

Report of the Head of Planning & City Regeneration

Planning Committee - 1 August 2017

Planning Application Ref: 2008/0512

Residential Development (outline)

Land off Brithwen Road Waunarlwydd Swansea SA5 4QX

1.0 Background

1.1 This application was reported to the Area 2 Development Control Committee on the 25th June 2013 with the recommendation that planning permission be approved subject to conditions and subject to the applicant entering into a S106 planning obligation in respect of:

- i) The provision of 30% Affordable Housing, which shall be “pepper potted” throughout the site and will include a range of house types and mix of affordable housing to include social rent and intermediate rent and sale such as low cost home ownership (to be determined/negotiated) and shall not be used other than for affordable housing in accordance with a phasing scheme to be agreed with the Local Planning Authority.
- ii) Prior to beneficial use of the site commencing, the provision of road safety enhancements shall be undertaken on Swansea Road.

A copy of the report to Planning Committee is attached as Appendix A.

1.2 Following the committee resolution, the applicant has stated that the viability test for the site shows that the scheme could not support the affordable housing contribution of 30%. As a result, the Section 106 agreement has not been signed and the planning permission has not been issued.

2.0 Main Issues

2.1 The applicant has submitted numerous viability tests over the last year, and following an assessment of the submitted viability appraisals, a meeting and further negotiation, it is considered that a reduction in the level of affordable housing is appropriate. The applicant has offered 15% affordable housing, based on a scheme of 27 units, which equates to 4 affordable housing units.

2.2 In this location, the Housing Enabling Officer has confirmed that the ‘need’ is for social rented housing rather than for low-cost home ownership. The affordable housing price for social rented is 42% Acceptable Cost Guidance (ACG). The level of ACG cannot be negotiated as the Registered Social Landlord (RSL) cannot take social rented housing for higher than 42% ACG.

2.3 The application is in outline form with all matters reserved. As no actual numbers of units are specified within the application, it is considered that the density of the site can be increased from the 27 units quoted within the applicants viability appraisal to

accommodate the required number of affordable units without making the site unviable.

3.0 Recommendation

3.1 It is recommended that:

The applicant entering into a S106 planning obligation in respect of:

- ii) The provision of 15% Affordable Housing (to DQR standards), with an ACG of 42% which shall be “pepper potted” throughout the site and will include a range of house types and mix of affordable housing to include social rent and intermediate rent and sale such as low cost home ownership (to be determined/negotiated) and shall not be used other than for affordable housing in accordance with a phasing scheme to be agreed with the Local Planning Authority.
- ii) Prior to beneficial use of the site commencing, the provision of road safety enhancements shall be undertaken on Swansea Road – a contribution of £10,000 towards new signage and road markings.

If the Section 106 planning obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Economic Regeneration and Planning to exercise discretion to refuse the application on the grounds of non-compliance with policies HC17 and HC3 of the City and County of Swansea Unitary Development Plan (November 2008).

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.

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Appendix A

ITEM	APPLICATION NO.	2008/0512
	WARD:	Cockett Area 2

Location: Land off Brithwen Road Waunarlwydd Swansea SA5 4QX

Proposal: Residential development (outline)

Applicant: Liberty Properties (Homes) Ltd

This application was DEFERRED at the Area 2 Development Control Committee on the 16th April, 2013, for the provision of further clarification on various issues including land availability; the capacity of the sewerage system; ecology; impact on the bridleway; school capacity; and mine workings. I have expanded on these issues in more detail in my report, but would summarise the key points as follows:-

Land Availability

As indicated in my report the majority of this application site (apart from a small strip of land adjacent to the river) has been allocated for residential development for many years (since approx 1989), and was originally allocated in the Swansea Local Plan and is currently allocated for residential development in the City and County of Swansea Unitary Development Plan. The principle of this land being suitable for residential development has therefore been long established. As an allocation in an adopted development plan this land is considered to be committed for development and forms part of the committed land bank.

The selection of allocated housing sites for the UDP has been based on an adopted land use strategy set out in the UDP (refer to paragraphs 3.3.1 – 3.3.3, page 83), which explains the sequential testing process. This highlights that existing sites, such as Brithwen Road which are in the committed land bank, were considered together with previously developed land and brownfield land, before considering any new infill or greenfield sites. The site at Brithwen Road also met the rigorous selection criteria set out in Planning Policy Wales, with no known constraints that could not be overcome.

The current housing allocation was subject to higher scrutiny at the last UDP Inquiry when the Welsh Government Inspector agreed that the allocation should remain in the Plan. Moreover, since the UDP Inquiry the EAW (now NRW) have revised their Flood Maps so that no part of this site is now in the critical C2 Zone, and there is therefore no flooding constraint to the development of the site.

In conclusion, whilst there may be brownfield sites in the area, these would not take priority over this committed land bank site and would be considered on their own merits, having regard to any constraints to development. There are no known grounds to depart from the UDP policy allocation which allocates this site in West Swansea for up to 30 houses under Policy HC1 (127).

Capacity of the sewerage system

This development will separate surface water and land drainage from foul water, so the only drainage impact on the existing sewerage drainage system to Gowerton WwTW would be

the foul connections. It is estimated that the maximum foul flow (from a maximum of 24 houses) from this site will be the equivalent of removing surface water from approximately two existing small houses, which is very small in hydraulic capacity terms, and can easily be accommodated by compensatory water savings already made from other brownfield developments in the area.

Dwr Cymru Welsh Water has not objected to this scheme. Whilst the Environment Agency (now Natural Resources Wales) raised concerns last autumn regarding the impact of new residential development on the water quality of the estuary, there is no conclusive evidence that supports this view, and the Agency has since agreed to the Council's adopted Habitats Regulation Assessment. The HRA conclusions are based on **objective information available through the 2010 Environment Agency's own Review of Consents of Gowerton WwTW.**

The current outline application if approved will be subject to planning conditions controlling drainage, including the use of SUDs, and will require further detailed information to be submitted at Reserved Matters stage. On this basis, there is no known evidence to justify refusal at outline planning stage on drainage grounds.

Ecology

The Department's ecologist has revisited the site this month and has reviewed the Ecological Survey information previously submitted, and is satisfied that this is still representative of the ecological footprint on this river meadow site. In addition to the 7m berm along the river protected by Bye Law and the TPO's, my report recommends conditions and informatives to protect the high value species and habitats along the river. These include a requirement for further surveys to check for roosting birds or dormice if any future work is planned along the public footpath or riparian corridor. In conclusion, it is considered that there are sufficient controls available to the Council and NRW to protect the most important habitat which is the riparian corridor and TPO trees.

Impact on Bridleway

The site boundary is drawn up to and adjacent to the bridleway but does not physically encroach onto it, apart from a very small area of dual use where the new highway access would enter the site. As such there is no direct harm to the continued use of this bridleway.

School capacity

As previously indicated in my report, the latest capacity school figures (published by the Education Department in Autumn 2012) demonstrate that there are no current capacity issues at the local feeder schools. It should be noted that the trigger points identified in Part 3 of the current S106 guidance are not prescriptive and form the basis for negotiation. In this case, it is known that the abnormal costs of delivering this 'allocated UDP' site are high given the need for pre commencement ground investigations, etc. Moreover, the overriding need for 30% affordable housing in this area and the need for traffic calming on Swansea Road, are still considered to meet the S106 tests as being 'necessary' and 'reasonable' on this relatively small site, and would still, it is considered, take precedence over any other requests for contributions.

Mine workings

The application was submitted with a supporting document, 'Geoenvironmental, Geotechnical & Mining Desk Study Report', and due to the presence of the nearby conjectured coal seams and relatively shallow depths, a Coal Authority report was sought by the applicants, which does not raise any issues or objection to this development.

Additional correspondence

The report has also been updated to include four further letters of objection, which have not raised any fundamental issues not already addressed in the report.

Conclusions

My report has been updated to provide further clarification and detail of the above issues. In the light of these further considerations, my recommendation remains for APPROVAL, subject to conditions and a S106 requiring 30% affordable housing and highway contributions.

BACKGROUND INFORMATION

POLICIES

Policy	Policy Description
Policy EV36	New development, where considered appropriate, within flood risk areas will only be permitted where developers can demonstrate to the satisfaction of the Council that its location is justified and the consequences associated with flooding are acceptable. (City & County of Swansea Unitary Development Plan 2008)
Policy HC1	Allocation of housing sites for 10 or more dwellings. (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 EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy 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 EV24 Within the greenspace system, consisting of wildlife reservoirs, green corridors, pocket sites and riparian corridors, the natural heritage and historic environment will be conserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)
- Policy EV25 Development, alone or in combination with other plans or projects, which is likely to adversely affect the integrity of a European protected site (SAC, Marine SAC, SPA and Ramsar Sites) and is not directly connected with or necessary to the management of the site. (City & County of Swansea Unitary Development Plan 2008)
- Policy 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 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 HC3 Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
- Policy HC17 The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)

Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS3	Accessibility - Protection of public rights way. (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
89/0732/01	HOUSING DEVELOPMENT. Decision: Withdraw Decision Date: 05/11/1990
2005/1879	Detached dwelling (outline) Decision: Refuse Decision Date: 20/12/2005
2006/0868	One detached dwelling (outline) Decision: Grant Permission Conditional Decision Date: 24/10/2006
78/1088/01	RESIDENTIAL DEVELOPMENT Decision: Withdraw Decision Date: 01/08/1980
80/0120/01	RESIDENTIAL DEVELOPMENT Decision: Withdraw Decision Date: 01/01/2001
81/1697/01	RESIDENTIAL DEVELOPMENT Decision: *HGPC - GRANT PERMISSION CONDITIONAL Decision Date: 11/05/1982
75/0866/01	RESIDENTIAL DEVELOPMENT Decision: *HRP - REFUSE PERMISSION Decision Date: 22/12/1975

RESPONSE TO CONSULTATIONS

ORIGINAL SUBMISSION

The application was advertised on site and in the press as a development that may have a substantial impact on the amenity of the area in which it is situated, and two individual properties were consulted individually. A PETITION OF OBJECTION (562 INDIVIDUAL NAMES) and 17 NO. LETTERS OF OBJECTION were received and 1 NO. LETTER OF OBSERVATION, which are summarised as follows:-

PETITION OF OBJECTION

1. Concerns regarding the initial advertising of the application, which was subsequently re-advertised in the Press as being of substantial impact.
2. Question why CCS is determining the application and concerns regarding the ethics given that the applicant receives sponsorship from the Council in other areas of its operations.
3. The development site is an area of water meadow and woodland, including oak woodland, lying south of current housing.
4. Concerns regarding the status of this land - Question whether the application site is in Green Belt.
5. Concerns regarding the nature reserve in this area.
6. Cumulative impact of this development with other development in the area.
7. Concerns regarding the validity given the timing of the survey, and provenance of its findings the ecological survey having regard to local knowledge on wildlife in this area.
8. This site is in a floodplain and concerns that building on this land will exacerbate flooding in this area.
9. Sewer in this area is known to have severe infiltration issues and attempts by Welsh Water in 2001/2 have failed to resolve this. Further development will make this situation worse.
10. Concerns regarding previous development in the area off Gorwydd Road that has caused problems.
11. Concerns regarding traffic on Brithwen Road.
12. Additional pupils in local primary where we are aware there are deplorable buildings and pupil numbers on the roll are already at capacity.
13. Pointed out that if there is a need for extra housing in the area the Alcoa site is ideal even though it is a huge development with infrastructure problems. (i.e. Existing development site not Greenfield).

LETTERS OF OBJECTION

1. Concerns that the scale of this development will have a substantial deleterious impact on the amenity of the area.

2. The land is a mature woodland and set-aside pasture located on the floodplain of the Gorsfawr brook, home to numerous species of wildlife.
3. Concerns that this land will cause flooding in this area.
4. Neighbours bought properties because the land was protected from development.
5. Land used by the community from walkers to cyclists and somewhere children can play safely.
6. Concerns that development will increase anti-social behaviour.
7. The capacity of Brithwen Road is poor with it being reduced to one lane due to cars being parked along it.
8. The access to Brithwen Road would need a mini roundabout at the junction of Brithwen Road and Swansea Road which would mean more highway for the Highways Department to maintain.
9. Development of this site will cause more pollution.
10. Concerns that electrical mains wiring work was taking place in Brithwen Road prior to the new development being granted approval.
11. Concerns regarding the validity given the timing of the ecological survey, and provenance of its findings. Reference to report from RSPB.
12. Concerns over flash flooding and drainage capacity in this area.
13. The land allocated for this development has the main 600mm diameter sewer from Upper Killay, Three Crosses, Dunvant and Killay passing through it. Known that this sewer has severe infiltration issues and attempts by Welsh Water in 2001/2 have failed to resolve this. Being monitored by third party contractor for CCS and DCWW. Further development will add more pressure to an aging sewer network that is struggling to cope with the demands of today.
14. Is the land fit for development given previous mining history in the area.
15. Noted that density and layout of previous development in the area off Gorwydd Road allowed at Appeal has caused problems.
16. Concerns regarding traffic from this development which could generate another 60 cars trying to exit the estate where there is already a very busy junction where Brithwen Road meets Swansea Road.
17. Concerns over impact on the local school and further development need at the school with loss of some of its land. Congestion of traffic at school time and additional traffic will cause hazards for children.
18. Concern that extra development will have on amenities and services in the area such as medical facilities which are already strained in this area.
19. Reference to alternative possible housing sites in the area such as the Alcoa site.

20. No objection in principle but made the following points:-

1. Previous submission for building adjacent to 94 Brithwen Road (applications 93/0829 and 2006/0868) were refused on grounds that applicant required to conform to building line established with No. 96. Assume this should apply to any new development alongside 94 Brithwen Road.
2. Environment Agency objected to 2006/0868 on flooding grounds as that development encroached in part into the Flood Zone. Presume the EA will make same recommendation to be consistent.
3. The application contains a supporting survey from a commercial company who surveyed the trees with Tree Preservation Orders that could affect the application. Concern that this report is carefully inspected by Council's tree specialist.
4. Cost of loss of habitat should be considered, and impact of traffic and need for mini roundabout considered, as well as future impact of detailed layout on No. 94 Brithwen Road.

FURTHER ECOLOGICAL INFORMATION SUBMITTED (27/06/08)

Following the submission of further ecological survey reports, further consultations were carried out with neighbours and previous objectors, as well as Andrew Davies AM, the RSPB and Countryside Council for Wales. A subsequent letter was received confirming that the PETITION OF OBJECTION still stands. 1 Letter of OBJECTION was received reiterating a previous objection.

AMENDED SITE PLAN SUBMITTED (14/07/09)

An amended site plan was submitted to ensure that the red line boundary abutted the nearest public highway. The application was accordingly re-registered and re-advertised in the press as a development that may have a substantial impact on the amenity of the area in which it is situated, and neighbours and previous objectors were re-consulted. PREVIOUS PETITION OF OBJECTION (562 INDIVIDUAL NAMES) and 9 No. LETTERS OF OBJECTION received reiterating previous concerns, and the following additional point:-

1. Concerns that one access off this site is not suitable for additional traffic. An access point from Hillbrook Close is essential.

Environment Agency (17/04/08)

Original Observations summarised as follows:-

The Agency advised that the application be DEFERRED pending the submission of further information for review. The application site lies partially within zone C2, as defined by the development advice maps (dam) referred to under TAN15 Development and Flood Risk (July 2004). The Agency's Flood Map information, updated on a quarterly basis, confirms the site to be at risk of flooding. Request that the applicant should submit an Assessment of Flood Consequences. Also the applicant should submit details of the proposed surface water management. SUDs should be used where possible. If the above information is not forthcoming the Agency would in accordance with Para.11.2 recommend that the application be refused.

Updated response (4/03/09):-. The Agency WITHDREW ITS OBJECTION on the basis that the site is no longer identified as falling in a flood risk area, and the Agency no longer require a FCA to be submitted. However, as the site is served by the Gowerton Sewerage Treatment Works the Agency raised concerns regarding the ability of this site to deal with new flows generated from this site during storm or wet weather flows, and the possibility of a storm discharge which could result in pollution of controlled waters. The application must be accompanied by a full surface water drainage scheme, which details (along with diagrams) how surface water with assurances that any discharge will not place additional stress on the STW. In addition the Agency recommends SUDs and Conditions to any planning permission.

Updated response (27/08/09):- Observations summarised as follows:-

Note that the plans now include access onto Greenways. No additional comments refer to previous letters on the 17/04/08 and 2/03/09.

Updated response (17/10/12) summarised as follows: -

OBJECTION on the grounds that the Agency understands that the combined sewage infrastructure which serves the location of this development is hydraulically overloaded. This has manifested itself in a number of spills from a downstream combined sewer outflow at Waunarwydd Caravan Site (Asset No. 70321 and Permit No. BP0243001). This CSO has an indirect impact on designated shellfish waters and should not spill more than 10 times per annum, averaged over a 10 year period. This is to ensure compliance with the EC Shellfish Waters Directive (2006). This CSO has been modelled to currently have a spill rate of 33 times per annum averaged over a 10 year period. In the light of these concerns the Agency have grave concerns in allowing further connections and input to this hydraulically overloaded system. The EC are currently scrutinising the local situation with a view to possible infraction in relation to the Urban Waste Water Treatment Directive. Hence any further deterioration must be avoided. The Burry Inlet, in addition to the shellfish waters designation also constitutes part of the Carmarthen Bay and Estuaries European Marine Site, which is a sensitive receptor. Dwr Cymru is aware of the capacity issues on this part of the network and has provisionally programmed works to remedy the problem in AMP 7 (2020 – 2025). This would mean that the issue would not be addressed before 2020.

In summary, the Agency has suggested a Grampian condition restricting the start of development but has also noted that the timescale of 2020 takes us beyond the standard period for a planning permission (5 years). Therefore the Agency asks the LPA to consider an alternative mechanism. An example is for the developer to help pay for works to remove existing surface water from the system.

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

In addition, the EAW referred to flood risk which now shows the site is outside the current flood outline. A Flood consequence assessment is not required but as the site lies adjacent to Gors Fawr Brook, classified as a main river, if recommended for approval the Agency requests a condition to protect the riparian corridor and protect the interests of maintaining access to the watercourse. The Agency also requests SUDs, Japanese Knotweed, and pollution prevention to be controlled by condition.

Dwr Cymru Welsh Water (29/04/08) –

NO OBJECTION, subject to conditions and informatives.

E-mail response (4/03/13) summarised as follows:- DCWW are not objecting to this development; the overloading issue which the EA refer to is at Gowerton WwTW so its the MOU side of spills rather than the sewerage network between the site and the treatment works.

Countryside Council for Wales (27/05/08) -

Original Observations summarised as follows:-

OBJECTS as there is insufficient information for the Agency to assess the proposals. Requests a comprehensive survey of the possible adverse effects on otters, bats and dormice, which are European protected species under the Conservation (Natural Habitats &.) Regulations 1994. If necessary details of a scheme for conservation of the species should be submitted. Where these species are present a development may only proceed under a licence from the Welsh Assembly Government.

Updated response (31/07/08) –

NO OBJECTION but CCW advised that scrub clearance should be undertaken between August and March and natural tree species planted as part of landscaping scheme. In addition a 7 metres undisturbed riparian corridor should be retained along the length of the stream bank to protect habitats for bats and a movement corridor for otters. All artificial lighting should be directed away from this corridor. The tree lines along all site perimeters should be retained.

Updated response (26/08/09) –

OBJECTS because there is not enough information to assess the possible effects on the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA), and Burry Inlet RAMSAR. Recommend that a Test of Likely Significant Effect is undertaken prior to determination to assess whether the plans/project is likely to have a significant effect alone or in combination with other plans/projects. The issues to be included in the TLSE to include Surface water drainage and Foul Water drainage.

Updated response (13/03/13) –

CCW has NO OBJECTION in principle to the proposal.

HRA issues - CCW refer to the following document : “Habitats Regulations Assessment of the effects of wastewater associated with new development in the catchment of Carmarthen Bay and Estuaries European Marine Site: Final Version (v2) David Tyldesley Associates, 10 December 2012 “ , and confirm that they are content with the approach that the Council will be using for all planning applications in Swansea that drain within the catchment area for Burry Inlet and Loughor Estuary (unless there are ecological concerns that fall outside the water quality issues covered by the final report).

Site Drainage/Hydraulic Capacity issues - Also refer the Council to the advice of DCWW and EAW on hydraulic capacity and the surface water removal requirements/planning conditions for this application. Also refer to advice regarding the separation of surface water from the site and attenuation requirements. Whilst it has been demonstrated that this is no longer a HRA issue, it is in the interests of all stakeholders around the Burry Inlet to work towards improving the water quality , not only to help secure the long term objectives for the European and international nature conservation sites, but also to achieve compliance with the Water Framework, Urban Waste Water, Shellfish and Bathing Water Directives. Therefore, CCW recommend that the schemes should be provided to the satisfaction of the EAW and DCWW prior to determination.

Finally, CCW draw our attention to the additional comments in their letter of 26th August, 2009 regarding the ecological mitigation and recommendations in the Ecological Report (26 June 2008).

Public Rights of Way Officer (6/11/08) -

Observations as follows:-

There is a bridleway that runs adjacent to the proposed site which has been in existence for 160 years. Potential to redivert through the development that could be beneficial to the proposed development and the bridleway.

Housing Enabling Officer (27/11/08) - Observations as follows:-

The application is for outline planning for residential units, in an area of recognised housing need as identified in the Local Housing Market Assessment. As such the Housing Service would be requesting a provision of Affordable Housing in the region of 30% (mix of social rent and intermediate low cost home ownership to be determined/negotiated). The Housing Service would expect the AH units to meet the Welsh Housing Quality Standard and Development Quality Requirements guidelines of the Welsh Assembly Government (necessity for rental) and that the affordable units are pepper-potted throughout the development (where appropriate).

(27/03/13) - Observations on S106 request, to read as follows:- The provision of 30% Affordable Housing, which shall be "pepper potted" throughout the site and will include a range of house types and mix of affordable housing to include social rent and intermediate rent and sale such as low cost home ownership (to be determined/negotiated) and shall not be used other than for affordable housing in accordance with a phasing scheme to be agreed with the Local Planning Authority.

Highways Observations

Final Amended Recommendation (7/03/13)

This is an outline application for development of land adjacent to 96 Brithwen Road, Waunarlwydd. An indicative layout has been submitted which indicates 24 dwellings on the site and whilst the application is in outline form I have assessed the impact of up to 30 dwellings being erected. This does not mean that 30 houses are proposed and the figure has merely been used as a worse case scenario for assessing traffic impact.

Access to the site is intended from the junction of Brithwen Road and Greenways. Greenways is a privately maintained highway and therefore is not fully surfaced. The applicant will be required to construct a speed table at the site access to accommodate movements from the site, Brithwen Road, Greenways and the lane access to the south. Some road widening on the bend is likely to be required which will need to be accommodated from the application site. The internal layout would be subject to detailed plans and if consented will have to conform to adopted standards.

Brithwen Road is above the standard width that is normally required for a residential estate road and currently varies in width between 6.8m and over 8m wide in parts. Normal estate road width is 5.5m. Waunarlwydd Primary School is accessed from Brithwen Road and therefore traffic movements and on-street parking increases at the start and end of the school day. I estimate traffic movements associated with the proposal to be in the region of 22 vehicle movements in the peak hour (assuming 30 houses). This is not a high volume of movements and there is no technical reason why Brithwen Road could not support this number.

With regard to highway safety, I am satisfied that the improvements at the proposed junction will increase safety by controlling and slowing down traffic movements. The junction of Brithwen Road with Swansea Road is located near to the bend and whilst visibility is acceptable there is evidence of excessive speed in that vicinity. It would be prudent therefore for the development, if consented, to contribute towards the provision of road safety features in that vicinity. This would help to improve safety for the additional vehicle movements and also help to slow traffic down in that area.

Local Concerns

Local concern has been raised with regard to the ability of Brithwen Road to accommodate the additional traffic and also the suitability of the access proposal. I am satisfied that the standard of Brithwen Road is sufficient to accommodate this relatively small increase in use and the proposed access layout will not prejudice highway safety. Also of concern is the Brithwen Road/Swansea Road junction and I would recommend that a contribution to road safety enhancement is made here.

Recommendation

I recommend no highway objection subject to the following;

1. Prior to beneficial use of the site commencing, the developer shall complete the installation of a raised table junction and associated works at the site access in accordance with details to be submitted and approved.
2. Prior to beneficial use of the site commencing, road safety enhancements shall be undertaken on Swansea Road. (This will necessitate a contribution from the developer and will need to be secured via a Section 106 Agreement.)
3. All internal roads shall be constructed in accordance with details to be submitted and approved.
4. Each dwelling shall be provided with on-site parking in accordance with adopted parking guidelines.
5. A Travel Plan shall be submitted for approval within 12 months of consent and the approved Travel Plan shall be implemented on first occupation of the dwellings.

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

Note: The Developer must contact the Network Manager City and County of Swansea, Highways Division, Players Industrial Estate, Clydach, Swansea, SA6 5BJ. Tel 01792 841601 before carrying out any work.

APPRAISAL

This application is reported to Committee for decision at the request of Councillors Keith Morgan and Vanessa Webb. A Site Visit was held on the 16th April, 2013, as requested by Councillor Ann Cook because of local concerns

This application seeks outline planning permission for residential development, on land off Brithwen Road, Waunarlwydd, and has been submitted with details of access derived solely off the adjacent highway of Brithwen Road, with all other matters reserved for future consideration. Whilst an indicative layout plan for approximately '24' dwellings has been submitted, this is for illustrative purposes only.

The 1.06 hectare greenfield site currently comprises an irregular shaped parcel of land located on the western side of Brithwen Road in close proximity to established housing areas to the north and east, and the site abuts two relatively new dwellings built in recent years immediately to the south of the application site (on part of the original allocated site for housing at Brithwen Road). The western boundary of the site is defined by the river, Gors Fawr with countryside designated as Green Wedge on the other side of the river.

This site is allocated in the City and County of Swansea Unitary Development Plan for residential development (Refer to Policy HC1 (127)) apart from a small strip approximately 7m in depth adjacent to the river defined as 'white land' on the UDP Proposals Map. The site has been allocated for residential development for many years (since @1989) and was included in the Swansea Local Plan, the SLP Review No. 1, and in the current UDP, adopted in 2008. As an allocation in an adopted plan this land is considered to be committed for development and forms part of the committed land bank. This clearly establishes the principle of the land being suitable for residential development.

During the course of this application amended plans and additional information have been submitted, which have necessitated further statutory consultation as detailed above. This has included further ecological information, and an amendment to the red line boundary to ensure the site has access up to the public highway, which required the application to be re-registered and re-advertised in July 2009.

This application has also been held in abeyance due to various concerns raised by the Environment Agency and Countryside Council for Wales relating to environmental issues. At first this related to flooding issues on site, but this is no longer an issue following refinement in the Environment Agency Flood Maps. Latterly determination of the application has been delayed by strategic issues relating to drainage into the Loughor Estuary and Burry Inlet and the impact of development on the wider environment of the European protected sites, including Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs). A Habitat Regulation Assessment has been carried out by the Local Planning Authority, which considers the impact of this and other development projects on the water quality of CBEEMs, and concludes that an Appropriate Assessment is not required in this case. This assessment is described in more detail below.

In addition, as required by the provisions of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999, the application was screened when it was originally submitted because it exceeds 0.5 hectares in area, but on the basis of the information received it was considered that an Environmental Impact Assessment was not required for this proposed development. Following the submission of the ecological survey and completion of the HRA, it is considered that there is no change in this assessment.

Main Issues

The main issues for consideration with regard to this application relate to the acceptability of the residential development at this 'greenfield' site in terms of its impact on visual and

residential amenity, highway safety and environmental interests, having regard to the prevailing provisions of the relevant policies of the City and County Unitary Development Plan, and National Planning Policy Guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Policy Considerations

Under the provisions of Section 54A of the Town and Country Planning Act 1990 (as amended) planning decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10th November 2008.

The UDP comprises two parts, Part 1 and 2. Part 1 sets out the broad vision and aspirations for development and conservation together with the overall strategy for pursuing them. Part 2 translates these goals and objectives into more detailed policies and development proposals. The UDP policies relevant to this application are:-

- Part 1 Policies SP1, SP2, and SP3 (Creating a quality environment); , SP7 (Providing Homes and Community Facilities), and SP14 (Improving Accessibility).
- Part 2 Policies EV1(Design), EV2 (Siting and Location), EV3 (Accessibility), EV22 (Countryside), EV23 (Green Wedges), EV24 (Greenspace System), EV25 (Sites of International Importance), EV30 (Trees, Woodland and Hedgerow Protection), EV33 (Sewage Disposal), EV34 (Protection of Controlled Waters), EV35 (Surface Water Run-Off), EV36 (Development and Flood Risk), HC1 (Housing Sites), HC3 (Affordable Housing), HC17 (Planning Obligations), AS1 (New Development Proposals), AS2 (Design and Layout), AS3 (Public Rights of Way), and AS6 (Parking).

The following policy issues relevant to this particular site are expanded in more detail below:-

As referred to above, the majority of this site has been allocated for residential development in the Unitary Development Plan under Policy HC1(127) on land off Brithwen Road, Waunarlwydd. The UDP allocation indicates an estimate of 30 units which is based on the former planning history and is not a defined number for this site, following an original planning permission for residential development granted in 1982 - ref. 81/1697/01. Planning permission was also granted for one house on this land in 2006 (ref. 2006/0868). As an allocation in an adopted plan this land is considered to be committed for development and forms part of the committed land bank.

In line with the objectives of Planning Policy Wales 2012 and TAN 12: Design, UDP Policies EV1 and EV2 seek to ensure that new development is appropriate, inter alia, to its local context and integrates into the existing settlement with no detrimental impact on local amenity. In addition, UDP Policies EV3, AS1, AS2 and AS6 require that new development provide satisfactory access and facilities for parking, and AS3 relates to the requirements for protection of rights of way.

The current proposal needs to be considered in the context of the surrounding area. As an edge of urban area site, located close to designated Green Wedge, consideration needs to be given to the principles of Policies EV22 and EV23 which seek to protect and enhance the open countryside from adverse development that affects the setting. The natural environment of this site is further supported by Policies EV24 which protects the riparian

corridor of the river and natural and wildlife heritage, and Policy EV30 which particularly seeks to protect and improve woodlands, trees and hedgerows.

With regard to drainage from this site, full regard has to be given in this case to Policy EV25 and the impact of drainage on the water quality of the European protected sites in the Carmarthen Bay and Estuaries Special Area of Conservation; Carmarthen Bay Special Protection Area; and Carmarthen Bay RAMSAR (CBEEMs), and the requirements of related Policies EV33, EV34, EV35, and EV36 regarding sewage disposal, surface water run-off, and development and flood risk.

This site falls within the Swansea West Strategic Housing Zone which is identified in Policy HC3 as an area where smaller sites such as this are considered for affordable housing. Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), and these provisions should be fairly and reasonably related in scale and kind to the individual development.

Future Policy

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

Land Availability Issues

As explained above, this application site (apart from a small strip adjacent to the river) has been allocated for residential development for many years and was originally allocated in the Swansea Local Plan and is currently allocated for residential development in the City and County of Swansea Unitary Development Plan. As an allocation in an adopted development plan this land is considered to be committed for development and forms part of the committed land bank.

The principle of this land being suitable for residential development has therefore been long established, (since @1989), and has been subject to higher scrutiny at the last UDP inquiry when the Welsh Government Inspector concluded in his report that, *'Planning permission for housing development on this site has already been granted. As such it is already committed for development, and allocation in the Plan simply acknowledges this fact. The allocation should therefore remain in the Plan, although consideration should be given to reducing the extent of the site as depicted on the Proposals Map to exclude any area determined as unsuitable for development as a result of its location within zone C2 of the flood risk development advice map.'*

As explained in more detail below, the EAW (now NRW) have reviewed their Flood Maps since the UDP Inquiry so this site is no longer in the critical C2 zone and there is no flooding constraint on the site.

With regard to the selection of sites for housing in the UDP, this has been based on an adopted land use strategy set out in the UDP (refer to paragraphs 3.3.1 – 3.3.3, page 83), which followed a rigorous selection process and tested each site against the selection criteria set out in Planning Policy Wales. In practice, the strategy followed established sequential principles which start by maximising use of the existing committed land bank (including this site at Brithwen Road) together with previously developed land and buildings

in settlements (brownfield sites). These were considered before new infill sites and green field sites. In addition factors such as accessibility; capacity of infrastructure to accommodate development; impact on local community; and physical and environmental constraints were fully considered. A similar approach is now being applied for the selection of housing sites for the next Development Plan, the Swansea Local development Plan (LDP).

The Brithwen Road site was allocated in the UDP because it met the above tests and does not fall within the Green Wedge; will round off the settlement; and was previously allocated for housing; with no known constraints that could not be overcome.

The release of land allocated for housing in the UDP has not been phased and there is no requirement to develop brownfield allocations before greenfield ones.

In conclusion, whilst there may be brownfield sites in the area, these would not take priority over this committed land bank site, and would be considered on their own merits, having regard to any constraints to development. Based on the information known on this site, there are no grounds to depart from the UDP policy allocation, which allocates this site in West Swansea for up to 30 houses under Policy HC1 (127).

Visual Impact

As advocated by the overarching objectives of Planning Policy Wales, and related TANs, the visual appearance of the proposed development, its scale and relationship to its surroundings and context are material planning considerations. Moreover, new housing development should be well integrated with and connected to the existing pattern of settlements. The expansion of towns and villages should avoid creating ribbon development, coalescence of settlements or a fragmented development pattern. Sensitive infilling of small groups of houses or minor extensions to groups may be acceptable, though much will depend upon the character of the surrounding area and the number of such groups in the area.

With regard to the surrounding context of built form and countryside, this application site is located in a field site abutting the southern limits of Waunarlwydd. In terms of its natural appearance this 1.06 hectare site is relatively flat and low lying next to the main river, Gors Fawr, but the whole site is currently overgrown with mixed woodland and shrubs. It should be noted that a number of trees sited near the river and bridleway are protected by a Tree Preservation Order (TPO).

The bridleway runs adjacent to the eastern boundary of the site and therefore forms a physical buffer between the new development and existing houses at 84 and 86 Brithwen Road and No 12 Hillbrook Close. The site boundary is drawn up to and adjacent to the bridleway, but does not physically encroach onto it, apart from a very small area of dual use where the new highway would enter the site. As such there would be no direct impact on this bridleway. There are no current proposals being considered to divert this bridleway.

Whilst the PROW officer has indicated in his response that the route of the bridleway may be refined in future by diverting through the site, there are no current plans to divert this route and this will be considered in detail at reserved matters stage when further details of the design and layout are considered. As such there will be future control over this detail. In conclusion the outline proposal being considered does not affect the current route or continued use of the bridleway.

Whilst the red line of the proposed site extends just beyond the western boundary of the allocated UDP site up to the river banks, it is noted that the Environment Agency (now Natural Resources Wales) has notified the Council that there is a bye-law protecting a 7m wide berm along this river where no development can take place. As such there will be a restriction on how far any development extends up to the river and countryside boundary. It is considered that together with the protected trees along the river bank, this natural barrier will soften the interface of any new built development with the nearby countryside areas, as well as acting as an ecological barrier between this land and the river and designated Green Wedge to the west.

In terms of the character and appearance of surrounding residential development, this area of Waunarwydd appears to have developed incrementally over the years with a mix of housing that weaves in and out of the adjoining fields with no particular style or pattern. This site lies immediately adjacent to the current built up urban area of Waunarwydd, which wraps around the site along its northern, eastern and southern boundaries, with the western boundary defined by the river. The proposed residential development will have direct access off the highway which serves the neighbouring established houses and bungalows along Brithwen Road and Greenways. To the north and south the development will be screened by existing neighbouring houses, and to the east the site faces existing residential properties on the opposite side of Brithwen Road.

Whilst the illustrative layout indicates 24 housing units on site, the number of houses built will be governed by the natural constraints of the site including the protection of the TPO trees, the bridleway, and the 7m protected berm along the river. Details of the exact numbers and siting of houses, scale, design, and appearance will therefore be controlled at reserved matters stage. However, the illustrative layout indicates that it is possible to retain natural features such as mature trees on site, and further landscaping and planting could enhance any future layout. Currently there are no details of future land levels at this outline stage, but any change from the existing site and the impact on neighbouring properties will be properly considered at reserved matters stage, together with all landscaping and planting details.

In conclusion, it is considered that on the basis of the above considerations the proposed residential development of this site will satisfactorily “round off” the residential area of Waunarwydd at this location, up to a clear and defensible natural boundary. As such, it is considered that, subject to a sensitive layout and design at reserved matters stage, a satisfactory residential development can be accommodated on this site without having an adverse impact on the character and appearance of the surrounding built up or countryside areas, in line with prevailing policies EV1, EV2, EV22, EV23, and HC1 of the Unitary Development Plan.

Residential Amenity

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

Having regard to the above considerations, and subject to an appropriately designed scheme at reserved matters stage it is not considered that the residential development of

this site will result in any significant harm to the residential amenities enjoyed by future residents in line with the objectives of Policies EV1 and EV2 of the Unitary Development Plan.

Highways Considerations

The highways response has been revised in the light of current considerations. An indicative layout has been submitted which indicates 24 dwellings on the site and whilst the application is in outline form the impact of up to 30 dwellings being erected has been assessed. This does not mean that 30 houses are proposed and the figure has merely been used as a worse case scenario for assessing traffic impact.

Access to the site is intended from the junction of Brithwen Road and Greenways. Greenways is a privately maintained highway and therefore is not fully surfaced. The applicant will be required to construct a speed table at the site access to accommodate movements from the site, Brithwen Road, Greenways and the lane access to the south. Some road widening on the bend is likely to be required which will need to be accommodated from the application site. The internal layout would be subject to detailed plans and if consented will have to conform to adopted standards.

Brithwen Road is above the standard width that is normally required for a residential estate road and currently varies in width between 6.8m and over 8m wide in parts. Normal estate road width is 5.5m. Waunarlwydd Primary School is accessed from Brithwen Road and therefore traffic movements and on-street parking increases at the start and end of the school day. The Highways Officer has estimated traffic movements associated with the proposal to be in the region of 22 vehicle movements in the peak hour (assuming 30 houses). This is not a high volume of movements and there is no technical reason why Brithwen Road could not support this number.

With regard to highway safety, the Highways Officer is satisfied that the improvements at the proposed junction will increase safety by controlling and slowing down traffic movements. The junction of Brithwen Road with Swansea Road is located near to the bend and whilst visibility is acceptable there is evidence of excessive speed in that vicinity. It would be prudent therefore for the development, if consented, to contribute towards the provision of road safety features in that vicinity. This would help to improve safety for the additional vehicle movements and also help to slow traffic down in that area.

Local concern has been raised with regard to the ability of Brithwen Road to accommodate the additional traffic and also the suitability of the access proposal. The Highways Officer is satisfied that the standard of Brithwen Road is sufficient to accommodate this relatively small increase in use and the proposed access layout will not prejudice highway safety. Also of concern is the Brithwen Road/Swansea Road junction and it is therefore recommended that a contribution to road safety enhancement is made here.

In conclusion there is no highway objection subject to the following;

1. Prior to beneficial use of the site commencing, the developer shall complete the installation of a raised table junction and associated works at the site access in accordance with details to be submitted and approved.
2. Prior to beneficial use of the site commencing, road safety enhancements shall be undertaken on Swansea Road. (This will necessitate a contribution from the developer and will need to be secured via a Section 106 Agreement.)

3. All internal roads shall be constructed in accordance with details to be submitted and approved.
4. Each dwelling shall be provided with on-site parking in accordance with adopted parking guidelines.
5. A Travel Plan shall be submitted for approval within 12 months of consent and the approved Travel Plan shall be implemented on first occupation of the dwellings.'

Water Quality Issues

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

Burry Inlet Habitat Regulations Assessment

Introduction

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

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

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

Water Quality

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

This assessment notes that as part of their review of consents (RoC) under regulation 63 the Environment Agency (EA) undertook a detailed Habitats Regulations assessment in relation to the effects of their consented activities. Consent modifications were identified to

enable the Environment Agency to conclude no adverse effect on the integrity of the CBEEMS in respect of their consents operating at their maximum consented limits.

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

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

Other Possible Effects on CBEEMS features

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

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 Countryside Council for Wales, as statutory advisor to the Council on the requirements of the Habitats Regulations, has recently 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 Habitat Regulations. This is in line with the requirements of National Planning Policy guidance and Policy EV25 of the Unitary Development Plan.

Hydraulic Capacity Issues in Gowerton WwTW drainage network

Last autumn the EAW (now NRW) raised further concern that there are outstanding Hydraulic Capacity issues in the Gowerton Waste Water Treatment Works catchment area. These are summarised above in their response dated 17th October, 2012, and appear to relate to wider concerns from Europe regarding the future water quality of the estuary. However, DCWW has not objected to the application, and there is no conclusive evidence that supports the NRW view that this development could harm the water environment. Moreover, the Local Planning Authority is satisfied that it has addressed the water quality issues relating to the Habitats Regulations on this site, and the EAW (now NRW) has since agreed to the Council's adopted Habitats Regulation Assessment that covers all development in the drainage network area up to the end of 2014. As explained above this HRA is based on objective information available from the Agency's own Review of Consents of Gowerton WwTW, 2010.

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

The Council has been working with the Agencies of Welsh Government who are seeking to resolve this problem is seeking to 'enhance' this situation, by improving the current drainage problems in the Gowerton drainage network, before new foul connections can be made. Where possible landowners and developers are being encouraged to remove surface water from combined sewers where possible and where there is a need to facilitate new development. As part of this initiative in 2011, DCWW adopted the findings of a study commissioned to investigate the problems and solutions relating to foul drainage in this drainage catchment area. They have also prepared a Plan of Improvements works for Gowerton WwTW catchment 2020 (AMP 7), and are currently indicating that schemes will be brought forward where necessary to facilitate development.

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

Drainage Arrangements for this site

The drainage output from this site has been considered with officers from Drainage and DCWW, but discussions have been complicated because this is an 'old' outline application with no definite number of proposed housing units. This planning application was submitted prior to the change in the Planning Regulations that now requires outline planning applications to be more specific in terms of the total number of units. Therefore whilst there is an indicative plan for 24 units, no weight can be given to this number which is not under consideration at this stage, only the principle of 'residential development'

This has complicated discussions on the capacity of the drainage network to take this extra development. However, whilst details of the drainage arrangements have not been formally submitted at this outline stage, the applicant accepts that foul and surface water will have to be separated with surface water draining to the natural watercourse of the river. In addition, any development of this site will be subject to conditions controlling drainage and sustainable drainage systems, such as rainwater harvesting, grey water harvesting, etc. This would satisfy the SUDs requirements of our drainage officers and NRW and DCWW, and would ensure sustainable management of surface water. The only new drainage impact on the existing combined sewerage system to Gowerton WwTW would therefore be the foul connections.

This is considered satisfactory in principle, but it will be necessary to require further details of the drainage arrangements at reserved matters stage (prior to determination of reserved matters) to ensure that the actual number of housing units can be adequately serviced by the sub catchment of Gowerton WwTW. This can be controlled by condition.

However, based on a maximum of 24 dwellings, and applying the agreed formula of 0.013 litres/ second per residential property (refer to Appendix A of MOU 2011), it is estimated that this development would result in a maximum estimated flow of 0.312 l/s from this proposed development. This is the equivalent of removing surface water from approximately two existing small houses with combined roof area of 108m² (i.e. 2 x roof area of 6m by 9m) that currently drain their surface water to the combined system. In overall hydraulic terms this is very small.

Notwithstanding the above, given the length of time this application has been held in abeyance, it is considered that sufficient compensatory surface water savings have been made on other brownfield sites in the area that more than compensate for this relatively small development, and there is sufficient justification to use a small part of these savings secured on the Council's register to facilitate the development of this UDP allocated housing site.

Conclusions

In conclusion, DCWW has not objected to this scheme, and there is no factual information to support the EA's (now NRW) concerns that the residential development of this site will harm the water environment. The Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up to 2014 when it is understood that DCWW has planned upgrading works to this WwTW. The HRA has been agreed with EAW and Countryside Council (now NRW) as well as DCWW and Carmarthenshire County Council, 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 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 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.

Ecological Considerations on Site

During the course of this application the applicant commissioned and submitted an ecological survey of the immediate site. The survey has been considered by the Countryside Council for Wales. The Council's Ecologist has revisited the site this spring and has reviewed the ecological information previously submitted, and is satisfied that this survey is still representative of the current ecological footprint of this river meadow site.

The survey revealed that the site is used by several foraging bat species and nesting birds, however, it is unlikely that otters or dormice are using the site. The most important aspect of this site is the riparian corridor that runs along the river, and it is considered that this should be protected by a strip approximately 7m wide by the Department's ecologist, as well as CCW and the EAW. However as noted above the EAW already has a bye law that serves to protect the 7m berm area from development. As such an informative will be added advising the applicant of this restriction and the need to ensure that any future layout proposed at reserved matters stage ensures that this protected area is kept free of any development.

Section 5 of the report contains a number of recommendations, these include restricting any artificial light falling on the stream corridor and providing compensatory planting. The corridor is used by feeding and commuting bats and it is important this is kept dark. It is suggested in the survey that this area is fenced off for the duration of any construction work to prevent any disturbance. This can be controlled by condition. CCW have asked that artificial lighting is aimed away from the riparian corridor, and this can be controlled by

condition. In addition, the developer will be advised by Informative that if any tree removal is considered in the riparian corridor the site should be checked for signs of dormice.

In addition, it is noted that there are mature trees on site of nature conservation value. Some of these are protected by Tree Preservation Order, but the applicant will be advised by condition of the need to assess the trees on site for bat roosts prior to any work being undertaken. An informative will also be added advising that scrub and tree clearance should be undertaken out of the bird breeding season.

Furthermore, a full tree survey and arboricultural impact assessment will be required to be submitted at reserved matters stage, with all tree survey plans accurate and tree and canopy spreads plotted. There will inevitably be some loss of habitat on site but a landscaping scheme will be submitted at reserved matters stage and this should detail any losses and how these are mitigated, e.g. by suitable replacement habitat using native species in hedges, etc. to maintain the local character of this site.

It is also considered necessary and reasonable to add a condition requiring the removal of any invasive 'alien' species of plant found on site prior to development.

The developer will be made aware by informative of their responsibilities regarding these ecological issues, however precise details of landscaping and planting matters as well as lighting will be the subject of further detailed consideration at reserved matters stage. In conclusion, it is considered that there are sufficient controls available to the Council and NRW to protect the most important habitats which is the riparian corridor and TPO trees.

S106 Contributions

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), and these provisions should be fairly and reasonably related in scale and kind to the individual development. In addition the Council has adopted Supplementary Planning Guidance on S106 negotiations in March 2010, but it should be noted that the submission of this application pre dates this guidance. It should also be noted that the trigger points in Part 3 of the current S106 guidance are not prescriptive and form the basis for negotiation. When considering what contributions should be sought there has to be evidence of need, which is justified and relevant to the application being determined. Moreover, the guidance advises that an element of flexibility is required to ensure the viability of schemes is not prejudiced.

In this particular case, the following issues have been highlighted as particularly relevant to this site. The Housing Enabling Officer has confirmed that a figure of 30% affordable housing is required in this area. This provision should be a mix of social rent and intermediate low cost home ownership to be determined/negotiated. The Housing Service would expect the affordable units to be pepper potted throughout the site. The amplification to Policy HC3 explains that the need for affordable housing is a material planning consideration and an essential element in contributing to community regeneration and social inclusion. This site falls within the Swansea West Strategic Housing Zone which is identified in Policy HC3 as an area where smaller sites such as this are considered for affordable housing. On this basis there is demonstrable need in the area and it is considered necessary and reasonable to require the above affordable housing provision.

As referred to above in the highways response, and following further consideration of the proposed development, it is now considered necessary and reasonable to require the

provision of off site road safety enhancements to Swansea Road to be secured via a S106 agreement. These works will be required prior to the beneficial occupation of any housing units. As described above, the development will gain access off Brithwen Road that has a junction with Swansea Road. It is considered reasonable therefore for the development to contribute towards the provision of road safety features in that vicinity. This would help to improve safety for the additional vehicle movements and also help to slow traffic down in that area.

The above S106 planning obligations are considered fairly and reasonably related in scale and kind to the likely scale of the proposed development. Given the relatively small size of the site and its viability (due to likely high infrastructure overheads), no further consultation has taken place with other Departments.

Whilst it is noted that concerns have been raised in public consultation that the proposal will impact on local schools, the latest published figures on school capacity (September 2012) indicate that there is surplus capacity at Waunarlwydd Primary School has surplus capacity of 35 places (12.03%) and Ysgol Gynradd Gymraeg Login Fach has surplus capacity of 11 places (5.2%). There is also surplus capacity of 66 places at Gowerton Comprehensive (2.21%) and 198 places at Ysgol Gyfun Gwyr (21.4%).

In addition the numbers of reception class applications published for the local primary school appear to fall below the available places. The latest capacity school figures are only indicators of the pressure on the local schools, but given the relatively small size of the development site it is not considered that school provision is an overriding issue in this particular case. Similarly it is not considered necessary to require a contribution for open space provision given the edge of countryside site and the overriding EAW requirement for a development free berm of 7m depth along the river which will retain natural open space on the edge of the development.

In conclusion, it is known that the abnormal costs of delivering this 'allocated' site are high given the need for pre commencement ground investigations, etc. Moreover, the overriding need for 30% affordable housing in this area and the need for traffic calming on Swansea Road are still considered to meet the S106 tests as being 'necessary' and 'reasonable' on this relatively small site, and would still take precedence over any other contributions.

Mine workings

The applicant has confirmed that the mining history of the site has been considered and has re submitted a coal authority report which raises no objection. The application was submitted with a supporting document, 'Geoenvironmental, Geotechnical & Mining Desk Study Report', which presents the findings of searches of the site and surrounds and investigated the risk to any proposed development from the former mining activity in the area. Due to the presence of the nearby conjectured coal seams and relatively shallow depths at which these reside a Coal Authority Report was sought by the applicants.

In summary, the response from the Coal Authority advises that the property is in the likely zone of influence from 1 seam of coal at 80m-130m depth last worked in 1903. There are no known coal mine entries within, or within 20m of the boundary of the property. No record of mine gas emission or coal mining subsidence or other hazards reported. No other concerns raised from the past, the present, or the future. Any development would need further drilling works to confirm extents and depths of thickness of seams.

In conclusion, the Coal Authority Report does not raise any issues or objection to this development.

Other Material Considerations

The neighbour objections received during public consultation on this application include concerns regarding the UDP allocation of this site for housing, scale and impact on visual amenity, traffic, access, loss of habitat, environmental concerns, sewerage, pollution and flooding issues, and impact on local services and infrastructure, which are addressed above in the main body of the report.

Conclusions

In conclusion, and having regard to all material considerations including the Human Rights Act, it is considered that the proposed residential development of this greenfield site with sole access off Brithwen Road represents a satisfactory form of development that complies with the provisions of the prevailing policies of the Unitary Development Plan. Approval is therefore recommended for outline planning permission, subject to appropriate conditions and the developer entering into a Section 106 Obligation in respect of the provision of 30% affordable housing and highway safety enhancements to Swansea Road.

RECOMMENDATION

APPROVE, subject to the following conditions, and to the developer entering into a Section 106 Obligation in respect of:-

- iii) The provision of 30% Affordable Housing, which shall be “pepper potted” throughout the site and will include a range of house types and mix of affordable housing to include social rent and intermediate rent and sale such as low cost home ownership (to be determined/negotiated) and shall not be used other than for affordable housing in accordance with a phasing scheme to be agreed with the Local Planning Authority.
- ii) Prior to beneficial use of the site commencing, the provision of road safety enhancements shall be undertaken on Swansea Road.
- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 2 Detailed plans and drawings with respect to the matters reserved in condition (01) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 3 The development to which this permission relates shall be begun either before the

expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that development is begun within a reasonable period.

- 4 Prior to the beneficial use of the site commencing, the developer shall complete the installation of a raised table junction and associated works at the site access in accordance with details to be submitted to and approved in writing with the Local Planning Authority.

Reason: In the interests of highway safety.

- 5 Prior to the beneficial use of the residential properties, all internal roads shall be constructed in accordance with details to be submitted and approved by the Local Planning Authority.

Reason: In the interests of highway safety.

- 6 Each dwelling shall be provided with on-site parking in accordance with adopted parking guidelines.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic or conditions of general safety along the neighbouring highway.

- 7 A Travel Plan shall be submitted for approval within 12 months of consent and the approved Travel Plan shall be implemented on first occupation of the dwellings.

Reason: In the interests of highway safety.

- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water, and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of a sustainable drainage system (SUDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.

- 9 Unless otherwise agreed in writing with the Local Planning Authority, foul water and surface water discharges must be drained separately from the site and no surface water or land drainage shall be allowed to connect (either directly or indirectly) to the public foul sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the environment.

- 10 A landscaping scheme for the site shall be submitted as part of the reserved matters and the approved scheme shall meet the following requirements:-
- (i) A detailed tree survey and arboricultural impact assessment to British Standard 5837:2012 Trees in relation to design, demolition and construction. Recommendations. The work must be carried out by an experienced and qualified Arboriculturalist. All tree survey plans must be accurate, scalable with tree positions and canopy spreads precisely plotted.
 - ii) Further details of the proposed planting and use of native species where possible;
 - (iii) Further details of the retention and planting in the protected 7m berm alongside the main river, Gors Fawr.
 - (iv)) Further details of a programme for the clearing/removal of alien species such as Japanese Knotweed, etc.

No part of the trees or hedges shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner within 5 years from the date of occupation of the first house, or the date of planting (whichever applies), other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

The approved scheme shall be carried out either as an integral part of the development and/or no later than the first planting season following completion.

Reason: To ensure that the site is satisfactorily landscaped having regard to its location and the nature of the proposed development, and to accord with Section 197 of the Town and Country Planning Act 1990.

- 11 Before the development hereby approved is brought into beneficial use, any external lighting shall be completed in accordance with details to be submitted to and approved in writing with the Local Planning Authority, and retained as such unless otherwise agreed in writing with the Local Planning Authority. The detailed scheme should ensure that artificial lighting is aimed away from the 7m protected berm adjacent to the river and this buffer zone is kept dark.

Reason: In the interests of nature conservation.

- 12 Prior to any development commencing on site, the applicant shall submit a Method Statement to the Local Planning Authority for written approval, detailing measures for preventing pollution of controlled waters during site/construction works.

Reason: To prevent the pollution of the water environment (surface and groundwaters).

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

Reason: To prevent pollution of the water environment.

- 14 Before the development hereby approved is occupied the means of enclosing the

boundaries of the site shall be completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and general amenity.

- 15 The materials used for the external surfaces of the development shall be in accordance with details submitted to and approved in writing by the Local Planning Authority before the development is commenced.

Reason: In the interests of visual amenity.

- 16 On first occupation of each dwelling within the site, a resident Travel Pack shall be issued, the details of which will be agreed in writing the Local Planning Authority prior to the beneficial occupation of any property.

Reason: In order to promote more sustainable modes of transportation.

- 17 No development shall commence on site until a scheme for the retention and protection of trees to British Standard 5837:2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include protection of trees in the 7m protected berm along the river bank. It shall include full details on all works that impact on the original ground conditions within the root protection areas, as detailed in BS5837:2012 and in particular details of protective fencing, ground protection & construction method, required tree surgery operations, service trenching position and any changes in ground level within the root protection areas of all retained trees. No development shall take place except in complete accordance with the approved scheme, and not before the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.

Reason: To ensure the protection of retained trees and the 7m protected berm on site during construction works.

- 18 No development including demolition work shall commence until all tree protection measures as detailed in the approved scheme have been implemented, inspected and approved in writing by the Local Planning Authority.

Reason: To ensure the protection of retained trees on site during construction works.

INFORMATIVES

- 1 Dormice may be present. Dormice 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 dormice is encountered e.g. live or dead animals or nests, work

must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

- 2 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1(Design), EV2 (Siting and Location), EV3 (Accessibility), EV22 (Countryside), EV23 (Green Wedges), EV24 (Greenspace System), EV25 (Sites of International Importance), EV30 (Trees, Woodland and Hedgerow Protection), EV33 (Sewage Disposal), EV34 (Protection of Controlled Waters), EV35 (Surface Water Run-Off), EV36 (Development and Flood Risk), HC1 (Housing Sites), HC3 (Affordable Housing), HC17 (Planning Obligations), AS1 (New Development Proposals), AS2 (Design and Layout), AS3 (Public Rights of Way), and AS6 (Parking).
- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 4 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
 - Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Take or destroy an egg of any wild birdYou are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 5 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.
If evidence of bats is encountered during site clearance, work should cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).
- 6 The Developer must contact the Network Manager City and County of Swansea, Highways Division, Players Industrial Estate, Clydach, Swansea, SA6 5BJ. Tel 01792 841601 before carrying out any work.
- 7 The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. Advice on Travel Plans can be obtained from Jayne Cornelius, SWWITCH Travel Plan Co-ordinator Tel 07796 275711.
- 8 As part of a sustainable drainage system the developer is advised to consider the use of sustainable drainage (SUDS) measures, such as permeable paving for the driveway access and car parking area, and rainwater or greywater harvesting from

the new buildings, etc.

- 9 The developer is advised to contact Dwr Cymru Welsh Water on Tel. No. 0800 917 2652, e-mail developer.services@dwrwymru.com, regarding the adequacy of water supply, and the adequacy of the sewerage system serving this area, to be agreed independently with the Water Authority.
- 10 The developer is advised to contact the Natural Resources Wales at e-mail planning@naturalresourceswales.gov.uk regarding details of the intended pollution control measures required on site.
- 11 **PARTY WALL ETC ACT 1996**
The developer is advised that the provisions of the Party Wall etc. Act 1996 may be applicable to the proposal and is advised to seek appropriate advice prior to any work commencing on site.
- 12 The proposed development lies within coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com
- 13 Natural Resources Wales and the Local Authority have permissive powers to maintain watercourses depending on the watercourse's definition as "Main River" or "Ordinary Watercourse". The responsibility for general maintenance of the river and its banks rests with the riparian owner. Any bankside trees or vegetation within 3 metres of the watercourse should be protected from development in order to promote conservation and preserve visual amenity.
- 14 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.
- 15 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste must be licensed waste carriers.
- 16 The activity of importing waste into the site for use as, for example hardcore, must re-registered by the Environment Agency Wales as an exempt activity under the Management Licensing Regulations 1994.
- 17 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of Natural Resources Wales is required for any proposed works or structures in, under over or within 7 metres of the top of a main river i.e. Gors Fawr.

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

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

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

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

PLANS

Site location plan, illustrative block plan received 20th March 2008, Amended block plan received 6th August 2009