hedge running through the middle of the site and enhance it with additional planting. The applicant has advised that an external management company would be set up to maintain the public open space within the site. This would be secured via condition.

One neighbour has queried the location of one area of open space adjacent to the existing mobile phone mast and the impact this could have on children. However, firstly this is an outline application and the detailed design/ layout has not been confirmed at this stage. Secondly, with regard to the health implications of proposed development, it is the Welsh Government's view (Para 12.13.9 of PPW) that if the development meets the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines as expressed in the EU Council Recommendation of 12 July 1999 on the limitation of exposure of the general public to electromagnetic fields, as recommended by the report of the Independent Expert Group on Mobile Phones (the Stewart Report) on a precautionary basis, it should not be necessary for a local planning authority in processing an application for planning permission, to consider further the health aspects and concerns about them. The application for the mast would need to have been accompanied by this ICNIRP certificate. Finally, there is no specific policy / guidance on appropriate distances between play areas or housing and existing or new telephones masts. The NHS advise that telephone masts are not dangerous and that levels of exposure to radio wave radiation from mobile phone masts (base stations) are generally much lower than from mobile phones and are well below international guidelines. The applicant has also advised that this area has been retained as open space because the Landscape and Visual Assessment classified it as visually sensitive and the open space would respect this.

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Affordable Housing

The Council's Housing Officer has requested that a minimum of 30% affordable housing provision should be sought through a Section 106 agreement as per the Adopted Supplementary Planning Guidance on Planning Obligations which includes affordable housing provision. The Officer has advised that the scheme should include a range of DQR compliant 2, 3 and 4 house types, pepper potted throughout the site, to include social and intermediate rent. There has been some initial discussion with regards to the tenure split between social and intermediate housing and it is recommended that a minimum of 40% of the affordable units provided should be for social rent. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units. This need has been based on the Local Housing Needs Assessment (2013). Further discussions with regards to the precise split and the finer detail of the affordable housing contribution would need to be discussed and agreed with the Housing Officer and provision of this would be included within any S106 agreement.

Education

The Council's Education department has advised they would be seeking a contribution towards school facilities as there is likely to be insufficient capacity within the existing Penllergaer Primary School and Pontarddulais Comprehensive school within the area to accommodate the number of pupils likely to be generated as part of this proposal.

Education Officers have stated that this development would have a substantial impact on Penllergaer Primary; the school is already oversubscribed and site works have recently commenced on another development, adjacent to the school. The anticipated number of Primary school places created by this development is 62 and the cost of providing these places is estimated to be £634,064. If the school does not receive an injection of funding as a result of this further proposed development, some applications for this school would undoubtedly be refused.

Furthermore, this development would create a requirement for 44 secondary places in Pontarddulais Comprehensive. This school currently has some surplus capacity but this has been allocated to another approved development and therefore cannot be credited in this case. The cost for creating the required number of additional places is £697,312. Therefore the request for funding amounts to £643,064 for Penllergaer Primary and £697,312 for Pontarddulais Comprehensive.

However, the applicant has been advised by EFM Ltd, who have set out their understanding of the situation in schools, following a meeting with the Council's Education Officers.

As such, progress has been made with the Council's proposals to improve Penllergaer Primary School with the construction of a new double classroom unit, being approved last year and construction starting in August this year. It appears this would add capacity for an additional 60 pupils, taking the capacity of the school from 284 pupils now to approximately 344 pupils. EFM Ltd recognise that the nearby development by Bellway Homes would increase demand locally, but understand the demand from this development is included in the September 2018 forecast of 308 pupils that EFM Ltd has been given. The expected impact of the proposed development is 62 primary pupils. Adding this figure to the forecast of 308 gives a total of 370 pupils, which is a shortfall of 26 compared to the increased capacity of the school.

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EFM Ltd has noted that a substantial number of children attend the school from outside its catchment area, and also recognise that some children from its catchment attend other schools. The projections also indicate some capacity remaining within other primary schools in this area. Therefore, if the development were to go ahead without additional capacity being provided at Penllergaer Primary School the effect would be that some of the future applications from outside the school's catchment would be likely to be deflected to other schools by the normal operation of the admissions rules. This would be likely to reduce traffic parking problems associated with the school, as more pupils would be locally resident and likely to walk to school.

Nevertheless, on balance, the applicants consider that a contribution for the expected shortfall of 26 places at Penllergaer Primary School, calculated as £269,672, would be a reasonable provision.

The position in the two nearest English Medium secondary schools (Pontarddulais Comprehensive and Penyrheol Comprehensive) is that there is surplus capacity overall, at present, and the forecasts indicate the surplus would increase in both schools. Consequently, the applicant does not accept the need for a contribution to increase capacity at these schools. The forecasts do suggest an emerging lack of capacity in Welsh Medium provision, although there is surplus capacity at Ysgol Gyfun Gwyr at present.

The applicants are content to provide for a Welsh Medium Secondary Education contribution towards expansion of Ysgol Gyfun Gwyr, based on 12.5% of the expected demand from the proposed development - i.e. for 5.5 places total, generating a contribution of £85,914. The figure of 12.5% allows for an increase in the Welsh Medium participation rate, which is currently about 10%.

The total education contribution proposed by the applicant is therefore £355,586.

Given the difference in position between the Council's Education department and the applicant, Officers considered the proposals against the SPG and advice contained within Circular 13/97: Planning Obligations in terms of what could be reasonably requested. As a starting point, it was determined that consideration should be given to the capacity for both English and Welsh schools at both primary and secondary level. As of 2014, approximately 14% of pupils attended a Welsh primary school and 11% attended a Welsh secondary school. These levels are expected to rise to 17% and 15% respectively by 2021 according to Education's projections.

Again, given the developer's predicted timeframe for development, it would appear reasonable to consider the situation in 2018 in terms of projected figures as the developer would likely have completed approximately 150 dwellings on this site if all goes according to their programme and there would be a demand for places at this point. This projection would also be within the lifetime of any planning permission granted. On the basis of the percentage split identified above, it has been calculated that 10 of the 62 primary school pupils would attend a Welsh school and 6 of the 44 pupils at Welsh secondary school. The Education department have identified the 4 catchment schools for the development and these should be used in the calculations. Based on the 2018 figures, there is a shortfall in 3 of the 4 schools, with sufficient capacity at Pontarddulais Secondary School according to the projections.

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Whilst the applicant argues that a substantial number of children attend the school from outside the catchment, it should also be recognised that an even larger number of children from within the catchment area also currently attend schools outside of the catchment area and therefore it cannot simply be inferred that the removal of these children would result in spare capacity for this development. This relationship is complex and may change over time.

Whilst the Education department consider that the existing demountables should be omitted from the calculation in accordance with the SPG, it is noted that the existing demountable at Penllergaer is not currently substandard and therefore doesn't need to be omitted from the calculations. An assessment on this basis has been undertaken and an Education contribution of £437,364 should be provided for this development in accordance with the Council's Adopted SPG. This would be split as follows:

- Penllergaer Primary School - £238,556
- YGG Pontybrenin - £103,270
- YGG Gwyr - £95,088

The applicant has accepted this assessment of the situation and is agreeable to this approach. The Council's Education department has provided no further comments on this approach and it is therefore considered acceptable.

Drainage

This application is one of a number of major planning applications that have been held in abeyance, due to ongoing concerns raised by Europe and the 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 NRW (formerly CCW) towards all development that drains into CBEEMs, and carried out the following habitat assessment.

The drainage output from this site has been considered for up to 250 dwellings (which include the adjacent land not within this application site itself but within the land allocated for housing under Policy HC1(91)). This application was originally submitted in 2011 but has been delayed due to on-going concerns regarding the foul and surface water drainage networks within this area, resulting in additional pollution and nutrient loading spilling to the Carmarthen Bay and Estuaries Marine SAC (Burry Inlet). Local residents and the Local Member have raised queries with regards to the suitability of the drainage scheme. The Environmental Statement that was voluntarily submitted focusses on drainage and water quality issues arising as part of this development.

It is generally accepted that the combined sewerage system serving this area is working at full capacity (Gowerton STW). Any increase in surface water in the sewerage catchment would increase the number of untreated sewage discharges to the Burry Inlet in times of overflow. It was therefore determined that it is imperative that no surface water be allowed to enter the sewerage infrastructure.

To accord with the agreed and signed Memorandum of Understanding (MoU), foul connections should only be allowed when compensatory surface water removal has been implemented within the same catchment and agreed relevant details recorded on the LPA's register of compensatory surface water disposal.

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Surface water drainage currently goes into the public sewerage system and is proposed to enter it again with attenuation to Greenfield rates. With regard to surface water run-off, the preferred method of disposal is the utilisation of SuDs, such as soakaways or swales or other infiltration methods. Current soakaways test data confirms that infiltration methods are unfeasible as a sole means of surface water management due to the impermeable nature of the soils. A surface water strategy encompassing attenuation to restrict discharge rates to existing levels as a minimum has therefore been developed.

The hydrological status quo would be maintained and flood risk to third parties would not be exacerbated. An attenuation pond would also be provided in the south western corner of the site. Residents have raised concerns with regards to the attenuation pond (which would have a lined section to enable the feature to be retained all year round at a depth of 500mm) and general safety with children potentially playing in close proximity. The Council's Parks department have advised that a 1.2m high fence may be required to be erected around the pond but this would depend on the final detailed design of the attenuation pond itself. This could be conditioned at the subsequent reserved matters stage if required.

DCWW have confirmed that the downstream system does not have sufficient capacity to accommodate the foul flows generated by the proposed development without mitigation. The increase in discharge may result in an increase in incidents of sewer flooding within the downstream system unless mitigation is provided.

In accordance with the MoU, it is necessary to remove surface water from the combined sewer to provide betterment in the system. Currently the betterment should be twice the maximum proposed discharge from the site. In this case it would be necessary to remove 6.5 l/s of surface water from the combined system in order to achieve a betterment of this magnitude for the maximum of 250 houses that are proposed for the site.

Extensive drainage investigations have proved inconclusive in identifying local opportunities for surface water removal from the combined system to offset the proposed development flows. It is therefore necessary to utilise a donor site to remove surface water from the combined sewer within the same WWTW catchment.

The potential for using a donor site within the catchment has been discussed with DCWW and CCS. DCWW has confirmed that one of the sites would be made available in Denver Road, Fforestfach. DCWW has confirmed that the proposed surface water removal schemes (i.e. the donor site abstraction schemes) would remove 3.1l/s and 3.7l/s of surface water from the combined sewer. A total removal of 6.8l/s would be removed compared with a required removal of 6.5 l/s. DCWW has advised that they have no objections to the proposal subject to the imposition of conditions. They also note that the outline drainage strategy is reliant on the offsite surface water removal scheme in the vicinity of Denver Road. This is a necessary part of the proposal that has influenced the recommendations they have provided. DCWW has therefore requested that its provision be secured through an obligation under section 106 of the Town and Country Planning Act and this issue has been covered above. As such, it is considered that the proposed approach would be acceptable provided a financial contribution is secured by a S106 agreement requiring a contribution of £35,000 to undertake these works.

The Council's Drainage Officer has advised that the Drainage Strategy relies on a connection into DCWW apparatus and therefore they should be consulted and their agreement sought with respect to the proposed discharge rates.

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The Officer has raised no objections to the proposal subject to the imposition of conditions, which would be attached as relevant to any grant of consent.

The Local Councillor has queried where the petrol interceptors would be located and has queried what would happen to pollutant residues left during dry spells. Firstly, the detail of the petrol interceptors has not been included at this stage but a condition has been attached requiring full drainage details of the proposal to be submitted at a later date, should this application be determined favourably. With regards to pollutant residues, the attenuation pond would be designed to always hold a shallow depth of water (500mm) to avoid it drying out and silt requires special attention because it would contain low levels of metals, hydrocarbons and other pollutants (i.e. particulate pollutants). Silt would accumulate in all SuDS as that is a key method of pollution treatment. The removal of silt would need to be covered within the management plan, recommended as a condition of any consent.

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

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

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

Water Quality

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea has followed the statutory 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 former Environment Agency (now NRW) 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.

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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, as it is considered that the relevant parts of the earlier parts of the assessment remain robust and have not become outdated by further developments.

The overarching Statement of Water Quality identified two areas of concern where development could potentially affect water quality in the estuary. The first point of concern related to the hydraulic load on the existing combined sewerage systems. The discharge of surface water to the combined system is the main cause of the problem and the MoU has addressed this by stipulating that no surface water from new developments shall discharge to the combined sewer. The second concern relates to nutrient loading on the Estuary. Certain nutrients are removed from the sewage by appropriate treatment at the WWTW but it has been determined that WWTW effluent discharges contain the highest percentage of phosphates when compared with other nutrient sources. Whilst surface water would drain into the combined sewer, it does currently and it is not considered that the proposals would exacerbate this situation as it would be attenuated to greenfield rates.

The removal of any surface water from the combined system would be greatly beneficial in that its removal would result in fewer CSO spills, reducing bacterial and nutrient impact on the controlled waters. The removal of surface water from combined sewers generally would reduce the volume of flow (even within developments) such that storage facilities at the pumping stations would more efficiently cater for more frequent storm events or greater population equivalence.

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.

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

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

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

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Hydraulic Capacity Issues in Gowerton WwTW drainage network

The former EA previously raised further concern that there are outstanding hydraulic capacity issues in the Gowerton Waste Water Treatment Works catchment area. These are summarised above in their response dated (17th October 2012), and appear to relate to wider concerns from Europe regarding the future water quality of the estuary. However DCWW has not objected to the application, and there is no conclusive evidence that supports the NRW view that this development could harm the water environment. Moreover, the Local Planning Authority is satisfied that it has addressed the water quality issues relating to the Habitats Regulations on this site and NRW have since agreed to the Council's adopted Habitat Regulations Assessment that covers all development in the drainage network area up to the end of 2018. As explained above this HRA is based on objective information available from the Agency's own Review of Consents of Gowerton WwTW, 2010.

In the past few months officers have given further consideration to the above, and in particular have sought further clarification from DCWW whether there is currently sufficient capacity in the foul drainage network for this particular development. DCWW have clarified that they are not objecting to this development as there are no hydraulic problems in the area between the site and the Gowerton WwTW, but support NRW in requesting that the development meets the objectives of the Memorandum of Understanding signed in 2011 are met.

The Council has been working with the Agencies of the Welsh Government who are seeking to resolve this problem in seeking to 'enhance' this situation, by improving the current drainage problems in the Gowerton drainage network, before new foul connections can be made. Where possible, landowners and developers are being encouraged to remove surface water from combined sewers and where there is a need to facilitate new development. As part of this initiative in 2011, DCWW 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 Improvement works for Gowerton WwTW catchment (AMP 7), and are currently indicating that schemes will be brought forward where necessary to facilitate development.

Discussions have progressed between DCWW and the applicant and a scheme for the removal of surface water has been agreed at Denver Road in Fforestfach. A commuted sum to implement these works would be included within any A106 agreement for the site.

Conclusion

In conclusion, DCWW has not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up until the end of 2018 when it is understood that DCWW has planned upgrading works to this WwTW. The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would 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 2010 Environment Agency review.

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In summary, there are no known hydraulic capacity or new water quality issues to address and there is no justification to refuse this proposal for outline planning permission on these grounds. Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34 and EV35.

Planning Obligations:

The Planning Obligations associated with this development include:

- Provision of 30% affordable housing provision on site to DQR (with a minimum of 40% of the on-site provision for social rented)
- £437,364 contribution towards education
- £75,225 contribution towards maintenance of LEAP for 25 year period
- £35,000 contribution towards off-site drainage works at Denver Road
- £2,217.60 contribution towards ongoing management and monitoring fees

The Council's SPG advises that the costs incurred in the management and monitoring of the obligations will be based on either 20% of the planning fee or 2% of the value of the obligations in the Section 106 Agreement (whichever is the greater). This has been calculated above and gives a total financial contribution of £549,581.60.

In 2010 the Community Infrastructure Levy Regulations (2010) came into affect. 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 that an adequate sum is provided for the LEAP maintenance, onsite affordable housing provision, contribution towards off-site drainage works and education contribution.*)
- 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 a contribution towards play equipment maintenance, education, drainage compensation and the provision of affordable housing.*)

The proposals are generally in accordance with the Adopted Unitary Development Plan. It is therefore concluded that the application should be approved subject to conditions and the completion of a Section 106 Agreement relating to affordable housing provision, the future maintenance of the LEAP on site, off-site drainage works at Denver Road and a contribution towards education given a predicted shortfall in capacity at these schools.

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Recommendation

Upon completion of an Agreement under Section 106 of the Town and Country Planning Act concerning the matters referred to in the above report, the Head of Development Management, in conjunction with the Head of Legal Services be authorised to grant permission subject to the following conditions or any amendments, additions or deletions of these conditions he may deem necessary.

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application is in outline only and further details are reserved for further consideration and approval.
- 2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
Reason: To comply with the requirements of Section 92, Town and Country Planning Act 1990.
- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two 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 requirements of Section 92, Town and Country Planning Act 1990.
- 4 The development shall be carried out in accordance with the following approved plans and documents:
Drawing No. 03.862/001 (Site Location Plan) received on 19th November 2014 and Drawing No. 2361.04B (Proposed Site Access from Mount Crescent and 4.1m Wide Carriageway Narrowing Detail) received on 31st October 2014).
Reason: To define the extent of the permission granted.
- 5 Prior to the first beneficial use of any of the dwellings hereby permitted, the access to the site shall be completed in accordance with the details shown in Drawing No. 2361/04B received on 31st October 2014 and retained for as long as the development remains in existence.
Reason: To ensure the approved access is provided to serve the development and is retained as such thereafter.
- 6 The reserved matters submitted in conjunction with condition 1 above shall be submitted substantially in accordance with the approved masterplan document entitled "Development Framework" (Drawing No: 6414 SK27B) and the Design and Access Statement Addendum, received on 1st December 2014.
Reason: To ensure the development proceeds in accordance with the design principles agreed at outline stage.

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- 7 In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of the latest guidance, and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report shall be prepared, which is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- 8 Prior to the commencement of development, a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with shall be submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include the proposed point of connection with the public foul sewerage system and this location shall first be determined by a hydraulic modelling assessment to demonstrate that it is adequate to receive the foul sewage generated by the development without detriment to the existing sewerage system, public amenity or harm to the environment. Thereafter the development shall be carried out in accordance with the approved details, and no dwelling shall be beneficially occupied before it is served by the approved foul water, surface water, land drainage and the systems shall be retained in perpetuity.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no harm occurs to the environment, public amenity or the existing public sewerage system.

- 9 Notwithstanding the submitted details, the details submitted in compliance with condition 8 above shall include:

i) information about the design storm period and intensity, the method employed to delay and control the surface water and land drainage water discharged from the site and the rate of its attenuation

ii) a period for its implementation; and

iii) a management and maintenance plan of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and/or any other arrangements to secure the operation of the scheme throughout the lifetime of the development.

Reason: To ensure that effective drainage facilities are provided for the proposed development, and that no harm occurs to the environment or the existing public sewerage system.

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- 10 All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development 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, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard landscape and amenity interests.

- 11 Prior to the commencement of development, full details of a landscape and drainage management strategy for the whole of the development site, to cover the lifetime of the development, to include formal and informal areas of public open space, landscape features within the site such as trees, hedgerows and ditches and any drainage attenuation/ management measures, shall be submitted to, and approved in writing by the Local Planning Authority. The approved landscape and drainage management strategy shall then be carried out in accordance with the approved details.

Reason: To ensure that the areas of open space, landscape features and drainage attenuation are maintained in accordance with the approved details.

- 12 Prior to the commencement of development on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the Local Planning Authority. The CPMP shall be implemented in accordance with the approved details and is to include the following as a minimum:

- a) Construction programme and timetable;
- b) Detailed site plans to include details of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas for site operatives and visitors etc;
- c) Traffic scheme (access and egress) in respect of all construction related vehicles including the loading and unloading of plant and materials;
- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for complaints;
- g) Details of all on site lighting (including mitigation measures) having regards to best practicable means (BPM) and avoidance of statutory nuisance impacts;
- h) Details of on-site dust mitigation measures having regard to BPM;
- i) Details of on-site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any crushing/ screening operations);
- k) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses;
- l) How each of these watercourses and pathways will be protected from site run off during construction;
- m) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

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Reason: To ensure the safety of other road users and protect residential amenity during the construction phase.

- 13 Prior to the commencement of development, a lighting strategy shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To protect the bat population during and post development.

- 14 Prior to the commencement of development, and notwithstanding the details submitted to date, full details of reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved strategy shall then be carried out in accordance with the approved details.

Reason: To ensure the proposal does not have a detrimental impact on reptiles.

- 15 No dwelling hereby permitted shall be occupied until a speed table has been constructed at the junction of Mount Crescent/ Golwg y Garn/Llewellyn Road, together with highway improvements to Mount Crescent which shall be in accordance with details which shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety to ensure the reduction of vehicle speeds near to the site access.

- 16 Each dwelling shall be provided with on-site parking in accordance with adopted parking standards which shall be laid prior to the first beneficial use of the dwelling which it serves. The approved car parking shall be retained as such thereafter.

Reason: To ensure adequate parking provision is provided for future residents of the development.

- 17 Within 12 months of the final Reserved Matter being granted approval, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented prior to the first beneficial occupation of any dwelling hereby permitted within the site.

Reason: To promote sustainable transport modes and reduce the reliance on private motor vehicles.

- 18 Prior to the commencement of development, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development, shall be submitted to and approved in writing by the Local Planning Authority. 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 and to ensure that the highways within the development are provided at an appropriate time and maintained thereafter.

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- 19 The highways and footpaths located within the development shall be laid out to an adoptable standard, in accordance with full engineering details which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The submitted details shall include details of the phasing of the highways and footpath construction.
Reason: In the interest of highway safety.
- 20 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (as amended) (or any order revoking or amending that order), no development falling within Classes A, D, E and F of Part 1 of Schedule 2 shall be carried out without the prior, express planning permission of the Local Planning Authority.
Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the surface water system is not designed to accommodate.
- 21 A Local Equipped Area of Play (LEAP) to Fields in Trust "Planning and Design for Outdoor Play" standard (or any subsequent F.I.T. guidance that replaces it) shall be provided within the development site, within a prescribed timeframe that has first been submitted to and approved in writing by the Local Planning Authority before any dwelling hereby approved is occupied..
Reason: To ensure adequate play facilities are provided for residents of the development.
- 22 Prior to the commencement of development, a Site Waste Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering any other recovery or disposal option.

INFORMATIVES

- 1 Construction Noise. The following restrictions should be applied to all works of demolition and construction carried out on the development site. All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08:00 and 18:00 hours on Mondays to Fridays and between the hours of 08:00 and 13:00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 2 Smoke/ burning of materials. No burning of any materials to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.

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- 3 Dust control. During construction work the developer shall operate best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 4 Air quality. Given the size of the development, there are some initial concerns about the effect on local air quality. However, before commenting further it would be useful to have some further detail on the number and type of dwellings proposed plus information on the parking provision proposed. It is recommended that you discuss this issue with the Council's Pollution Control Officer prior to the submission of a Reserved Matters application.
- 5 Noise. There has also been recent case law that introduces the possible defence of a change of the locality. The change in land use, to residential, could well be used as a defence by Llys Nini RSPCA centre should any future residents' complaints about statutory noise nuisance caused by the barking of dogs. The burden would still be on Llys Nini to show that they have been operating in a consistent manner for the last twenty years and that they are taking all reasonable steps. I would advise that the final layout plans take this into account as there is the potential for complaints to occur. Consideration should also be given to mitigate potential noise from the nearby M4 motorway.
- 6 Note: All highway works outside the site are on adopted highways and therefore are required to be covered by an Agreement under Section 278 of the Highways Act 1980. The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development), e-mails to: jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091.
- 7 The applicant is advised to consider the comments of the Police Design Prevention Officer in the preparation of the Reserved Matters scheme where appropriate.
- 8 This notice does not give authority to destroy or damage a bat roost or disturb a bat and trees located on the site have the potential to house bats. All 16 British bat species are protected under Regulation 39 of the Conservation (Natural Habitats &c) Regulations 1994 (as amended), and the Wildlife and Countryside Act 1981 (as amended). It is a criminal offence to damage or destroy any bat roost, whether occupied or not, or disturb or harm a bat. If you suspect that bats might roost in the tree(s) for which work is planned you should take further advice from Natural Resources Wales, or an ecological consultant, before you start. If bats are discovered during the work you must stop immediately and Natural Resources Wales for advice before continuing.

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2011/0345

9 BIRDS

Birds may be present. 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 is in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings, trees and clearing bushes particularly during the bird nesting season, March to August.

10 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV30, EV33, EV34, EV35, EV36, EV38, EV40, HC1, HC3, HC17, AS1, AS2, AS6 and AS10.

11 Dwr Cymru/ Welsh Water have advised that if a connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.

Some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal we request the applicant contacts our Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

The Welsh Government have introduced new legislation that will make it mandatory for all developers who wish to communicate with the public sewerage system to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW). The Welsh Ministers Standards for the construction of sewerage apparatus and an agreement under Section 104 of the Water Industry Act (WIA) 1991 will need to be completed in advance of any authorisation to communicate with the public sewerage system under Section 106 WIA 1991 being granted by DCWW.

Welsh Government introduced the Welsh Ministers Standards on the 1st October 2012 and we would welcome your support in informing applicants who wish to communicate with the public sewerage system to engage with us at the earliest opportunity. Further information on the Welsh Ministers Standards is available for viewing on our Developer Services Section of our website - www.dwrcymru.com

Further information on the Welsh Ministers Standards can be found on the Welsh Government website - www.wales.gov.uk

SEWAGE TREATMENT

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

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ITEM 4 (CONT'D)

APPLICATION NO.

2011/0345

WATER SUPPLY

A water supply can be made available to serve this proposed development. The developer may be required to contribute, under Sections 40 - 41 of the Water Industry Act 1991, towards the provision of new off-site and/or on-site watermains and associated infrastructure. The level of contribution can be calculated upon receipt of detailed site layout plans which should be sent to the address above.

The developer is advised to contact us at the above address or on telephone 0800 9172652 prior to the commencement of any site work.

Finally we note that the outline drainage strategy is reliant on an offsite surface water removal scheme in the vicinity of Denver Road. This is a necessary part of the proposal that has influenced the recommendations we provide above. We therefore ask that its provision be secured through an obligation under section 106 of the Town and Country Planning Act should you decide to grant planning permission for the proposed development.

PLANS

6414/SK05B proposed sketch layout, 6414/SK16 character areas plan, 6414/SK17 dwelling dimensions plan, 6414/SK09C massing plan, 6414/SK12C POS plan, design and access statement, planning statement, drainage strategy report, statement of water quality, transport assessment, CSH pre assessment, landscape and visual appraisal, site investigation report, archaeological desk based assessment, phase 1 habitat and animal walk over survey report, breeding and passage bird survey report, penllergaer bat activity and ground level tree surveys report, coedwig hywel ground level tree and initial bat survey report, penllergaer reptile method statement received 7th March 2011. Amended 6414/SK11C site location plan received 11th April 2011

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ITEM 5

APPLICATION NO.

2014/1311

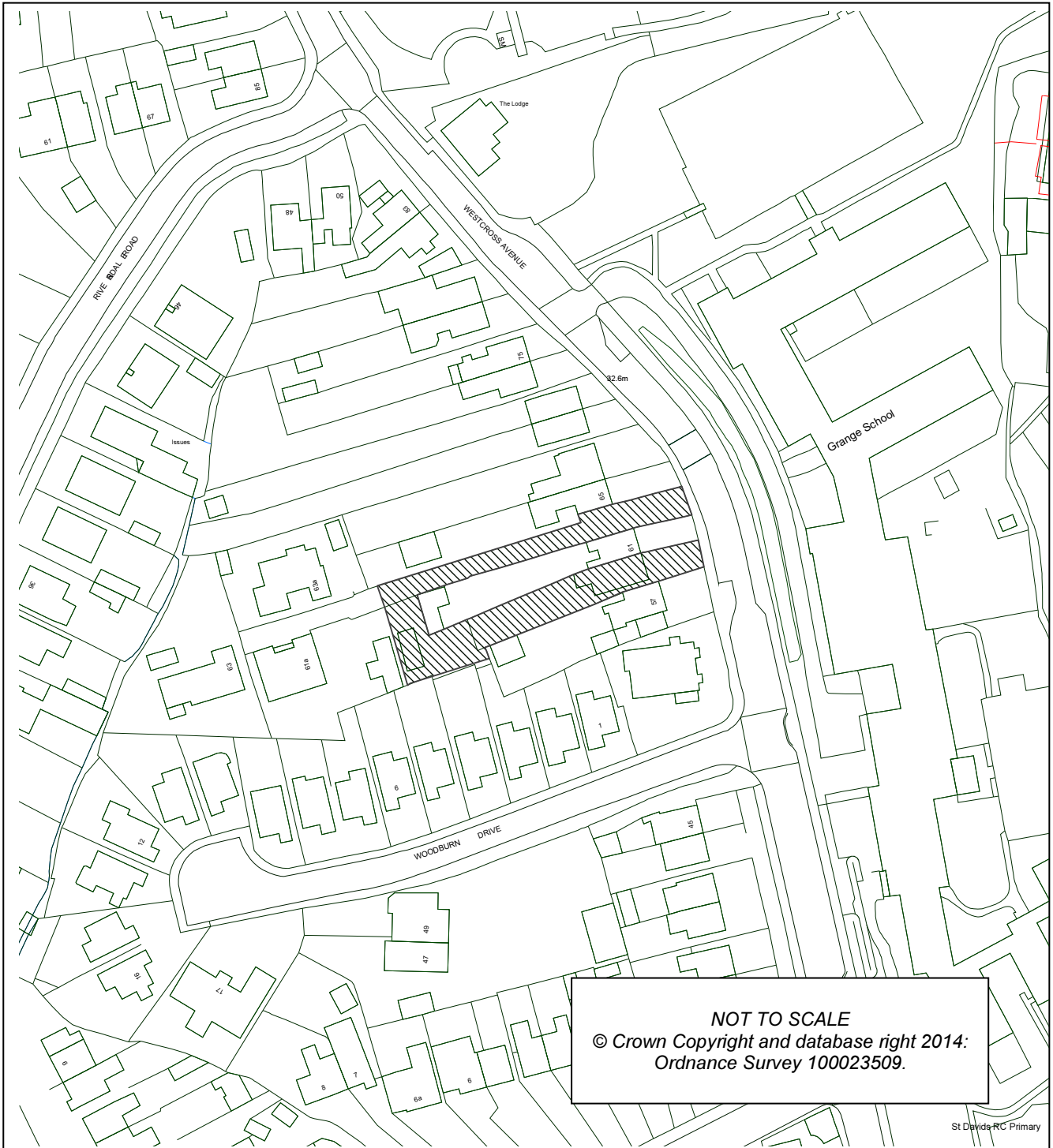
WARD:

West Cross

Location: 59 West Cross Avenue, West Cross, Swansea, SA3 5TX

Proposal: Construction of detached, single storey ancillary living accommodation to the rear of number 59 with parking and front car parking hardstanding area (amended plans received)

Applicant: Mr Lee Bija



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ITEM 5 (CONT'D)

APPLICATION NO.

2014/1311

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 EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy HC7	Proposals for extensions and alterations to existing residential dwellings will be assessed in terms of; relationship to the existing dwelling, impact on the character and appearance of the streetscene, affect on neighbouring properties, and impact on car parking. (City & County of Swansea Unitary Development Plan 2008)

SITE HISTORY

App No.	Proposal
81/0637/03	KITCHEN EXTENSION Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 25/06/1981

RESPONSE TO CONSULTATIONS:

Neighbours: All adjoining neighbouring properties were individually consulted. FOUR INDIVIDUAL LETTERS OF OBJECTION were received which are summarised below:

1. Elevated position.
2. Visual impact.
3. Overbearing.
4. Overshadowing.

5. Overlooking.
6. Out of keeping with character of the area.
7. Applicant is not permitted to use access lane.
8. Utilities and materials will have to go through No 59 and not the lane.
9. Parking and access problems.
10. If allowed it should be tied to the existing property.

Dwr Cymru/Welsh Water: No objection subject to conditions and informatives.

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ITEM 5 (CONT'D)

APPLICATION NO.

2014/1311

Highways: This proposal is for the erection of ancillary accommodation to the rear of 59 West Cross Avenue. The accommodation is to be accessed from a private lane and the lane is a shared private drive providing access to approximately 3 dwellings. Rear parking for other properties adjacent is also provided from this drive access. The scheme proposal also includes the provision of one parking space at the front of the property from a new access to a hard standing area directly from West Cross Avenue.

The ancillary accommodation is indicated to have two parking spaces and this together with the additional one space at the front of the property gives the development 3 spaces which accords with adopted parking standards. In order that the development complies with required parking standards, the ancillary accommodation will need to be tied to the main property.

The safety aspect of the front hard standing needs to be considered as the site is located opposite Grange School and there are two other schools adjacent, St Davids and the relatively new Welsh School all of which generate traffic and pedestrian movements along West Cross Avenue. The site is located on the opposite side to the schools and therefore most pedestrian movements are on the other footway and it is noted also that most properties along this section of West Cross Avenue have drive access across the footway. This proposal therefore is little different to adjacent properties and such drives are a regular feature in residential areas where pedestrian movements are also present. There are traffic calming features along West Cross Avenue with a road narrowing adjacent to the site however the proposed access does not interfere with this and will not adversely affect its operation.

On balance, I consider that the proposal will not result in unacceptable harm to highway safety conditions and recommend that no highway objections are raised subject to the following;

1. The proposed annexe remaining an integral part of the main property in perpetuity and not being let or sold as a separate unit of accommodation.
2. The construction of a vehicular footway crossing to Highway Authority Specification.

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

Mumbles Community Council: Front car parking hard standing area will cause an imbalance of visual impact with house no.61 West Cross Avenue.

FOLLOWING CONCERNS RAISED BY THE LOCAL PLANNING AUTHORITY, AMEDED PLANS WERE SOUGHT REDUCING THE RIDGE HEIGHT OF THE ANNEXE IN ORDER TO REDUCE THE SIZE OF THE BUILDING. ALL PREVIOUS CONSULTEES WERE RECONSULTED AND THE FOLLOWING LETTERS OF RESPONSE WERE RECEIVED:

Mumbles Community Council: Front car parking hard standing area will cause an imbalance of visual impact with house no.61 West Cross Avenue.

PLANNING COMMITTEE – 17TH MARCH 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/1311

APPRAISAL

This application is called to Committee for decision at the request of Councillor Mark Child and a site visit also requested.

Description

Full planning permission is sought for the construction of a detached, single storey ancillary living accommodation to the rear of number 59 West Cross Avenue with parking, and car parking hardstanding area to the front of the property. The site is situated within the urban area of West Cross and existing property forms part of a pair of semi-detached properties which front West Cross Avenue. The properties enjoy large areas of rear amenity space with rear access served from the adjoining lane.

The front car parking space would be cut into the existing front garden area and retained by a rock-face wall to match the existing. The rear single storey annexe would be rectangular in shape and measure approximately 4m to the ridge, 6.4m in width (maximum) and 11.2m in length and provide a bedroom, kitchen/living room and bathroom.

It has been indicated that the annexe would be used by family members only.

Main Issues

The main issues for consideration during the determination of an application such as this relates to the principle of this form of development at this location and the resultant impact of the annexe upon the visual amenities of the area, the residential amenities of the neighbouring properties and highway safety having regard for the provisions of the Swansea Unitary Development Plan 2008 and the Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

Principle of Development

As stated above the site is situated within the established residential area of West Cross and as such the principle of a detached annexe within the urban area is acceptable in principle subject to compliance with the other issues identified above and to planning control measures which will ensure that it is not used as a separate residential unit.

Visual Amenity

This part of West Cross Avenue is characterised by a mixture of traditional detached two storey dwellings and semi detached properties, which are set back from the main road. The annexe would form a cluster of similar single storey buildings and dwellings which are sited to the rear of the building line behind West Cross Avenue. With this in mind it is considered that for an annexe to satisfactorily integrate into the plot, the scale, design and height are important issues which need to be addressed.

The proposed single storey annexe incorporates a scale and design which are in-keeping with the proportions and overall appearance of the existing dwelling and the adjacent buildings.

PLANNING COMMITTEE – 17TH MARCH 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/1311

The building will appear subservient in scale and form and by taking a low pitched roof form the building mass will be significantly reduced when viewed from neighbouring properties. As such the proposal would have a minimal impact upon the character and appearance of both the existing dwelling and the surrounding area. The annexe will not be prominently visible from the existing highway and therefore it is considered that the development will have a minimal impact upon the landscape and the wider street-scene.

In terms of the front parking area being proposed, Mumbles Community Council has raised concern that the hardstanding will cause an in-balance of impact with the adjoining property. Whilst this is not disputed and such parking will adversely impact on the host property, a number of other properties along West Cross Avenue have similar parking provision to the front of their properties and it is not considered that the impact within the streetscene would be to a degree whereby a reason for refusal could be justified. As such is felt that the development satisfactorily respects the principles of Policies EV1, EV2 and HC7 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

Residential Amenity

Turning to residential amenity issues, the proposed annexe, given its design and low height, will not detrimentally affect the amount of light enjoyed by the neighbouring occupiers. Furthermore by virtue of its size, separation and siting in relation to the adjacent buildings and neighbouring dwellings, it is not considered that the proposal will have an overshadowing or overbearing impact.

The land levels rise to the rear of the property and as such the annexe would be elevated. In order to ensure the annexe does not result in unacceptable overlooking, a levels condition is considered necessary in this instance and a condition requesting further detail with respect to the boundary treatment. Habitable room windows to the south to Woodburn Drive would be high level and obscure glazed. It is not considered therefore that the proposal will adversely affect privacy for these properties.

In terms of the front parking area being created, it is not considered that this element of the proposal would give rise to an unacceptable impact on residential amenity which could warrant the refusal of this application.

As such the development satisfactorily complies with the principles of EV1 and HC7 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

Highway Safety

Having consulted the Head of Transportation and Engineering it is acknowledged that the accommodation is to be accessed from a private lane and the lane is a shared private drive providing access to approximately 3 dwellings. Rear parking for other properties adjacent is also provided from this drive access. The scheme proposal also includes the provision of one parking space at the front of the property from a new access to a hard standing area directly from West Cross Avenue.

PLANNING COMMITTEE – 17TH MARCH 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/1311

The ancillary accommodation is indicated to have two parking spaces and this together with the additional one space at the front of the property gives the development 3 spaces which accords with adopted parking standards. In order that the development complies with required parking standards, the ancillary accommodation will need to be tied to the main property.

The safety aspect of the front hard standing needs to be considered as the site is located opposite Grange School and there are two other schools adjacent, St Davids and the relatively new Welsh School all of which generate traffic and pedestrian movements along West Cross Avenue. The site is located on the opposite side to the schools and therefore most pedestrian movements are on the other footway and it is noted also that most properties along this section of West Cross Avenue have drive access across the footway. This proposal therefore is little different to adjacent properties and such drives are a regular feature in residential areas where pedestrian movements are also present. There are traffic calming features along West Cross Avenue with a road narrowing adjacent to the site however the proposed access does not interfere with this and will not adversely affect its operation.

On balance, it is considered that the proposal will not result in unacceptable harm to highway safety subject to conditions and as such the proposal is considered to respect highway safety in accordance with Policies EV1, EV3 and HC7 of the Swansea UDP.

Response to Consultations

Notwithstanding the above, six letters of objection have been received which raise concerns relating to residential amenity, siting of the development, visual impact, parking and access. It is considered that these issues have been addressed above.

A third party objection has also stated that the applicant will not be allowed to use the private lane for access or for the dropping off of materials. These issues are however civil matters between the relevant land owners and not material planning considerations. As such they have not been taken into consideration during the determination of this application.

CONCLUSION

In conclusion, it is considered that the proposal is of a scale, design and massing which are appropriate to the design and proportions of the existing dwelling, the adjacent buildings and the surrounding area. In terms of residential amenities the proposal will not result in an unacceptable overbearing, overshadowing or overlooking impact and therefore complies with the principles of Policies EV1, EV2, EV3 and HC7 of the Swansea UDP and the Supplementary Planning Guidance document entitled 'A Design Guide for Householder Development'.

RECOMMENDATION

APPROVED, subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

PLANNING COMMITTEE – 17TH MARCH 2015

ITEM 5 (CONT'D)

APPLICATION NO.

2014/1311

- 2 The development shall be carried out in accordance with the following approved plans and documents: [898-L(99)103 - EXISTING AND PROPOSED SECTION AND GARDEN PLAN received 30th September 2014 and 898-L(99)101 Rev A - AMENDED FLOOR/ELEVATIONS/LOCATION PLAN received on 12th February 2015 .]
Reason: To define the extent of the permission granted.
- 3 The annex hereby permitted shall only be used in connection with and ancillary to the occupation of the existing dwelling and shall not at any time be served and occupied as an independent unit.
Reason: In order to safeguard the residential amenities of the area and in order to prevent the establishment of an unrelated independent unit on site in the interests of highway safety.
- 4 Before the development hereby permitted is commenced, details of the levels of the building, access and car parking in relation to the adjoining land and access lane together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.
Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.
- 5 Unless otherwise agreed in writing by the Local Planning Authority, the new parking areas shall be finished in porous materials.
Reason: To reduce surface water run-off.
- 6 The vehicular footway crossing hereby approved must be constructed to Highway Authority Specification.
Reason: In the interest of highway safety.

INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, HC7)
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to : jim.marshall@swansea.gov.uk or the Team Leader , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091

PLANS

898-L(99)101 site location plan, floor plan and elevations, block plan dated 10th September, 2014
