

Report of the Head of Planning and City Regeneration

To Planning Committee

6th September 2016

Planning Application Ref: 2015/2506

Residential development for the construction of 41 units with associated access and landscaping works

Land at Heol Pentre Bach Gorseinon Swansea SA4 4ZA

1.0 Background

- 1.1 This application was reported to Planning Committee on 2nd August 2016 with the recommendation that planning permission be approved subject to conditions and a S106 agreement. Members did not accept the recommendation but resolved that the application be deferred under the two stage voting process so that further advice could be provided with regard to the interpretation of the Council's Developer Guidance – Planning Applications for Non-Householder Residential Development (which promotes a positive approach for appropriate residential sites recommended for allocation in the emerging LDP) and reasons for refusal relating to the impact upon the Green Wedge, highway safety and S106 contributions. The application will not be deemed to be refused unless and until reasons for refusal have been recorded and approved by members.
- 1.2 In reaching a decision Members will need to consider advice on the award of costs in planning appeals in Welsh Office Circular 23/93 : 'Award of Costs incurred in Planning and other (including Compulsory Purchase Order) Proceedings'. The circular states that Planning Authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers, or received from statutory bodies or consultees. However, they will be expected to show they had reasonable planning grounds for taking a decision contrary to such advice, and be able to produce relevant evidence to support the decision. If they fail to do so, costs may be awarded against the Authority.
- 1.2 A copy of the report to Planning Committee on 2nd August 2016 is attached as Appendix A.

2.0 Main Issues

- 2.1 Members identified the following areas as grounds for refusal of the application: impact on green wedge, highway safety and concerns over the S106 contributions not being provided. Issues were also raised by Members specifically with regard the interpretation of the Council's Developer Guidance – Planning Applications for Non-Householder Residential Development which promotes a positive approach for appropriate residential sites recommended for allocation in the emerging LDP. The Head of Development Management also advised Members that this was the first LDP candidate site which had been reported to Planning Committee in advance of the LDP (which was on Deposit until the end of August 2016) and further advice would be provided on the interpretation of this document to aid Committee Members.

- 2.2 The applicant's agent has submitted further information for Committee to consider in response to the discussion at the Planning Committee. The agent has provided further information with regards to each of the issues raised which will be included below where pertinent. The agent has also reiterated that much of the labour force is sourced in the local Swansea area and as a company, Elan Homes do not have an extensive land bank and as such, need to source, purchase and commence developments to ensure the continued success of the business.
- 2.3 More detailed comment is provided in each of the sub-headings below.
- 2.4 Developer Guidance Note - Planning Applications for Non-Householder Residential Development
- 2.5 This application is the first application that has been reported to Planning Committee for determination that comprises a site that is currently unallocated within the existing UDP but is proposed for inclusion within the Deposit. The Council are currently considering one other application for a site allocated in the Deposit LDP (a strategic site at Garden Village) but it is anticipated that several other such applications will be submitted in due course on sites of varying sizes.
- 2.6 In terms of background, Planning Policy Wales (9.2.3) makes it clear that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan. This means that sites must be free, or readily freed, from planning, physical and ownership constraints, and economically feasible for development, so as to create and support sustainable communities where people want to live. There must be sufficient sites suitable for the full range of housing types. For land to be regarded as genuinely available it must be a site included in a Joint Housing Land Availability Study.
- 2.7 The Council's most recent Joint Housing Land Availability Study (2015) indicates that the Council currently has a 3.0 year land supply, which is less than the 5 years required under national planning policy. It is estimated that the current supply is 3.3 years (still under the 5 year land supply required).
- 2.8 The housing land supply figure should also be treated as a **material consideration** in determining planning applications for housing. Where the current study shows a land supply below the 5-year requirement, the need to increase supply should be given **considerable weight** when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies.
- 2.9 Consultation on the Deposit Local Development Plan finished on 31st August 2016. In recent correspondence regarding an amendment to the delivery agreement of the Local Development Plan, the Welsh Government stated that "It is disappointing that your plan has incurred a further delay in its preparation of 15 months. **Such delays reduce certainty; inhibit the ability to attract investment and the delivery of key Government priorities such as the delivery of housing and economic growth.**"
- 2.10 The Welsh Government considers that having complete coverage of adopted LDPs across Wales is **critical** in ensuring that the homes which are needed are delivered – these are key Government priorities. The Council does not have an adopted LDP at the current time and the end date of the current Unitary Development Plan expires on 31st December 2016. Inevitably, the number of sites contained within the UDP that remain undeveloped has diminished in recent years and there will be a significant period where the Council will not have an up-to-date development plan.

- 2.11 In order to address the shortfall in the 5 year housing land supply, provide an element of certainty for developers and attract investment and housing within the area within the aforementioned planning context, a Guidance Note for Developers – Planning Applications for Non-Householder Residential Development was approved as the Council’s agreed protocol for administering and determining planning applications for non-householder residential proposals at Planning Committee in November 2015.
- 2.12 The document seeks to provide a clear strategy identifying how the Council intend to resolve the housing shortfall and provide an element of certainty for developers providing they comply with the requirements and submit evidence with the application.
- 2.13 The Guidance Note provides advice to prospective developers on how the planning authority intends to deal with planning applications for sites not currently allocated within the UDP. The main principle is to bring forward several strategic sites recommended for allocation in the emerging LDP.
- 2.14 The Guidance Note states that an evidenced based approach would be adopted and this guidance has been considered carefully during the assessment of the application. The Note identifies a four tier strategy with brownfield sites within the current UDP within the top tier, strategic sites in the emerging LDP within the second tier, sites located outside the urban boundary that are allocated in the LDP within the third tier and finally, the fourth tier comprises sites outside the existing settlement boundary that are not proposed residential allocations.
- 2.15 It is appreciated that the current proposal falls within the third tier of the hierarchy. However, during a recent appeal for a residential development of 13 dwellings outside of the Urban Boundary (land at Rhydypanyd Road), the appellant stated that the shortfall in housing land supply will get worse over the next few years, particularly as such strategic sites usually take several years to bring forward. The Inspector tended to share the appellant’s scepticism that the strategic sites will not make any significant impact on the housing shortfall for several years. He stated that ‘In the meantime, it is appropriate to give considerable weight to the need to increase supply when dealing with planning applications’.
- 2.16 It is therefore considered that a variety of scales of schemes (on the proviso that they would provide a meaningful contribution) would be required in the short term to address the housing shortfall and strategic sites will not provide the answer on their own. The consultation period for the Deposit LDP has now ended – this was the only outstanding issue with regards to the Guidance Note criteria when the application report was previously considered by Members.
- 2.17 As of the 23rd August 2016, no comments had been received via the LDP consultation with regards to this application. An update will be provided at Committee with any further comments received after this date in response to the LDP consultation.
- 2.18 The Guidance Note is the Council’s agreed protocol to address the housing land supply shortfall (a shortfall of 2 years or approximately 1,900 dwellings). The strategy is required in order to provide a degree of certainty for developers before they prepare schemes and submit planning applications. This is particularly important to increase housing within the County and provide investment and employment at the same time which align with the key priorities of the Council and the Welsh Government’s key priorities.

- 2.19 It is equally important to highlight some of the issues that may arise should Members be inclined not to accept the advice contained within the Guidance Note approved at Planning Committee in November 2015. Firstly, the Authority would have no strategy in place to deliver housing on sites that are not allocated within the Deposit Local Development Plan. It should be noted that were Members to recommend approval of any development for a significant residential development of 150 units or more that is not in accordance with the provisions of the development plan, they would have to refer the application to Welsh Ministers to ascertain whether they intend to call it in.
- 2.20 With regards to this application, the applicant is highly likely to appeal any refusal given that the Officer's recommendation is for approval and the proposal is in accordance with the approved Guidance Note referred to above. The applicant may wish for the appeal to be considered at Public Inquiry which would result in significant cost to the Local Planning Authority in terms of Officer time and legal representation at any Inquiry, which would increase based on the time/ complexity of the issues involved in the appeal. It should also be noted that the Local Planning Authority may also be liable for the costs incurred by the appellant in preparing for an Inquiry if the Local Planning Authority are considered to have acted unreasonably. These costs could be significant. Whilst a Hearing would reduce the costs to the Council of defending an appeal, costs could still be awarded against the Council for unreasonable behaviour via this route.
- 2.21 The Council would have no strategy/ protocol for reducing the 5 year housing land supply issue going forward and the Council must be able to show a five year land supply at adoption of the Local Development Plan. With further applications being refused, the available housing land supply could reduce further over time, and increase the weight to be afforded to this issue.
- 2.22 Technical Advice Note 1 states that the housing land supply figure should be given **considerable weight** when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies. It is considered likely that further applications are submitted on sites located outside of the urban boundary and on sites not allocated within the emerging LDP and whilst the Local Planning Authority may refuse these applications, if appealed, the final determination would be passed to the Planning Inspectorate (PINS). This is a particularly important point as Members were supportive of proposed allocations but schemes could be more difficult to resist on sites which were not included in the Deposit LDP following comprehensive consideration of all material considerations. At a recent appeal decision at Blackwood (referred to in the Officer's Report), the Inspector acknowledged that due to the Council's lack of a 5 year housing land supply, substantial weight could be attributed to the fact that the Council had placed the emerging plan on Deposit with the site allocated for housing. The appeal was subsequently allowed and several conditions requested by the Local Planning Authority were not attached to the decision. This appeal decision is of note because the appeal Inspector is the Chief Officer for the Planning Inspectorate in Wales.
- 2.23 Members should be aware that an appeal has been submitted against a recent refusal of planning permission for 300 dwellings at Parc Ceirw, Cwmrhydyceirw Quarry and adjoining land (ref: 2014/0977). This application was recommended for approval by Officers but was refused by Members in June 2016. The site was proposed for inclusion within the Deposit LDP but was subsequently omitted following the refusal of the decision at Planning Committee, prior to the LDP being placed on Deposit. This is one such appeal that the 5 year land supply issue will be integral to. It should be borne in mind that Members were agreeable to the inclusion of Heol Pentre Bach in the Deposit version of the Local Development Plan and it would be preferable for these sites to be developed rather than sites considered unsuitable by the Local Authority.

- 2.24 It should also be noted that the current application before Members was subject to significant pre-application advice between the applicant and the Local Planning Authority and has resulted in a high quality scheme. The applicant amended the scheme to take account of comments raised by Officers with regards to several aspects of the scheme which resulted in a significantly improved layout/ design prior to the application being submitted. The applicant was also willing to work with the Local Planning Authority throughout consideration of the application and subsequently amended the scheme to remove two plots to reduce the issues on trees within the site. If the Local Planning Authority is not supportive of early schemes, applicants will be less inclined in the future to enter into pre-application advice or consider the comments/ recommendations of Officers in the knowledge that the application would be determined by the Planning Inspectorate and the 5 year land supply consideration would be given considerable weight. Allied to this, applicants may choose to appeal non-determination at the end of the statutory period rather than amend proposals that would subsequently be refused in order to speed up the decision making process.
- 2.25 It should be noted that this approach would effectively reduce the role/ input of the Local Planning Authority (as a whole) and could result in poorer schemes receiving consent at appeal. The decision making process could effectively be removed from the local level and the Planning Inspectorate would have the final say on the acceptability of the scheme, any conditions that are to be attached and the requirements to be included within a S106 agreement. Further to this, there would be increased costs for the Local Planning Authority in having to prepare and defend these appeals and an increased chance of success if Inspectors opine that the Council is not taking reasonable steps to overcome the shortfall of available housing land.
- 2.26 Further to this, as the application is being considered in line with current guidance, the developer would have to provide 12 affordable housing units on site. Under the Emerging Local Development Plan, the guidance for affordable housing would be limited to 20% provision which would equate to 8 units, so the same application considered following the adoption of the LDP would result in 4 less affordable units.
- 2.27 Taking the above in consideration, it is considered that the proposed scheme is a high quality housing scheme, accords with the endorsed developer Guidance Note, has been allocated within the Deposit LDP by Members, would deliver a significant affordable housing contribution at the current time and would help provide an immediate contribution towards the housing shortfall within the Authority.
- 2.28 Green Wedge
- 2.29 Members raised concerns that the proposed development is located within a Green Wedge. The application as reported to Committee noted this policy conflict but considered that the issues was finely balanced and that material considerations were sufficient reason to depart from the development plan in force. Based on the comments of the Planning Committee, it is considered that the following reason reflects the concerns raised:

'The proposed residential development comprises the erection of 41 dwellings on a site which forms part of an extensive area of open land on the periphery of Queensgate that is located outside of the urban boundary and within an identified Green Wedge. The proposal is considered to be inappropriate development within the Green Wedge that would not maintain its openness nor respect the sensitive open area abutting the Loughor Estuary contrary to the provisions of policies EV22 and EV23 of the City and County of Swansea Unitary development Plan (2008).'

2.30 The following additional information has been submitted on behalf of the applicant.

'This issue has been comprehensively addressed by officers in the report to Planning Committee. It is accepted that the site is identified as Green Wedge in the current UDP, however, this boundary has been reviewed for the purpose of the LDP and the site allocated for residential development in the Deposit LDP in light of this. Furthermore, the application accords with the Developer Guidance Note which has been endorsed by Planning Committee in relation to Departure Applications. In order to further assist matters I have attached a copy of an Appeal Decision relating to a site in Blackwood, Caerphilly (APP/K6920/A/15/3137884) which considers similar matters to that of the current application. In that situation the site was identified as a Green Wedge in their Development Plan but was in the process of being reviewed via their Deposit LDP and allocated for residential development therein. In that instance the Appeal Inspector acknowledged, that due the Council's lack of a 5 year housing land supply, substantial weight could be attributed to the fact that the Council had placed the emerging plan on Deposit with the site allocated for housing. Approval of the current application would be consistent with this Appeal decision which was allowed.'

2.31 It is considered that it is lawful to refuse an application on the grounds of the impact of the development on the Green Wedge as the proposal is contrary to policy and the Officer's Report outlined that the application was finely balanced in that respect. Committee will need to consider whether the exceptional circumstances outlined in the Officer's Report and referred to above in further detail with regards to compliance with the adopted developer Guidance Note are sufficient to overcome the policy concerns that arise due to the policy designations of the current Unitary Development Plan. Recent appeal decisions in other Authorities have indicated that where a proposal is allocated in the Deposit LDP and the Local Planning Authority do not have a five year land supply, appeals are likely to be allowed. However, this application was finely balanced and it is entirely at Members discretion to reach a different conclusion on that balancing exercise.

2.32 Highway Safety

2.33 Committee expressed the view that the proposal would result in increased traffic in the area which would specifically impact on the junction of Heol Pentre Bach and Frampton Road. Based on the comments of the Planning Committee, it is considered that the following reason reflects the concerns raised:

'The applicant has failed to demonstrate that the additional traffic movements generated by the proposal will not have an adverse effect on local highway safety to the detriment of the safe and free flow of vehicles and pedestrians, contrary to the provisions of policies EV1, AS2 and HC2 of the City and County of Swansea Unitary development Plan (2008).'

2.34 With regard to highway safety, the applicant's agent has commented as follows:

"This matter has been comprehensively addressed by your officers in the report. Concerns that have been raised have been acknowledged by the applicant and it is accepted that some improvements in the form of traffic calming in the vicinity of the Frampton Road/Heol Pentre Bach junction are required. This was also the case for an application that was recently approved near this junction (Ref: 2014/0753). It is understood that applications to discharge conditions attached to this permission have recently been submitted to the LPA."

- 2.35 The Head of Highways and Transportation raised no highway objection to these proposals as part of the application.
- 2.36 The Head of Highways and Transportation has subsequently raised the following points since the previous committee for Members to consider:

“Following concerns raised during debate on the above application the following points are offered to clarify the technical aspects of the highway safety and traffic concerns raised.

National data indicates that the likely traffic generation of the development will amount to 1 vehicle movement every 2.5 minutes during the busiest peak hours in the am and pm. This is a very small increase in traffic movements and will have no adverse impact on the operation of the local highway network. There are no sustainable reasons therefore to refuse the application due to traffic volume.

The available visibility at the junction of Heol Pentre Bach and Frampton Road is in accordance with recommended standards. Regardless of this, concern has been raised about the speed of vehicles in that vicinity and therefore the developer has been required to install traffic calming measures to reduce speed at the junction. The same requirement has been imposed on a smaller development on the other side of Frampton Road which was recently granted consent. The provision of the traffic calming elements, together with the fact that visibility standards are in accordance with national guidelines and no personal injury accidents have been recorded at the junction, make refusal on highway safety reasons unsustainable.

The development is to be laid out with road access geometry in compliance with adopted standards. On-site parking is to be provided for all dwellings and accords with adopted parking standards. Access and parking issues therefore would not be a sustainable reason to refuse the application.

Conclusions

The application has been assessed against local and national standards and is shown to be in compliance. There are no sustainable reasons with technical merit to refuse the application on highway grounds. My original recommendation of approval with conditions therefore still stands.”

- 2.37 It is considered lawful to refuse an application on the grounds of highway safety, but Committee will need to consider whether sufficient evidence can be provided to demonstrate that the proposal will have an unacceptable impact on highway safety. Recent appeal decisions have clearly indicated that in the absence of any evidence to prove a proposal will be detrimental to highway safety, an appeal will be allowed. Members will need to be satisfied that relevant evidence to support the decision can be provided and the Head of Highways and Transportation has emphasised that there are no technical highway reasons to refuse the application. Failure to do so, may result in costs being awarded against the Authority.
- 2.38 S106 Issues
- 2.39 Committee raised concerns that about whether the applicant would be able to provide the required S106 contributions given viability issues surrounding other schemes reported to Committee and issues regarding the developer and the payment of S106 contributions in the past. Based on these concerns, the following reason would cover the points raised by Committee:

'The developer has failed to demonstrate that the planning obligations required to make the development acceptable in planning terms can be provided, contrary to the requirements of policy HC17 of the City and County of Swansea Unitary Development Plan 2008.'

- 2.40 Whilst it may be lawful to refuse an application due to concerns over the viability of a scheme, it is considered to be unreasonable in this instance. The issue here is whether it can be evidenced that the proposed development could not provide the appropriate contributions and levels of affordable housing indicated with this proposal. It should be considered that the scheme and the S106 contributions have been discussed with the applicant who has not raised any issues with regards to the financial viability of the scheme. Any recommendation for approval would be subject to conditions and a S106 agreement with the items specified in the Officer's Report. The permission would be bound by the S106 agreement and legally binding.
- 2.41 If the developer sought to subsequently vary the terms of any subsequent consent at a later date for any reason, the Local Planning Authority (and Committee) would have to consider this at a subsequent stage based on the information available at that time. A planning agreement obligation may not be modified or discharged except by (i) an agreement, executed by deed, between the person against whom it is enforceable and the local planning authority, or (ii) discharge or modification by the local planning authority on application (by form as specified in the Regulations) after five years from execution, or such other period specified by the Secretary of State.
- 2.42 Within 5 years, the planning obligation can only be modified in *agreement* with the Local Planning Authority under S106A(1)(a). The applicant has no right of appeal against a decision made under this section, although the decision could be Judicially Reviewed. Two things should be noted in this instance. It should be noted that the applicant intends to commence development as soon as possible if permission is granted, they already own the site and therefore there are unlikely to be any significant change in circumstances within this timeframe. Secondly, any amendment would have to be with the agreement of the Council within the first 5 years of the decision.
- 2.43 Concerns were raised during the Committee meeting that Elan Homes Ltd has developed other sites in the locality yet they have not fulfilled S106 Obligations required of them. Reference was made to the Parc Gwyn Faen site off Brynafon Road. The Local Planning Authority
- 2.44 With regards to the S106 agreement, the applicant's agent has commented as follows:

"Concerns were raised during the Committee meeting that Elan Homes Ltd has developed other sites in the locality yet they have not fulfilled S106 Obligations required of them. Reference was made to the Parc Gwyn Faen site off Brynafon Road.

I have attached a copy of the original S106 Agreement and the Deed of Variation in 2014. It is evident from these documents that all obligations are in fact the responsibility of the Welsh Ministers and not Elan Homes Ltd. Officers will advise whether these obligations have indeed been met by the Welsh Ministers. It is not the case that Elan Homes Ltd has not fulfilled S106 Obligations required of them.

Concerns were also raised that the S106 Obligations requested by the LPA had not been agreed, leading to a view that these would be challenged further down the line. I can categorically say that all S106 Obligations requested have been agreed by Elan Homes Ltd. This is because they are in the fortunate and relatively unique position of

owning the site and there are low infrastructure costs associated with delivering the development of this Greenfield site. This is not always the case with other sites which tend to have significant abnormal costs and land costs to take account of.

It is also the case that the S106 Obligations will be fulfilled relatively quickly given that Elan Homes Ltd have made a commitment to commence development within 12 months of consent being granted (when the norm is a 5 year implementation condition) and as the development is for 41 units the site could be complete within 12 months of commencement.”

- 2.45 The Local Planning Authority have also reviewed the situation with regards to the aforementioned S106 issues elsewhere within the locality and whilst there are outstanding S106 issues to resolve principally with regard to off-site highway contributions, the onus is on the landowner / applicant under the outline permission i.e. Welsh Government & City and County of Swansea, not on Elan Homes.
- 2.46 In view of the above, it is not considered that this issue can form a reasonable reason for refusal that could be supported at appeal and to refuse the application for this reason would leave the Council open to an application for costs at any subsequent appeal.

3.0 Conclusion

- 3.1 My original report to Planning Committee on 2nd August 2016 recommended approval of the application and I have received no evidence to change this recommendation. However, it is recognised that Committee may not accept my recommendation and should this be the case, any decision to refuse the application will need to take into account my advice given above in relation to each possible reason for refusal Committee identified previously.

4.0 Recommendation

- 4.1 The application be approved in accordance with the recommendation set out in Appendix A, subject to an amendment to condition 2 updating two of the plan revision reference numbers.

If, however, Committee does not consider that the application should be approved, the reason(s) for refusal should take into account the advice given above.

BACKGROUND PAPERS

Local Government Act 1972 (Section 100) (As Amended)

The following documents were used in the preparation of this report:

Application file, together with the files and documents referred to in the background information section of the appended Development Control committee report.

Contact Officer:	<i>Andrew Ferguson</i>	Extension No:	<i>3947</i>
Date of Production:	<i>24th August 2016</i>	Document Name:	<i>Heol Pentre Bach</i>

ITEM

APPLICATION NO.

2015/2506

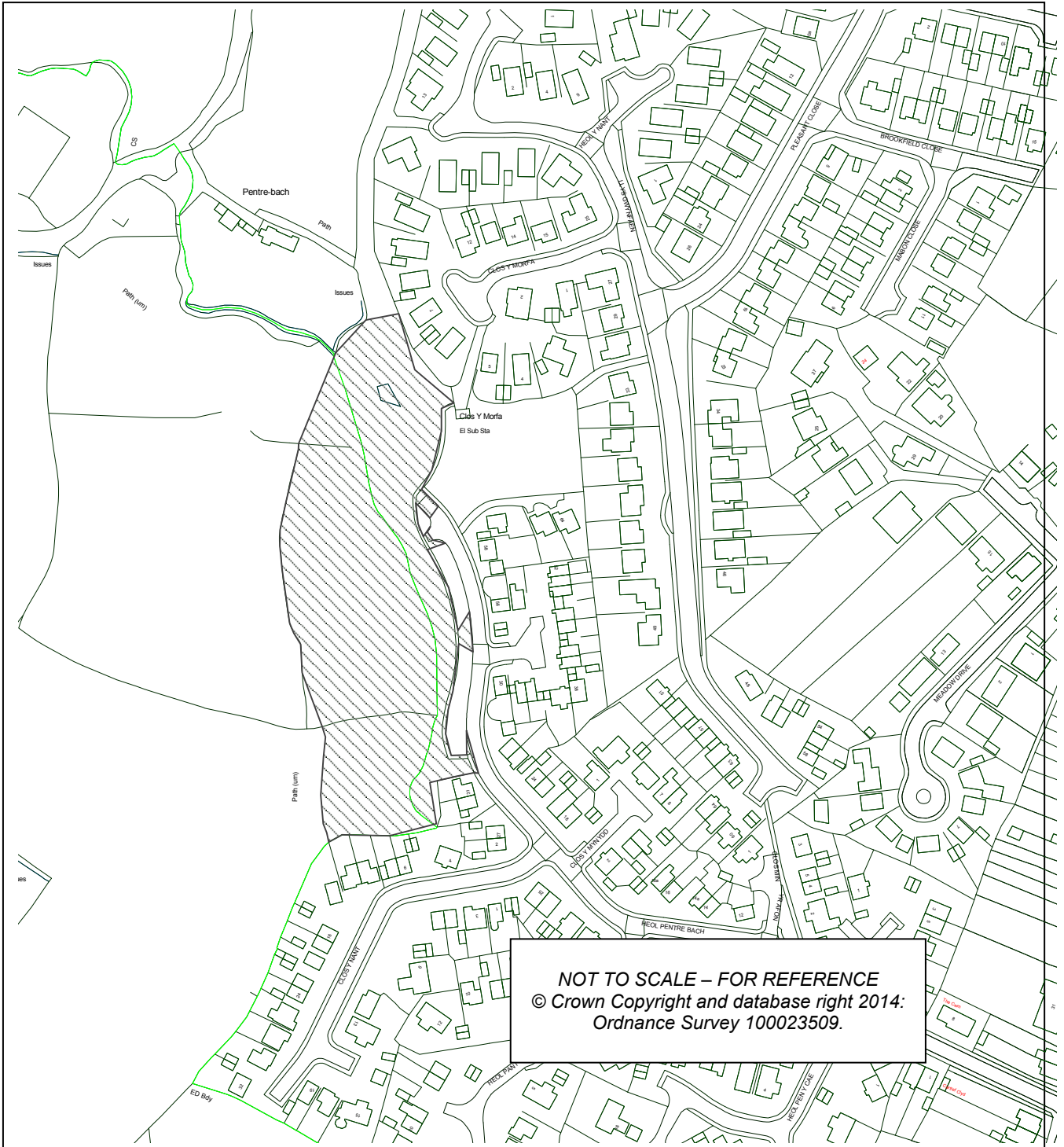
WARD:

Penyrheol

Location: Land at Heol Pentre Bach Gorseinon Swansea SA4 4ZA

Proposal: Residential development for the construction of 41 units with associated access and landscaping works

Applicant: Elan Homes



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 EV22	The countryside throughout the County will be conserved and enhanced for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value through: i) The control of development, and ii) Practical management and improvement measures. (City & County of Swansea Unitary Development Plan 2008)
Policy EV23	Within green wedges development will only be permitted if it maintains the openness and character of the green wedge and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area. (City & County of Swansea Unitary Development Plan 2008)
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 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 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 AS2 Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
- Policy AS5 Accessibility - Assessment of pedestrian and cyclist access in 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)

SITE HISTORY

App No.	Proposal
2005/0678	Residential development (outline) Decision: Withdrawn Decision Date: 31/05/2005
2015/1670	PRE APP Residential development Decision: Negative Response Decision Date: 18/09/2015
LV/94/0254/03	RESIDENTIAL DEVELOPMENT Decision: *HRND - Refusal of Non-Determination Decision Date: 23/03/1995
LV/90/0449/03	SUBSTITUTION OF PLOTS 102-105 AND 138 Decision: *HGPCU - GRANT PERMISSION UNCONDITIONAL Decision Date: 13/09/1990

Background

This application is being reported to Planning Committee as it is a departure from the Unitary Development Plan currently in force. Councillor Cole also requested the application be reported to Planning Committee.

Since the application was submitted, the City and County of Swansea Deposit Local Development Plan was presented to Council on 16 June and endorsed for a public consultation. The public consultation will run from 27 June to 31 August 2016.

The application has subsequently been amended to reduce the number of units from 43 to 41 following concerns over the impact of the proposals on trees. A Tree Preservation Order has also been placed on a group of Oak trees along the western boundary of the site.

An appeal was submitted to the Planning Inspectorate for the residential development on the application site and the adjoining land in 1994 following Lliw Valley's failure to determine the application within the prescribed timeframe (ref: LV/94/0254/03). The site contained 3.4Ha of land for a residential development of 67 dwellings.

The Inspector considered the main issues to be whether the proposals conflicted with the local planning policies which aimed to protect the open countryside, whether the proposals were premature with regards to the emerging local plan for the area, whether the proposal would set a precedent for future development and whether the proposal would have a satisfactory means of access for emergency vehicles. On these matters, the Inspector concluded that the development amounted to development within the countryside and government policy was that the countryside should be safeguarded for its own sake. Further to this, whilst not particularly prominent, the proposed development would spoil views outwards over the appeal site. The Inspector went on to state that the proposals represented encroachment and would not extend the urban boundary in a logical manner and the existing boundary to the built up area was clearly defined. The Inspector stated that allowing the development would be likely to frustrate the objective of utilising previously developed land within the urban boundary and could be said to be premature.

The subsequent outline application submitted in 2005 utilised a smaller section of land and proposed 39 dwellings on the indicative plan submitted with the application. This application raised similar concerns to the previous application with residents referring to the previous appeal decision and the similarities between the two applications. The application was subject to significant local objection. The application was written up with a recommendation for refusal and the applicant subsequently withdrew the application prior to the Committee meeting.

The current application site is similar in area to the 2005 application site and has an area of approximately 1.23Ha. A Screening Opinion was carried out in accordance with Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

Neighbour comments:

The development was advertised in the Press on 13th January 2016, on site with four site notices, and 17 no. properties were consulted individually.

16 letters of objection have been received in response to this application which have been summarised below:

- Over development of site and of Queensgate Village, loss of village feel

- Safety fears for pedestrians and existing local residents due to increase in traffic – the road is already narrow and hazardous due to on street parking and surrounding roads cannot cope (such as Frampton Road)
- Visibility at junctions is already obscured and will be made worse with three extra turn offs
- Entrance to Heol Pentre Bach already busy and partially obstructed AM & PM. Junction is blind due to parked cars on Frampton road, this will only be made worse
- Increase in pollution – noise, light and traffic (on site and Gorseinon in general)
- Number of vehicles is likely to be higher than predicted
- Concerns over data used in the transport statement
- Bus services to the site are infrequent
- It is not clear from the plans I have seen of the site whether the existing mature trees and shrubs that immediate lie to the rear of my property will remain undisturbed, a large oak tree in particular – disturbance will affect stability of wall
- Trees provide habitat for biodiversity and screen the development
- Extra strain on local services including schools and emergency services – doctors at full capacity
- Public footpaths and rights of way potentially blocked/ obscured – area is a popular dog walking route
- Dwr Cymru previously objected to development on this site
- Concerns over drainage – the new development would increase the amount of surface run off while reducing the natural soak off areas
- Site is marshy
- Flood assessment should be provided
- Loss of outlook/ view and resultant devaluation of property
- Overbearing impact on the existing estate
- Dwellings should match the existing dwellings on site – no render or render at first floor level only
- Application submitted and refused on site every five years – what has changed?
- Land is green wedge in the open countryside – brownfield land should be developed
- Concern about whether exploratory bore holes have been drilled on site
- Loughor Estuary is a SSSI – there should be a buffer zone around the protected area
- Corridor for low flying aircraft between the estuary and the residential estate – new houses may move possible flights line into the Estuary and impact on wildlife
- No mention is made of S106 – community clawback
- Disruption, noise and disturbance during construction phase
- Traffic calming measures cause multiple toxins responsible for 50,000 deaths annually
- Vehicles parked on pavements means people on mobility scooters have to go on to the carriageway
- Development will affect quality of live for all residents – agree with previous objections.

One local resident has written in to support the application and these comments are summarised below:

- Positives outweigh most of the small negatives
- Not enough 4 bedrooms properties for young families – need for housing in the area
- More people means more money being spent in the local area
- Residents stating that countryside views will be lost forget that they themselves are in a new development that impacted on views of those people living on Frampton Road.

Consultation Responses

Highways:

"1 Introduction

- 1.1 This proposal is for the construction of up to 43 dwellings on undeveloped land fronting Heol Pentrebach in Penyrheol. The site is to be accessed from three locations along the site frontage and is supported by a Transport Statement that assesses the sites accessibility and traffic impact.

2 Traffic Generation

- 2.1 Traffic movements have been quantified with reference to national data for housing developments and indicate that the likely movements would be 6 in and 18 out in the am peak and 16 in and 8 out in the pm peak. This equates to 24 two-way movements or just 0.45 movements per minute in each peak hour which is not considered a high volume. The number of predicted movements is too small to have any adverse effect on the operation of any junctions and the surrounding highway network.

3 Accessibility

- 3.1 The site is well served by footways and there are public rights of way to the north and west of the site. There are no dedicated cycle facilities in the immediate area and all cyclists have to use existing roads. There are bus stops within 500m and 650m with approximately 8 services per hour, therefore adequate bus provision is available.

4 Site Layout

- 4.1 All roads within the development are indicated to adoptable standards and are acceptable to serve the development. A combination of standard cul-de-sac provision is indicated together with some shared surface roads and links to the adjacent public rights of way are also shown.
- 4.2 Each plot is provided with parking in accordance with adopted standards and road widths are in accordance with adopted guidance.

5 Highway Safety

- 5.1 Some local concern has been raised about the additional traffic and difficulties currently experienced due to on street parking in the area. The predicted traffic generation is relatively low and unlikely to result in any congestion issues. Parking is provided within each plot and therefore is acceptable and in accordance with adopted standards.
- 5.2 There are general concerns regarding the speed of traffic along Frampton Road in the vicinity of the junction with Pentrebach Road. A recent planning application opposite the site was granted consent and required to provide some form of traffic calming which would also cover the Pentrebach Road junction and therefore the same requirement should be imposed on this application. Whichever site develops first will be required to secure appropriate traffic calming.

6 Conclusions and Recommendation

- 6.1 The assessment of traffic impact indicates that the site is capable of supporting the number of dwellings proposed and the indicated layout is acceptable.

I recommend no highway objection subject to the following;

- i. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times

unless otherwise agreed by the Local Planning Authority.

- ii. No building works shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].
- iii. The site shall not be brought into beneficial use until such time as speed reduction measures at the junction have been completed in accordance with details to be agreed.
- iv. All internal roads must be constructed to adoptable standards.

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 mark.jones@swansea.gov.uk , tel. no. 01792 636091.”

Highways (following reduction of units):

“No further comments.”

Pollution Control:

“I have no objection to this application but would like to make the following comments and attach the following conditions please: -

Land:

Unforeseen Contamination

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

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

The site investigation report submitted with the application refers to further assessment at location TP7 due to the presence of asbestos and potential ACM's; I would agree with this statement and require the information to be submitted. Also, reference is made to further assessments of the 'Overgrown Northern Part of the Site' which has not been investigated fully; again I would require the outcome of the assessment to be submitted.

Construction:

Construction Site Management Plan

- Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) shall be submitted to and approved in writing by the LPA. The CPMP is to include the following:
 - a) Construction programme and timetable
 - b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
 - c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;

- 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 regard to best practicable means (BPM);
- 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 proposed crushing/screening operations); and
- k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.

INFORMATIVES

1 Construction Noise

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

2 Smoke/ Burning of materials

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

3 Dust Control:

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

4 Lighting

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

Drainage:

“We have reviewed the submitted application and based on the document entitled Flood Risk Assessment & Drainage Strategy ref 7444/FRA/JRV/2, dated 14 April 2016 recommend that the following is appended to any permissions given.

Condition

1. 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. This scheme shall include details of a sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall

be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason.

To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.

Condition

2. The development shall not discharge to the adjacent watercourse at any rate greater than 7.5l/s.

Reason.

To prevent increased runoff to the local watercourse network and increased flood risk.

Informatives.

Any onsite watercourses identified must remain open and undisturbed and wherever possible habitats enhanced through the use of SuDS mitigation measures acting in combination with the natural environment. Please be aware that the Authority's prior written consent under the Land Drainage Act 1991 (as amended) is required for any works that have the potential to affect the flow in any watercourses, ditch or stream."

Urban Design Officer:

"The proposal provides active frontage onto the street (Heol Pentre Bach) and the open space. In order to face houses onto the open space, plots 37-43 back onto the street and whilst this isn't ideal it ensures a positive frontage onto the open space and the rear gardens are secured by robust brick walls. The entrances to the site are well defined by corner turning houses and the vistas into the site are closed by focal buildings.

The site is laid out as 3 cul-de-sacs and whilst the adopted residential Design Guide discourages this approach in favour of connected streets it is considered acceptable on this occasion given the shallow depth of the site and the short distance in terms of connectivity.

The proposed slate colour concrete tile with predominantly red brick walls and some accent render areas are fine for the suburban location. There is a lack of robust brick screen walls in some locations and this should be addressed by condition.

It is for you as case officer to assess the amenity relationships.

Approval is recommended with the standard conditions, plus a boundary wall condition as follows:

Notwithstanding the plans submitted, the garden boundaries to the following plots must be brick screen walls:

9 (south and west)

10 (north west corner)

11 (west side)

14 (west side)

15 (south side)

23 (west side)

37/38 (north side)."

Urban Design Officer (following reduction of units):

"No further comments."

Housing:

We will require a 30% affordable housing contribution on this site. This should be split between 60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of

transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) – all to be disposed of via a RSL.

The social rented units should be 2 and 3 bedroom houses, with 1 x 4 bedroom unit, and the intermediate should be 2 and 3 bedrooms, (there is also a high need for bungalows so this could be one of the 2 bedroom units). All the units must be DQR compliant and should pepper potted throughout the development.

Strategic Planning

“The site is outside the adopted Unitary Development Plan (UDP) settlement boundary and is designated as EV20/21 - Development in the Countryside; and EV23 - Green Wedge. As such the proposed development represents a departure to existing development plan policy, which presumes against residential development at such locations.

The emerging Local Development Plan (LDP), whilst still at Pre-Deposit stage, is of relevance to the determination of the proposal. The LDP Preferred Strategy identifies opportunities for appropriate greenfield releases on the edge of the settlement boundary at Gorseinon and Loughor on a small scale where these would constitute appropriate rounding off. The site in question was identified under Candidate Site Reference UL002 as one of these potential allocations in the and was as one of the sites recommended for inclusion in the Deposit Local Development Plan (LDP) due to be published for consultation in May/June 2016. The site was attributed with a provisional capacity for 40 residential units.

The housing land supply currently stands at 3.0 years (2015 JHLAS), which is less than the 5 years required under national planning policy. The Council has demonstrated its commitment to increasing the available housing land supply through publication of the *Developer Guidance – Planning Applications for Non-Householder Residential Development*.

This guidance sets out that the Council will take a positive approach to the negotiation and preparation of appropriate planning applications for non-householder residential development on sites recommended for allocation in the emerging LDP. Where such cases represent a departure from the adopted UDP, the Council will prioritise identified strategic sites to ensure the high numbers attributed to them can be delivered and because these sites are most capable of delivering the widest social/economic benefits to contribute towards achievement of the LDP strategy and sustainability. The guidance states that the Council will also prioritise sites identified for the particular purpose of delivering majority proportions of affordable housing. The application site does not fall into either of the aforementioned categories, and is instead a proposed ‘non-strategic’ housing site. The guidance sets out that lower priority will be afforded to any such non-Strategic site recommended for LDP allocation beyond adopted UDP settlement boundaries, because they:

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

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

secured by other strategic sites. The Guidance states that such departure applications will need to demonstrate that the proposed development:

1. is in-line with the emerging LDP
2. will deliver a meaningful and early contribution to meeting housing supply before adoption of the LDP and will not divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites
3. is sustainable, viable and will deliver any necessary social/economic benefits such as community facilities and highways improvements to make the development acceptable

The principle of allowing the development has been assessed under these three points below.

Site Assessment

1. As noted, the site has been agreed by Members as a suitable housing allocation for the Deposit LDP for a very similar number of units. The Preferred Strategy seeks to ensure such allocations secure a settlement rounding off. This is particularly relevant at this location in that a Candidate Site proposal was made proposing a large (12 hectare) residential development further west, at land known as 'Whitley Fach' (Candidate Site UL008). Following detailed assessment the Council has resolved not to allocate a strategic site at this location and land further west of the application site will therefore be designated as open countryside beyond the settlement boundary in the forthcoming Deposit LDP. Given these circumstances, it is vital that the layout of this site does not facilitate the potential for further expansion to the west of the application site at 'Whitley Fach', and instead secures a rounding off and re-enforced defensible boundary through its design.

In this respect it is noted with concern that the applicant proposes to remove a large section of the existing vegetative western boundary screening to facilitate a storm drain (nos. 15-17); and that properties at the south west (nos. 3-8) and in the north west (nos. 32-36) of the site appear to have no natural screening or the vegetation is proposed to be removed. There also appears a lack of re-planting required to deliver a suitably robust boundary and screen.

Land around the estuary has been identified as the Lower Loughor Valley and Estuary Special Landscape Area (SLA) demonstrating its outstanding quality visual, sensory and habitat landscapes that make it a landscape of significant local importance. Emerging LDP policy will seek to ensure no significant adverse effect on the features and characteristics for which the SLAs have been designated. The effects of the proposal on the sensitive landscape area beyond and the importance therefore of delivering a strong permanent western boundary is clearly of key significance to determining the suitability of the proposal. It is also requested that the street/mews highway details are configured to exclude the opportunity for the proposed estate road to be extended at a later date or utilised by increased volumes of traffic.

In summary, in relation to site appraisal, the proposal does represent an opportunity to round off the settlement in an appropriate manner (meeting the in-principle provisions of the LDP Preferred Strategy), however further amended details of the site layout and works to be undertaken to maintain and enhance the boundary are considered necessary to satisfy this element, and to ensure the scheme does not facilitate future encroachment of development to the west.

2. The proposal has potential to deliver housing land supply before LDP adoption. There appear to be no major constraints which might delay the site's commencement and I understand that the developer, Elan Homes, maintains that it can demonstrate, with evidence, that the development economics of the scheme enable it to come forward

immediately and that the company has a track record of building out sites in the vicinity soon after planning permission. It is noted that the Planning Statement states that they have a firm intention to proceed with development in the shorter term and that Elan Homes are a smaller house builder who do not currently have involvement in any of the LDP Strategic Sites. However the Statement submitted is considered insufficiently detailed in terms of evidencing this position and the developer must submit a clear economic and viability case to illustrate that the site should be categorised as an 'exception' site in this regard.

Subject to further evidence being received, and in the event that planning permission is recommended, an appropriate condition should be placed on the planning permission restricting it to a time period leading up to LDP adoption.

It is significant that the large scale 'Whitley Fach' proposal submitted to the Council as an LDP 'Candidate Site' for consideration has been assessed in detail and is considered unsuitable for development, and therefore there is no alternative strategic site to the application site at this location. The application therefore represents a non-strategic scale alternative site that does not compete with a strategic scheme being progressed in the vicinity.

3. A full planning application has been submitted in-line with the Developer Guidance. Based on the stakeholder consultation responses it will be necessary to ensure the development delivers any infrastructure / community improvements necessary to make the development acceptable and that this will not affect the viability and prompt deliverability of the site. It is positive that the Planning Statement notes that the developer intends to deliver 30% of the site as affordable housing units.

Conclusion

The proposed development is a departure to the extant UDP. Notwithstanding this it has potential to accord with the provisions of the recently approved Guidance Note on Non Householder Residential Development in respect of departure applications, subject to further detailed information being provided as described above.

The Guidance sets out that it would be inappropriate to determine prior to public consultation on the LDP Deposit being concluded as there may need to be focussed changes made to the Deposit arising from the consultation ahead of the Plan being submitted to Welsh Government as sound.

Any permission granted should be time restricted to ensure development takes place promptly and that the site contributes to the land supply before LDP adoption."

Education

Proposed residential development comprising now of 43 dwellings: 4 x 1 bed flats, and 39 x 2/3/4 bed dwellings.

The catchment area for this development is Upper Loughor, and the catchment schools are:

	Catchment schools	Number of unfilled places Date Sept. 2015	%	Number of unfilled places Date Sept. 2022	%
English Medium Primary	Tre Uchaf Primary	41	19.9	42	20.39
English Medium Secondary	Penyrheol Comprehensive	63	6.46	87	8.92

Welsh Medium Primary	YGG Pontybrenin	14	2.95	-51	-10.76
Welsh Medium Secondary	YG Y Gwyr	105	11.16	-327	-34.75

SPG Pupil Generation (39 Dwellings)

Recommendation:

Primary:

- English Medium: there is currently enough capacity within the existing English Medium School in this developments catchment. The overall impact of the Local Development Plan will take this school over its capacity.
- Welsh Medium: the Welsh Medium catchment school is projected to be over-capacity and there are a large number of developments that have successfully obtained planning applications that will further exacerbate the situation, without the impact of the LDP.

Secondary

- English Medium: whilst there is currently capacity at Penyrheol Comprehensive school, the surplus capacity is operating at below 10%, which is the percentage Welsh Government deem to be sufficient to allow flexibility for the school to operate sufficiently and effectively. The existing commitments (excluding the combined impact of the LDP) will create significant pressures and a shortfall in accommodation for Penyrheol Comprehensive School.
- Welsh Medium: the Welsh Medium secondary school is projected to be over-capacity and there are a large number of developments that have successfully obtained planning applications that will further exacerbate the situation, without the impact of the LDP.

Requested contribution:

Providing the information above, the request for contributions from this development is:

- Primary: £23,700 plus inflation (18.9% of £125,397) towards additional year 5/6 accommodation at YGG Pontybrenin.
- Secondary: £135,976 plus inflation towards replacement of Science demountable at Penyrheol Comprehensive School.”

Ecology:

“The development will have a negative effect on the ecology of the site, this impact can be minimised by following the guidance indicated in section 5 of the Reptile Survey (Wyg December 2015) and section 5 of the Extended Phase 1 Survey (Wyg December 2015). A condition should be added to any permission we give to ensure that this guidance is followed. Habitat mitigation should include enhancement of retained habitats and the planting of ecologically friendly landscape planting.

Some areas of the site are likely to contain reptiles; in order to protect them the mitigation described in section 5 of the reptile survey must be followed. The stream adjacent to the site is suitable for occasional use by otters this habitat and the adjacent strip of habitat should not be disturbed by the development. Any scrub on the site may contain nesting birds; scrub should only be cleared outside the bird nesting season (March to September). The boundary trees should be retained.”

Natural Resources Wales:

“We would not object to the above application, however we wish to make the following comments.

FLOOD RISK

The application site is located within Zone A, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). We have no knowledge of flooding at this location, but there is an ordinary watercourse adjacent to the site and therefore any flood risk associated with this should be assessed by yourselves, as the Lead Local Flood Authority.

ECOLOGY AND PROTECTED SPECIES

We note the submission of the document entitled; '*Land at Heol Pentre Bach, Gorseinon: Extended Phase 1 Habitat Survey Report*', dated December 2015, by WYG Limited. Along with the document entitled; '*Land at Heol Pentre Bach, Gorseinon: Bat Activity Survey Report*', dated December 2015 by WYG Ltd. Section 4.3.3 of the Extended Phase 1 Habitat Survey Report states that no buildings are present on site, but a number of semi-mature and mature trees are present.

We welcome the recommendations in Section 5.3.3, that further bat surveys are carried out on trees which are proposed to be lost and that have the potential to support roosting bats.

We advise that trees are surveyed and assessed in accordance with '*Bat Surveys; Good Practice Guidelines 2nd Edition*' published by the Bat Conservation Trust 2012, and that the results used to inform the planning application. We recommend you seek the advice of your Authority's Planning Ecologist to determine the surveys required to inform the planning application.

If any survey undertaken finds that bats are present at the site and you require further advice, then please feel free to contact us again.

Please note that we have not considered possible effects on all species and habitats listed in section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests. We recommend that you seek further advice from your Authority's Planning Ecologist in relation to these species and habitats.

PROTECTED SITES

We note that the site is located approximately 170m from the boundary of the Carmarthen Bay and Estuaries SAC and the Burry Inlet and Loughor Estuary SSSI. A watercourse on the northern boundary of the site also appears to provide a direct hydrological link between the site and the SAC/SSSI.

We consider it unlikely that the on-site works would have a significant adverse effect on the SAC/SSSI, providing appropriate pollution prevention and construction management plans are in place.

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

If it cannot be demonstrated that there will not be a significant effect, either alone or in combination with other plans and projects, you are required to undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

POLLUTION PREVENTION & WASTE MANAGEMENT

The biggest risk in relation to pollution, occurs during construction and we would remind the applicant/developer that the responsibility for preventing pollution rests with those in control

on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches).

As best practice, we would advise the developer to produce a site specific construction management plan / pollution prevention plan, with particular reference given to the protection of the surrounding land & water environments. For detailed pollution prevention guidance we would refer the applicant/developer to the Environment Agency's Pollution Prevention Guidance available from their website:

We would also recommend that a Site Waste Management Plan (SWMP) 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: (.

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."

Arboricultural Officer:

"Recommendation: Acceptable subject to condition

Condition 1

No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until an updated Tree Protection Plan and arboricultural method statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the specification and positioning of temporary tree protective fencing and ground protection where required. Other details shall include: areas for storage, access facilitation pruning requirements, mixing areas and parking areas. The approved tree protection measures shall be installed prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity in accordance with Policy EV30

Comments:

The revision of the scheme has moved the houses further away from the category A oak trees on the western boundary. This will have reduced further pressure on these trees and future pruning will be controlled by means of a Tree Preservation Order served on 12/07/16.

The routing of the storm drain appears to be sympathetic to the retained trees and is an improvement on previous drawings. The submitted tree protection plan now does not relate to the new layout and an update is required.

In the event of the proposals being approved could you please condition the above to ensure the important trees are afforded suitable protection?"

Public Rights of Way Officer:

- The footpath that runs to the West of the site (LC45) is very wet. The Countryside Access Team would not want any more water drained onto this land as it will compound the problems on the right of way.
- The tree line on the Western side of the site should be retained due to the amount of water that the trees will utilise.

- Footpath LC46 runs down the Western side of the development. It looks as if the entrance road apron to houses 27 – 43 may encroach over this. The end of the footpath is denoted by the footpath sign, which has had a dog bin attached to it. The Countryside Access Team can accept a couple of metres of the path being under the concrete apron as opposed to tarmac. The sign post with dog bin on it must be replaced at the boundary of the newly adopted highway once the apron has been completed.
- It looks from the plans as if a small walkway is going to link the development to footpath LC46 in the North West. If this is so, the Countryside Access Team would look for footpath LC46 to have works completed on it through planning gain to include some clearance, levelling and surfacing in the form of tarmacking.
- Other footpaths in the area may be affected by the development, specifically LC18, which is on route to the sewage treatment plant. The developer should be aware that if they need to work on public rights of way, or dig them up, they should contact the Countryside Access Team to discuss.
- It appears the actual route the storm drain / ditch would cut across the footpath. If so, this would need to be a culvert to allow people to walk across the top of it uninterrupted. We'd be happy with the culverted area being 2 to 2.5 metres wide.
- If the drain is continuing for a significant distance from the development I'd expect there to be no effect on the path at either end.
- Footpath improvements would involve a digger scrape of vegetation off the path to make a wider more convenient walking surface for the local populace. In terms of surfacing, we'd be looking for the improved path to be surfaced with type 1 to dust to 1200mm wide to a depth of 100mm. I haven't measured the path's exact length, but would estimate it at no more than 200m.
- 2 of the stiles should be replaced with kissing gates as this improves the access for walkers.

Dwr Cymru 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 below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

SEWERAGE

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

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

The proposed development site is crossed by a 375mm & 150mm combined sewer overflow pipe with their approximate position being marked on the attached Statutory Public Sewer Record. Their position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.

Reason: To protect the integrity of the public (sewer/sewers) and avoid damage thereto protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

SEWAGE TREATMENT

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

WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development.”

Glamorgan Gwent Archaeological Trust:

An archaeological desk based assessment prepared by Archaeology Wales and submitted in support of the application has identified the potential for any development here to impact on post-medieval archaeology; notably the remains of a small farmstead known as Pen Y Cae. The assessment indicated that there was a need to record the upstanding remains of Pen Y Cae prior to work commencing on site and for an archaeological watching brief to be maintained during groundworks associated with the development. This is a recommendation with which we concur. We therefore recommend that two conditions are attached to any consent granted. The first to ensure that the necessary building recording work is carried out in a suitable manner. We envisage that this work be undertaken to Level 2 as detailed in the 2016 Historic England guide to understanding historic buildings. We therefore suggest that a condition worded in a manner similar to model condition 73 given in Welsh Government Circular 016/2014 is attached to any consent that is granted in response to the current application. This condition is worded:-

No works to which this consent relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

Reason: As the building is of architectural and cultural significance the specified records are required to mitigate impact.

We also recommend that a note should be attached to the planning consent explaining that: The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), “Standard and Guidance for Building Recording” (and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

We also recommend that a second condition requiring an archaeological watching brief to be conducted during the groundworks for the development should be attached to any planning consent granted in respect to the current application. This should include all ground breaking activities including works for foundations and for the provision of services. This recommendation is made following the guidance given in Planning Policy Wales 2016 (Edition 8) Section 6.5.3 with additional advice being provided in Welsh Office Circular 60/96, section 22. It is suggested that the condition should be worded in a manner similar to model condition 22 given in Welsh Government Circular 016/2014 No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted.

No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

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

We again recommend that a note should be attached to the planning consent explaining that:

The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

Japanese Knotweed Officer:

Have been consulted on this application but no response has been received to date.

Coal Authority:

"The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Appropriate mining information for the proposed development site has been obtained on behalf of the applicant has been used to inform a Site Investigation Report (November 2015, prepared by Intégral Géotechnique (Wales) Limited), which accompanies this planning application.

The Site Investigation Report correctly identifies that the application site has been subject to past coal mining activity. In addition to the mining of deep coal seams, The Coal Authority records indicate that a thick coal seam outcrops at or close to the surface of the site which may have been worked in the past.

The Site Investigation Report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, an Envirocheck Report, historical OS mapping, and BGS geological mapping. The Report indicates that on the basis of a desk-based review of mining and geological data, shallow coal mine workings were identified as potentially posing a risk to stability at the site.

The Site Investigation Report goes on to detail the results of subsequent intrusive investigations carried out at the site, which comprised the excavation of eight trial pits and the drilling of six rotary boreholes. These investigations only encountered one coal seam of any note at the southern end of the site which was found to be 0.5m thick and at depth of in excess of 25m. No coal was encountered where records suggest the outcropping coal seam should be present.

On the basis of the above, the Report is able to conclude that the risk from unrecorded shallow mining is very low and that precautions against shallow mining subsidence are not required.

The Coal Authority Recommendation to the LPA

The Coal Authority is satisfied with the broad conclusions of the Site Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, The Coal Authority does not object to the proposed development and no

specific mitigation measures are required as part of this development proposal to address coal mining legacy issues. However, further more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent building regulations application.”

Police Designing Out Crime Officer:

“I am pleased generally with the site layout. The parking is within curtilage and/or overlooked. There is parking to the rear of plots 37-42 but it is overlooked by the properties at plots 33-36.

Pedestrian routes must be designed to ensure that they are visually open, direct, overlooked, lit and well used. They should not undermine the defensible space of neighbourhoods. Routes for pedestrians, cyclists and vehicles should not ideally be segregated from one another or provide access to rear gardens as is the case with the footpath that runs to the rear of plots 3-8. Such paths have been proven to generate crime.

Ideally this path would be designed out. I realise that as it is an existing path this may not be an option. If it is to remain rear gardens adjacent to this path should also be protected by fencing at least 2 metres in height. Paths ideally should be direct, have no hiding areas, be 3 metres wide and lit.

Entry onto the estate should be restricted to the designated routes.”

Other general comments were provided with regards to lighting, boundary identification, landscaping and planting, side and rear parking, vehicle parking, garden sheds, bin stores, security lighting, drainpipes, public utilities, blank walls, door security, window security, intruder alarm system, identification of properties and garages.

Llwchwr Town Council:

No objection.

Gorseinon Council:

“Members noted that this was within the Llwwchwr Town Council area, and whilst the site was being considered for the LDP it was currently in the open countryside. The access to the site was via the Queensgate development and there were ongoing problems where the site exits on to Frampton Road, which would be exacerbated by the additional 43 dwellings proposed. If approved, a Section 106 agreement would be needed to improve the junction. The housing mix was also criticised as not including any affordable homes. Members also felt the current brownfield sites in the area should be developed before greenfield sites are released.”

Site Location

The application site covers an area of approximately 1.23 hectares and lies to the west of Heol Pentre Bach where it terminates. The site comprises the whole of one field and smaller parts of three other fields. A landscaped strip separates the site from Heol Pentre Bach with a turning head located at the northern end of the road. Clos Y Morfa adjoins the northern end of the site with a pedestrian footpath running between the two roads, adjacent to an area of public open space. Dwellings on Heol Y Nant wrap around the southern boundary of the site. Heol Pentre Bach is accessed off Frampton Road which links Penyrheol and Loughor.

The site is currently agricultural land that rises gently from east to west and slopes down towards the north with a mature hedge atop a bank running along the western site boundary. The site is predominantly grass land with sporadic trees/ hedges throughout. Two public footpaths (Nos 45 and 46) run adjacent to the site. The site has good access to a number of public footpaths that extend into the surrounding countryside and link it to the

nearby Loughor Estuary foreshore. The character of the nearby residential areas is typical of the type of relatively modern suburban streets with various cul-de-sacs stretching off the main spine road, comprising of predominantly two storey detached and semi-detached properties.

Description of Development

This is a full application for planning permission for 41 dwellings comprising a mix of 1, 2, 3 and 4 bed dwellings and associated access and landscaping works. Two units have been removed to reduce the impact of the proposals on trees along the western boundary.

The proposed layout comprises an extension to the end of this road to provide a new access into the development along with 2 new accesses off Heol Pentre Bach with the turning head also utilised to access two garages located within the development. The development would consist of 3 cul-de-sacs each with a private drive(s) to serve several of the dwellings.

12 different house types are proposed as part of the development which would comprise detached, semi-detached and terraced properties. The dwellings would be two-storey finished either in brick or brick and render. The proposed development allows for 12 of the proposed units to be affordable (approximately 29%). The mix of affordable units comprises 4 x no. 1-bed flats, 3 x no. 2-bed houses, 4 x no. 3-bed houses and 1 x 4 bed house.

The application has been submitted along with an Extended Phase 1 Habitat Survey Report, Reptile Survey, Bat Activity Survey, a Transport Statement, Landscape Character and Visual Impact Assessment, Site Investigation Report, Tree Condition and Valuation Survey, a Flood Consequences Assessment and Drainage Strategy, an Archaeological Desk Based Assessment and a Welsh Language Impact Statement.

APPRAISAL

This is a full planning application for 41 dwellings comprising a mix of 1, 2, 3 and 4 bed dwellings and associated works including access and landscaping at Heol Pentre Bach. The application site covers an area of approximately 1.23 hectares and lies at the northern end and to the west of Heol Pentre Bach. The site is currently pasture land enclosed with trees and is located outside of the Urban Boundary within a Green Wedge.

Main Issues

The main issues to consider in the determination of this application relate to the acceptability of the principle of the development, the design/ visual impact of the proposals, impact on neighbouring 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.

Principle of the Development

The application site is located within a green wedge, outside of the Urban Boundary as defined in the Adopted Unitary Development Plan. Local residents have stated that the proposal is contrary to policy EV23 and various applications have been submitted, refused and dismissed on appeal on this site over the last 20 years. Policies EV18 and EV20 are not considered applicable as this is not a rural exception site proposed for affordable housing to meet an identified need and the proposal is not for persons primarily employed in agriculture, forestry or an appropriate rural use. The key policies are therefore Policy EV23, EV1 (which requires good design, including relationship to existing development patterns) and EV2 (which gives preference to the use of previously developed land over

greenfield sites and requires regard to be had to its surroundings) along with guidance contained with Planning Policy Wales (8th Edition) and the accompanying Technical Advice Notes. Policy EV 20 seeks to control development in the countryside in order to conserve and enhance its value.

Both National and development plan policy aims to safeguard the openness of green wedge land, and Unitary Development Plan Policy EV23 states that development will only be permitted within a green wedge if it maintains the openness and character of the land and does not contribute to the coalescence of settlements or adversely affect the setting of the urban area.

Policy EV23 goes onto state that appropriate development within the green wedge comprises the following:

- (i) Justified development in association with agriculture or forestry;
- (ii) Essential facilities for outdoor sport and recreation or cemetery use;
- (iii) Limited extension, alteration or replacement of existing dwellings;
- (iv) Small scale farm diversification;
- (v) The re-use of existing permanent/substantial buildings;
- (vi) Affordable housing for local needs under Policy EV18;
- (vii) Other uses of land and forms of development that maintain the openness of the green wedge and do not conflict with the purpose of including land within it.

The character of the area is dependent to a large part on the balance between the built environment and open space. The site presents a sizable area of open space abutting the access road, surrounded by existing landscaping that adds significantly to the rural character of the area which is considered to form the urban fringe. The proposal would not maintain the openness of the green wedge in this location.

It is clear from the outset that the proposed residential development of this site falls outside the definition of appropriate development as defined in UDP Policy EV23 and within the PPW definition of inappropriate development. Paragraph 4.8.14 of PPW states that when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Local planning authorities should attach substantial weight to any harmful impact which a development would have on a Green Belt or green wedge. It also says that planning permission should not be granted for inappropriate development **except** in very exceptional circumstances where other considerations clearly outweigh the harm that would be caused to the green wedge.

As a starting point, it is considered that the development of 41 dwellings in this location, with associated access, would, in principle result in an unjustified form of urbanising development that would have a harmful impact on the character and openness of the green wedge contrary to UDP Polices. Substantial weight should be placed on this.

With regards to the two previous applications, the first application (submitted in 1994) resulted in an appeal against non-determination and the second application for a smaller parcel of land was withdrawn prior to determination. At appeal, the Inspector concluded that the development amounted to development within the countryside and government policy was that the countryside should be safeguarded for its own sake. Further to this, whilst not particularly prominent, the proposed development would spoil views outwards over the appeal site. The Inspector went on to state that the proposals represented encroachment and would not extend the urban boundary in a logical manner and the existing boundary to the built up area is clearly defined. The Inspector stated that allowing the development would be likely to frustrate the objective of utilising previously developed land within the urban boundary and could be said to be premature. The second application was withdrawn before a decision was made.

Whilst this appeal decision is a material consideration in the determination of this application, it is materially different to the current application in that the site was significantly larger and included land to the west of the site and the decision was made over 20 years ago when the local/ national policy context was different.

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

In this instance, the applicant argues that the application site is proposed as an allocated site for residential development within the Local Development Plan and the Council do not currently have a 5 year housing land supply which constitutes the exceptional circumstances required by Planning Policy Wales.

The Draft Local Development Plan was endorsed for a public consultation on 16th June and is currently out for public consultation. The site is allocated within the emerging LDP for housing for approximately 40 dwellings.

Para 2.8.1 of PPW states that the weight to be attached to an emerging LDP (or revision) when determining planning applications will in general depend on the stage it has reached, but does not simply increase as the plan progresses towards adoption. When conducting the examination, the appointed Inspector is required to consider the soundness of the whole plan in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector delivers the binding report.

The Strategic Planning Officer has advised that the LDP Preferred Strategy identifies opportunities for appropriate greenfield releases on the edge of the settlement boundary at Gorseinon and Loughor on a small scale where these would constitute appropriate rounding off. It is also clear that the LDP would be reliant on greenfield land to meet the housing targets identified. The site has been reduced from that previously considered at appeal and represents an appropriate opportunity to round off the settlement in an appropriate manner providing the existing field boundary is respected.

The proposal has potential to deliver housing land supply before LDP adoption. There appear to be no major constraints which might delay the site's commencement, the developer, Elan Homes, has demonstrated that the development economics of the scheme enable it to come forward immediately and that the company has a track record of building out sites in the vicinity soon after planning permission. It is noted that the Planning Statement states that they have a firm intention to proceed with development in the shorter term and that Elan Homes are a smaller house builder who do not currently have involvement in any of the LDP Strategic Sites. It should also be noted that the proposal represents a non-strategic scale alternative site that does not compete with a strategic scheme being progressed in the vicinity.

In the event that planning permission is recommended, an appropriate condition should be placed on the planning permission restricting it to a time period leading up to LDP adoption.

As clarified in a recent appeal decision (Ref: APP/K6920/A/15/3137884) by the Inspector (the PINS Director of Wales), the LDP Manual states that the deposit plan 'should be considered by the LPA as the version it intends to submit for examination and, later, to adopt'. The Council has resolved to place the emerging Plan on deposit and must, therefore, consider the emerging Plan and the allocations contained within it to be sound. In

this regard, some weight (albeit limited) is to be given to the allocation within the emerging plan.

Turning now to the matter of housing land supply, the most recent Joint Housing Land Availability Study (September 2015) concluded that there is only a 3 years supply of housing land available in Swansea, substantially less than the 5 years supply prescribed in national policy. PPW states that Local Planning Authorities must ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing, and TAN1 (Joint Housing Land Availability Studies) advises that, where a housing land supply shortage exists, the need to increase supply should be given considerable weight when dealing with planning applications, provided that the development would otherwise comply with national planning policies.

In conjunction with its preparations for the emerging LDP, the Council has produced a Guidance Note, Planning Applications for Non-householder Residential Development, which aims to provide a clear strategy to address the housing land shortfall and includes advice to prospective developers on how the planning authority intends to deal with planning applications for sites not currently allocated within the UDP. The main principle is to bring forward several strategic sites recommended for allocation in the emerging LDP. However, at the current time, no applications have been submitted on strategic sites and therefore these sites would not make any significant impact on the housing shortfall for several years. In the meantime, it is appropriate to give considerable weight to the need to increase supply when dealing with planning applications.

The current proposal complies with many national and development plan policies, particularly many elements of sustainability due to the location of the site just outside the settlement boundary and the availability of public transport nearby. Its main conflict is in respect of the matters in the first main issue above, i.e. harm to the openness and character of the green wedge and the open countryside. However, notwithstanding these conflicts, it is considered the need to increase housing supply to warrant considerable weight in the short term.

The issue regarding the policy conflict and the weight to be given to the material considerations in this respect must be weighed in the planning balance along with all of the other issues that are considered further below before determining whether the principle is considered acceptable.

Design/ Visual Impact/ Layout

The layout has been designed with two new cul-de-sacs accessed off Heol Pentre Bach and the turning head at the end of the road extended to provide for a new turning head and a private parking court for residents of the northern half of the development. The site layout has been amended so that the plots 35-40 front onto the open space and public walkway between Heol Pentre Bach and Clos Y Morfa. Whilst the parking for these properties is at the rear, the parking is overlooked from several properties and the rear gardens are secured by robust brick walls. The Urban Design Officer has advised that entrances to the site are well defined by corner turning houses and the vistas into the site are closed by focal buildings.

Whilst the adopted residential Design Guide discourages the approach of cul-de-sacs in favour of connected streets it is considered acceptable on this occasion given the shallow depth of the site and the short distance in terms of connectivity.

A resident has written in to state that the dwellings should match the existing dwellings on site with no render or render at first floor level. The resident stated that previous phases have not tied in with earlier developments. The proposed slate colour concrete tile with predominantly red brick walls and some accent render areas are considered acceptable for

the suburban location given that there are examples of render in the area. The design of the dwellings is considered appropriate to this area and respect the scale and design of the existing vernacular. However, the Urban Design Officer has advised that there is a lack of robust brick screen walls in some locations and this should be addressed by condition. When the amendment was submitted, the applicant amended the boundary treatments on several properties but was unable to amend others due to a drainage easement, but has sought to screen them with planting. This is considered acceptable.

The Police Designing Out Crime Officer does not object to the proposals and is generally supportive of the layout as the parking areas/ public spaces are overlooked. He did raise concern with regards to an existing footpath at the rear of units 3-8 but this runs along the whole of the site boundary and is an existing public right of way.

Local residents have raised concerns with regards to the loss of outlook/ view as a result of this development along with the resultant devaluation of property. Devaluation of property has been given limited weight in the determination of this application. A Landscape Character & Visual Impact Assessment (LCVIA) has been prepared by White Young Green in support of this application. The Report states that the landscape fabric of the site contributes to the character of the landscape context of the site. Whilst the proposed development would maintain the existing mature vegetation along the northern and western site boundary and this would be supplemented with additional planting, the existing area of pasture and mature trees within the site boundary would be lost. Proposed planting would offer biodiversity enhancements where shrubs replace agricultural pasture.

In the long term the overall impact on the landscape amenity of local residents would be adverse. For those properties adjacent to the eastern boundary of the site there would be a moderate adverse impact as a result of a change in their outlook, although this would in part be mitigated by the filtering effect of existing vegetation and the establishment of proposed vegetation. In the long term there would be no change to the landscape amenity of footpath users in the wider area due to separation distance and/or intervening features. Landscape character is partly derived from the vegetation pattern of the site, which includes the site boundary vegetation. The proposed development retains and supplements this vegetation which would be a small-scale change but beneficial in terms of its contribution to the vegetation pattern. In the long-term the proposed development would become integrated into its landscape setting. The potential initial adverse impacts on landscape amenity would reduce for all receptors, including those with most adverse change near the eastern boundary of the site.

Given that this site is allocated within the Deposit Local Development Plan for 40 dwellings, the Council have acknowledged that the character of the site itself would change as a result of the development of this site. It is appreciated that the proposals would have a moderate adverse impact on the properties directly opposite the site to the east, which amounts to approximately 4 properties (of which 1 has no windows on the side elevation facing the site) although other properties adjoining the site would be impacted upon. Planning guidance indicates that there is no protection for private views and the LVIA concludes that impact would be partly mitigated by the retention of existing vegetation at the front of the site and within this context, whilst there would be an impact, it is not considered significant enough to warrant refusal on this issue. As the resident who supports the application has pointed out, the Queensgate development itself is relatively new and this development impacted on the views of those existing residents beforehand who themselves enjoyed views of the Estuary.

Overall, the resultant development would be similar to other recently constructed developments within the locality. It is therefore considered that the detailed design and layout of this proposal is acceptable, in terms of its impact on the character of the area.

Neighbouring/ Residential Amenity

The proposed development is located to the east of dwellings on Heol Pentre Bach, to the north of properties on Heol Y Nant and south of properties in Clos Y Morfa. The issues of the visual impact and loss of outlook/ devaluation has been considered above. Comments have been received that the proposals would have an overbearing impact on the existing estate, would result in the loss of the village feel and pollution (noise, light and traffic) would increase both within the site and Gorseinon in general.

In terms of separation distances, officers raised concerns with regards to the relationship of some of the new plots to the existing buildings and sought amendments to the site layout and sections through the site to indicate the relationship between these properties. As a result, the siting of plots 1, 3 and 35-36 were amended to ensure that sufficient space was provided between dwellings with 15m provided between the rear elevation of existing buildings and the side elevation of proposed buildings. The distance between the side elevations of plots 37 and 38 (which have secondary windows at first floor level serving habitable rooms) is 18m but given that this is at an angle with planting in between, this relationship is considered acceptable in this instance on balance and these windows would have obscure glazing installed as they are secondary windows. Within the site, the dwellings achieve the minimum distances recommended within the Residential Design Guide. It is therefore considered that the proposals would not have an overbearing impact on the existing development and there are no concerns regarding a significant reduction of privacy for these bungalows.

In terms of general noise/ disturbance/ light pollution, it is not considered that there would be a significant increase over and above the present situation given that the site is surrounded by existing residential development. Concerns have been raised regarding increased traffic pollution but the Pollution Control Officer has not objected to the proposals on these grounds. As such, it is not considered that the proposed residential use of this site would have an adverse impact on the amenity of existing neighbouring uses.

Finally, residents have commented over disruption, noise and disturbance during the construction phase. 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/ Public footpaths

Residents have raised several concerns with regards to transport and highway safety issues. Comments have been received with regards to safety fears for pedestrians/ scooter users and existing local residents due to an increase in traffic, concerns the road is already narrow and hazardous due to on street parking and surrounding roads cannot cope, visibility at junctions and queries over the content of the transport statement.

The Transport Assessment states Heol Pentre Bach is single carriageway and is subject to a 30 mph speed limit with no white lining present. The latest available recorded Personal Injury Accident (PIA) data was obtained for the Frampton Road corridor and the junction with Heol Pentre Bach. It is thought that there are local concerns regarding the safety at this junction. The accident data covered a five year period from the 1st January 2010 and concluded that there was one record of a personal injury accident during the period that resulted in 2 casualties with a fatal severity (the police report indicates that it was caused by driver error). There were five other incidents during the period (4 of which were slight). However, traffic calming is proposed at the junction of Frampton Road and Pentre Bach Road given concerns from local residents and the Highways department on previous applications.

The site is highly accessible by a variety of transport modes, including walking, cycling and public transport and is surrounded by a network of safe attractive and convenient walking and cycling routes in the local area. A number of key local amenities and Gorseinon town centre are all located within 2km of the site. A number of bus services operate in the vicinity of the site, providing services to Llanelli and Swansea.

The TRICS database has been interrogated to provide an appropriate per dwelling trip rate for the proposed residential development (based on 44 dwellings). The development proposal would generate 24 two-way vehicle trips in the AM peak and 24 two-way vehicle trips in the PM peak. This would result in one extra vehicle every two minutes in the AM Peak, and PM peak respectively. This level of effect would not change the character or performance of the local highway network. The development proposal would generate 68 two-way multi-modal trips in the AM peak and 61 two-way multi-modal trips in the PM peak.

The Highways Officer has raised no issues with regards to the content of the Transport Assessment which have been quantified with reference to national data for housing developments. The Officer has advised that the number of predicted movements is too small to have any adverse effect on the operation of any junctions and the surrounding highway network. All roads within the development are indicated to adoptable standards and are acceptable to serve the development. A combination of standard cul-de-sac provision is indicated together with some shared surface roads and links to the adjacent public rights of way are also shown. Each plot is provided with parking in accordance with adopted standards and road widths are in accordance with adopted guidance.

Some local concern has been raised about the additional traffic and difficulties currently experienced due to on street parking in the area. The predicted traffic generation is relatively low and unlikely to result in any congestion issues. However, the Officer has advised that there are general concerns regarding the speed of traffic along Frampton Road in the vicinity of the junction with Heol Pentre Bach. A recent planning application opposite the site was granted consent and required to provide some form of traffic calming which would also cover the Heol Pentre Bach junction. The same requirement should be imposed on this application. The Highways Officers does not object to the application subject to conditions which would be attached to any grant of consent.

In terms of public footpaths, comments have been received raising concerns that routes would be blocked. The PROW Officer has advised that several footpaths are located within the vicinity and would be affected as a result of the development and the path has poor drainage currently. The Officer has requested works to improve footpath LC46 to include clearance, levelling and surfacing. A scheme for these works would be attached as a condition of any consent granted. The proposed drainage ditch may require a culvert to ensure that access is uninterrupted across the top but drainage details are considered in the section below. As a result of the proposals, the existing footpath sign would need to be replaced and this would also be resolved via condition. Finally, the Officer has advised that two existing stiles should also be replaced with kissing gates to improve access for all users of the adjacent footpaths and this would be included within a S106 agreement attached to any consent granted.

The proposals are therefore considered acceptable in terms of access, highway safety and parking.

Ecology/ Trees

The Extended Phase 1 Habitat Survey resulted in the requirement for further bat and reptile surveys which have subsequently been submitted. Based on the presence of suitable habitat and the high mobility of badgers it is possible badgers may use the site in the future for refuge, foraging and possibly sett building. It is recommended an update badger survey be undertaken within a month prior to construction commencing, to identify if any active

setts are present and to assess if these will be impacted by development proposals. It is recommended that any removal of habitat suitable for breeding birds (trees and dense scrub) is completed outside the bird breeding season (considered to be March to September inclusive, although it can vary depending on weather conditions and species present). No reptiles were recorded during the presence/ likely absence surveys. However due to the timing of the surveys, at the end of the reptile season, it is considered possible very low numbers of common reptiles, including slow worm and common lizard, could be present. A precautionary clearance methodology is proposed including careful staged strimming of suitable habitat, long grass and scrub areas, to approximately 100 mm to encourage reptiles to move towards the suitable habitat in the wider landscape.

Residents have commented that Loughor Estuary is a SSSI and there should be a buffer zone around the protected area. Natural Resources Wales do not object to the application and have advised that the recommendations in Section 5.3.3, that further bat surveys are carried out on trees which are proposed to be lost and that have the potential to support roosting bats, should be followed. NRW note that the site is located approximately 170m from the boundary of the Carmarthen Bay and Estuaries SAC and the Burry Inlet and Loughor Estuary SSSI. A watercourse on the northern boundary of the site also appears to provide a direct hydrological link between the site and the SAC/SSSI. However, they consider it unlikely that the on-site works would have a significant adverse effect on the SAC/SSSI, providing appropriate pollution prevention and construction management plans are in place.

The Council's Ecologist has advised that whilst the development would have an impact on the ecology of the site, this impact would be minimised by following the guidance indicated in section 5 of the Reptile Survey (WYG December 2015) and section 5 of the Extended Phase 1 Survey (WYG December 2015). Habitat mitigation should include enhancement of retained habitats and the planting of ecologically friendly landscape planting. The Ecologist has concluded that as the proposed development is entirely residential, the likely impacts on the protected site features include disturbance through noise and illumination and contaminated water running off the site. The development site falls on a slight eastward slope falling away from the Burry Inlet SAC; there are a series of hedges between the site and the SAC. Because of the geography and distance between the sites noise and light disturbance would not affect the SAC. Drainage issues are covered by the existing Habitats Regulation Assessment dated 5th March (David Tyldesley & Associates). It can be concluded that the development would not have a significant effect on the features of the Burry Inlet SAC. Further to this, the development is 1.5 km from the Burry Inlet SPA and Ramsar sites; this includes a large block of land with residential development which would act a significant buffer. This distance is sufficient to prevent disturbance of the bird features of the protected site. It is concluded that the development would not adversely affect the features of the Bury Inlet SPA or Ramsar sites.

Residents have commented that it is not clear what trees would be removed and the trees provide a habitat for biodiversity and screen the development. The Tree Survey identified that the area surveyed contains 37 individual trees or groups of trees of varying age, from young to over mature trees. Overall most trees are considered to have some amenity value, particularly if maintenance recommendations are undertaken. A total of 7 no. high quality and value (Category A) have been identified within the area surveyed. These are all large mature oaks typical of farmland field boundaries. A total of 9 individual trees and 5 groups of trees of moderate quality and value category (category B) were identified within or near the footprint of the buildings at the proposed development. A total of 7 individual trees and 9 groups of trees were assigned to the low quality and value category (category C). The scheme would require the removal of 11 individually surveyed trees, nine groups of trees and shrubs, and part of a further one group of trees. Of the individual trees to be removed, one is a tree of high quality (A category) and seven are trees of moderate quality (B category). Four of the groups to be removed, or partly removed, are groups of moderate

quality. There is no evidence that the removal of trees would affect land stability within the area.

The Arboricultural Officer originally objected to the proposals over concerns on the relationship of trees along the boundary and the proximity to the new dwellings and requested an Arboricultural Impact Assessment was provided with the submission. The Officer also raised concerns with regards to the drainage easement to the west of the site and its impact on trees. The current design requires the loss of trees internal to the site which is inevitable if the site is developed and the Arboricultural Officer has not raised concern with regards to the loss of these trees.

Officers discussed these concerns with the applicant and it was suggested that two plots be removed to enable the plots along the western boundary to be relocated further away from the trees by approximately 5 metres. An amended layout to this effect was subsequently submitted and the Arboricultural Officer advised that the revision of the scheme has moved the houses further away from the category A oak trees on the western boundary. This would reduce further pressure on these trees and future pruning would be controlled by means of a Tree Preservation Order made during the course of the application. The routing of the storm drain appears to be sympathetic to the retained trees and is an improvement on previous drawings, but a condition requiring further details as part of the drainage scheme is considered reasonable and necessary. As the submitted tree protection plan now does not relate to the new layout, an update would be required by condition along with an arboricultural method statement.

Contaminated Land

A Site Investigation has been prepared by Integral Geotechnique. The site was tested for ground contamination as part of the process, where it was established that trigger levels for pollutants were below guidelines for residential gardens with in-situ soils classified as inert. No contamination sources were found in the groundwater with no ground gas risk.

The Council's Pollution Control Officer has reviewed the site investigation report accompanying the application and has no objections provided that further assessment at the "Overgrown northern part of the site" and location TP7 is undertaken (due to the presence of asbestos and potential Asbestos Containing Materials). A condition to this effect would be attached to any grant of consent. The Officer has also requested a condition regarding unforeseen contamination and a Construction Site Management Plan. NRW has no adverse comments subject to the inclusion of a condition regarding a Pollution Management Plan which has already been covered above in the residential amenity section. The Officer has raised no concerns with regards to traffic/ transport pollution in general as a result of this development. Therefore, the approach recommended by the Council's Pollution Control Officer is considered appropriate for this development.

The Coal Authority is satisfied with the broad conclusions of the Site Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. Accordingly, the Coal Authority does not object to the proposed development and no specific mitigation measures are required as part of this development proposal to address coal mining legacy issues.

Affordable Housing

The applicant has proposed 12 units of Affordable Housing within this development, split between the northern and southern sections of the site (4 x 1 bed, 3 x 2 bed, 4 x 3 bed and 1 x 4 bedrooms). This equates to 29% provision on site. The Council's Affordable Housing Officer has advised that this should be split between 60% intermediate units at 70% of ACG

or OMV (whichever is lower at the point of transfer) and 42% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) – all to be disposed of via a RSL.

The social rented units should be 2 and 3 bedroom houses, with 1 x 4 bedroom unit, and the intermediate should be 2 and 3 bedrooms. All the units must be DQR compliant and should be pepper potted throughout the development. On the basis of the submitted information, the proposals are considered acceptable and these requirements would be secured via a S106 agreement.

Education

The Education Officer advised that the proposal would generate pupils from 39 dwellings; however the scheme has subsequently been reduced by two properties. The Officer has advised that there is currently enough capacity within the existing English Medium Primary school and the Welsh Medium Secondary school but requested contributions towards the Welsh Primary and English Secondary schools. The applicant queried the amount requested and asked for further clarification on the proposed projections.

From an Education perspective, it is appreciated that future projections indicate that there could be significant issues in the catchment schools up to 2022. Allied to this, they have different legislative requirements in terms of unfilled spaces and the capacity required within schools. However, the CIL Regulations tests identified in the legislation clarify that contributions have to be reasonable and necessary for planning purposes to meet the requisite tests.

In addition, given that the development is relatively small in nature (and could be built within a year) and would be time limited in terms of commencement, it is considered fair and reasonable to base the proposals on current projections rather than future projections.

The following pupil generation has therefore been calculated (following the amendment):

Pupil generation:

	Pupil Numbers	English	Welsh
Primary	11	9	2
Secondary	8	6	2

When considering existing capacity and proposed commitments, it is apparent that there is a shortfall of 2 spaces at English Medium Secondary level and a shortfall of 2 spaces at Welsh Medium Primary Level based on the figures provided by Education and considering existing commitments.

Therefore, in line with the Council's Planning Obligations SPG, it is proposed that a contribution of 31,696 would be required towards Penyrheol Comprehensive School and £20,744 towards YGG Pontybrenin.

Archaeology

The Archaeological Assessment assessed the potential impact of the proposed development on the archaeological resource, and examined designated sites and landscapes within an agreed search area of 1km around the proposed development site, and undesignated sites within an agreed search area of 0.5km. It concludes that given the topography of the area as well as the adjacent housing estates, no Scheduled Ancient Monuments (none within the search area), Listed Buildings (7 within 1km) or their settings would be indirectly (visually) affected by or have any visual relationship with the development. Two local sites of archaeological interest have been identified within the proposed development area, namely a former quarry (HPB01) and farmstead/cottage

(HPB02). The general archaeological potential for this proposed development is considered to be low. However, due to the presence of these two identified archaeological sites (HPB01 & HPB02) it is recommended that mitigation may be required to further record their remains during development works on the site. In the first instance it is suggested that more detailed survey and recording of the surviving above-ground remains of Pen-y-Cae be undertaken once tree-cover has been removed from the site. Subsequently, it is recommended that an archaeological watching brief, with contingencies, is conducted on any intrusive ground works within the proposed development area in order to record any below-ground archaeological remains that may be disturbed during development of the site.

The Glamorgan Gwent Archaeological Trust agree with the assessment and advise that two conditions should be attached to any grant of consent, one requiring historic building recording and one requiring a watching brief during the course of works.

Drainage/ Flooding

Residents have commented that the site is marshy, DWCC has previously objected to development on this site, the development would increase run off whilst reducing natural percolation and a flood assessment should be undertaken.

The flood consequences and drainage assessment states that with the advent of the residential development which took place in the locality during the early 1990's, the adjoining watercourse along the eastern boundary has been culverted to allow development to take place. This runs for the length of the site to a chamber near the head of the Heol Pentre Bach road but located within the site. A short run of 900 mm pipe brings the line onto another chamber which receives flow from the 150 mm pipe exiting at the end of a hydro-brake chamber located at the extreme end of Heol Pentre Bach. Upstream of this is a 600 mm storage pipe located within Heol Pentre Bach. This 900 mm culvert would be diverted at the southern end of the site and routed to the western perimeter where it would either be an open watercourse or a culvert depending upon topographic levels.

The site is located within Zone A as indicated on the Welsh Government Development Advice Maps. The Flood Consequences Assessment concludes that the site is at little or no risk of fluvial or tidal / coastal flooding. The FCA concludes that there is a low risk of this site flooding considering all the sources required by WG planning guidance on flooding. NRW has no knowledge of flooding on this site.

Percolation tests showed the ground to be impermeable for this site and as such infiltration systems including soakaways would not be appropriate. The attenuation tank would be designed with a capacity of approximately 250 m³. This would be split between Q30 (climate change) storage being part of the adopted system as oversized concrete pipes within the roads and the remainder of storage being private tanks consisting of geocell units wrapped in impermeable membranes. The private tanks would be sited within accessible, non-adopted road and drive areas and be maintained by a management company on behalf of Elan Homes.

The existing foul drainage in the locality consists of a separate gravity fed pumping station which pumps via rising mains to Llys Gwynfaen Road from where it eventually ends up at Llannant WWTW. DCWW have confirmed that there is sufficient capacity within the existing drains and pumping station as well as the receiving waste water treatment works at Llannant, which lies some 500-600m north of the site.

The Council's Drainage Officer does not object to the proposals on the proviso that a condition is attached requiring full drainage details to be agreed prior to the commencement of development and provided run-off to the adjacent watercourse does not exceed 7.5l/s. Dwr Cymru Welsh Water has not objected to the planning application.

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

Burry Inlet Habitat Regulations Assessment

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.

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.

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.

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

Conclusion

In conclusion, DCWW have 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 2017. 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.

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.

Welsh Language

The Welsh Language Impact Assessment indicates that at the time of the 2011 Census, 20.3% of the residents of the Upper Loughor Ward could read, write or speak Welsh and 18.1% of residents in the adjoining ward (Penyrheol) could read, write or speak Welsh. The percentage at a County level is 13.8% (21.31% nationally). Based on the census figures of residents per household, it is anticipated that 101 new residents would be created as a result of this development. Upper Loughor is also identified as a Language Sensitive Area in the LDP. Based on similar developments within the locality, it is apparent that approximately 80% of people moving to the estate would come from the surrounding area

(SA4 postcode) which equates to 15 people out of the anticipated 101 new residents that could read, write or speak Welsh which is considered to have a neutral impact.

Information in recent Joint Housing Land Availability Studies points to a substantial reduction in house building in Swansea over the last decade. As a result, rather than encouraging in-migration, this trend may result in Welsh speakers leaving the area. Given that a new development as proposed is likely to draw largely from local first time buyers and those wishing to upgrade but remain in the area, the percentage of 'local buyers' given by previous market research may be a minimum and in fact likely to be greater, which would in turn increase the number of Welsh speaking households on the development and decrease the number of non-Welsh speaking households anticipated. Numerically, based on the findings outlined in this study, the number of Welsh speakers in the area is likely to increase by some 20 residents, due particularly to the volume of buyers/occupiers coming from within the North Swansea area. As a result, the development is unlikely to lead to a loss in Welsh speaking households. The mix of units, which has been based on a local market assessment (and includes 12 affordable units), would ensure that the dwellings do not favour/ discriminate against one particular age group. The housing mix would help cater for people of different ages and economic status, with different lifestyles and levels of independence.

Due to the nature of the scheme (residential), it is not considered that the proposals would lead to greater economic diversity resulting in in-migration of non-Welsh speakers or increased competition for Welsh speaking businesses. The price structure of the houses have been based on an assessment of local market need and are comparable with average 3 and 4 bed houses within Swansea. It is therefore considered unlikely that the development would force the local Welsh speaking community to leave the area. The proposed development would generate 11 children of primary school age, 8 children of secondary school age and 2 students of post-16 age. As a result of the limited number of pupils generated by the development, it is considered unlikely that the proposal would alter the balance between Welsh speaking and non-Welsh speaking students. The overall assessment equates to 4 positive scores, no negative score and 14 neutral scores which equates to the proposal scoring +4 on the PWL scoring system, and result in a positive impact on the Welsh language. However, mitigation in the form of promoting the proximity of Welsh speaking schools in advertising literature, strong advertising within the local area and bilingual sales to be made available on request and this would be included as an advice note to any permission granted.

Other issues

One resident has stated that there is a corridor of low flying aircraft between the estuary and residential area and the new estate may move flights into the estuary and thus impact on wildlife. However, the development is in between two existing parcels of development and there is no evidence that this development would impact on flight paths so this issue has been given limited weight. Comments have been received about S106/ community clawback and this proposal would be subject to a S106 agreement should it be recommended for approval. Finally, there is no evidence of insufficient utility and local service infrastructure capacity within the area, a contribution would be provided towards education and this issue has not arisen through the LDP candidate site assessment.

Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.

The proposed residential development of this site falls outside the definition of appropriate development as defined in UDP Policy EV23 and is within the PPW definition of inappropriate development. Paragraph 4.8.14 of PPW states that when considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. It also says that planning permission should not be granted for inappropriate development except in very exceptional circumstances where other considerations clearly outweigh the harm that would be caused to the green wedge.

In this instance, the applicant argues that the application site is proposed as an allocated site for residential development within the Local Development Plan and the Council do not currently have a 5 year housing land supply, both of which weigh in favour of the application.

The housing land supply currently stands at 3.0 years (2015 JHLAS), which is less than the 5 years required under national planning policy. The Council has demonstrated its commitment to increasing the available housing land supply through publication of the *Developer Guidance – Planning Applications for Non-Householder Residential Development*.

This guidance sets out that the Council will take a positive approach to the negotiation and preparation of appropriate planning applications for non-householder residential development on sites recommended for allocation in the emerging LDP. Where such cases represent a departure from the adopted UDP, the Council will prioritise identified strategic sites to ensure the high numbers attributed to them can be delivered and because these sites are most capable of delivering the widest social/economic benefits to contribute towards achievement of the LDP strategy and sustainability. The guidance states that the Council will also prioritise sites identified for the particular purpose of delivering majority proportions of affordable housing. The application site does not fall into either of the aforementioned categories, and is instead a proposed 'non-strategic' housing site.

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

In this instance, it is considered that the proposal is in line with the Deposit LDP, the proposal would provide a meaningful early contribution towards meeting the housing supply before adoption of the LDP (provided a condition to commence development within 1 year is attached) and as a small-medium provider, it would not divert attention/ resources away from a strategic site. It should also be noted that the proposal would provide a contribution towards affordable housing and education and is considered sustainable and viable.

The Deposit Local Development Plan was endorsed for a public consultation on 16th June and is currently out for public consultation. The site is allocated within the emerging LDP for housing for approximately 40 dwellings. Further to this, it is noted that the Council cannot meet its future housing land supply needs without allocating greenfield sites.

The current proposal complies with many national and development plan policies, particularly many elements of sustainability due to the location of the site just outside the settlement boundary, the availability of public transport nearby and the provision of affordable housing on site and it is considered the need to increase housing supply to warrant considerable weight in the short term.

The planning balance in this respect is therefore finely balanced.

National Planning Policy states that there should be exceptional circumstances to justify a proposal within a green wedge. In this instance, the LDP (whilst of limited weight) acknowledges that that greenfield land would be required to meet future housing targets and is it unlikely that this approach would change significantly due to the housing requirements for the plan period. Further to this, the site is located within an allocated site within the Deposit LDP which weighs in the sites favour, along with the consideration that the proposal represents a natural rounding off of this settlement boundary. The Council do not have a 5 year land supply and the applicant has stated that they would be committed to implementing the development prior to the adoption of the LDP (which could be secured via condition) and this issue should be given considerable weight given that this is a meaningful contribution and it is likely increasing pressure would be placed on greenfield sites in the future that are not allocated within the LDP. The proposal would also provide a contribution towards affordable housing on site.

When assessing all of these issues, it is considered that the clear benefits of the development marginally outweigh the policy breach of restricting development within a green wedge, and constitute very exceptional circumstances providing that a condition is attached requiring the development to be implemented within one year of permission being granted to ensure the prompt delivery of much needed housing.

Planning Obligations:

The Planning Obligations associated with this development include:

- Provision of 12 affordable housing units on site to DQR (29% of the development – of which 60% intermediate units at 70% of ACG or OMV (whichever is lower at the point of transfer) and 40% social rented at 42% ACG or OMV (whichever is lower at the point of transfer) – all to be disposed of via a RSL)
- £52,440 contribution towards Education (£31,696 would be required towards Penyrheol Comprehensive School and £20,744 towards YGG Pontybrenin)
- £750 contribution to replace two existing stiles with kissing gates
- £1,064 contribution towards ongoing management and monitoring fees (2% of obligation)

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

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure that an adequate sum is provided towards Education, provide affordable housing on site and to improve accessibility for pedestrians to/ from the development.)
- 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 education, improvements to the local PROWs and the provision of affordable housing.)

Whilst the proposals are located outside of the settlement boundary, within a Green Wedge, the development is considered acceptable on balance when considering all material

considerations. It is therefore concluded that the application should be approved subject to the following conditions and the completion of a S106 agreement.

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

1 The development hereby permitted shall begin not later than one year from the date of this decision.

Reason: To ensure the development is commenced in a short timeframe to enable the delivery of dwellings to help meet the identified shortfall and to comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.

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

HBP-LP-001 REV. A (Site Location Plan), HPB-CS-002 REV C (Site Cross Sections Proposed), HPB-SS-001 REV. D (Proposed Street Scenes), HPB-G-P/HAR-01 REV. C (The Hartland - Plots 35/36), HPB-G-P/HAR-02 REV. B (The Hartland - Plots 39/40), HPB-G-P/HAY-01 REV. B (The Hayfield), HPB-G-P/RIP-01 REV. A (The Ripley - Type 1), HPB-G-P/RIP-02 REV. A (The Ripley - Type 2), HPB-G-P/GLO-01 REV. B (The Glossop - Type 1), HPB-G-P/GLO-02 REV. B (The Glossop - Type 2), HPB-G-P/SHE-01 REV. B (The Sheldon), HPB-G-P/BER-01 REV. A (The Berkshire), HPB-G-P/BELV-01 REV. B (The Belvoir), HPB-G-P/SOU-01 REV. A (The Southwold), HPB-G-P/BRAM-01 REV. B (The Brampton), BT-BRN/01 REV. B (The Brandon), BT-BUN/01 REV. A (The Bunbury - Type 1), BT-BUN/02 REV. A (The Bunbury - Type 2), HPB-G-P/OAKSP-01 REV. C (Oakham Special), HPB-G-P/OAKSP-02 REV. D (Oakham Special) and HPB-G-P/GAR-01 REV. B (Garages) received on 14th July 2016; and HPB-PL-001 REV. M (Planning Layout), HPB-PL-002 REV. H (Planning Layout B&W) and HPB-LL-001 REV. J (Landscaping Layout) received on 15th July 2016.

Reason: To define the extent of the permission granted.

3 No development shall take place until the developer has notified the Local Planning Authority of the initiation of development. Such notification shall be in accordance with the form set out in Schedule 5A of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order.

Reason: To comply with the requirements of Section 71ZB(1) of the Town and Country Planning Act 1990 (as amended).

4 No development shall take place until the developer has displayed a site notice in accordance with the form set out in Schedule 5B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 or any order revoking or re-enacting that order. The site notice shall be displayed at all times when development is being carried out.

Reason: To comply with the requirements of Section 71ZB (2) of the Town and Country Planning Act 1990 (as amended).

5 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been 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 identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of works on the archaeological resource.

- 6 No development shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

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

- 7 No development shall take place in the area identified as 'heavily overgrown area' on Figure 2b of the Site Investigation Report (11625/PB/15) until a site investigation of the nature and extent of contamination in this area has been carried out. The results of the site investigation shall be made available to the local planning authority before any development begins on this area. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the area to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins on this area of land.

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 prior to the first beneficial occupation of the development permitted.

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 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;

m) How each of these watercourses and pathways will be protected from site run off during construction;

n) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on the Local Authority.

Reason: To protect residential amenity and the environment during the construction phase.

- 9 Prior to the commencement of development, samples of all external finishes for the development shall be submitted to and approved by the Local Planning Authority in writing. The scheme shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

- 10 Prior to the commencement of development, and notwithstanding the details submitted to date, 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. The scheme shall include details of the impact of the works on the trees running along the western boundary and shall be informed by an Arboricultural Impact Assessment. Thereafter development shall be carried out in accordance with the approved details, and the development shall not be beneficially occupied before it is served by the approved foul water, surface water, land drainage systems 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 trees, the environment, public amenity or the existing public sewerage system.

- 11 Prior to the commencement of development, a scheme for the ownership and maintenance of the surface water system shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be constructed and completed in accordance with the approved details at such time(s) as may be specified in the approved scheme.

Reason: To ensure the satisfactory long-term operation of the surface water management scheme to prevent the increased risk of flooding to the development itself and surrounding third parties.

- 12 The works hereby approved shall be undertaken in accordance with the recommendations contained within section 5 of the Extended Phase 1 Habitat Survey Report prepared by WYG dated December 2015.

Reason: To ensure ecological mitigation is provided in accordance with best practice during the course of the works.

- 13 The works hereby approved shall be undertaken in accordance with the recommendations contained within Section 5 of the Reptile Presence/ Likely Absence Survey Report prepared by WYG dated December 2015.

Reason: To ensure a precautionary approach is undertaken to protect reptiles during the course of development.

- 14 Prior to the first beneficial occupation of any dwelling hereby permitted, the highways and footpaths located within the residential development shall be constructed to base course level and prior to the occupation of the final dwelling laid out to an adoptable standard, in accordance with full engineering details which shall first be submitted to and approved in writing by the Local Planning Authority. The submitted details shall include details of the phasing of the highways and footpath construction. The development shall thereafter be completed in accordance with the approved details.

Reason: In the interests of highway safety.

- 15 Prior to the first beneficial occupation of any dwelling on the residential site hereby permitted, 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 incorporated.

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.

- 16 The dwellings hereby permitted shall not be brought into beneficial use until such time as speed reduction measures at the junction of Heol Pentre Bach and Frampton Road have been completed in accordance with details which have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

- 17 Notwithstanding the details submitted with this application, full planting details of the infill native species to be planted along the western boundary shall be submitted to and approved in writing prior to the first beneficial occupation of any dwelling hereby permitted. The approved details will thereafter form part of the approved landscaping details for the residential site.

Reason: To ensure full details of indigenous planting is provided along the site boundary to mitigate trees lost as a result of the proposal.

- 18 All planting and grass seeding or turfing comprised in the approved details of landscaping for the residential site shall be carried out in the first planting and seeding seasons following the first beneficial occupation of any dwelling or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: To safeguard landscape and amenity interests.

- 19 Prior to the first beneficial occupation of any of the dwellings hereby permitted, a scheme for improvements to public footpath LC46 between the tarmac path adjacent to the existing pumping station and Pentrebach Farm to include details of surfacing and width along its length, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be undertaken in accordance with the approved details prior to the first beneficial occupation of any of the dwellings hereby permitted.
- Reason: To ensure access to the surrounding area is improved given increase usage and to encourage walking.
- 20 The first floor windows in the side (north) elevations of the proposed dwellings located on Plots 35 and 36, as indicated on Drawing No: HPB-PL-001 Rev. M shall be obscure glazed and unopenable below a height of 1.7m from internal floor level, and shall be retained as such at all times.
- Reason: To ensure there is no overlooking into the rear of No. 6 Clos y Morfa.
- 21 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. Within 2 months of the written notice being received by 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 sets out a timetable for the work, which is subject to the approval in writing of the Local Planning Authority. The approved remediation scheme shall be undertaken in accordance with the approved timetable of works. 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 prior to the first beneficial occupation of the development permitted on that particular site.
- Reason: To ensure that risks from unknown land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.
- 22 The development shall not discharge to the local watercourse network at any rate greater than 7.5 litres per second.
- Reason: To prevent surface water flooding occurring both onsite and adjacent third parties.
- 23 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until an updated Tree Protection Plan and arboricultural method statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction-Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the specification and positioning of temporary tree protective fencing and ground protection where required. Other details shall include: areas for storage, access facilitation pruning requirements, mixing areas and parking areas. The approved tree protection measures shall be installed prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan.
- Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local 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, EV22, EV23, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, AS2, AS5 and AS6.
- 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 birdCare should be taken when working on buildings particularly during the bird nesting season March-August. Any scrub on site could contain nesting birds and scrub should only be cleared outside of the bird nesting season.
- 4 The Highways Officer has advised that prior to any works commencing on the site, a Construction Traffic Management Plan should be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times.

The Developer must contact the Highway Management Group, The City and County of Swansea, The Guildhall, Swansea SA1 4PE before carrying out any work. Please contact the Senior Engineer (Development), e-mails to mark.jones@swansea.gov.uk, tel. no. 01792 636091.

- 5 The Pollution Control Officer has advised the following:

1 Construction Noise

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

2 Smoke/ Burning of materials

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

3 Dust Control:

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

4 Lighting

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

- 6 The Council's Drainage Officer has advised that any onsite watercourses identified must remain open and undisturbed and wherever possible habitats enhanced through the use of SuDS mitigation measures acting in combination with the natural environment. Please be aware that the Authority's prior written consent under the Land Drainage Act 1991 (as amended) is required for any works that have the potential to affect the flow in any watercourses, ditch or stream.
- 7 Dwr Cymru Welsh Water have advised that the proposed development site is crossed by a 375mm & 150mm combined sewer overflow pipe with their approximate position being marked on the attached Statutory Public Sewer Record. Their position shall be accurately located marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.
- 8 GGAT have advised that:
The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for Building Recording" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

The archaeological work must be undertaken to the Chartered Institute for Archaeologists (CIfA), "Standard and Guidance for an Archaeological Watching Brief" (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.
- 9 The applicant is advised to consider Police Designing Out Crime Officer's comments in full which are available on the planning application page of the Council's website.
- 10 The Footpaths Officer has advised that the plans show the storm drain/ ditch cutting across the public right of way along the western boundary. If so, this would need to be a culvert to allow people to walk across the top of it uninterrupted.