



**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

**UDP - EV1 - Design**

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

**UDP - EV2 - Siting**

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).

**UDP - EV3 - Accessibility**

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)

**UDP - EV30 - Trees, Woodland and Hedgerow Protection**

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)

**UDP - EV33 - Sewage Disposal**

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)

**UDP - EV35 - Surface Water Run-Off**

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)

**UDP - EV36 - Development and Flood Risk**

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)

**UDP - EV39 - Land Instability**

Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant risk. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV40 - Air, Noise and Light Pollution**

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 1 (CONT'D)

APPLICATION NO:

2017/1684/OUT

#### UDP - EV41 - Hazardous Installations / Consultation Zones

The development of hazardous installations that would cause significant safety or health risk or adversely affect the natural heritage and historic environment will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC2 - Urban Infill Housing

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

#### UDP - HC3 - Affordable Housing

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - HC17 - Planning Obligations

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)

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1684/OUT	Construction of 40 dwellings, new access road and replacement bridge (outline)	PDE	
2012/0861	Variation of condition 1 of planning permission 2006/1156 granted 18th September 2007 to extend the time to commence work by a further 5 years	WDN	13.06.2016
2011/1041	Proposed access road to residential site pursuant to planning permission 2006/1156 granted 18th September 2007	APP	12.04.2012
2010/0721	Residential development for 10 dwellings (outline)	WDN	18.03.2011

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 1 (CONT'D)	APPLICATION NO:	2017/1684/OUT
2007/2389	Residential development (outline)	APP 29.04.2008
2006/1156	Residential development comprising 26 detached and semi-detached dwelling houses with associated engineering works, highway improvements and replacement bridge.	APP 21.09.2007

### RESPONSE TO CONSULTATIONS

The application was advertised in the local press, by site notice and four neighbours were individually consulted. ONE LETTER OF OBJECTION has been received which may be summarised as follows:

1. Concerns that the original application by Cymru Homes was previously refused on the grounds of the gas main running through the site, noise levels from the motorway and the bridge access. Nothing has changed since this application was determined.
2. Concerns that access over the bridge and essential services would not be provided to existing dwellings whilst works to the bridge are taking place.
3. Concern the development may affect bats within the site.
4. There are safety concerns regarding the gas main running through the site.
5. Concerns the development may result in additional congestion problems on Heol Las.
6. Concerns the Japanese knotweed on the site may cause problems for future owners.
7. Concerns that any conditions imposed by the council may be disregarded by the applicant.

### Highways

Access to the site is across a substandard bridge and it has been determined that a replacement structure will need to be provided before any work starts on the site in terms of construction vehicles. No details have been provided for assessment at this point.

It is unclear as to whether the site roads are to be offered up for adoption but notwithstanding that the access improvements and new bridge will need to be constructed under a Section 278/38 Agreement with the Highway Authority as part of the new road involves incorporation of the existing adopted highway on Felin Fran. Access to the existing dwellings will need to be maintained at all times.

I recommend that no highway objections are raised subject to:

1. Parking in accordance with the adopted parking standards being provided within the curtilage of the dwellings.
2. The front boundary walls being kept below 1m in the interests of visibility.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

3. The bridge accessing the site shall be designed and built in accordance with full plans and calculations to the current British Standards, to be submitted for approval to the Local Planning Authority. Details should include a method statement outlining the contractors proposals for alternative access during the bridge construction period. Due to the weight restrictions on the existing bridge the replacement structure should be completed in accordance with the approved plans prior to any works commencing on site.
4. Engineering details of the proposed highway improvements to Felin Fran and the internal road layout which must accommodate all visibility splay requirements within the highway or maintain them at a low level by dwarf boundary walls, shall be submitted to and approved by the LPA. The road works shall be constructed in accordance with the approved details prior to the development being brought into beneficial use.
5. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority.

### **Environment Officer**

Requests the inclusion of a condition requiring a scheme for the eradication of Japanese knotweed on the site.

### **Drainage and Coastal Management**

Any application for Outline planning permission should include details of 1 workable solution for managing surface water this may indeed alter at the detailed application stage, however an acceptable workable method of drainage must accompany this application.

Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.

The bridge highlighted in the application crosses a designated main river and will therefore require permission of Natural Resources Wales under the Water Resources Act 1991 (as amended) which is independent of any planning application in progress or previously granted, they may have more stringent requirements i.e. higher soffit levels to accommodate flood flows etc.

### **Parks Department**

At the present time we have no comments or observations to make on the planning application, if the development does proceed and the Parks Service is requested to adopt any POS or PLAY facility we would wish to receive a Section 106 Contribution and to be involved from the outset.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/1684/OUT

### **Wales and West Utilities**

Wales & West Utilities have no objections to these proposals, however our apparatus may be at risk during construction works and should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail. Should diversion works be required these will be fully chargeable.

### **Welsh Government Department for Economy and Infrastructure**

Welsh Government (Transport) as highway authority for the motorway and trunk roads would re-iterate the previous direction on conditions (in relation to drainage and boundary features) that should be included if the planning authority is minded to grant planning permission for this development.

### **Dwr Cymru Welsh Water (DCWW)**

Foul flows can be accommodated within the public sewerage system. However, having regard to our pre-planning consultation response, we would advise that the proposed development site is crossed by a 15" surface water sewer, 12" combined sewer and 380mm overflow with the approximate positions being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. Having had an opportunity to review the accompanying Proposed Plan Layout (Drawing No. 11/197/AL/01 Rev A), it appears the proposed development would be situated outside the protection zone of these sewers measured 3 metres either side of the centreline.

Condition recommended in relation to foul, surface and land water.

### **Network Rail**

No objection in principle to this proposal (detailed comments and requirements provided for the safe operation of the railway and the protection of Network Rail's adjoining land).

### **Health and Safety Executive (HSE)**

The assessment indicates that the risk of harm to people at the proposed development site is such that HSE's advice is that there are sufficient reasons on safety grounds, for advising against the granting of planning permission in this case.

Major hazard sites/pipelines are subject to the requirements of the Health and Safety at Work etc. Act 1974, which specifically includes provisions for the protection of the public. However, the possibility remains that a major accident could occur at an installation and that this could have serious consequences for people in the vicinity. Although the likelihood of a major accident occurring is small, it is felt prudent for planning purposes to consider the risks to people in the vicinity of the hazardous installation.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/1684/OUT

### Natural Resources Wales (NRW)

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified with the proposed development and we would not object provided you attach them to any planning permission that your Authority may be minded to grant.

#### Contaminated Land

We are aware that the Environment Agency (EA) previously raised concerns in relation to potential land contamination back in 2006. Given the industrial history of the Lower Swansea Valley, combined with the fact that the Nant Bran crosses the site in the south, we have concerns that potential risks to controlled waters at the site are not yet fully understood.

As no further information has been provided to address these concerns, we advise that the following conditions, which are a tiered risk based approach and should be applied in their entirety.

#### Flood Risk

Part of the site is located within Zone C1, as defined by the development advice maps referred to under TAN 15 Development and Flood Risk (July 2004). Our Flood Map information, which is updated on a quarterly basis, indicates part of the site to be at risk of flooding in the 1% flood event.

We note that the proposal is for a new residential development which is classed as highly vulnerable development according to TAN15. Development within Zone C will first need to be justified by the Local Planning Authority (LPA) in line with Section 6 of TAN 15.

Part of the access road within the site and the junction with Walters Road are shown to be at risk of flooding during the 1% annual probability event. It will be for your Authority to be satisfied that the proposal is acceptable in terms of flood risk, particularly regarding access and egress considerations; and for emergency planning purposes.

Should your Authority wish to request a Flood Consequences Assessment (FCA) to aid your decision making with regards flood risk, we would advise you and the applicant that our latest hydraulic modelling outputs could be utilised to gain an understanding of the flood risk to the site access.

#### Protected Species & Ecology

We note the provision of the document entitled; 'Extended Phase 1 Habitat Survey for Land at Felin Fran, Llansamlet (Report No. P-17-01-01)', by Matthew Carrol.

The document states that a 'walk-over' survey was undertaken on the 21 December 2016, and that much of the site had been recently cleared of encroaching vegetation. The report concludes that there are no suitable bat roost sites and that any bird nesting sites will be in the hedges to the west and east.

We recommend that you seek the advice of your Authority's Planning Ecologist to determine if they have any local knowledge of any protected species being present within the site boundary and whether they require any further survey work to be carried out.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 1 (CONT'D)

APPLICATION NO:

2017/1684/OUT

### Education Department

Education request £142,632 (plus indexation) to support the impact of this development on pupil numbers in the secondary schools; namely Cefn Hengoed (75.2%) and YG Bryn Tawe (24.8%).

### Tree Officer

None of the trees on site or adjacent to it are protected by TPO or conservation area status. Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The general site layout places several properties too close to trees on the western boundary. This juxtaposition is unsustainable which would lead to ongoing conflict with the trees located on the site boundary.

There also appears to be good quality trees present within the site that have not been integrated into the design.

Reducing the tree/dwelling conflicts would probably reduce the density of the housing. One possible solution is moving the site road to the western boundary.

A tree survey in accordance with BS5837:2012 'Trees in relation to design, demolition and construction Recommendations' will allow the site layout to be informed by the trees present. This will ensure that the retained trees will not be put under undue pressure.

### Pollution Control Division

Concerns regarding this application due to the effect of traffic noise due to the proximity of the M4.

Planning Guidance (Wales), Technical Advice Note (Wales) 11, Noise - October 1997 places the site in Noise Exposure Category D, which says that Planning Permission should normally be refused.

The Local Air Quality Management in Wales Policy Guidance (June 2017) produced by Welsh Government requires a two fold approach to Air Quality in Wales; to achieve compliance and to reduce exposure to pollution more widely, so as to achieve the greatest public health benefit. Given the proximity of the motorway there is also the possibility that elevated concentrations of nitrogen dioxide and particulate matter could be present within the proposed area and an air quality impact assessment would be required prior to any determination in order to assess the public health effects.

The Local Air Quality Management in Wales Policy Guidance also integrates noise policy; in that 'The purpose of Local Air Quality Management is to improve human health and quality of life. This improvement to health and quality of life will be greater if improved soundscapes are achieved alongside reductions in air pollution.



## **PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

Given that the existing noise maps show the proposed area to be in a NEC D and the Local Air Quality Management in Wales policy guidance am I minded to object to this application.

### **Pollution Control Division (amended comments)**

I've been through the report and note that it recommends further survey work to be carried out so that modelling can be developed to inform potential mitigation schemes.

Whilst the report shows calculated sound pressure levels that place the site in NEC C the report does not supply the raw data from the monitoring exercise carried out. The calculated levels place the night-time LAeq, 8hr at 65dB which is only just below the NEC D which recommends that planning permission should not be given.

Also, the survey was carried out on Thursday 15th September 2016 and so whilst potentially representative of a working week exposure the report refers to a power failure of the equipment but does not provide the data and time stamp for this.

I would continue to object to this application on the grounds of likely disturbance due to noise from the road traffic unless further data from this report or another acoustic survey is carried out that can provide evidence to support their view that mitigation will be effective in screening the effect of the M4 from the indoor and outdoor residential environments.

### **Planning Ecologist**

The submitted survey was constrained by the time of year it was undertaken. It was undertaken in December 2016 which is sub-optimal and in the report it states that this "did not offer good survey conditions."

Therefore, an Extended Phase 1 survey should be undertaken at an appropriate time of year and in light of the clearance work that has been undertaken on the site the report must include a SEWBReC data search. The survey and report must also include an assessment of any buildings/structures on the site that will be affected by the proposal and their potential to support breeding birds and /or roosting bats. Any additional surveys recommended by this report such as bat activity surveys must also be undertaken to inform any application.

### **Housing Department**

The Housing Service will require the provision of 30% affordable housing, phased in clusters throughout the site (phasing to be determined/negotiated).

We ask that the AH units include a range of DQR compliant house types/sizes to be transferred to a Registered Social Landlord/Council (to be determined/negotiated). The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

### **South Wales Police Designing Out Crime Officer**

I am pleased with the layout. The parking is within curtilage and/or overlooked.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

Entry onto the development must be restricted to the designated routes.

(Other specific comments made relating to designing out crime measures recommended to be incorporated into the development)

### **APPRAISAL**

This application seeks outline planning permission for the demolition of the existing buildings on the site and the construction of 40 dwellings including a new access road and replacement bridge. Access is the only reserved matter that is being considered. Details of the appearance, landscaping, layout and scale are reserved for future consideration.

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

Access to the site would be derived off Walters Road via a bridge spanning the Nant Bran, which is proposed to be replaced, the access would then follow the alignment of Felin Fran into the site before diverting to create a spine road that would meander through the site. Frontage development is proposed in the northern and southern sections of the access road with the residual development arranged in mainly terraces around two small cul-de-sacs. One standalone dwelling is proposed on the eastern site of the new access road.

The scale parameters for the terraced dwellings would be as follows: Width 6 - 8m, length 7 - 9m, ridge height 8 - 9m, eaves and eaves height 6 - 7m. The detached houses would have similar ridge and eaves heights, but are proposed to be 8-10m wide and 6-8m deep. The replacement bridge would have the following scale parameters: Width 5-6m, length 2.5m-3.5m and height 2m from the stream bed.

In terms of the site history, full planning permission was granted on the site in 2007 under planning permission 2006/1156 for 26 dwellings including highway improvements and a replacement bridge. A subsequent full application for an amended access road (to the 2006/1156 development) was approved in 2012 under Ref: 2011/1041. A further application (2012/0861) was submitted but later withdrawn to renew the 2007 planning permission. Whilst planning permission has previously been granted on this site, there are no extant planning permissions, and this current planning application must be considered in light of current planning policies and guidance.

### **MAIN ISSUES**

The main issues are the principle of the proposed development in this location, the impacts upon the character and appearance of the area, the impacts upon the residential amenity of existing and future occupiers, the impacts upon highway safety, health and safety considerations given the proximity of the high pressure pipeline that runs through the site, the consideration of the consequences of flooding at the site and the impacts of the development on nature conservation interests.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

As this is a major development the application has been accompanied by a Pre-application Consultation (PAC) report. This report has been carried out in accordance with statutory requirements set out within the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (as amended). The issues raised by statutory consultees and local residents have been addressed within the PAC report and are considered further within this report.

Planning Policy / Principle of the Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan is the City and County of Swansea Unitary Development Plan (UDP) which was adopted on 10th November 2008.

In line with the objectives of Planning Policy Wales (9th Edition) and TAN 12: Design (2016), UDP policies EV1 and EV2 seek to ensure new development is appropriate, inter alia, to its local context and integrates into the existing settlement with no detrimental impact on local amenity. Developments must have regard to existing site features and existing adjacent developments and the possible impact of environmental pollution from those developments including light, air and noise pollution (see also EV40).

Within the UDP proposals maps the application site is white land within the urban area, as such Policy HC2 is relevant which supports housing development where the site has been previously developed, which is not the case in this instance for the majority of the site, and where the site is not covered by conflicting Policies, subject to proposals complying with the technical requirements of the policy criteria. In addition, UDP policies EV3, AS1, AS2, AS5 and AS6 require that new development provide satisfactory access and facilities for parking. These Policies are expanded upon and supported by the Supplementary Planning Guidance (SPG) document 'Places to Live: A Design Guide' adopted in 2014.

The current proposal needs to be considered in the context of the surrounding area. The natural environment of this site is further supported by Policy EV30 which particularly seeks to protect and improve woodlands. This policy is supported by the SPG 'The Protection of Trees on Development Sites'.

With regard to foul and surface water drainage Policies EV33 and EV35 respectively require developments to be served by the public mains sewer and to provide satisfactory means of surface water disposal. Moreover, as the Nant Bran crosses the site in the south EV34 is relevant which states that 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.

As part of the site is located within a C1 flood zone, Policy EV36 is relevant which states that new development will only be permitted within such areas where developers can demonstrate that its location is justified and the consequences associated with flooding are acceptable.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

There is a high pressure gas main running through the site which presents a potential constraint to the development. Policy EV41 is therefore relevant which states that development of land in the vicinity of existing hazardous installations will not be permitted if there would be significant risk to life or health.

Affordable Housing provision on a site of this scale should be provided in accordance with Policy HC3 and Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations under Section 106 of the Town and Country Planning Act 1990. These provisions should be fairly and reasonably related in scale and kind to the individual development.

The broad principle of the development must be considered in light of the above Policies and the relevant national planning policies set out within PPW as well as taking into account the requirements of the Well-Being of Future Generations (Wales) Act 2015 (WBFG). The planning strategy requirements have moved on since the past approvals. There is now an emphasis on placemaking, active travel and community cohesion at the national and local level.

PPW, at paragraph 4.7.4, requires that new development is consistent with minimising the need to travel and emphasises that land use planning can help to achieve Welsh Government's objectives for transportation through, amongst other things, reducing the need to travel, especially by private car, by locating development where there is good access by walking, cycling and public transport (PPW paragraph 8.1.5). This ties in with the Council's requirement to take account of the Active Travel (Wales) Act 2013 which aims to make walking and cycling the most attractive option for shorter journeys, in particular, everyday journeys such as to and from a workplace or education establishment or in order to access health, leisure or other services or facilities. When determining planning applications for development that has transport implications, PPW at paragraph 8.7.1 states, amongst other things, that local planning authorities should take account of accessibility by a range of transport modes and, under paragraph 9.1.2, should promote development that is easily accessible by walking, cycling and public transport.

A strategic theme of the Council's SPG entitled 'Places to Live: Residential Design Guide' is 'Creating Sustainable Places'. Paragraph 4.4 states that 'new residential developments are an opportunity to help people live in a more sustainable manner. This includes establishing mixed communities, creating places which are not dependent on private car use and where walking is the preferred means of getting round for short trips. It also means providing safe and overlooked open spaces and streets to encourage a healthy lifestyle and making the best use of land'.

The site is sandwiched between the M4 motorway and rail line that is in active use. Both are on embankments. The only access to the site is from the south off Heol Las/ Walters Road and the active travel links (walking and cycling) in both directions to Birchgrove and Llansamlet must pass under the bridges of the M4 and railway. This gives the site an isolated character, with limited active frontage and the active travel routes using the bridges are hostile and not conducive to walking and cycling. Passage under the railway bridge is especially constrained by the narrowness of the footway, which would be difficult to use for those in wheelchairs or pushing prams.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

Whilst the site is a 700m walking distance from the local commercial centre proposed as part of the Swansea Vale mixed use strategic site as set out in the Deposit Local Development Plan (SDA site I), as indicated above the walking route to this facility is hostile and the only footway is on the south side of Heol Las with a pinch point under the railway bridge. Therefore for these reasons it is considered that this development will be car dependent which goes against the national emphasis on supporting and encouraging walking and cycling for local trips.

The isolated location of the development and the lack of safe and accessible pedestrian and cycle links to it therefore weighs heavily against the proposals which would be contrary to UDP Policies AS1, HC2 (vii(c)), the 'Places to Live: Residential Design Guide' SPG and PPW.

### Design and Layout / Visual Amenity

The outline application is accompanied by an illustrative layout, however, having regards to the comments received from the Council's urban design officer, it is considered that this does not represent an acceptable way of developing the site for 40 dwellings. As access is being considered at this stage, this application therefore proposes to fix the street structure of the development.

The main street running north south within the site lacks active frontage for half its length (approx.150m). This is may be due to the gas main easement but is not explained in the Design and Access Statement. There is a further run of 120m in the north of the site where the layout shows houses side on to the main street. The single isolated house on plot 1 is not sufficient to address this issue. The lack of active frontage along the main street will create a dependence on cars which goes against the national planning strategies and the adopted Swansea Residential Design Guide.

The result is a street that does not encourage walking or cycling due to the lack of natural surveillance. Moreover the dwellings are designed in blocks of terraces with frontage parking that would not allow for cycle parking to the front or the rear for the majority of the dwellings. The frontage parking will dominate the public realm and would be contrary to the adopted residential design guide that requires frontage parking to one side only and not to take up more than half the plot width.

A site for 40 homes could support almost 100 people including children, however there is no useable open space or play provision indicated in accordance with the Fields in Trust Guidance and the adopted Residential Design Guide. Whilst there appears to be large areas sterilised due to the gas main, these are left over areas that are not well overlooked and are not suitable as open space/play.

Some houses are less than 21m apart back to back and others have rear gardens that are less than 10m which would result in unacceptable overlooking of the neighbouring properties.

The layout doesn't show the canopy spreads of mature trees along the site boundaries (outside the redline) on the embankments which are stated to be retained in 2.2 of the Design and Access Statement. These trees, due to their height and orientation in relation to the proposed dwellings, particularly on the western side of the site, would shade the garden areas and potentially result in overbearing impacts upon the future occupiers when in their dwellings and gardens.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

Whilst the layout is indicative, it must represent an acceptable way to develop the site for the numbers of dwellings proposed and, as outlined above, the development as indicated falls short of achieving the objectives of good design and would therefore be contrary to AS2, EV1, EV2, HC2 and the SPG 'Places to Live: A Design Guide' adopted in 2014'. Whilst some aspects could be amended to reduce the list of issues above, there is still the issue of lack of active frontage along to the main access street, which will impact on the number of dwellings that can be accommodated at the site.

### Residential Amenity

As indicated above there are several instances where back to back relationships would not accord with the minimum 21m separation distances set out within the design guide SPG, notably between plots 12 and 23 -24, and between 15 and 20 - 21. The back to side relationship between plots 31 and 27 would also not achieve the minimum 12m separation distance specified within the design guide SPG.

Moreover the proximity of the dwellings to the large trees along the railway embankment, as indicated above, would potentially result in significant overbearing and overshadowing impacts upon the occupiers of these properties. The plots most affected on the indicative layout would be 11, 24, 25, 31-38.

It is accepted that the layout could be amended to potentially address these impacts, however, given the size of the trees, their proximity to the site, and that they are not within the ownership of the applicant, it is considered that addressing this constraint would impact on the overall number of dwellings proposed under this application.

The proximity of the site to noise from the motorway and the railway line represent a significant constraint to the development of the site. When at the site the noise from traffic on the motorway was clearly noticeable.

A noise survey has been submitted which recommends further survey work so that modelling can be developed to inform potential mitigation measures. Whilst the calculated sound pressure levels place the site in Noise Exposure Category (NEC) C, the calculated night time levels would place the site just below NEC D where national planning advice set out in TAN 11: Noise recommends that planning permission should not be given. The Council's Pollution Control Division have been through the noise assessment and object to the application on the grounds that the excessive noise from road traffic would be detrimental to the living conditions of the future occupiers. This objection is maintained in the absence of data or a further survey that can provide evidence to demonstrate that mitigation will be effective in screening the effects of the M4 traffic from the indoor and outdoor residential environments.

It is accepted that noise levels within the proposed dwellings could be mitigated through the use of acoustic insulation. However, no evidence has been provided to demonstrate that this would reduce noise to an acceptable level. The effectiveness of such measures may be dependent on windows being closed, which can lead to difficulties during warm weather and would be far from a practical approach to modern living.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

For these reasons it is considered that the development has not taken into account the proximity of existing adjacent developments and their environmental impacts, specifically in terms of noise, upon the future occupiers of the development. For this reason the development is considered to be contrary to UDP Policies EV2 (xiii) and EV40.

In terms of air quality, given the proximity of the motorway to the site, there is also the realistic possibility that elevated concentrations of nitrogen dioxide and particulate matter could be present within the proposed area and the Council's Pollution Control Division have confirmed that an air quality impact assessment would be required in order to assess the public health effects of the development. In the absence of this information, it is considered that the applicant has not provided sufficient information to fully assess the potential health impacts of approving a residential development in such close proximity to the M4. For this reason the development would be contrary with UDP Policies EV2 (xiii) and EV40)

For these reasons the development as proposed is not considered to be acceptable as the development would result in unacceptable living conditions for the future occupiers by virtue of the harmful overbearing and overshadowing impacts from trees and the overbearing and overlooking impacts by virtue of the proximity of the buildings to one another. Moreover it has not been demonstrated that the development would not have a harmful impact upon the living condition of the future occupiers by virtue of the proximity of the M4 and the noise and air pollution arising from it. The development would therefore be contrary to UDP Policies EV1, EV2 (xiii), EV40, HC2 and the SPG entitled 'Places to Live: A Design Guide'.

### Access and Highway Safety

Access to the site is across a substandard weight restricted bridge. In order to develop the site it is proposed to replace the existing bridge, however, no details have been provided for assessment at this stage.

Concerns have been raised by an objector relating to the need to provide continued access while the bridge is being replaced. This would be a matter for the highway authority to agree with the developer through an appropriate construction method statement.

The highways officer has offered no objection to the proposed road layout and is satisfied that the traffic arising from this development can be accommodated on the highway network without any significant highways safety impacts. Concerns have been raised in a letter of objection that the development may result in increased congestion on Heol Las where the road narrows and parked vehicles make it difficult to pass. In response to this objection, the Transport Statement (TS) sets out the total number of vehicles passing the site entrance in the AM and PM peak hours. The vast majority of vehicle movements are heading towards Swansea in the morning and away from Swansea in the evening. The TS uses information from the TRICS database which contains details of trip generations from sites across Britain to estimate the trip generation of the development. According to the database the proposed developments could attract and produce on average 231 vehicle movements on a typical day. During the morning peak hour 7 vehicles arrive and 18 vehicles depart. During the evening peak hour 18 vehicles arrive and 10 vehicles depart. It is considered the predicted number of vehicle trips arising from the development using the surrounding road network, including Heol Las, can be accommodated without any significant detriment to highway safety.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 1 (CONT'D)

APPLICATION NO:

2017/1684/OUT

The highways officer has confirmed the access improvements and new bridge will need to be constructed under a Section 278/38 Agreement with the Highway Authority as part of the new road involves incorporation of the existing adopted highway on Felin Fran.

The highways officer has raised no objection to the application subject to the various requirements set out in the above highways comments. The requirements relating to parking, boundaries, bridge details and Felin Fran highway improvements could be addressed via planning conditions. The requirements for a construction method statement for the development could be addressed by an informative.

In light of the above and having regard to the highways officers comments, it is considered that the proposed vehicle access arrangements are acceptable and, subject to conditions, the development would not result in any significant highway safety impacts. In this respect the development would accord with the requirements of UDP Policies HC2 and AS6.

#### Land Contamination

There is potential land contamination at the site given the industrial history of the lower Swansea Valley. NRW has highlighted concerns that the Nant Bran crosses the site as such the potential risks to controlled waters at the site are not yet fully understood. In order to address these concerns NRW has recommended a suite of conditions, which are considered to be necessary to address potential contamination issues at the site and their associated environmental impacts.

Subject to conditions, therefore, the development would not conflict with UDP Policy EV39.

#### Flood Risk and Drainage

NRW has confirmed that part of the site is located within a flood zone C1 defined by the development advice maps referred to under TAN15 Development and Flood Risk. The proposed residential use of the site is classed as highly vulnerable development. NRW flood maps, which are updated on a quarterly basis, indicate that part of the access road within the site and the junction with Walters Road are at risk of flooding during the 1% annual probability event. TAN 15 sets out a precautionary framework and directs new development away from areas that are at a high risk of flooding. Developments must be justified under the tests set out in Section 6 of TAN15. The development is not part of a local authority regeneration initiative or a local strategy required to sustain an existing settlement and is not necessary to contribute to key employment objectives to sustain an existing settlement. Importantly the site does not meet the definition of previously developed land and the applicant has not provided any supporting information in the form of a flooding consequences assessment to demonstrate that the consequences of flooding are acceptable. The development is not therefore justified under TAN15 and the applicant has not demonstrated that the consequences of flooding at the site are acceptable. For these reasons the development is considered to be contrary to the advice contained within TAN15 and contrary to the requirements of Policy EV36 and EV2 (ix).

The Council's drainage officer has requested details of one workable solution for the disposal of surface water at the site. The application forms do not indicate how surface water would be disposed of.



## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

Following a site visit, ground conditions at the site did not appear to be conducive to infiltration drainage, there was standing water at the site and a linear land drainage feature in the south eastern portion of the site. In view of the fact that part of the site is located within a flood zone, there is a potential for the development of this site to result in increased flooding at the site and elsewhere. Moreover, in the absence of any substantial information to demonstrate how the site can be drained there is a risk that surface water drainage infrastructure requirements may impact on the developable area at the site. In view of the foregoing it is considered that the applicant has failed to demonstrate that the development would not have an adverse impact on the water environment and would therefore be contrary to UDP Policy EV35.

Foul water is proposed to be discharged to the mains system and DCWW has confirmed that no problems are envisaged with the waste water treatment works serving this development. This aspect of the proposal is therefore considered to be acceptable.

### Health and Safety

The application site is traversed by the Llandarcy / Pontarddulais gas pipeline. The HSE have responded via their automated online planning advice service advising that there is sufficient reasons on safety grounds for advising against the granting of planning permission. The map accompanying the advice indicates that the inner, middle and outer zones of the pipe cover the majority of the access and areas proposed for the dwellings, with only the far northern portion of the site lying outside of these zones. Whilst the pipeline operator 'Wales and West Utilities' have not objected to the application, in view of the HSE's comments and in the absence of any information to direct otherwise, it is considered that the proximity of the site to the pipeline represents a potentially significant risk to life and would mean that the development of this site would be contrary to Policy EV41.

### Ecology and Trees

The application has been accompanied by an ecological survey. The Council's planning ecologist has previously visited the site, prior to its clearance, and has noted that the site was of SINC quality and had at least 25 marshy grassland indicator species in 2016. The Council's ecologist considers the ecological survey was constrained by the time of year it was undertaken (December), which is sub-optimal and the report states that this 'did not offer good survey conditions'. In these circumstances the Council's ecologist has requested an Extended Phase 1 survey should be undertaken at an appropriate time of year and this must include a SEWBRc data search and an assessment of any buildings/structures on the site that will be affected by the proposal and their potential to support breeding birds and /or roosting bats.

The ecological survey highlights a number of recommendations, importantly in relation to the site layout. The survey recommends the oak trees, ditch and bank running across the site should be retained, however, no information has been submitted to demonstrate that this feature will be retained, or that their loss can be compensated for within the development.

In view of the foregoing it is not considered that the application has been accompanied by sufficient information to demonstrate that the development would not have a significant impact on nature conservation or that any impacts could be mitigated.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

For this reason the application is considered to be contrary to UDP Policy EV2 (v), which requires developments to undertake at the earliest opportunity an assessment of species and habitats on site and implement any necessary mitigation measures.

The Council's environment officer has recommended a condition in relation to the presence of Japanese knotweed at the site. The ecological survey notes there is Japanese knotweed adjacent to the site and given that the site was recently cleared when the ecological survey was undertaken any traces of this invasive plant may not have been evident on the site at the time of the survey. For this reason, and having regard to the environment officer's comments, it would be reasonable to impose a condition requiring a scheme for its eradication should any be found within the application site.

In relation to trees on the site the Council's tree officer has noted the potential conflict between the trees and proposed dwellings on the western boundary in terms of their overbearing and overshadowing impacts; moreover, there are also trees of value within the site as recognised by the applicant's ecologist. No information has been submitted to demonstrate how these trees within the site will be retained and incorporated into the development as a green infrastructure feature. As access to the development is being considered at this stage the street structure will be fixed therefore the impact of the road layout on the trees must be considered at this stage.

The Council's SPG 'The Protection of Trees on Development Sites' clearly sets out that a tree survey should be commissioned as early as possible in the development process to inform the scheme design. Within the document the proximity of trees to buildings and the potential conflicts arising from this are referred to as are the requirement for outline applications to be accompanied by a tree survey and an arboricultural impact assessment where an indicative layout shows development close to trees.

In the absence of any arboricultural information to address the above concerns it is considered that this application has failed to take into account existing features within the site and its surroundings. This would conflict with Policies EV2, EV30, HC2 and the SPG 'The Protection of Trees on Development Sites', which amongst other things, require developments to have regard to existing site features, encourage the retention of important trees and ensure developments do not result in significant adverse effects in relation to landscape and natural heritage.

### Planning Obligations / S106 Issues

Policy HC17 allows the Local Planning Authority to enter into negotiations with developers to deliver planning obligations, which can enhance the quality of the development and enable proposals to go ahead which might otherwise be refused. Any proposed obligation must be necessary to make the development acceptable in planning terms, directly related to the development, fair and reasonable in scale and kind to the proposed development.

### Recreation Provision

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

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

The Council's Parks have not requested a contribution towards play facilities in the area. There are play parks to the north within the Ynysallan estate and Tregof. Moreover the proposed development of the land to the west of the railway line will likely provide additional play provision in this area. However, as identified above the surrounding play provision is some walking distance from the site with the Tregof play park being the nearest at some 600m. Residents of the development are unlikely to walk or cycle to this park given the lack of natural surveillance for much of the route and the unwelcome and unsafe approach under the railway bridge. The indicative details do not include the provision of a play area. However, it is recognised that the development is for 40 dwellings only as such it is considered it would be unreasonable to require the provision of a dedicated formal play area to serve this site and the several existing dwellings on Felin Fran. However, the lack of play provision for the development and the distance/lack of accessibility to surrounding play areas does weigh against the proposal.

### Education

In terms of an Education contribution the proposed development would generate the equivalent of 12 primary school places and the cost of providing these places is estimated to be £124,464. It would also generate an equivalent of 9 secondary school places and the cost of providing these places is estimated to be £142,632.

The Education department have confirmed that the English medium catchment school of Trallwn Primary currently has capacity (23.72%) and is forecasted to reduce to 20.80% by September 2023. The Welsh medium primary school of YGG Lon Las has limited capacity (15.94%), and based on January 2017 figures is expected to be reducing to 7.78% by September 2023. Based on the projected surplus capacity figures the Education department have not requested a financial contribution for primary schools.

In terms of secondary provision, there is currently capacity at Cefn Hengoed Comprehensive (12.38%), however, based on January 2017 figures, this is expected to be reduced to 3.25% (26 pupils) by September 2023. The Welsh medium secondary school YG Bryn Tawe based on January 2017 figures had 35.74% unfilled places, however by September 2023 is expected to be reduced capacity down to 22 (1.79%).

On the basis of the above the Education department have requested the full contribution for secondary schools of £142, 632.

The proposed development would not take Cefn Hengoed Comprehensive over its stated capacity in 2023 as such, even when taking into account the extant planning permission for the residential development at the former Four Seasons Club, Trallwn Road, the pupils generated from the proposed developments would not take Cefn Hengoed Comprehensive over its stated capacity. On this basis it is not considered reasonable or necessary to request an education contribution for this school in order to make the development acceptable in planning terms.

In terms of the YG Bryn Tawe, there are several developments benefiting from planning permission that would reduce the available capacity at Bryn Tawe, however, even when taking these developments into account the proposed 2 Welsh medium pupils potentially arising from this development would not take Bryn Tawe over its stated capacity.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

On the basis of the above it is not considered that the impact of this development on catchment schools would be sufficient to justify a recommendation of refusal in this instance. As a consequence it is not considered necessary in planning terms for the developer to provide an education contribution.

### Affordable Housing

The planning application forms state that of the 40 dwellings proposed 12 of the units would be social rented dwellings. This would equate to 30% of the development and this level of provision would be in accordance with the Council's Policy on affordable housing (HC3) which is supported by the 'Planning Obligations' supplementary planning guidance. The Council's Housing officer has indicated that the level of provision would be satisfactory. Had the development been considered acceptable in all other respects the provision of affordable housing on the site would have been secured by a Section 106 planning obligation.

### Housing Need

It is accepted that the Council does not currently have a 5 year supply of residential land as required by PPW. Clearly the lack of a 5 year supply is a significant material consideration that weighs in favour of the proposal. Technical Advice Note 1: Joint Housing Land Availability Studies 2015 (TAN 1), states that the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national policies. However, from the above appraisal, it is evident that there are many aspects of the current proposal that would fail to comply with development plan policies. For this reason, despite the Council not having a 5 year land supply, this fact would not tip the planning balance in favour of approving the development which would be contrary to development policies.

### Other Matters

Concerns raised in a letter of objection relating to the gas pipeline, noise from the motorway, access and services during the bridge replacement, ecology, traffic congestion and Japanese knotweed have been addressed above. In relation to concerns that any conditions imposed by the Council may be disregarded by the developer when constructing the site, such concerns are given little weight in the determination of this planning application. Whether or not an applicant or developer breaches any conditions of their planning permission is a matter that can be addressed at the proper time and not at this stage before planning permission has been granted and before works have commenced.

### Conclusion

This is an outline planning application with 'access' being considered at this stage. It is accepted that approval of this application would contribute to the Council's housing land supply which has fallen below 5 years, however, the site is located in an isolated and unsustainable location in terms opportunities for safe active travel. Residents of the development would be heavily dependent on car usage. There are specific technical issues relating to the design/layout of the scheme resulting from the street structure, in addition to flooding, noise, ecology, trees, air quality and safety concerns relating to the high pressure gas main that runs through the site.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

For these reasons the development would fail to comply with UDP Policies AS1, AS2, EV1, EV2, EV30, EV35 EV36, EV41 and HC2. Moreover the development would not accord with the guidance contained within the SPG entitled 'Infill and Backland Design Guide' and 'The Protection of Trees on Development Sites'. Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this decision, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act. For the above reasons the application is accordingly recommended for refusal.

### RECOMMENDATION

#### **REFUSE, for the following reasons:**

- 1 The proposed development by virtue of its isolated location sited away from facilities and services and lack of safe and accessible pedestrian and cycle links would be contrary to Policies AS1 and HC2 of the City and County of Swansea Unitary Development Plan (2008), contrary to the supplementary planning guidance entitled 'Places to Live: Residential Design Guide' and contrary to Planning Policy Wales (Edition 9)
- 2 The layout of the development, established by the street structure, would fail to provide active frontages onto the street, it would create an unwelcome street environment that would not encourage active travel. The separation distances between dwellings and between mature trees near the site boundaries would be insufficient and would result in harmful impacts upon the living conditions of future occupiers in terms of overbearing, overshadowing and overlooking impacts. The development would therefore be contrary to Policies AS2, EV1, EV2 and HC2 of the City and County of Swansea Unitary Development Plan (2008) and would be contrary to the supplementary planning guidance entitled 'Places to Live: Residential Design Guide'
- 3 The site is crossed by a high pressure gas pipeline, the proximity of the development to the pipeline would presents a significant risk to the lives of the future occupiers of the development which would be contrary to Policy EV41 of the City and County of Swansea Unitary Development Plan (2008)
- 4 The applicant has not provided sufficient information to demonstrate that the development would not result in significant impacts upon the health of the future occupiers of the development from noise disturbance and air quality related health problems by virtue of the proximity of the site to the M4 motorway. The development would therefore be contrary to Policies EV2 and EV40 of the City and County of Swansea Unitary Development Plan (2008)

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 1 (CONT'D)**

**APPLICATION NO:**

2017/1684/OUT

- 5 The applicant has not provided sufficient information to demonstrate that the consequences of flooding at the site are acceptable or can be managed or mitigated to an acceptable level. Moreover the applicant has not provided sufficient information to demonstrate that surface water can be effectively disposed of from the site without resulting in adverse environmental impacts including flooding within the site or elsewhere. The development is therefore contrary to Policies EV2, EV35 and EV36 of the City and County of Swansea Unitary Development Plan (2008)
- 6 The applicant has not provided sufficient information to demonstrate that the development would not have a significant impact on the ecology of the area or that any ecological loss could be adequately mitigated. The development is therefore contrary to Policies EV2 of the City and County of Swansea Unitary Development Plan (2008)

**INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: AS1, AS2, AS5, AS6, EV1, EV2, EV3, EV30, EV33, EV35, EV36, EV39, EV40, EV41, HC2, HC3, HC17.
  - 2 **PLANS**  
Site Location Plan, SK01 (Refuse Vehicle Left in - Left Out Plan), SK02 (Refuse Vehicle Intermediate Section), SK03 (Refuse Vehicle Junction 2, 3 and 4), received 28th July 2017.
-

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 2

APPLICATION NO:

2017/2201/FUL

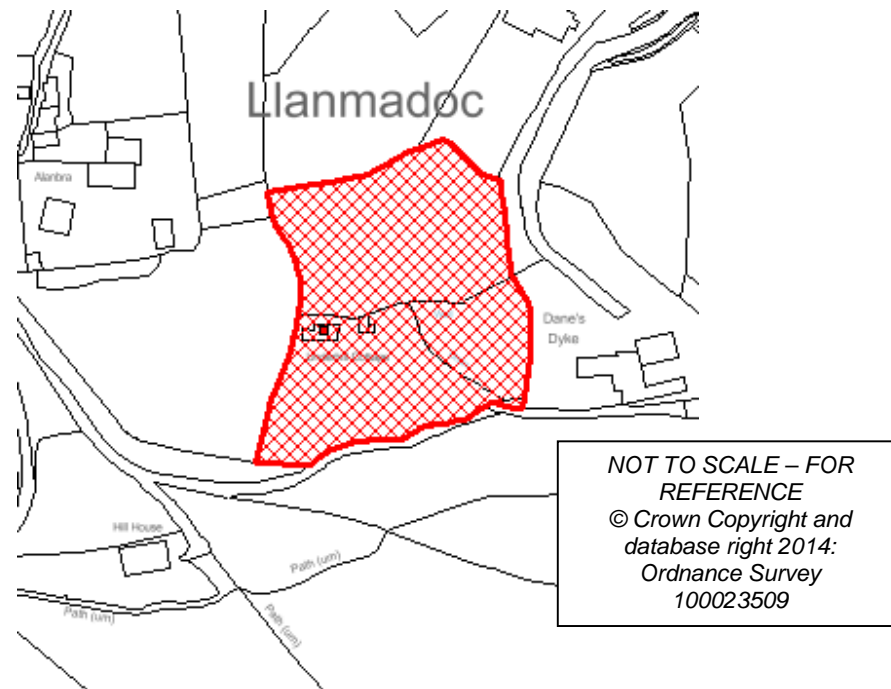
WARD:

Gower - Area 2

Location: Underhill , Llanmadoc, Swansea, SA3 1DB

Proposal: Replacement detached dwelling with detached garage

Applicant: Mr Mark Underdown



### **BACKGROUND INFORMATION**

#### **POLICIES**

##### UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

##### UDP - EV2 - Siting

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).

##### UDP - EV19 - Replacement Dwellings/Chalets

Replacement dwellings in the countryside, including residential chalets, will only be permitted where the residential use has not been abandoned, the proposed new dwelling is similar in terms of siting, scale, design and character and compliments the character of the surrounding area. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 2 (CONT'D)

APPLICATION NO:

2017/2201/FUL

UDP - EV22 - Countryside General Policy

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)

UDP - EV26 - Area of Outstanding Natural Beauty

Within the Gower AONB, the primary objective is the conservation and enhancement of the area's natural beauty. Development that would have a material adverse effect on the natural beauty, wildlife and cultural heritage of the AONB will not be permitted. (City & County of Swansea Unitary Development Plan 2008)

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/1522/FUL	Part two storey and part single storey side extension (incorporating glazed link, first floor balcony area and entrance porch), detached garage and fenestration alterations.	APP	15.09.2017
2017/2201/FUL	Replacement detached dwelling with detached garage	PDE	
2016/0947	Pre-application Replacement detached dwelling -	PREMI X	16.06.2016

### INTRODUCTION

This application is reported to Committee for determination as the proposal is considered to be contrary to Policy EV19 (replacement dwelling policy) and a recommendation of approval is being made.

### RESPONSE TO CONSULTATIONS

The application was advertised by means of a site notice and in the local press as development not in accordance with the development plan. No response has been received from local residents to this publicity exercise.

**Llanrhidian, Llanmadoc and Cheriton Community Council** - No objection

**The Gower Society** - We now note that the above application is the same as the previous 2017/1522 apart from the original core being demolished and rebuilt. As such our letter of 29th July 2017 still stands as follows :



## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2017/2201/FUL

We refer to the above application and we have the following comments to make:

1. The existing property appears to be being restored to its original vernacular external appearance but this is 'lost' within the development.
2. The extensions and additions dwarf the original property in footprint and height and this does beg the question as to how does this comply with the Design Guide.
3. Apart from the overall scale and use of uPVC the design is 'loosely' vernacular but we cannot ascertain how the finished development will sit within the open countryside. Whilst shown brown in the drawings the references mention/infer white lime render.
4. There are no first floor plans.
5. There appears to be no landscaping shown and a decent landscaping proposal could soften the finished construction.
6. The double story garage may look incongruous in the location shown and there should be a condition preventing future conversion to additional residential occupation.

Would you please take these points into consideration when arriving at your final decision.

**Council's Ecology Officer** - No response, therefore assumed no objection.

### APPRAISAL

This application relates to an attractive detached dwelling set within a spacious curtilage in a rural setting within Llanmadoc. The site lies within the Gower AONB and is designated as falling within the open countryside within the UDP Proposals Map.

Planning permission is sought to demolish the existing dwelling and erect a replacement detached dwelling and garage.

Full planning permission has recently been granted for a part two storey and part single storey side extension to the dwelling (incorporating glazed link, first floor balcony area and entrance porch), detached garage and fenestration alterations (Ref 2017/1522/FUL).

The proposed replacement dwelling is almost identical to the resultant building approved by virtue of the 2017/1522 planning permission. The key difference between the approved scheme and the proposed scheme is that originally it was proposed to extend the host dwelling (a householder application) whereas the current proposal seeks to erect a replacement dwelling and garage (new dwelling application).

The design and general appearance of the extended building are clearly established as being acceptable by virtue of the 2017/1522 planning permission. However, the merits of the current application must be considered afresh having particular regard to Policy EV19 (replacement dwelling policy).

The main issues for consideration relate to the visual impact of the proposal upon the character and appearance of the area and the wider AONB, the impact upon the residential amenities of the neighbouring properties, and highway safety, having regard to the provisions of the UDP and the Council's adopted Supplementary Planning Guidance document entitled 'A Gower AONB Design Guide'.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 2 (CONT'D)

APPLICATION NO:

2017/2201/FUL

As indicated above, the proposed overall design, scale, bulk and massing remain largely unchanged from that previously approved. The main variance being that this application seeks the demolition and replacement of the existing dwelling, rather than extensive extensions to the original dwelling house.

#### Policy Context

Policies EV1 and EV2 of the UDP require a development to relate satisfactorily to its local context and existing development patterns, integrate effectively with adjacent spaces and public realm, protect the amenities of the surrounding area including residential amenity, take into account and where possible retain landscape features, trees and hedgerows and have regard to visual and residential amenity and highway safety. Policies EV22 and EV26 of the UDP seeks to conserve and enhance the countryside and in particular the Gower AONB for the sake of its natural heritage, natural resources, historic and cultural environment and agricultural and recreational value.

Policy EV19 of the UDP relates to replacement dwellings in the countryside and permits such development where:

- (i) The residential use has not been abandoned,
- (ii) The proposed new dwelling is similar in terms of its siting, scale, design and character with the dwelling it is to replace, and
- (iii) The development complements the character of the surrounding area.

The main aim of these policies is to prevent the replacement of rural dwellings with inappropriate new development that detracts from the character of villages and the countryside in which they are set.

The proposal is discussed against criteria i) and ii) of Policy EV19 below. Criterion iii) is discussed in the 'Visual Amenity' section of this report.

It is clear that the dwelling is in use and therefore it is not considered that any abandonment issues arise, and as such the proposal is considered to satisfy criteria (i) of Policy EV19.

Whilst it is acknowledged that the dwelling may comply with criterion (i) of Policy EV19, it is not similar to the existing dwelling in terms of its footprint, scale and height and therefore is not considered to comply with criterion (ii). The application has therefore been advertised as a Departure from the provisions of the UDP.

The Supplementary Planning Guidance document entitled 'A Gower Design Guide' provides additional clarification with respect to proposals which depart from the provisions of Policy EV19 of the UDP. The Design Guide states that "it is not the intention of the UDP... to restrict proposals which would complement the character of the Gower in accordance with Policies EV19 (iii) and EV26."

The Design Guide also states "it would be a missed opportunity not to replace an existing nondescript or poorly designed dwelling with a better designed dwelling that enhances the appearance and character of the locale and the AONB."

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2017/2201/FUL

Furthermore, paragraph A1.29 of the Gower Design Guide states that "proposals may be considered an exception to the policy where the scheme is considered to be high quality in terms of sustainability and design exhibiting due regard for its rural location in the countryside."

Paragraph A1.35 of the Gower AONB Design Guide also states that "in addition to being high quality, proposals which wish to depart from the provisions of Policy EV19 should also be exemplars of sustainability. In this regard schemes which are high quality and... achieve at least Code for Sustainable Homes Level 4 in all criteria, may be considered favourably."

The design merits of the scheme are discussed below in the 'Visual Amenity' section of this report, together with the compliance of the scheme against the Gower AONB Design Guide.

### Visual Amenity

The application site lies within the southern part of Llanmadoc which has a dispersed pattern of development, as highlighted in the character settlement statement for the village as set out in the Gower AONB Design Guide SPG. In addition to this, the application site is accessed via a shared private access road serving a few isolated dwellings and this access road branches off from Kyfts Lane prior to entering the main linear part of the village. As such the site can be described as being in an isolated location, which although close to the edge of the village is considered to fall outside of settlement limits within an area of open countryside.

Section A1.32 of the Gower AONB Design Guide highlights three possible contextual styles to new dwellings - contemporary, modern vernacular and traditional. The proposal is relatively traditional in form, with some contemporary elements comprising of a glazed link and Juliet balconies with glass balustrades, a first floor balcony area and a mixture of traditional and contemporary window openings and fenestration styles. The dwelling is therefore considered in its current form to present a somewhat modern vernacular appearance. It is noted in paragraph 11.5 of the submitted DAS that "overall design concept has evolved from the idea of a main 'farm house' structure with the perception of subservient later extensions being added over time" and examples are shown of this approach in other areas of Gower in paragraph 11.4 of the DAS.

The proposal comprises a modestly proportioned main 'farmhouse' element with single window to either side of a central porch and three first floor windows above. This approach reflects the style and proportions of a typical Gower cottage (with side annexes) and is acceptable.

The central rear element reads as a contemporary addition which breaks up the bulk and massing of the building with a lightweight addition. Furthermore, the use of white render to the 'original' dwelling house reflects the existing character and local context and assists in breaking up the overall building massing which now reads as a series of linked buildings.

In terms of the roof detailing, the proposal has been designed having regard to Section A1.95 of the Gower AONB Design Guide SPG which notes that eaves and verge detailing should be simply detailed. The proposal includes 'clipped eaves' with no overhang and minimal bargeboard, fascias etc. thus avoiding an overly dominant and suburban character to the main roof and porch roof and providing a more appropriate rural aesthetic.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2017/2201/FUL

The proposed drawings reference the main materials to include natural slate roofing, lime render and random rubble 'Gower' stone plinth. These materials are consistent with those referenced for this area within the Gower AONB Design Guide, with the stone local to the area (page 111 of Gower AONB Design Guide). Samples of such, along with details of all other external finishes including roof lights and windows and doors will be required for approval via appropriately worded condition. Given that the application seeks total demolition of the existing dwelling, it is recommended that a photographic recording of the existing building be conditioned. This is requested as such photographic survey records serve as the only surviving documentation of buildings prior to demolition.

Overall, the proposed dwelling is considered to be of an acceptable design and general appearance that respects the visual amenities of this rural area and the Gower AONB. It is of sufficiently high quality and is based on a contextual design approach which references the best qualities of the rural location. The proposed garage is also considered to be acceptable in visual/design terms. On this basis, the design of the proposed development is considered to accord with the guidance set out in the Gower AONB Design Guide SPG and the provisions of Policies, EV1, EV2 EV19 (iii) and EV26 of the Swansea Unitary Development Plan 2008.

### Sustainability

Given the nature of this proposal, it is considered that this scheme should be an exemplar sustainable building. The applicant's agent has confirmed that the proposal will achieve Code for Sustainable Homes Level 4. This follows the approach required by the Gower AONB Design Guide for new dwellings which are contrary to the provisions of Policy EV19 (ii) of the UDP. This matter will be secured by the use of suitably worded conditions

### Residential Amenity

The application property is a detached dwelling that enjoys a relatively isolated setting. Although neighbouring properties exist (Danes Dyke to the east and Tallizmand and The Meadows to the north), the size of the application site is such that substantial separation distances between the new dwelling and neighbouring properties are achieved. Given these distance and relationships, it is not considered that the proposed development will have an impact upon the residential amenities of nearby occupiers by way of physical overbearance, overshadowing or overlooking.

Furthermore, the application property will retain sufficient amenity space following the development. Therefore, the low density and local pattern of development will not be compromised by the proposals.

### Access and Highway Safety

The proposal includes the demolition of a number of existing outbuildings and the provision of a new detached double garage of a standard design. This will also be completed in high quality finishes to match the parent building (Gower stone plinth, white lime render walls and natural slate roof covering). The proposed garage will be located south of the main dwelling, at the head of the main approach access drive, which is considered a logical and appropriate siting. There are no access or highway safety concerns in relation to the proposed development.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2017/2201/FUL

Responses to Consultation

The Gower Society have commented on the scale of the proposal and the proposed garage. These comments are noted and are addressed in detail above. Further reference is made to the proposed use of PVC; however, as indicated above, all external finishes are subject to further approval. Finally it is suggested that the application does not include first floor plans. However, drawing number 008 (rev a) entitled 'proposed first floor plan' forms part of the application and shows the proposed first floor of the dwelling.

Conclusion

For the reasons set out above, it is considered that the development accords with Policies EV1, EV2, EV22 and EV26 of the UDP and the Gower AONB Design Guide and will complement the character and appearance of the area.

In overall design terms, the proposal is considered to be of a high quality design and will demonstrate how well considered design can respond positively to the sensitive landscape of the countryside. The scheme clearly does not comply with criterion (ii) of Policy EV19, as it is not similar in terms of its scale, design and character with the dwelling it replaces.

However, the scheme is considered to be of a high quality and will achieve Code Level 4, which it is considered justifies a departure from the provisions of UDP Policy EV19, in accordance with the Gower AONB Design Guide.

The following recommendation is therefore made.

### **RECOMMENDATION:**

#### **APPROVE, subject to the following conditions;**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Location Plan, 06 Rev A Proposed Site Layout, 07 Rev A Ground Floor Proposed, 08 Rev A First Floor Proposed, 10 Rev B North and East Elevations Proposed, 12 Rev A Garage Plans and Elevations, received 12th October 2017. 09 Rev B Proposed Roof Plan, received 19th October 2017. 11 Rev C Proposed South and West Elevations, received 20th October 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Notwithstanding the drawings hereby approved, prior to the commencement of above ground level superstructure works, details or samples of the materials to be used (including details of roof lights, doors, windows, soffits/fascia boards and rainwater goods) in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details.  
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 2 (CONT'D)

APPLICATION NO:

2017/2201/FUL

- 4 The dwelling hereby permitted shall be constructed to achieve a minimum Code for Sustainable Homes Level 4 and achieve a minimum of 3 credits under category Ene1 - Dwelling Emission Rate, in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 5 The construction of the dwelling hereby permitted shall not begin until an "Interim Certificate" has been submitted to the Local Planning Authority, certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate, has been achieved for the dwelling in accordance with the requirements of the Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 6 The dwelling hereby approved shall not be occupied, until a Code for Sustainable Homes 'Final Certificate' is submitted to the Local Planning Authority certifying that a minimum Code for Sustainable Homes Level 4 and a minimum of 3 credits under Ene1 - Dwelling Emission Rate has been achieved for the dwelling, in accordance with the requirements of Code for Sustainable Homes Technical Guide, November 2010 (as amended).  
Reason: To ensure that the new dwelling constitutes an 'exemplar of sustainability' as required by the Council's Gower AONB Design Guide and so can be considered as an 'exception' to UDP Policy EV19.
- 7 Prior to the commencement of any demolition works on site, a photographic recording of the existing building(s) shall be undertaken and submitted to the Local Planning Authority.  
Reason : To ensure surviving documentation exists of the buildings prior to their demolition.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV19, EV22 and EV26.
- 2 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance e.g. live or dead animals or droppings, work should cease immediately and the advice of the Natural Resources Wales sought before continuing with any work (01792 634960).

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 2 (CONT'D)**

**APPLICATION NO:**

2017/2201/FUL

3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built
- Take or destroy an egg of any wild bird

Care should be taken when working on buildings particularly during the bird nesting season March-August.

4 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built
- Take or destroy an egg of any wild bird

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

---

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 3

APPLICATION NO:

2017/2220/FUL

WARD:

St. Thomas - Bay Area

Location:

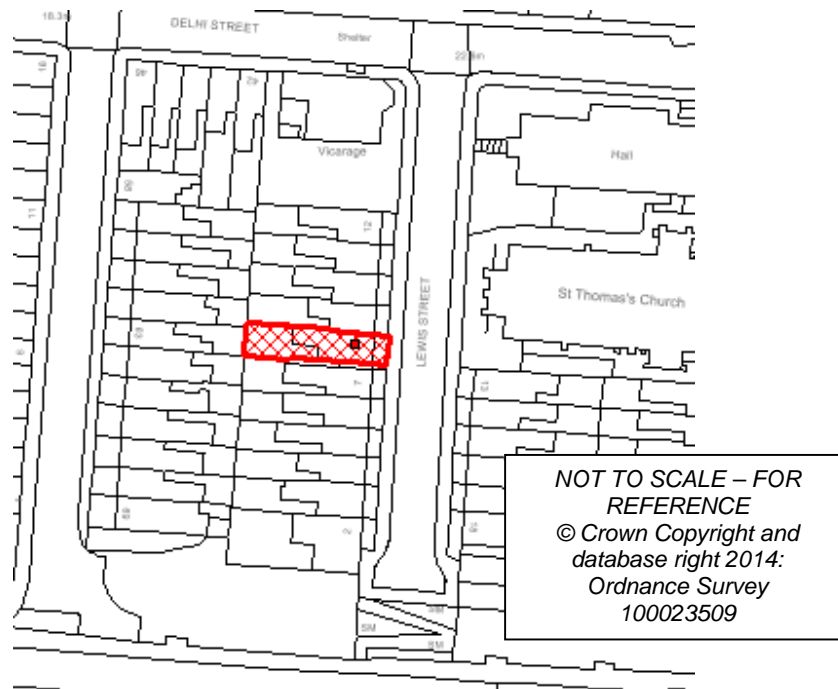
8 Lewis Street, St Thomas, Swansea, SA1 8BP

Proposal:

Change of use from residential (Class C3) to 3 bedroom HMO (Class C4)

Applicant:

Mr Gareth Reading



### BACKGROUND INFORMATION

#### POLICIES

UDP - EV1 - Design

New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).

UDP - EV40 - Air, Noise and Light Pollution

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC5 - Houses in Multiple Occupation

Proposals for the conversion of dwelling or non-residential properties to HMO's will be permitted subject to a set of defined criteria including the effect upon residential amenity; harmful concentration or intensification of HMO's in an area, effect upon the external appearance of the property and the locality; effect on local car parking and highway safety; and adequate refuse storage arrangements. (City & County of Swansea Unitary Development Plan 2008)



## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 3 (CONT'D)

APPLICATION NO:

2017/2220/FUL

UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

#### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/2169/PLD	Single storey rear extension (Application for a Certificate of Proposed Lawful Development)	IL	30.10.2017
2017/2220/FUL	Change of use from residential (Class C3) to 3 bedroom HMO (Class C4)	PDE	

#### APPRAISAL

This application has been called to Committee for decision at the request of Councillor Clive Lloyd.

#### RESPONSES TO CONSULTATIONS

**Public Response** - The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to Nos. 62, 63 and 64 Sebastopol Street and Nos. 7 and 9 Lewis Street on 23rd October 2017.

A site notice was also posted within the vicinity of the application site on 27th October 2017.

NINE INDIVIDUAL LETTERS OF OBJECTION have been received which are summarised below:

- Increase in anti-social behaviour
- Detrimental impact upon local services such as doctors and dentists.
- The council needs to support residents not landlords
- There is already one HMO in the street
- It can get very congested and hazardous crossing the road.
- Unsure how many people will be living there at one time
- It will contribute to a harmful concentration of HMOs in this street
- Policy HC5 of the Swansea UDP has grounds to refuse application that are breaching the 10% limit
- The Church and Church hall are vitally important to our community facilities and are a major influence in the quality of life to local residents
- There is a highway safety issue in the street and the Council should have designated parking in these facilities on floor space area

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 3 (CONT'D)

APPLICATION NO:

2017/2220/FUL

- We have had clarification that 10% in the street is a harmful concentration and the award of costs in planning appeals in Welsh Office Circular 23/93. The circular states that Planning Authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory bodies or consultees. They will be expected to show they had reasonable planning grounds for taking a decision contrary to such advice
- You do not need an SPG in place to make this decision because the report tells you 10% is a harmful concentration and is adopted in Wales not just Swansea
- Community spirit will be lost
- Parking is a problem in the area
- A precedent has been set
- Please consider the impact these HMOs are having on families who want to find affordable social housing.

TWO OBJECTION PETITIONS have been received one containing 29 signatures and one containing 3 signatures.

The comments on the petitions are as follows:

*"There has been an alarming increase of HMO (House of Multiple Occupation) Applications in our community to change existing small family residential property for HMO purposes. The HMO sector have the poorest conditions you only have to look at our area and to go to the Uplands and Castle Wards to see what local residents deal with and effect it has caused. We want to oppose the harmful concentration of HMO Applications because they will have an adverse effect on the character of our community".*

The grounds for objection raised in one of the petitions include increase in noise, nuisance, anti-social behaviour and lack of privacy, reference to an existing HMO in the street, fear of crime and personal safety, transport implications, vehicle congestion, existing parking problems, overcrowding of housing facilities, cycling not a realistic proposal for this mid terrace property, environmental issues for the collection of renewable and black bag collections , result in significant harm to health, wellbeing, increase stress and reduce community spirit.

**Dwr Cymru** - No objection subject to informatives.

### Highway Authority

The current Parking Standards allow for up to six people in a property without the need for any additional parking. Prior to the introduction of the C4 Classification (for between 3 and 6 persons) in March 2016 up to six people could share without the need for planning permission.

Given that the parking standards do not reflect the new use class C4 and based on recent appeal decisions I do not consider that a refusal from highways could be justified at appeal despite ongoing concerns regarding the cumulative impact of increasing sizes of HMO's in the area.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 3 (CONT'D)

APPLICATION NO:

2017/2220/FUL

As part of the HMO SPG currently being drafted a review of the existing parking standards which specifically relate to HMOs and purpose built student accommodation will be included. This is not yet in place and in the interim the existing SPG on parking is the relevant document that any Inspector would use in a Planning appeal situation.

This application is for a change of use from C3 to C4 (for 3 people) hence it is still below the six person threshold.

#### **Description**

Full planning permission is sought for the change of use of a residential dwelling (Class C3) to a 3 bedroom HMO (Class C4) at No. 8 Lewis Street, St Thomas.

The application is a two storey, mid terraced dwelling currently occupied as a dwellinghouse. Floor Plans submitted indicate the ground floor is laid out to a living room, dining room, kitchen and outhouse whilst the upper floor contains 2 bedrooms and a bathroom. Plans indicate the only change being the alteration of the existing ground floor dining room into a bedroom.

Plans further indicate cycle storage to be within an existing outhouse attached to the ground floor including bin storage to the rear.

No external alterations are proposed and as such the proposal will have no impact upon visual amenity.

#### **Main Issues**

The main issues in the consideration of this application relate to the principle of this form of use at this location and the resultant impact of the use upon the residential amenities of neighbouring occupants and highway safety, having regard to Policies EV1, EV40, AS6 and HC5 of the City and County of Swansea Unitary Development Plan (2008). The application is also considered with regard to the Council's Supplementary Planning Guidance document entitled 'Swansea Parking Standards'.

#### **Principle of Use**

Until March 2016 planning permission was not required for the use of a property as a HMO for up to 6 people and as such there has been historically a large concentration of HMO properties in some parts of Swansea which has happened predominantly without planning permission being required.

Following concerns raised by Local Authorities throughout Wales in respect of areas with a high concentration of HMOs an amendment to the Use Class Order was made, introducing a separate C4 use for HMO properties with more than two people living in them. The amendment was made in order to safeguard the confidence of residents in areas with large numbers of HMOs, while at the same time protecting the rights of those people living in them/

Policy HC5 of the Swansea Unitary Development Plan supports the conversion of dwellings to HMOs subject to compliance with set criteria:

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

2017/2220/FUL

- (i) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance.
- (ii) The development would not contribute to a harmful concentration or intensification of HMOs in a particular area.
- (iii) There would be no adverse effect upon the external appearance of the property and the character of the locality.
- (iv) There would be no significant adverse effect on local car parking and highway safety, and
- (v) Appropriate refuse storage arrangements can be provided.

The criterion of the above is addressed below.

Would the proposal result in a significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance?

Regard needs to be given to the fact that a family could occupy the property under the extant lawful use of the premises and as such it is not considered that the use of the premises for up to three people as a HMO would result in an unacceptable intensification of the use of the building over and above that which could be experienced as a dwellinghouse. There is no evidence to suggest that this proposal would result in any harm to neighbouring occupiers by virtue of noise, nuisance or other disturbance.

As such the proposed use will not result in unacceptable noise and disturbance which could reasonably warrant the refusal of this application. The proposal is considered to respect residential amenity in compliance with the provisions of Policies EV1, EV40 and HC5 of the City and County of Swansea Unitary Development Plan.

Would the development contribute to a harmful concentration or intensification of HMOs in a particular area?

In 2015 the Welsh Government commissioned a study into the impact of houses in multiple occupation (HMOs) concentrations on local communities in certain areas across Wales. The Welsh Government identified that HMOs make an important contribution to the provision of housing for those unable to buy or rent smaller accommodation but the study revealed common problems associated with high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increased in anti-social behaviour, noise, burglary and other crime, reduction in the quality of the local environment, a change in the character of the area, increased pressure on parking and a reduction in provision of community facilities for families and children, in particular pressure on schools through falling rolls. The research recommended that the definition of a HMO be changed and that the Town and Country Planning (Use Classes) Order 1987 be amended to give Local Authorities the power to manage the development of HMOs with fewer than seven residents, which previously would not have required planning permission.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/2220/FUL

Following the change in legislation the Welsh Government published a document entitled 'Houses in Multiple Occupation: Practice Guidance' (February 2016). Within this it is identified that HMOs provide a source of accommodation for certain groups which include students and individuals and/or small households unable to afford self-contained accommodation. It further identifies the concerns, as set above, that were raised in the study into HMOs as well as setting out good practice measures in relation to the management of HMOs.

It is noted from the Council's own HMO register that there are no registered HMO properties along Lewis Street (as of 24th November 2017), however, in terms of HMOs outside the Castle and Uplands Wards only larger properties are captured by Mandatory Licencing. It is acknowledged, however, that planning permission has been granted for the change of use of No. 3 Lewis Street to a 4 bedroom HMO (Ref:2016/1604) on 10th February 2017 and reference to an existing HMO has been cited by objectors.

Whilst work commenced on Supplementary Planning Guidance this has not been accepted or adopted by the Council. As such no weight can be given to the document in this application process. Notwithstanding this in general principles the purpose of the draft SPG was to manage and limit HMOs in order to protect amenities whilst at the same time meeting the demand for increases in demand. Planning inspectors have determined at appeal stage on similar HMO proposals that where there is no adopted Supplementary Planning Guidance in place assessing impact depends on a planning judgement in each case.

Lewis street contains 18 residential properties, 1 of which has been approved to be a HMO alongside other uses including St Thomas All Saints Church and a Church Hall. On the basis of the application property and general character of the area including small scale nature of the proposal for up to 3 people sharing it cannot be regarded that the provision of an additional HMO in the street, resulting in a total of 2, would cause harm here in terms of being a harmful concentration. There is no evidence to that effect to demonstrate harm from 1 additional HMO.

There would be no adverse effect upon the external appearance of the property and the character of the locality

There are no external alterations proposed to the property and accordingly no adverse effect upon the external appearance or character of the locality.

There would be no significant adverse effect on local car parking and highway safety

Whilst the objections received from local residents are noted, regard needs to be given to the Adopted SPG Parking Standards. For a HMO for up to 6 persons there is no requirement for additional parking over and above that of a dwelling house. The applicant has also provided details of secure cycle storage.

In view of the above, the proposal is not considered to have any greater impact on highway safety or parking over and above the existing extant use of the property in compliance with the provisions of Policies EV1, HC5, EV40 and AS6 of the City and County of Swansea Unitary Development Plan.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 3 (CONT'D)

APPLICATION NO:

2017/2220/FUL

### Appropriate refuse storage arrangements can be provided

As above, the refuse storage can be provided within the rear yard.

### Conclusion

It is considered that the Local Planning Authority has no evidence to suggest that the use of the property as a HMO would result in a harmful concentration of HMOs within this area. Furthermore the proposal would have an acceptable impact upon the visual amenities of the area, the residential amenities of neighbouring properties and highway safety, having regard to the provisions of Policies EV1, EV40, HC5 and AS6 of the City and County of Swansea Unitary Development Plan.

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

### RECOMMENDATION

#### **APPROVE subject to the following conditions:**

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.  
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site location plan, received 16th October 2017. (C) 003 REV A proposed plans, multi-store details, wall mounted sheffield stand, received 16th November 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 The facilities for the storage of cycles and storage of refuse as set out on the approved drawings shall be implemented prior to the beneficial use of the development and shall thereafter be retained for the approved use and not used for any other purpose  
Reason: In the interests of providing facilities for sustainable transport, highway safety and general amenity.

### INFORMATIVES

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV40, AS6 and HC5.

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 3 (CONT'D)**

**APPLICATION NO:**

2017/2220/FUL

- 2 the planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water Industries Act 1991.
-





**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

**UDP - EV20 - New Dwellings in the Countryside**

In the countryside new dwellings will only be permitted where justification is proved in terms of agriculture, forestry or the rural economy; there is no alternative existing dwelling in nearby settlements; and the proposed dwelling is located close to existing farm buildings etc. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV22 - Countryside General Policy**

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)

**UDP - EV23 - Green Wedges**

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)

**UDP - EV24 - Greenspace System**

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)

**UDP - EV30 - Trees, Woodland and Hedgerow Protection**

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)

**UDP - EV33 - Sewage Disposal**

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)

**UDP - EV34 - Protection of Controlled Waters**

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)

**UDP - EV35 - Surface Water Run-Off**

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)

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

**UDP - EV40 - Air, Noise and Light Pollution**

Development proposals will not be permitted that would cause or result in significant harm to health, local amenity, natural heritage, the historic environment or landscape character because of significant levels of air, noise or light pollution. (City & County of Swansea Unitary Development Plan 2008)

**UDP - HC3 - Affordable Housing**

Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)

**UDP - HC17 - Planning Obligations**

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)

**UDP - HC24 - Play Areas/Public Open Space**

Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS1 - New Development Proposals**

Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008).

**UDP - AS2 - Design and Layout**

Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS5 - Walking and Cycling**

Accessibility - Assessment of pedestrian and cyclist access in new development. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS6 - Parking/Accessibility**

Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)

**UDP - AS10 - Traffic Management and Highway Safety**

Accessibility - Incorporation of appropriate traffic management measures in new developments. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV38 - Contaminated Land**

Development proposals on land where there is a risk from contamination or landfill gas will not be permitted unless it can be demonstrated to the satisfaction of the Council, that measures can be taken to satisfactorily overcome any danger to life, health, property, controlled waters, or the natural and historic environment. (City & County of Swansea Unitary Development Plan 2008)

**UDP - EV28 - Sites of Local Importance**

Within locally designated areas the natural heritage will be preserved and enhanced wherever possible. (City & County of Swansea Unitary Development Plan 2008)

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

### SITE HISTORY

App Number	Proposal	Status	Decision Date
2017/0918/SCR	Screen Opinion request for requirement for an Environmental Impact Assessment to accompany a proposed planning application in accordance with Regulation 5 of the above Regulations	EIANR Q	16.05.2017
2017/1451/OUT	Residential development of up to 100 dwellings along with associated parking, access, landscaping and open space. (outline application - all matters reserved)	PDE	

### RESPONSE TO CONSULTATIONS

Sixty local residents were directly consulted and the application has been advertised by way of a site notice and a press notice as a "departure" application.

TWO HUNDRED and THIRTY FIVE (235) OBJECTION LETTERS and TWO LETTERS OF SUPPORT have been received.

The concerns raised are summarised below:

- Increase in vehicular traffic on existing road will have highway safety implications and exacerbate existing congestion issues. Gowerton has become a bottle neck, the three schools situated in the village combined with the two schools in Waunarwydd cause major traffic congestion in the morning and evening.
- Gowerton has become a through route for traffic to the Gower Peninsula, Dunvant and Killay, causing further congestion in the morning, evenings and summer months. At peak times traffic is regularly queuing from Days roundabout to Gowerton traffic lights and from the Waunarwydd Gowerton boundary to the traffic lights.
- Gowerton railway station has become a very busy commuter start and end point for people travelling East and West to work which, in addition to adding to the congestion, means that it is virtually impossible for residents, including disabled residents, to get a parking bay at the station or Gowerton car park between 8am and 6pm on weekdays.
- Overdevelopment - this development is hugely detrimental to the village and it's future. There are currently many more accessible and larger sites proposed for development within the Swansea area meaning housing capacity in the area will not be an issue, sites such as the 750 homes in the Garden village area, Fforest Fach and Penllergaer, all of which have better links to the M4 and scope for improving road networks, unlike Gowerton which is already full to bursting with the Elba development and the development on what was the old mart.
- Woodland habitat would be destroyed.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

- Privacy of residents of Gorwydd Road would be compromised.
- The Comprehensive Schools is at full capacity, and the Junior and Infant School over capacity leading to adverse impacts on local school capacities.
- The Doctor's Surgery can't take any more patients and would have an adverse impact on local health services.
- The sewerage plant is under pressure to take foul waste and unable to take any surface water and is at capacity.
- The proposed entrance to the development is small for the number of houses proposed.
- In principle the application should be rejected until the site is approved by the Welsh Inspectorate via the Local Development Plan. If the Welsh Assembly wish to stab the residents in the back and reclassify this land then that is what needs to be done first before any planning applications can be made. Pre planning applications which have obviously had a lot of upfront investment put into them give the general public great cause for concern and create a lot of suspicion and mistrust
- The loss of trees from the T.P.O. woodland.
- Flooding will take place in the low laying gardens of properties 65 to 81 Gorwydd Road.
- This is now a woodland and a habitat for many species of birds and wild creatures, a site that has not been maintained for nearly fifty years by the owners, but left for nature to take over, the sort of site it is thought both the Welsh Assembly and Land Resources Wales want to maintain.
- Will development lead to an increase in community facilities, specifically Leisure?
- Loss of Green Wedge.
- Old mine workings on site may result in land instability / collapse and subsidence to existing houses.
- The development is not viable or deliverable due to significant highway infrastructure works and land stability works required.
- Increased air & noise pollution.
- SSSI, SINIC on part of the Site.
- Loss of open space.
- The loss of woodland, increased traffic, noise and air pollution, and pressure on health centre will have a detrimental on people's health and wellbeing.
- Cumulative impact of the numerous housing allocations on the Welsh language in a language sensitive area.
- More development would increase the risk of flooding and put more strain on the waste and drainage system.
- It is proposed to demolish a woodland of outstanding beauty and home to various animals and bird species - specifically bats which are seen on a regular basis. The woods in question are home to mice, shrews, fox, badger and squirrel that I have seen and also a wide range of birds, including nightingale, woodpecker, Jay and Owl.
- The river running through the site has burst its banks several times and the proposed diversion of the river can cause unseen flooding.
- The main train line from West Wales runs through the woodland which deflects train noises from us close neighbours but demolishing this could cause several noise issues.
- Irrespective of the conclusions of the application's specialist report in favour of the development, the views of those who know Gowerton best i.e. it's residents, have been summarily dismissed and overlooked.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

- This is a small awkward little plot of land bordered by a rail line and established houses, access and facilities are limited, in all honesty I am not even sure it is safe to place these houses in the area.
- There are 9 mineshafts and adits on the site. The whereabouts of the underground galleries is very uncertain. I have been told by the Coal Authority that plans of some of the workings are incomplete or missing. This making subsidence a danger. Due to the mining, the site is also contaminated with Arsenic, Beryllium and Lead at levels above normal accepted levels for health. I would have thought it unwise to build any buildings on the site on Health & Safety grounds.
- The sewerage works are struggling to cope with the houses currently in Gowerton. Several complaints have been made with regards to the smell that comes from there. Each time they have advised that there is an overflow which cannot be helped due to their intake. This also leaks out into the estuary. On hot days this is unbearable and windows and doors need to be closed and we are unable to sit outside in the garden.
- I am struggling to get a dentist.
- Children play in the wooded area building dens, tree swings etc. In society today we see this a safe place for our children. If this goes then children will end up with nowhere to go and/or hanging about on street corners.
- We do not have enough policing in the Area. More homes more crime.
- Parking is an absolute nightmare in Drovers Point which causes problems for emergency services.
- Proposal involves development on greenfield site. The Council should develop Brownfield sites not Greenfield.
- There is no justification for the development to meet the Council's need to provide further housing stock as this is being addressed through the LDP and this area of land has been removed from the LDP plans
- I have been objecting on this matter since 2011 and I am sure that as time elapses less people will object as they become bored and disillusioned by the whole prolonged process.
- The classification of this land was a strong contributory factor in my decision to buy my property back in 1997 as I knew that this land could not be developed. Who's going to pay for the devaluation of my property if this development goes ahead? As a Council tax payer I demand the Council step up to the plate on this matter and not just bow down to pressure from Westminster to build on our open protected spaces.
- The adjoining Pharmacy next to the Medical Practice currently has long waiting times for prescription pick ups.
- Currently, a mature tree can use in excess of 360 gallons of water per day. What will happen with the water when these trees are destroyed? What actions will be put in place to ensure my garden will not flood due to the excess water if suitable drainage is not provided?
- The Wellbeing of Future Generations (Wales) Act 2015 - this law is "to give our children and grandchildren a good quality of life we need to think about how the decision we make now will impact them". The 8 goals mentioned will not meet any of the criteria if the proposed development is to go ahead.
- With these questions and points in mind, how can this piece of land be viable to build on?

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

- Residents already living in the Drover Point development which is already over developed with too narrow roads for the number of vehicles and houses, risk their lives on a daily basis trying to get out of the site onto the main Gorwydd Road. Any further housing development will put further strain on the road system and will cause huge safety issues to those travelling on it.
- The loss of mature trees will be detrimental to my health and the health of my children. These trees dissolve a lot of the emissions currently being omitted by standing traffic.
- This is wet woodland and acts as a soak away. The building of foundations on wet woodland will create a vast amount of surface water and will affect the estuary flow
- This development is also on a flood plain. How can this be built on?
- My objections are in the first instance based on the infrastructure of the village itself. The proposed development would swell the population of the village by considerable numbers.
- Gowerton residents would be disadvantaged in the ways outlined above in order to facilitate a monetary gain for the developer, unless the developer is developing the land as a not for profit company and intends to invest the profit from the sale of houses back into the community of Gowerton and pay for the mitigation for the loss of all wildlife species and not just those that require mitigation under environmental law
- With the additional traffic to Gowerton due to these new properties, it will scare off Tourists to Swansea's Wonderful Gower, as the frustration of getting through would send people to other areas.
- This land is currently identified as part of the Llan Valley Green Wedge, within the countryside which according to current development plan policies (EV22 & EV23) should be conserved and enhanced for the sake of natural heritage, natural resources, historical and cultural, environment and agricultural and recreational value. This proposal clearly flies in the face of national and local policies.
- I live in the Drover Point development which is already over developed with too narrow roads for the number of vehicles and houses in the development. Trying to get out of this site onto the main Gorwydd road is a huge hazard and any further housing development will put further strain on the road system and will cause huge safety issues to those travelling on it.
- Being a former colliery site this can't be considered a good site for housing as there's good reasons mortgage companies don't like to issue mortgages for houses in mining areas. The ground in this area has many springs and streams running through it as well as shafts beneath it.
- To lose the majority of the woodland and wildlife habitat that this area provides would be a terrible loss as once it's gone its gone.
- To try and rectify the mistake of building so many extra homes and the extra school, the Council came up with the oxymoron of an 'inner bypass' to improve traffic flow. This is after taking away part of the Welsh school green fields to create a bus lane, and building on the athletics area of the English school to create more classroom space. Since then the Welsh school has also built a large extension on the green space at the rear of Heol y Gog, yet another green area gone forever. The inner relief road removed yet another green area in the heart of the village
- The recent new Primary School (whilst much needed) has been built on the Elba playing fields, taking away another green area.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

- The clearances of this site would disturb the wildlife and be an offence under the Wildlife and Countryside Act 1981. We need these spaces for the present residents to live, work and enjoy a healthier lifestyle. The green land absorbs the rainfall and helps the environment.
- The Water Treatment Works in Gowerton is struggling to cope with the huge amount of effluent already going into it and the smell from the works is horrendous and can't be healthy for us. It also is affecting the Burry Inlet and the sea life is being affected with virtually no cockles left.
- We have lost 2 bus service routes recently leading to crammed passengers and trains at peak times from Swansea are already standing room only.
- Has there been a Traffic Impact Assessment (TIA) undertaken for this proposal, what are the results in respect of vehicles movements, model split and saturation levels for peak times and outside of peak times.
- The width of the existing carriageway together with the existing junction will not accommodate (substandard) such a access for this development and it would be contrary to recommendations within a Road Safety Audit should one be implemented.
- Possibility of HGV's, Buses, deliveries, and emergency services required to gain access to the area. I feel that the unclassified highway will not be sufficient enough to accommodate this without compromising highway safety.
- The noise generated for the amount of vehicle movements would have a significant impact upon the existing residents and would only seek to encourage conflict between residents and vehicle users.
- The Traffic Report's findings were inadequate because they only looked at the impact of the entrance to the site from the existing Gorwydd Road. No examination of the design of the roads within the proposed development had been made as regards the density, width of roads and corners on the development. No recommendations had been obtained from the Emergency Services or the Council Cleansing department as to whether their vehicles (Ambulances/Fire Engines/Bin Lorries) could safely navigate the roads on the site. In the aftermath of the disaster at the Grenfell Tower in London, the safety of the people is now paramount. The proposed plan also suggests an entrance into the site from the Drivers Point estate which is totally unacceptable because that estate has inadequate roads and problems with traffic and parking already.
- The Mining Report stated that no official record could be ascertained as to whether the 9 mine shafts or the 2 adits contained within the site had been capped. This means that the whole site is susceptible to subsidence. Any of these shafts or adits could collapse at any time (if they haven't done so already) leaving huge potholes in the ground.
- The Geology Survey also mentions the presence of Methane Gas in the sub-stratas which is combustible if disturbed. Added to that, the existence of a big natural aquifer lying directly under this site. The aquifer will not go away - it is a natural feature - exacerbated probably by the many mine shafts crossing the site
- We urge the members of the Planning Committee to make another visit and look at the site properly for themselves before making a decision on this application.
- A stream runs to the east of Fairwood Terrace from the land below the development and the increase in hard surfaces in the area will mean less land exposed to the rain and act as a reservoir to slowly release the rainwater. This will increase the risk of flash flooding as weather patterns change due to climate change.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

- The site is a wetland woodland and is a Candidate Site of Importance for Nature Conservation (cSINC) and is currently identified as part of the Llan Valley Green Wedge and the majority of the trees have a Tree Protection Order (TPO) placed upon them. The loss of woodland should be considered with the woodlands affected by the development 'North of Gowerton Railway Station/Fairwood Terrace', Site Reference SD-H - North Waunarlwydd / Fforestfach, which are interlinked. The total loss of woodland would be approx. 7.00 hectare, which is grossly unacceptable.
- Planning Policy Wales and Welsh Government Guidance requires Local Planning Authorities to only allocate sites which are realistically capable of being developed and delivered within the plan period. It is now clear from the limited geotechnical investigations that have been undertaken by: Integral Geotechnique on behalf of the developer, that pose real concerns for the community.
- Why, are we not adhering to experts' warnings? Some studies have refuted Global Warming slow down, yet a recent study carried out by Tom Karl Director of NOAA's National Centre of Environmental Information and leading author of the study confirms that Global warming continues to increase! (Inside Climate News) 2015 by Kathrine Bagley.
- The report submitted by the developer is not fit for purpose in the development plan. In the Executive Summary the Arboriculture Impact Assessment (Section 4) based on the Parameter Plan has identified that 78 individual trees and 6 groups of trees fall wholly, or in part beneath, the footprint of the combined highway access arrangements and proposed residential development. This figure is grossly understated, there are 58 trees to be removed at the entrance to the development without assessing the total area of the development

### **Gowerton Community Council:**

Gowerton Community Council strongly object to this application on the following grounds:

1. Site shouldn't have been included in original considerations as segregated by railway.
2. Trees shelter existing housing from railway noise and recycling works noise pollution for residents. This will immediately impact on residents quality of life.
3. Access extremely limited. The traffic plan itself doesn't sufficiently address access around the proposed site for emergency vehicles etc.
4. Area is long a standing recognized valuable wildlife habitat. Regular sightings of bats. The area is one of the few green areas in the village and these areas need to be protected for future generations.
5. Valuable historic site / historic stacks.
6. Infrastructure-sewerage system unsuitable added volume of proposed use. The current systems cannot deal with what is already in place, further proposals of development would be untenable.
7. Development takes away natural drainage exacerbating existing overloaded drains / sewers.
8. Area already experiencing overcrowding issues with schools, traffic and surgery facilities.
9. Area originally bought and used as public land, longstanding use regularly used by residents.
10. Mature trees removed to enable this site, Birch and Oak.



## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

### **Natural Resources Wales (NRW)**

(summarised)

#### Initial Response

##### *Protected Species*

We have significant concerns regarding the proposal as submitted and consider that there is currently insufficient information to assess the possible impact on bats, otter and dormice, which are all European protected species. We require this additional information before we can provide your Authority with further comments in relation to these matters.

##### *Flood Risk*

As previously confirmed in our pre-application response, the proposed development site is wholly in Zone A on the Development Advice Map (DAM) and within Zone 1 on our current flood map. Other land within the applicant's ownership, but which is not part of the current application lies within Zone B and borders Zone C2 on the DAM. In our statutory pre-application response (dated 12 June 2017), we accepted that the application site was not within a currently mapped flood zone, but raised a query regarding potential additional flood risk from the main river Gors Fawr Brook - if the culvert beneath the railway became blocked.

We have additional comments in relation to: land contamination, biodiversity, landscape, pollution prevention and waste management, which we would be happy to provide to your Authority, should you wish to determine the application in the absence of the above information.

#### Second NRW response

Following the agent liaising directly with NRW regarding the concerns raised regarding potential flooding from the Gors Fawr Brook, NRW provided the following comments.

##### *Flood Risk*

We queried whether the site would be at any risk from the Gors-Fawr Brook if the railway culvert was to become blocked causing a back-up of flood water adjacent to the site. This scenario does not form part of the currently mapped flood plain. We are unable to confirm this to be the case without evidence of the actual levels referred to. Therefore, to provide your Authority with greater confidence in relation to any flood risk at the site you may wish to request that basic survey information including; the existing level of the railway line, mapped flood plain boundary and any other relevant structures referred to in the FCA should be provided.

#### Third NRW response

Following the concerns raised regarding the potential flooding at Gors-Fawr Brook, the applicant submitted an amended document entitled; 'Flood Consequence Assessment: Updated Statement covering the impact of a potential blockage of the Gors Fawr Brock railway culvert', dated October 2017.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

### *Flood Risk*

We are now in receipt of additional detailed topographic survey information and an amended document entitled; 'Flood Consequence Assessment: Updated Statement covering the impact of a potential blockage of the Gors Fawr Brock railway culvert', dated October 2017, by Marsden Associates.

As stated previously, the proposed development site is not within any currently mapped flood plain and therefore the concern raised was based on an uncertainty as to whether blockage of the railway culvert, through which the Gors-Fawr Brook flows, could affect the site.

The additional survey information indicates that the site is unlikely to be affected in the event of culvert blockage and therefore there is no substantive evidence to suggest that the flood risk to the site from the Gors-Fawr Brook is different to that currently shown on the flood maps.

### Final NRW Response

Following the concerns raised regarding the lack of information in relation to the possible impact on bats, otter and dormice, European protected species, the applicant submitted additional survey documents in relation to trees and bats, dormice and otters.

We recommend that you should only grant planning permission if you attach conditions, in relation to bats, otter and dormouse, which are all European protected species, along with conditions in relation to; land contamination, pollution prevention and waste management. The addition of these conditions would address significant concerns that we have identified with the proposed development and we would not object provided you attach them to any planning permission that your Authority may be minded to grant

### *Protected Species*

Having reviewed the additional information and clarification provided in the three protected species surveys mentioned above, we are satisfied with the level of survey carried out and the conclusions drawn.

### *Biodiversity*

The proposed development will involve the loss of a significant part of the Gowerton Mart Woods SINC. While we note that mitigation measures involving the management of the remaining woodland are proposed, the development (as currently outlined) will result in the loss of the vast-majority of the wet woodland and marshy grassland on the site. As the proposed mitigation, does not address the loss of these habitats, we recommend that you discuss this aspect with your Authority's Planning Ecologist as they may consider that some form of additional mitigation/compensation or biodiversity off-setting is required. It would be for your Authority to decide whether the habitat loss / mitigation / compensation for the losses within the SINC is acceptable. Nevertheless, we would advise that a suitable Woodland Management Plan is implemented and secured via an appropriate planning condition, to be agreed with your Authority's Planning Ecologist

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

### *Land Contamination*

We have reviewed the document entitled; 'South Site, Land at Gorwydd Road, Gowerton Desk Study Report (10796/VA/11/SDS)', by Integral Geotechnique and note that the document was updated in April 2017 - to reflect the presence of the coking ovens on site.

However, the Site Investigation document (dated April 2015) has not been updated. As stated in our statutory pre-application response we agreed with the comments made by Integral Geotechnique that further investigation would be required to understand the risk to controlled waters. We would advise that further work, concentrating on Area A3 would be required as the south east of the site currently has limited coverage and this needs to be extended in order to provide a clearer characterisation of the site. In the absence of this information and further work we advise that your Authority attaches the following standard land contamination conditions to any future planning permission

### *Pollution Prevention*

We consider there to be a particular risk of causing pollution to controlled waters during demolition and construction phases, unless appropriate pollution prevention measures are in place. As a result a detailed Construction Environmental Management Plan (CEMP) should be produced and submitted for the proposal. In particular, it should include measures are in place to reduce the risk of contaminated surface run-off and silt from entering and pollution controlled waters. The CEMP should be secured via a condition on any permission granted.

### *Waste Management*

Given the nature and scale of this development, a Site Waste Management Plan (SWMP) should be produced. Completion of a SWMP will help the developer/contractor manage waste materials efficiently, reduce the amount of waste materials produced and potentially save money. We acknowledge that a SWMP may be something best undertaken by the contractor employed to undertake the project. Furthermore, we note that these documents are often 'live' and as such may be best undertaken post permission.

### *Landscape*

We note that the site is a supported candidate site in the Swansea Deposit Local Development Plan (H1.23 Non-Strategic Housing Site), although there appears to be some conflict with other policies in the plan due to significant areas of trees lost on the site and overall net loss of trees/woodland.

Policy ER2 Strategic Green Infrastructure Network (iii) states that where loss of green infrastructure is unavoidable, provide mitigation & compensation for the lost assets and ER11 Trees & Development which provides (2.9.74) that where the need for a development outweighs tree loss, a scheme of replacement should be required.

A significant area of woodland is to be removed to accommodate development (including large numbers of 'B' Category Oak), along with the potential for further losses from drainage proposals through the woodland. The proximity of houses and hard surfaces to trees, could also have the potential to affect trees.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

Although we note that mitigation for tree and woodland losses is proposed through management of the retained woodland block, along with a number of new street trees, these would not provide 'like for like' replacement value for mature Oaks and woodland.

We support the provision of a Woodland Management Plan, which should be agreed with your Authority's Planning Ecologist and implemented and secured via an appropriate planning condition.

In terms of landscape design and green infrastructure, we note that the houses in the main have front facades facing the woodland and open space, which is desirable. However, there are a few areas where side and back boundaries face the woodland/trees. This should be avoided, if possible. There are no plans showing how the site relates to strategic green infrastructure, although potential pedestrian links to the adjacent residential area to the west (and on to the railway station) are indicated and would be beneficial. We suggest that these links are included and further consideration is given to connectivity, both for people and wildlife in the future detailed site design.

### Coal Authority

The Coal Authority has no objection to the proposed development subject to the imposition of a condition - details below.

The Coal Authority concurs with the recommendations of the Coal Mining Risk Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation works should be undertaken prior to development in order to establish the exact situation regarding coal mining legacy issues on the site.

The Coal Authority recommends that the LPA impose a Planning Condition should planning permission be granted for the proposed development requiring these site investigation works prior to commencement of development.

In the likely event that the site investigations confirm the need for remedial works to treat the mine entries and any areas of shallow mine workings to ensure the safety and stability of the proposed development, these should also be conditioned to be undertaken prior to commencement of the development.

A condition should therefore require prior to the submission of the reserved matters:

- \* The submission of a scheme of intrusive site investigations for the mine entries for approval;
- \* The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
- \* The undertaking of both of those schemes of intrusive site investigations

The condition should require as part of the reserved matters application:

- \* The submission of a report of findings arising from both of the intrusive site investigations;
- \* The submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones;
- \* The submission of a scheme of treatment for the mine entries for approval; and
- \* The submission of a scheme of remedial works for the shallow coal workings for approval

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

The condition should also require prior to the commencement of development:

\* The implementation of those treatment/remedial works.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

### **Dwr Cymru / Welsh Water**

In respect of the aforementioned and the accompanying Pre-Application Consultation (PAC) Report, prepared by Philippa Cole - Planning Consultant, we can confirm that the content of our consultation response (Ref: PPA0002199) has been acknowledged in the planning application submission. As advised in our response, this proposed development is located in an area which has the potential to discharge into national and international designated waters. The Loughor Estuary forms part of the Carmarthen Bay & Estuaries European Marine Site which is the collective name for three European 'Natura 2000' designated areas, namely Carmarthen Bay & Estuaries Special Area of Conservation, Carmarthen Bay Special Protection Area and Burry Inlet Special Protection Area. A key fundamental issue associated with any proposed development(s) located on both the Carmarthenshire and Swansea side of the Estuary is the potential impact of any revised or additional water discharges, either foul or surface water, will have on the local drainage systems and ultimately the designated waters. Dwr Cymru Welsh Water is contributing towards improving the water quality in the Estuary by undertaking key infrastructure improvements at its Northumberland Avenue and Llanant Waste Water Treatment Works which are designed to improve arrangements for dealing with surface water, provide ultra violet treatment and phosphate removal. Equally developers too, can also play a significant part in mitigation measures by incorporating sustainable drainage facilities within their proposals. It is essential therefore, that as a pre-requisite of any development being considered for approval that such matters are effectively controlled through planning conditions.

The PAC report refers to the accompanying Drainage Strategy (Ref: 1067), prepared by Jaylae Consulting LLP, and whilst this report includes reference to a historic Welsh Water letter as well as the Memorandum of Understanding, it confirms there is currently no position to implement compensatory surface water removal from the combined system. Furthermore, as part of our pre-application consultation response (Ref: PPA0002199), it was identified that the proposed development site is crossed by a 600mm surface water public sewer and a 150mm foul water public sewer with their approximate position being marked on the attached Statutory Public Sewer Record.

Accordingly, notwithstanding the submitted details, we seek your Authority's co-operation in imposing Conditions and Advisory Notes if minded to grant Planning Consent for the above development to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

### **Network Rail**

There is no objection in principle to this proposal.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

### **Glamorgan Gwent Archaeological Trust (GGAT)**

We have reviewed the detailed information contained on your website and can confirm that the proposal has an archaeological restraint. It is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members.

### **Council's Head of Engineering and Transportation**

No highway objection subject to conditions.

This proposal is for outline consent on a site that has been identified as a candidate site under the LDP. Due to the level of development of the site, a Transport Assessment was requested and this was provided by Vectos along with the rest of the supporting information. The scope of the document was agreed with Swansea Council officers. The proposed site is bounded to the north by a railway line, and the east, south and west by residential properties. The site proposes one combined vehicular/pedestrian access (as a priority junction) and one secondary pedestrian link, both directly onto Gorwydd Road.

The site is well connected and accessible by foot with a number of local facilities including bus stops, primary school, post office and village hall located within a 5-10 minute walk of the site. Other facilities include food stores, medical facilities, bus and railway stations are located within a 10-35 minute walk to the site. The site is highly accessible by bicycle with a wide range of local facilities within a short ride. The site is in close proximity to the NCN Route 4. However the main road of Gorwydd Road is seen to be a barrier to the take up of these non-car modes and as such a toucan crossing (combined pedestrian/cycle access) will be required to be provided to gain access to these non-car modes including access to the cycle networks and walking routes to the local school. This feature would be in line with the requirements as laid out in the Active Travel Act policy which is included in the LDP deposit draft as an Appendix, therefore it forms part of the LDP Assessment. A shared use path will therefore be required to traverse through the site linking the two access points.

The application is for outline consent only with all matters reserved, although the access points have been indicated and an indicative internal layout supplied. It is considered that adequate visibility is provided at the point of the proposed vehicular access. The Transport Assessment used the national data base TRICS to quantify the level of movements that would be expected to be generated by the 100 houses. Baseline traffic data was provided by the City and County of Swansea based on a survey in 2011.

In 2011 this showed average levels of vehicles movements of:

\* 447 (n/b) and 707 (s/b) total 1154 in the morning peak (0800-0900)

\* 649 (n/b) and 252 (s/b) total 901 in the pm peak 1700-1800

(n/b = north bound; s/b = south bound)

Once factored up to 2017 levels (Tempo growth factor of 1.05) then trip figures increased to

\* 1224 two way movements in the morning peak

\* 960 two way movements with the p.m. peak.

(Tempo - is a base to factor up flows for future growth)

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

The survey showed average speeds of 33mph but maximum speeds of 60mph were recorded. Subsequently, speed indicator display signs were erected in positions either side of the proposed development site. The accident data showed a number of 'slight injuries' arising from collisions, all of which were car related and none of which related to pedestrians or cyclists.

The TRICS site selection comparisons have been validated (16 sites) and agreed in principle. The expected trip levels are 0.616 trips per dwelling in the a.m peak, 0.623 in the p/m peak with a total daily flow of 7.78. In terms of the proposed development of 100 houses this equates to total trips of 62 between 0800 and 0900hrs and 63 in the pm peak 1700 to 1800hrs, with total daily flows of 778.

Whilst extensive concern has been raised regarding the additional traffic movements, it can be seen that the trips arising are approximately one per minute. It is therefore considered that the development traffic can be accommodated within the existing infrastructure.

The PICADY runs show that the additional movements can be incorporated into the existing traffic flows without any infrastructure works being required, hence the proposed priority junction is satisfactory. Notwithstanding that the vehicular movements can be accommodated it is considered that improvements are required in terms of accessibility for pedestrians/cyclists as mentioned earlier. The PICADY results covered a variety of scenarios - splitting the traffic movements between north and south the queues were minimal (maximum 1) and that was assuming a 70/30 split of traffic going towards Gowerton (which would likely be the worst case scenario).

(PICADY is a software package that tests priority junctions)

The indicative layout shows a mixture of road to adopted standards plus elements of shared private drives/unadopted areas. Footways have been partly indicated and their full inclusion can be secured by condition. In addition a shared use path will be required to link through the site to tie into the proposed access points.

Parking provision varies across the site and in the main will be required to comply with the Council's parking standards. It is not clear if the sustainability matrix will be submitted to allow a justified reason for a parking reduction. A sustainability matrix will need to be submitted as part of any reserved matters planning application to demonstrate that two spaces per plot is an appropriate level for the 3, 4 and 5 bedroom units given the proximity to local amenities. The garages as indicated will have their permitted development rights removed in order to protect the parking levels.

Autotrack runs will also need to be submitted to show that the site can be adequately serviced by a refuse and emergency vehicles. The indicative plan does not clearly define if there would be any gradient issues or requirements for retaining walls to be included. These would need to be included at reserved matters stage.

The internal site layout is acceptable in safety terms but is otherwise not suitable for adoption as parts of the layout do not comply with this Council's standards, particularly with regard to pedestrian movements. The roads within the site therefore may need to remain privately maintained, which is an option open to developers as an alternative to having the roads adopted. A private management company would therefore be responsible for the estate in perpetuity if that is the chosen route.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

I recommend no highway objection subject to conditions.

### **Council's Drainage Officer Observations**

We have no objection in principle to the proposed development and recommend that drainage conditions are appended to any permissions given.

### **Council's Tree Officer Observations**

#### Initial Comments

Objection - contrary to Policy EV30. A large proportion of the trees on the former colliery site are protected by TPO 419.

Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.

The arboricultural report has not identified all the impacts that the development will have on the trees. Most notably the removal of large areas of trees and scrub will expose the inner woodland to wind. This would be a problem on any site as edge trees in woodland deflect the wind which leads to the trees within the woodland being susceptible to wind damage. The inner trees tend to be taller, have fewer lower branches and have not developed roots and adaptive wood to resist the wind. These factors would lead to wind damage in the future. In addition to the above general problems which any woodland would experience, the trees in this woodland are rooted in either colliery waste or wet ground, both rooting environments increase the likelihood of wind throw with the edge trees removed. The proximity of several of the indicative building locations to trees will lead to pressure to remove them. Areas of concern are along the boundary with the former market site, properties to the south of the link road between the two 'halves' of the development and to the east of the entrance road. The drainage strategy shows the connection to the drain for the eastern side of the site to pass through the protected woodland which would lead to numerous tree losses and open up a potential wind funnel leading to more tree losses. It also shows a land drain ringing the retained woodland and affecting trees on the southern boundary of the site. There is little compensation offered or possible for the amount of tree removals required to facilitate the development.

#### Final Comments

Following the concerns raised by the Tree Officer in the initial response above, the applicant submitted an amended Arboricultural Addendum Statement which has been assessed.

No objection subject to conditions relating to tree protection measure and a landscaping plan.

A large proportion of the trees on the former colliery site are protected by TPO 419. Section 197 of the Town and Country Planning Act 1990 it is the LPA's duty to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation of trees that contribute to amenity.



## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

The arboricultural report and addendum has now identified all the impacts that the development will have on the trees. The report identifies 6 groups, several category B (51) and C trees (32) that will need to be removed to facilitate the development. The most concentrated loss of trees is to link the western and eastern sides of the site.

The majority of the protected woodland will remain undeveloped with the trees being retained wherever possible, subject to an approved woodland management plan that may prescribe some tree removals to obtain management goals. The woodland management plan would aim to improve the woodlands poor vertical structure and lack of age diversity. The woodland management heads of terms document submitted by the applicant has no detail but has the required sections to flesh out to be an effective document.

Sections of the woodland are poor due to lack of management and ground conditions, the main areas of the proposed development are in the lower lying areas that are wet and support mainly willow. The central area of the western half of the site has only recently been colonised by these willow trees as can be seen from the historic aerial photographs. The woodland TPO generally excludes the wetter area and this is where the proposed development is centred.

The addendum details why the impacts of trees becoming exposed due to scrub removal will not be significant, this is due to the size of trees present and previous exposure - the scrub becoming widespread since 2008. The increased risk that a few retained trees will experience of being wind-thrown can be mitigated by suitable design, planting and tree surgery.

The indicative layout cleverly places residential roads adjacent to the retained trees - this will reduce the likelihood of future tree removals due to tree/neighbour conflicts.

The drainage strategy shows the connection to the drain for the eastern side of the site to pass through the protected woodland. The applicant has now indicated that any services going through the woodland will be inserted by moling - this will ensure the retained trees are not affected.

There are few opportunities for compensatory planting within the proposed development, but a landscaping scheme should be conditioned to ensure where there is space available it is used to plant trees.

Looking at the site (including blue line) as a whole, the majority of the trees will be retained (and be managed), and there will be little pressure on the retained trees from the development. For these reasons, the development, whilst reducing tree cover is a reasonable compromise between development and tree retention.

### **Council's Ecology Officer**

The site is a predominantly wooded former colliery comprised of spoil tips and concealed mine entrances. Although the entire site has been allocated for housing under the deposit LDP, more than half of the site is established oak woodland under a block Tree Preservation Order and the entire site has been locally designated as a Site of Importance for Nature Conservation (SINC). The remainder of the site is predominantly wet woodland dominated by willow and alder, with two areas of grassland. Japanese knotweed is scattered throughout.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

The proposal involves fully developing the spoil-free areas and some of the spoil areas, resulting in a complete loss of the wet woodland and grassland habitats, and partial loss of the TPO oak woodland. Overall, around half of the 2.9ha SINC will be lost

#### *Protected Species*

In addition to the initial Ecological Appraisal (dated January 2017), individual surveys were conducted for bats, otters and dormice (dated September 2017).

#### Bats

Within the development boundary (red line area), a number of trees and a chimney were identified as having potential to provide suitable roosting habitat for bats, but none were confirmed as roosts. A licence will not be required for the development to proceed, but bats are confirmed to forage on-site, and their absence cannot be guaranteed. Appropriate mitigation measures are made in section 5.4 of the Trees and Bats Survey report.

#### Otters

Evidence of otters was found in a stream along the northern boundary within the site, but not within the development boundary. A licence will not be required for the development to proceed, but the presence of otters is confirmed adjacent to the development site, so their absence cannot be guaranteed. Appropriate mitigation measures are made in section 6.4 of the Otter Survey report.

#### Dormice

No evidence of dormice was found at the site; therefore no licence or mitigation measures will be required. However, a visual search prior to work commencing plus enhancement measures are proposed in section 6.4 of the Dormouse Survey report.

#### Reptiles

Some suitable habitat exists within the development boundary, likely indicating small populations only. Sensitive clearance of vegetation is required. Mitigation measures are listed under section 8.4.10 of the Ecological Appraisal.

#### Breeding Birds

A number of bird species were confirmed to be breeding on-site, and others probably or possibly present. Substantial loss of breeding habitat will occur. Mitigation measures are listed under section 8.3.10 of the Ecological Appraisal.

#### Badgers

No evidence of badgers was found on-site.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

The mitigation measures listed for each species in the various reports relate to vegetation removal, the construction period, and future management. The various measures must be consolidated into the corresponding future documents, such as the Woodland Management Plan and the Construction Environmental Management Plan.

### *Habitats*

Under the proposal, the wet woodland, marshy grassland and semi-improved grassland will be lost in their entirety, and the oak woodland will be reduced in size. Wet woodland is a habitat type listed under Swansea's Local Biodiversity Action Plan (LBAP) and section 7 of the Environment (Wales) Act 2016, for which "*A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions*". There are 629ha of wet woodland within the county; so a loss of circa 1ha represents circa 0.16% of the total.

### *Woodland Management Plan*

A Woodland Management Plan (WMP) Heads of Terms document has been submitted for the remaining area. To guide the production of the WMP, this should be ecologically-based as opposed to arboriculturally-based, designed to maximise biodiversity for the site, targeting as many Swansea LBAP species as possible. There can be a tendency to over-manage public woodland for safety reasons, so to benefit wildlife such as woodpeckers, small birds and bats, standing deadwood should be retained unless adjacent to paths or property.

### *UDP/LDP SINC Policies*

SINCs (Sites of Interest for Nature Conservation), along with other locally designated wildlife sites, are addressed under UDP policy EV28, which states that "Development that would significantly adversely affect SINCs or RIGs (Regionally Important Geological/Geomorphological Sites), or which would not provide for appropriate compensatory or mitigation measures will not be permitted, unless it can be demonstrated to meet appropriate social or economic needs where the benefits in such terms would outweigh the harm to the feature concerned.

Where development is permitted which would damage the nature conservation value of the site, such damage will be kept to a minimum, and appropriate mitigation or compensatory measures sought."

### *S106*

If designed well, the Woodland Management Plan can mitigate to a limited extent for the habitat loss, but not entirely. Due to the porous nature of the remaining spoil heaps, the wet woodland and marshy grassland habitats cannot be replicated effectively in the retained area. It is therefore appropriate to request a S106 contribution for the retention/management of compensatory similar habitat elsewhere. The site identified is Killay Marsh Local Nature Reserve, a 10ha site 2.9km away, currently in need of a number of management actions. It includes two of the habitat types to be lost during the development; the wet woodland and marshy grassland.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

Proposed management actions include coppicing/thinning of woodland, control of non-native invasive species (e.g. Japanese knotweed) and control of native scrub and invasive species, such as gorse, bramble and bracken. The management costs are circa £800-£1000 per annum, which amounts to £20,000 over 25 years.

#### *Drainage*

The decision to use moling as opposed to trenching for the eastern drainage pipe is welcomed and should be conditioned. Sufficient information must be submitted to satisfy a Habitats Regulations Assessment of any water to be discharged into a watercourse connected to the Burry Inlet SPA, Carmarthen Bay SPA and Carmarthen Bay and Estuaries SAC Natura 2000 sites. In addition, a SuDS scheme should be produced, designed to benefit biodiversity. Shallow pools with gentle gradients are optimum.

#### *Site Preparation and Construction Period*

A Construction Environmental Management Plan (CEMP) must be produced to protect ecological features during the construction period. This will include any mitigation measures identified in the ecological reports and any other site-specific information. A Construction Exclusion Zone (CEZ) fencing scheme will also have to be submitted at this time. This will cover a wider area than a conventional Tree Protection Plan, incorporating all features of ecological interest, such as watercourses. The CEZ will be installed prior to any groundworks commencing. All vegetation removal will need to be supervised by a suitably experienced Ecological Clerk of Works (ECoW) with site-specific knowledge, working to an agreed Vegetation Removal Method Statement. This statement can either be submitted separately, or included within the CEMP.

#### *Lighting*

To minimise impacts on the retained woodland, no artificial lighting should be directed toward the woodland.

#### *Building Enhancement*

The addition of boxes for wildlife such as bats, swifts, swallows/martins or house sparrows to buildings adjacent to the retained woodland should be explored. For the householder, these would have the advantage of reducing the numbers of flying insects from the vicinity. Some designs can be incorporated into the structure of the buildings, making no visual impact. The use of hedgerows as opposed to close-board fencing should be explored for the benefit of wildlife such as hedgehogs. Failing that, CD-sized gaps should be incorporated into the fences at ground level to allow free movement.

#### *Landscape Design Scheme*

A Landscape Design Scheme must be submitted for approval. This should be designed to link and compliment the retained areas of trees using the species already present on-site. Any additional planting should be of native woodland species. Flowering species would benefit pollinating insects; common bluebell (*Hyacinthoides non-scripta*) is suggested.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

Open areas not intended for children should be seeded with an appropriate native wildflower meadow mix, to be left uncut during the growing season until all flowering has finished. Cuttings can then be used to create small animal hibernation piles in the woodland.

### **Council's Housing Enabling Officer**

The provision of 30% Affordable Housing on-site with 70% social rent and 30% intermediate is required. The scheme is required to include a range of DQR complaint house types to include social and intermediate tenure. The highest demand for housing in the area is for 2/3 bedroom affordable units. The units should be dispersed across the phases on site in clusters, to be picked up by the Council/RSL. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

### **Council's Pollution Control Officer**

No objections subject to conditions relating to (i) detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks; and (ii) noise in relation to the dwellings adjacent to the railway line which will need to be subjected to enhanced fenestration so as to protect from the effects of train pass-bys.

### **Council's Education Officer**

Education request a full Developer's Contribution due to the lack of capacity in all the catchment schools (both English and Welsh medium) and especially when taking the condition of the demountables out of the equation for Gowerton Comp. School; the request being:

Primary: the full generated amount of £321,532 plus indexation, towards both Gowerton Primary and YGG Y Login Fach. The amount being split 84.8% English-medium and 15.2% Welsh - medium.

Secondary: the full generated amount of £348,656 plus indexation, towards both Gowerton Comp. and YG Gwyr. The amount being split 84.8% English-medium and 15.2% Welsh-medium.

Total £670,188

### **Council's Japanese Knotweed Officer**

A planning condition must be placed upon this application stating that;

A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.

Reason - In the interests of the ecology and amenity of the area

In order for the condition to be discharged, the developer must devise an appropriate and suitable method statement for the control of the plant.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

### APPRAISAL

This application is being reported to Planning Committee as it is a departure from the adopted Unitary Development Plan (2008)

Outline planning permission (all matters reserved) is sought for the development of part of the former Cefn Gorwydd Colliery site for up to 100 residential dwelling along with associated parking, access, landscaping and open space. All matters relating to access, appearance, landscaping, layout and scale would be considered at reserved matters stage.

The application site (along with adjoining land also within the applicant's ownership/control - blue land) forms part of the former Cefn Gowrydd Colliery site. The application site is located to the rear of residential dwellings Nos. 65 - 139 Gorwydd Road (odd), is bound to the north by the main railway line and the 'blue land', to the west by the 'blue land' and to the east by residential dwellings in Bryn Close and Laurel Drive.

The site is irregular in shape and measures approximately 2.9 hectares and is presently covered with woodland and scrubland. Two strips of land connect the site with Gorwydd Road - a proposed pedestrian route between Nos 81 and 83 Gorwydd Road, and a proposed vehicular access between 121 and 137 Gorwydd Road.

The application site is currently designated as 'Green Wedge within the Unitary Development Plan 2008.

The majority of the woodland within the application site and blue land is to be retained on site and would be managed and be opened up for public access.

### Main Issues

The main issues for consideration with regard to this application relate to the principle of residential development on this site, impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests with regard to the provisions of policies EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety, and The Protection of Trees on Development Sites. There are no overriding issues for consideration under the provisions of the Human Rights Act.

### Policy - Principle of Development

The City and County of Swansea UDP (adopted 2008) was 'time expired' on the 31st December 2016. The UDP however remains the extant development plan for the Council and, under the provisions of the Planning and Compulsory Purchase Act 2004 (as amended), planning decisions must be made in accordance with the UDP unless material considerations indicate otherwise.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

Given the time expired nature of the UDP, such material considerations include circumstances where new national planning guidance or policy is at variance with or contradicts UDP policy and, in certain cases, where new robust evidence and/or significant changes in circumstance undermine the basis upon which UDP policy was originally formulated. Therefore whilst the UDP must be the starting point for decision making, given the Plan's time expired status, in this instance it is appropriate to consider the unique circumstances that apply in the case of this application to resolve whether any departure from UDP policy can be considered justifiable.

Having regard to the above UDP planning framework it is clear that the proposal is contrary to the extant development plan, being located outside the defined settlement boundary and within the open countryside and a Green Wedge. **The application must therefore be considered as a departure to the UDP.** The following analysis considers the special circumstances that apply in this case relating to other Council approved and emerging policy.

The Council has approved a Developer Guidance document relating to Planning Applications For Non-householder Residential Development. The document sets out the Council's strategy for determining departure applications and provides for an approved mechanism to prioritise certain 'departure sites' above others in the interests of addressing the current shortfall in housing land and delivering affordable housing. The Council's latest (1st April 2016) Joint Housing Land Availability Study (JHLAS) confirms that there is a 3.2 year housing land supply, which evidently falls below the requirement set out in TAN1 (JHLAS) for every local authority to maintain a 5-year supply of readily developable housing land.

Paragraph 4.3 of the Developer Guidance document is clear that priority is focussed on *Strategic Sites recommended for allocation in the Deposit LDP and identified in the approved LDP Preferred Strategy.* Paragraph 4.7 states that "*less priority*" will be afforded to bringing forward smaller Non-Strategic sites which are located beyond UDP settlement boundaries. This is on the basis that such sites

*\* Are less likely to deliver associated wider community facilities and highway improvement*

*\* would deliver fewer units than larger strategic sites*

*\* could divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites; and -*

*\* would require multiple releases to redress the shortfall."*

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

**The Guidance states that such departure applications will need to demonstrate that the proposed development:**

**1. Is in-line with the emerging LDP**

**2. Will deliver a meaningful and early contribution to meeting housing supply before adoption of the LDP and will not divert the attention and resources of a developer away from delivering units and infrastructure on Strategic Sites**

**3. Is sustainable, viable and will deliver any necessary social/economic benefits such as community facilities and highways improvements to make the development acceptable**

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

In this context it is therefore significant that the application site at Cefn Gowrydd Colliery is allocated as a Non-Strategic Housing Site under Policy H1 of the Deposit LDP (Site Ref H1:23) for approximately 90 dwellings. The allocation was made following a detailed assessment process and public consultation process undertaken for the LDP, which determined that the site was in principle acceptable for residential development. Furthermore, following a county wide review of all Green Belt / Wedge designations and settlement boundaries it was concluded that the settlement boundary be amended to include the allocation of SD H North of Waunarlyydd / Fforestfach and H1.23. The purpose of green wedges was refined to address those areas at risk of coalescence. As a result of the SD H allocation, the site is no longer adjacent to the wider open countryside. Therefore, the designation of the site as Green Wedge in the emerging LDP is no longer appropriate.

The site was subject to public consultation through the LDP process. It is important to note that the decision to allocate the site was made on the basis that that the site is developed in accordance with the following development principle set out in deposit LDP Policy H1, viz;  
**"Development should retain and enhance the agreed area of natural greenspace and public access to it. This should include the stabilisation of old mine workings to improve public safety."**

The ability of the development to deliver these benefits to the local community are key principles which underpin the rationale for the allocation of the site. The long term management of the retained area, the provision of public footpaths from the development into appropriate sections of the retained area of woodland/greenspace, and the identification and stabilisation of mine workings to ensure safe public access, are therefore essential elements which will be secured as part of the planning permission

**It is clear therefore that there is a Council approved mechanism in place to potentially allow a departure application at this location of this Non-Strategic Site allocation.**

Notwithstanding this, the proposal must be appraised in its widest terms to determine whether it is appropriate having regard to all planning considerations. In this context, whilst the emerging LDP typically has very limited weight for determining planning applications, given the nature of the proposal it is considered that the allocation in Deposit LDP Site H1.23 should be a material consideration in considering the scheme.

The application has been appraised against the requirements of the Developer Guidance document with regard to the following:

\* Scale of the development: The application is for 100 dwellings, and whilst this is not akin to the scale of the Strategic Development site allocations, it is important to note that the site is one of a handful of larger H1 allocations, the majority being under 50 dwellings. It is therefore considered that the site meets the requirements of the developer guidance document in terms of the ability to make a meaningful contribution to meeting housing supply.

\* Development Principles of LDP Site H1.23: The Developer guidance document requires evidence of how the application is in line with the emerging LDP. The information provided by the applicant demonstrates how the community benefits required in the development principles upon which H1.23 is based (i.e. re Woodland Management and land stabilisation) will be delivered is welcomed.



## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

The information provides a clear timetable and programme of works to ensure that the creation of a managed retained woodland with appropriate public access, the making safe of the mine workings on site and the making safe of the Colliery Chimney which will be delivered by the end of the development of the scheme.

\* Conditions: The Planning Statement sets out the applicants proposal to agree to conditions requiring the undertaking of the necessary survey work and submission of Reserved Matters within a 12 month period. This is supported as a pragmatic solution to achieving the delivery of this complex site. Again the information provided and the timeline submitted provides a clear justification of this approach by setting out a clear timeline of the necessary survey processes and the implications for the progression of the full application and the subsequent phasing and delivery of units on the site. This provides clear evidence to demonstrate how the constraints of the site will be overcome to deliver a scheme in accordance with the principles of Site H1.23.

\* Timeline and Phasing: Departure applications must be able to demonstrate that the site will deliver " *a meaningful and early contribution to meeting housing supply before adoption of the LDP*". Para 5.6 of the Developer Guidance document is clear that the Housing and Infrastructure Delivery Statement " *should clearly identify a timeline for the development and the expected start date, the relevant phasing of infrastructure, the annual completion rate, and the expected completion date for the whole development.*" The timeline submitted shows that the reserved matters permission will be achieved by March 2019, with site works commencing April 2019, and first occupation September 2019. The adoption of the LDP is currently scheduled for summer 2018. Clearly, completion of the scheme is not feasible prior to adoption of the LDP. However, the timeline makes clear the complexity of progressing the development and the commitment to expedite the development in the most pragmatic timescale possible. The approval of the outline permission is therefore the first step in ensuring that this site is able to make a contribution to the housing supply at the earliest opportunity in the plan period post adoption.

\* Impact of the application on the delivery of Strategic Site SD H: The ability to demonstrate that the Non-Strategic Site will not "divert the attention and resources of the developer "away from the nearby Strategic Site SD H" is a key consideration in determining the extent to which the application satisfies the requirements of the Developer Guidance document. The applicant has provided information on the current position on Strategic Site SDH and has clarified that the progression of the application site will have a positive effect on the time and financial capacity of the landowner (applicant) to engage in the work with other landowners of the strategic site, to progress the ongoing work to ensure the development of the strategic site. In this respect, Committee should note that the developer has agreed 'Heads of Terms' with Pobl over the future sale of the site.

\* Affordable Housing: The Developer Guidance document sets out the pressing need to deliver affordable housing to meet the identified shortfall and states that priority may be afforded to applications which are able to deliver housing to meet this need. The level of affordable housing to be provided is therefore an important consideration in providing justification of a departure from the UDP. The Planning Statement confirms that the applicants have agreed Heads of Terms with the Registered Social Landlord, Pobl.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

The applicant has confirmed their view that the site is in a very strong position to deliver on this requirement of meeting affordable housing need, and that it is considered that the site will achieve in excess of the current adopted policy requirement of 30% affordable housing, including providing a mix of sizes and tenures which have been successfully developed by Pobl elsewhere. This approach is welcomed and provides further evidence of how this departure scheme meets the requirements of the Developer Guidance document.

\* Heads of Terms Woodland Management Plan: The management of the woodland is a key development principle which underpins the H1.23 LDP allocation. The applicants have confirmed that a Woodlands Management Plan will be secured either through condition or through a s106 Agreement which will be agreed prior to the start of the development. This provides the necessary certainty that this important element of the scheme can be secured prior to commencement of works and that the scheme will be in compliance with the H1.23 allocation.

The proposal is a departure to the extant UDP, however the unique circumstances of the site and the Developer Guidance document together with the new/emerging policy framework provides a mechanism to allow a departure to the extant development plan in this case. Having regard to the analysis in the paragraphs above, it is considered that the scheme is an acceptable departure scheme, which in particular, will deliver both market and a high proportion of affordable homes within reasonable timescales, which would justify a departure under the Council's approved Developer Guidance.

In this regard, the application is therefore considered to be acceptable.

### **Visual Amenity / Design Principles**

With regard to the impact on the visual appearance of the area, it is noted that the application is in outline form only and as such full consideration of the design of the proposed dwellings and their impact upon the streetscene will be considered when the scale and appearance details are submitted as part of any future reserved matters application. It must be noted however, that the application site lies to the rear of existing residential dwellings in Gorwydd Road and would therefore not have a direct frontage to Gorwydd Road, and as such, would not be highly visible within the existing streetscene.

With regard to the proposed layout of the site, a masterplan approach has been applied to develop this parcel of land and this is highlighted by the submission of an indicative Masterplan, a Design Principles Plan and a series of Parameters Plans. In addition to this, the submitted Design and Access Statement sets out a vision and some principles to guide the development.

The submitted Design Principles Plan demonstrates how the key aspects of the adopted Residential Design Guide SPG can be applied to the site. For example the design principles/framework correctly requires development to face outwards with building frontages facing towards the retained woodland and shows an outward facing edge at the western end which will positively relate to the green space and community at Clos Tregwyr / Tir Y Farchnad and beyond. The submitted Parameters Plans demonstrate the movement through the site, public realm areas, open space and play areas, density, heights and frontages. It is considered that the Parameters and Design Principles Plans represent a robust set of placemaking principles that fix the main requirements for a development of up to 100 homes, whilst allowing sufficient flexibility for the detailed layout issues to be resolved at the reserved matters stage.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

The indicative layout also indicates the potential for walking/ cycling links through the site to the west to eventually link to Gowerton Railway station.

On this basis the application is considered to be acceptable.

### **Residential Amenity**

With regard to the impact upon the residential amenities of existing occupiers adjoining the site, it is considered that the use of the site for residential purposes would not cause an undue harmful impact on the amenities of the existing and future residents. As the application is in outline form only, no precise details of the layout (other than a Design Principles Plan, Indicative Masterplan and Parameters Plans) has been submitted. The indicative masterplan plan shows that up to 100 dwellings can be accommodated on the site without harming the residential amenity of the surrounding residential dwellings. Full consideration of the impacts upon the amenities of surrounding houses with regard to overbearance, overshadowing and overlooking will be considered fully at the reserved matters stage.

As such the application is considered to be acceptable in that it is demonstrated that the site can be satisfactorily developed in accordance with the provisions of Policy EV1 of the Unitary Development Plan 2008 and the SPG - Places to Live: Residential Design Guide

### **Transportation and Highway Safety**

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect on highway conditions in Gorwydd Road, as detailed in the 'response to Consultation' section of this report. A Transport Assessment was submitted with the application which shows that the additional movements can be incorporated into the existing traffic flows without any infrastructure works being required, hence the proposed priority junction is satisfactory. The access points into the site have been indicated and an indicative internal layout has been submitted. It is considered that adequate visibility can be provided at the junction of the proposed vehicular access with Gorwydd Road.

Whilst extensive concern has been raised regarding the additional traffic movements that would be created by the development, it is considered that the trips arising from the development would be approximately one per minute. It is therefore considered that the development traffic can be accommodated within the existing infrastructure.

The indicative layout shows a mixture of road to adopted standards plus elements of shared private drives / un-adopted areas. Footways have been partly indicated and their full inclusion can be secured by condition. In addition a shared use path will be required to link through the site to tie into the proposed access points.

Parking provision varies across the site and in the main will be required to comply with the Council's parking standards.

The developer has agreed to pay a contribution of £35,000 to provide a Toucan Crossing for pedestrian / cycle use at the pedestrian point of access into the site (opposite 60/62 Gorwydd Road).

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

As such, no highway objections are raised subject to the imposition of appropriate conditions, and the application is considered to be acceptable in this regard.

### **Trees**

The Arboricultural Officer has raised no objection to the application as detailed in the 'Final Comments' of the Tree Officer's observations (above).

The majority of the protected woodland (contained within the application site and the adjoining blue land) will remain undeveloped with the trees being retained wherever possible, subject to an approved woodland management plan that may prescribe some tree removals to obtain management goals. The woodland management plan would aim to improve the woodlands' poor vertical structure and lack of age diversity.

Sections of the woodland are poor due to lack of management and ground conditions. The main areas of the proposed development are in the lower lying areas that are wet and support mainly willow. The central area of the western half of the site has only recently been colonised by these willow trees as can be seen from the historic aerial photographs. The woodland TPO generally excludes the wetter area and this is where the proposed development is centred.

The indicative layout places residential roads adjacent to the retained trees which will reduce the likelihood of future tree removals due to tree/neighbour conflicts.

The drainage strategy shows the connection to the drain for the eastern side of the site to pass through the protected woodland. The applicant has now indicated that any services going through the woodland will be inserted by moling - this will ensure the retained trees are not affected.

There are few opportunities for compensatory planting within the proposed development, but a landscaping scheme will be required via a condition to ensure where there is space available it is used to plant trees.

The majority of the trees will be retained (and be managed), and there will be little pressure on the retained trees from the development. For these reasons, the development, whilst reducing tree cover is a reasonable compromise between development and tree retention and is considered to be acceptable in this regard.

As such the application is considered to be acceptable.

### **Ecology**

The Ecology Officer and NRW have raised no objection to the application subject to conditions and a S106 for towards mitigating the loss of the wet woodland area, and conditions relating to habitat protection during construction, as detailed in the comments in the Ecology and NRW observations section of this report above.

No protected species would be detrimentally affected by the proposed development.

As such, the application is considered to be acceptable in this regard.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

### **Mining Legacy**

The Coal Authority has raised no objection to the application subject to conditions.

A Coal Mining Risk Assessment Report was submitted with the application which correctly identifies that the application site has been subject to past coal mining activity. The Coal Authority's records indicate that underground mining has taken place within four coal seams at shallow to 280m depths and that thick coal seams outcrop at or close to the surface of the site may have been subject to historic unrecorded mining. In addition, there are a total of eight recorded coal mine entries (seven shafts and an adit) located within the proposed development site or within 20m of its boundary. Due to potential plotting inaccuracies, the actual position of these features could deviate from their plotted positions by several metres. The Coal Authority hold no details of any treatment of these mine entries.

The Report identifies that the collapse of shallow coal mine workings and the presence of mine entries within and adjacent to the site pose a significant risk to the proposed development.

Accordingly, the Report makes appropriate recommendations for the carrying out of intrusive ground investigations prior to the commencement of development in order to establish the exact situation regarding coal mining legacy and to inform appropriate remedial measures required to ensure the safety and stability of the proposed development. In the event that mine workings are encountered, the Coal Authority considers that due consideration should also be afforded to the potential risk posed by mine gas to the proposed development.

The Coal Authority considers that the content and conclusions of the Coal Mining Risk Assessment Report are sufficient for the purposes of the planning system and meet the requirements of PPW in demonstrating that the application site is, or can be made, safe and stable for the proposed development.

As such, the application is considered to be acceptable in this regard.

### **Contaminated Land**

Pollution Control Officers and NRW raise no objection to the application subject to a conditions requiring detailed measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks.

A Geotechnical and Geoenvironmental Appraisal Desk Study Report was submitted with the application which sets out the site investigation proposals and states that more extensive investigation works are to be carried out.

As part of the condition, the applicant will be required to submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the site.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- \* a list of potential receptors
- \* an assessment of the extent of the contamination
- \* an assessment of the potential risks
- \* an appraisal of remedial options, and proposal for the preferred remedial option(s).

The Phase 1 report: Desk Top Study shall:

- \* Provide information as to site history, setting, current and proposed use.
- \* Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- \* Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation / information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, which shall provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater and provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

Then, in the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, which shall:

- \* Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Finally, on completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

As such, the application is considered to be acceptable in this regard.

### **Affordable Housing**

The applicant has agreed to the requirement of the provision of 30% Affordable Housing on site (in accordance with UDP requirements) with 70% social rent and 30% intermediate. The scheme is required to include a range of DQR complaint house types to include both the social and intermediate tenure. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units. The affordable housing will be secured via a Section 106 Agreement.

### **Education**

The projected pupil numbers generated by the proposed development of 100 houses (having regard to the calculations contained within the Planning Obligations SPG) is as follows:

Primary - 31 pupils (26 English and 5 Welsh medium)

Secondary - 22 pupils (19 English and 3 Welsh medium)

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

The cost per pupil is £10,372 for primary and £15,848 for secondary

The Education Department have requested a total contribution of £670,188 as they consider that there is lack of capacity in all the catchment schools (both English and Welsh medium).

With regard to the Primary school provision (both English and Welsh), the agreed contribution is: £321,532 (plus indexation), towards both Gowerton Primary and YGG Y Login Fach. The amount being 26 pupils (84.8%) English-medium and 5 pupils (15.2%) Welsh-medium. This is based on lack of capacity projected for these primary schools.

With regard to the secondary school places, it is observed from the capacity figures provided by the Education Department, that the English medium school (Gowerton Comp) has sufficient unfilled places (183) to accommodate the new pupils from the development. The projected figure shows 88 available school places at September 2023. However, the Education Department have indicated that the capacity provided within the existing demountable class rooms (2 single and 3 double) should be excluded from the calculations which then shows the school to be over capacity. However, Circular 13/97 - Planning Obligations specifically states (para B12) that "*the extent of what is sought or offered is fairly and reasonably related in scale and kind to the proposed development*" and "*that developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies*". The existing demountable classrooms are considered to be 'existing deficiencies' in this regard, and cannot be excluded from the capacity calculations as it is not the developer's responsibility to provide an upgrade to existing demountable classrooms. That responsibility lies with the Council / school. S106 monies can only be requested for new capacity within schools, where the school does not have current or projected capacity to accommodate the new children from the development.

As such, it is considered that no contribution can be sought for Gowerton Comp.

Therefore the requested contribution for the secondary Welsh medium school equates to £47,544 for the projected 3 Welsh medium pupils generated by the proposed development.

As such, the total contribution requested is £321,532 (plus indexation), towards both Gowerton Primary and YGG Y Login Fach Primary and £47,544 (plus indexation) for Y Gwyr secondary, which is a total of £369,076.

The education contribution will be secured via a Section 106 Agreement.

### **Drainage**

There are no objections raised to the application by statutory consultees on drainage grounds, providing conditions are added relating to discharge rates, the comprehensive and integrated drainage of the site with regard to surface water and land drainage and sustainable drainage (SUDS), surface water removal from the local catchment area, the removal of permitted development allowances and alterations to the onsite culvert.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

Dwr Cymru / Welsh Water have confirmed that they raise no objection to the application subject to conditions relating to a drainage scheme for the disposal of foul, surface and land water and a 3m easement from the existing surface water public sewer and foul water public sewer which cross the site.

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

### **Burry Inlet Habitat Regulations Assessment**

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

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

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

### **Water Quality**

With regard to the water quality issues in the Burry Inlet and Loughor Estuary, the City and County of Swansea, as part of the LDP process has undertaken a 'Shadow Habitats Regulations Assessment to inform the Habitats Regulations Assessment of the Local Development Plan. The application site (being an allocated residential site within the deposit LDP) was considered as part of this HRA.

As the proposed development has already been considered as part of this HRA (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 of the proposal.

In summary, the HRA concludes that the deposit LDP (which includes the application site as an allocated site) will not be likely to have a significant effect either alone or in combination on any of the European protected sites (Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet SPA and Ramsar).

### **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.



## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

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

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

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

### **Flood Risk**

Natural Resources Wales (NRW) have confirmed that the proposed development site is wholly in Zone A on the Development Advice Map (DAM) and within Zone 1 on their current flood map. Other land within the applicant's ownership, but which is not part of the current application, lies within Zone B and borders Zone C2 on the DAM. NRW have accepted that the application site is not within a currently mapped flood zone, but raised a query regarding potential additional flood risk from the main river Gors Fawr Brook - if the culvert beneath the railway became blocked.

The applicant therefore submitted additional information in the form of a Flood Consequences Assessment covering the impact of a potential blockage of the Gors Fawr Brock railway culvert'

NRW have confirmed that the additional survey information indicates that the site is unlikely to be affected in the event of culvert blockage and therefore there is no substantive evidence to suggest that the flood risk to the site from the Gors-Fawr Brook is different to that currently shown on the flood maps.

### **Archaeology**

Gwent Glamorgan Archaeological Trust (GGAT) have assessed the submitted Archaeological Desk Based Assessment and advised that the majority of the remains within the site are of an industrial nature, and because the nature of the land use in the 19th and 20th century, there is a high potential for sub-surface archaeology to be present within the development area. Additionally, standing remains, including a stone and brick chimney stack, were observed during the field visit. The development of industrial sites in the wider area have encountered significant below ground remains associated with previous use. Therefore, it is possible that any ground disturbance work associated with the proposal may encounter archaeological structures or deposits, as well as reveal further details of the standing remains.

As such it is recommended that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent. The condition will require a programme of work in the form of a watching brief during the ground works with detailed contingency arrangements, including the provision of sufficient time and resources, to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results.

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

### **Japanese Knotweed**

It has been confirmed that Japanese Knotweed is present on the site. Therefore a planning condition will be added requiring that a detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, which shall be implemented prior to the commencement of work on site, in the interests of the ecology and amenity of the area. In order for the condition to be discharged, the developer must then devise an appropriate and suitable method statement for the control of the plant.

### **Welsh Language**

The Welsh Language Impact Assessment indicates that at the time of the 2011 Census, 13.2% of the residents of the Gowerton Ward could speak Welsh. At a County level, this figure is 11.4% (19% nationally). It is anticipated that the majority of the new occupiers of the development would be drawn from throughout the City & County of Swansea and therefore is it reasonable to adopt the Swansea wide proportion of Welsh speakers (11.4%) that may be introduced into the Ward as a result of the development. Based on the census figures of residents per household, it is anticipated that 350 new residents would reside within the development and the number of Welsh speakers would be approximately 40.

As a result, the development is unlikely to lead to a loss in Welsh speaking households. The mix of units, which has been based on a local market assessment would ensure that the dwellings do not favour/ discriminate against one particular age group. The housing mix would help cater for people of different ages and economic status, with different lifestyles and levels of independence. Due to the nature of the scheme (residential), it is not considered that the proposals would lead to greater economic diversity resulting in in-migration of non-Welsh speakers or increased competition for Welsh speaking businesses. It is considered unlikely that the development would force the local Welsh speaking community to leave the area.

The proposed development would generate 31 children of primary school age, 22 children of secondary school age. As a result of the number of pupils generated by the development, it is considered unlikely that the proposal would alter the balance between Welsh speaking and non-Welsh speaking pupils/students. The developer has agreed to provide a S106 contribution which will include both Welsh and English speaking schools.

### **Responses to Objections**

Issues relating to the increase in traffic, parking, access, the existing road network, access for emergency vehicles, principle of development, the Local Development Plan (LDP) over-development, policy, loss of green wedge, impacts upon schools, privacy, sewerage, drainage, flooding, open space, the character of the area, ecology, impacts on habitats and the SINC, TPO trees and woodland, children's play areas, pollution, old coal mine workings / land stability, contaminated land, Welsh language, noise, are addressed in the report above.

With regard to the documentation submitted with the application, the technical details have been fully assessed by the respective professionals within their field.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

With regard to the other issues contained within the list of objection points including the parking situation at Gowerton Railway station, bus services, the loss of this private land as an informal play area for children, the capacity of the local doctors, pharmacies and dentist surgeries, policing and house values, these issues are not material planning considerations and so do not form a reason for the refusal of the application.

### **Conclusion**

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the scheme is an acceptable departure to the Unitary Development Plan 2008, as it will deliver both market and a high proportion of affordable homes within reasonable timescales, and therefore justifies a departure under the Council's approved Developer Guidance.

The principle of the development of this site for up to 100 residential units is therefore considered to be acceptable subject to conditions and an S106 Agreement. As the application is in outline form only with all matters reserved, further consideration will be given to the access, appearance, landscaping, layout and scale at the reserved matters stage.

It is considered however, that the application demonstrates that the site can be satisfactorily developed in terms of impacts upon the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, impacts on trees, ecology, drainage and environmental interests with regard to the provisions of Policies EV1, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10 of the Unitary Development Plan 2008, and the following Supplementary Planning Guidance Notes (SPG) - Places to Live: Residential Design Guide, Planning Obligations, Parking Standards, Planning for Community Safety and The Protection of Trees on Development Sites

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

### **RECOMMENDATION**

**APPROVE subject to the following conditions and the applicant entering into a S106 Planning Obligation to provide::**

**\* 30% of Affordable Housing (AH) on the site;; comprising 70% social rent and 30% intermediate, provided at 42% ACG and DQR compliant. The AH shall comprise a 50/50 mix of 2 and 3 bedroom properties. The design and specification of the AH should be of equivalent quality to those used in the Open Market Units. The AH shall be dispersed across the site in clusters.**

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

**2017/1451/OUT**

- \* A Highways Contribution of £35,000 for the provision of a Toucan Crossing for pedestrian /cycle use (suggested location is at a point of secondary pedestrian access opposite 60/62 Gorwydd Road).**
- \* Education Contribution of £369,076 to increase school capacity at local schools (plus indexation) - Primary: £321,532 (plus indexation), to be split 84.8/15.2 towards Gowerton Primary and YGG Y Login Fach, respectively. Secondary: £47,544 (plus indexation), towards YG Gwyr.**
- \* Management plans for the future maintenance of the retained woodland, and proposed Open Spaces, Leaps and Laps.**
- \* An Ecology Contribution of £20,000 towards the on-going management, maintenance and enhancement of Killay Marsh Local Nature Reserve, to mitigate the loss of the wet woodland area.**
- \* A Management and Monitoring fee of £8481 (based on 2% of the monetary value of the obligation contained within this S106 agreement)**
- \* The Council's legal fees of £1000 relating to the preparation of the S106 agreement**

**CONDITIONS**

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.  
Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.
- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission.  
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 3 The development shall begin either before the expiration of one year from the date of this permission or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 4 The development shall be carried out in accordance with the following approved plans and documents: G1325-P01 - Site Location Plan received on 30 June 2017.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

- 5 The proposed development shall be designed in accordance with the urban design concepts contained within the Design Principles Plan received on the 22nd September 2017.  
Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy advice and guidance.
- 6 A detailed scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority, and shall be implemented prior to the commencement of work on site.  
Reason: In the interests of the ecology and amenity of the area.
- 7 No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul, surface and land water, and include an assessment of the potential to dispose of surface and land water by sustainable means. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water, surface water and land drainage shall be allowed to connect directly or indirectly with the public sewerage system.  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 8 The development shall not discharge to the watercourse network at any rate greater than the following:-
- o 1 in 1 year rainfall event - 7.96l/s/developed hectare
  - o 1 in 2 year rainfall event - 8.42l/s/developed hectare
  - o Qbar rainfall event - 9.06l/s/developed hectare
  - o 1 in 30 year rainfall event - 15.98l/s/developed hectare
  - o 1 in 100 year rainfall event - 19.76l/s/developed hectare
- As indicated in the runoff calculations within the Drainage Strategy Report Dated April 2017, Job No 1067.
- Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment and to minimise surface water run-off.
- 9 No development shall commence, until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, is submitted to and approved in writing by the Local Planning Authority. The approved surface water removal strategy shall be implemented in full, prior to the occupation of any of the dwellings hereby approved and written confirmation of this must be sent to the Local Planning Authority.  
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, (or any order revoking or amending that order), Classes A, D and E of Part 1 of Schedule 2, shall not apply.  
Reason: To protect the integrity of the chosen surface water management system from additional impermeable areas that the surfacewater system is not designed to accommodate.
- 11 Prior to the commencement of development a scheme detailing any proposed alterations or modifications to any existing on-site culverts shall be submitted to and agreed in writing by the Local Planning Authority. Only the agreed culvert works shall then be implemented in accordance with the details thereby approved.  
Reason: To ensure that any alterations to the onsite watercourses do not create or exacerbate existing flood risk to the development and surrounding third parties.
- 12 Any reserved matters application relating to layout shall include full details of an 'Autotrack run' that demonstrate that refuse vehicles/emergency vehicles can enter, turn and leave all parts of the proposed development in a forward gear.  
Reason: To ensure full access can be gained by refuse and emergency vehicles in the interests of highway safety.
- 13 Prior to the submission of any reserved matters application, a scheme of intrusive site investigations for the mine entries and a scheme of intrusive site investigations for the shallow coal workings, shall be submitted to and approved in writing by the Local Planning Authority (in consultation with the Coal Authority). Both schemes of intrusive site investigations shall be undertaken in accordance with the approved details thereby approved, prior to the submission of any reserved matters application.  
  
Reason: To ensure the safety and stability of the proposed development.
- 14 The reserved matters application shall be accompanied by the following reports:
- (i) The report of findings arising from both of the intrusive site investigations required by Condition 13 (above)
  - (ii) The submission of a layout plan which identifies appropriate zones of influence for the mine entries, and the definition of suitable 'no-build' zones;
  - (iii) The submission of a scheme of treatment for the mine entries for approval; and
  - (iv) The submission of a scheme of remedial works for the shallow coal workings for approval
- Prior to the commencement of development, those treatment/remedial works shall be implemented in accordance with the details thereby approved.
- Reason: To ensure the safety and stability of the proposed development.

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

- 15 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which shall be submitted to and approved in writing by the local planning authority. Thereafter, the programme of work shall be fully carried out in accordance with the requirements and standards of the written scheme.

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

- 16 Prior to the commencement of development on site, details of the following phased scheme shall be submitted to and approved in writing by the Local Planning Authority: the phased scheme shall comprise of three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site. Where the initial investigations indicate the presence of such contamination, including the presence of relevant gas/vapour and/or radioactivity, subsequent reports shall include:

- (i) a list of potential receptors
- (ii) an assessment of the extent of the contamination
- (iii) an assessment of the potential risks
- (iv) an appraisal of remedial options, and proposal for the preferred remedial option(s).

The reports shall be submitted individually.

The provision of Phase 2 and Phase 3 reports will be required only where the contents of the previous report indicate to the Local Planning Authority that the next phase of investigation/ remediation is required.

Phase 1 report: Desk Top Study - this shall:

- (i) Provide information as to site history, setting, current and proposed use.
- (ii) Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- (iii) Identify if further investigation or remediation is required.

In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation - this shall:

- (i) Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater. Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

In the event that the need for remediation is identified the applicant shall submit a subsequent detailed [Phase 3] report to the Local Planning Authority, viz:

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

Phase 3: Remediation Strategy Options Appraisal - this shall:

(i) Indicate all measures to be taken to reduce the environmental and human health risks identified in Phase 1 and Phase 2 to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

Phase 3: Validation/verification Report

On completion of remediation works a validation/verification report will be submitted to the Local Planning Authority that will demonstrate that the remediation works have been carried out satisfactorily and remediation targets have been achieved.

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

- 17 Reports on monitoring, maintenance and any contingency action relating to land contamination shall be carried out in accordance with a long-term monitoring and maintenance plan to be submitted to and approved by the Local Planning Authority prior to the occupation of any of the dwellings. On completion of the monitoring programme a final report demonstrating that all long- term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.  
Reasons: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
- 18 If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
Reasons: Given the size/complexity of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
- 19 No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.  
Reason: There is an increased potential for pollution from inappropriately located infiltration systems such as soakaways, unsealed porous pavement systems or infiltration basins.
- 20 Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.  
Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.



**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

- 21 Prior to commencement of the development on site, a scheme shall be submitted to and approved in writing by the Local Planning Authority which shall make provision for the following:

All habitable rooms adjacent to the railway line be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 37dBA Leq 16 hour during the day and 30dBA Leq 8 hour at night. The submitted scheme shall ensure that the habitable rooms subject to sound insulation measures shall be provided with acoustically treated ventilation units. The scheme shall then be implemented in accordance with the details thereby approved and retained as such thereafter.

Reason: To minimise future residential exposure to train pass-by noise.

- 22 Prior to the commencement of development on site, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: To ensure that the development is provided with satisfactory vehicular access in the interests of public safety.

- 23 All garages shall be retained for the parking of vehicles and purposes incidental to that use and shall not be used as or converted to domestic living accommodation.

Reason: To ensure adequate on site car parking provision in the interests of highway safety, and residential and visual amenity.

- 24 All integral garages shall have minimum internal dimensions of 3m width by 6m length.

Reason: To ensure adequate on site car parking provision in the interests of highway safety.

- 25 Notwithstanding the provision of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no fences, gates or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road.

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development.

- 26 Prior to the occupation of any of the approved dwellings, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include provision for encouraging and incentivising use of public transport and cycling. The approved Travel Plan shall be implemented upon the first occupation of any of the dwellings hereby approved.

Reason: In the interests of highway safety.

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

27 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence until a scheme for tree protection has been submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme, unless otherwise agreed in writing by the Local Planning Authority. The tree protection scheme shall include the following information:

(a) A tree protection plan comprising of a drawing at a scale of not less than 1:500 showing, with a solid line, all trees and other landscape features that are to be retained and, with a dashed or dotted line, those that are to be removed. This drawing shall also show the position of protection zones, fencing and ground protection measures to be established for retained trees. Where applicable, two lines shall be shown demonstrating the lines of temporary tree protective fencing during the demolition phase and during the construction phase.

(b) A British Standard 5837 Tree Survey schedule with tree reference numbers corresponding with trees on the plan required by section a) of this condition.

(c) The specification for protective fencing and a timetable to show when fencing will be erected and dismantled in relation to the different phases of the development;

(d) Details of mitigation proposals to reduce negative impacts on trees including specifications and method statements for any special engineering solutions required and the provisions to be made for isolating such precautionary areas from general construction activities;

(e) Details of any levels changes within or adjacent to protection zones;

(f) Details of the surface treatment to be applied within protection zones, including a full specification and method statement;

(g) The routing of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level;

(h) A specification and schedule of works for any vegetation management required, including pruning of trees and details of timing in relation to the construction programme;

(i) Provision for the prevention of soil compaction within planting areas;

(j) Provision for the prevention of damage to trees from soft landscape operations including details of the application of any herbicides;

(k) Provision for briefing construction personnel on compliance with the plan;

(l) Provision for signage of protection zones and precautionary areas;

(m) Details of contractor access during any demolition or building operations including haulage routes where soil is to be removed.

(n) A tree protection mitigation plan detailing emergency tree protection and remediation measures which shall be implemented in the event that the tree protection measures are contravened.

Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

28 Prior to the construction of the first dwellinghouse hereby approved, a plan indicating the positions, heights, design, materials and type of all boundary treatments to be erected within the site shall be submitted to and approved in writing by the Local Planning Authority. Before each dwelling hereby approved is occupied, the means of enclosing the boundaries of the individual curtilage of that dwelling shall be completed in accordance with the agreed details.

Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.

29 No development shall take place until a Wildlife and Habitat Protection Plan has been submitted to and approved in writing by the Local Planning Authority. The Wildlife and Habitat protection plan shall include:

- i) A plan showing the Construction Exclusion Zone (CEZ) fencing scheme designed to protect all features of ecological interest throughout the construction period.
- ii) Details of any proposed activities within the CEZ and measures to be taken to minimise the impact of any works.
- iii) Details of phasing of construction.
- iv) Vegetation Removal Method Statement.

All vegetation removal will need to be supervised by a suitably experienced Ecological Clerk of Works (ECoW) with site-specific knowledge, working to the agreed Vegetation Removal Method Statement. The Protection Plan shall then be implemented prior to any ground works commencing and in accordance with the timings approved by the Local Planning Authority.

Reason: In the interests of protecting retained habitats and wildlife on the site during the construction process.

30 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the lighting will avoid excess light falling on site features that may be used for foraging bats.

Reason: To ensure a convenient and safe form of development and in the interests of protecting the ecology of the area.

31 The proposed development shall be carried out in strict accordance with the Mitigation Measures detailed within Sections 6.4 of the Otter and the Dormouse surveys and Section 5.4 of the Trees & Bats survey received on 29th September 2017. If any roosts, dens or nests are found then work must stop immediately, and Natural Resources Wales must be contacted for further advice.

Reason: In the interests of protecting European Protected Species on the site.

32 No development shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the construction phase of the development is submitted to and agreed in writing by the Local Planning Authority.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

The Method Statement shall identify as a minimum;

- (i) Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
- (ii) How each of those watercourses and pathways will actually be protected from site run off.
- (iii) How the water quality of the watercourses will be monitored and recorded.
- (iv) What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses.
- (v) Storage facilities for all fuels, oils and chemicals
- (vi) Construction compounds, car parks, offices, etc.
- (vii) Measures for dealing with dust
- (viii) Measures for dealing with any contaminated material (demolition waste or excavated waste)
- (ix) Identification of any buried services, such as foul sewers, so that they are protected
- (x) Details of emergency contacts, for example Natural Resources Wales' Pollution hotline 0800 807 060

The construction phase of the development shall be implemented in accordance with the agreed CEMP at all times.

Reason: Prevention of pollution to controlled waters and the wider environment.

- 33 No development approved by this permission shall be commenced until a Site Waste Management Plan (SWMP) has been produced and submitted in writing for approval by the Local Planning Authority. The construction phase of the development shall be implemented in accordance with the agreed SWMP at all times.

Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.

### INFORMATIVES

- 1 The developer is advised to note that the "reserved matters" plans are required to be in accordance with the scale parameters shown at section 6.4 of the Design and Access statement (received on 4th July 2017).
- 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, EV2, EV3, EV20, EV22, EV23, EV24, EV28, EV30, EV33, EV34, EV35, EV38, EV40, HC3, HC17, HC24, AS1, AS2, AS5, AS6 and AS10
- 3 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

- 4 Please be aware that under the Flood and Water Management Act 2010 the City and County of Swansea is now classified as the Lead Local Flood Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting any watercourse may be required irrespective of any other permissions given and we encourage early engagement with us to avoid any issues.
- 5 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication Sewers for Adoption 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com).
- 6 Network Rail - You are advised to note the following
- Fencing:  
If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.
- Foundations:  
Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.
- Drainage:  
All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:  
Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground; Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure; Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.
- Ground disturbance:  
The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 4 (CONT'D)

APPLICATION NO:

2017/1451/OUT

### Access points:

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

### Site layout:

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

### Piling:

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

### Excavations/earthworks:

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

### Signalling:

The proposal must not interfere with or obscure any signals that may be in the area.

### Environmental issues:

The design and siting of buildings should take into account the possible effects of noise and vibration and the generation of airborne dust resulting from the operation of the railway.

### Landscaping:

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

### Plant, scaffolding and cranes:

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

### Lighting:

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway.

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

Safety barrier:

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

- 7 With regard to condition 15 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.
- 8 Natural Resources Wales (NRW) advise that as the Gors-Fawr Brook is a designated main river, a Flood Risk Activity Permit may be required for activities in, under or over the channel as well as within 8m of the banks or within the flood plain. Further details of which can be found at: <https://naturalresources.wales/permits-and-permissions/flood-risk-activities/?lang=en>
- 9 The applicant is advised to note the following:

1 Construction Noise

The following restrictions should be applied to all works of demolition/ construction carried out on the development site

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

2 Smoke/ Burning of materials

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

3 Dust Control:

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

4 Lighting

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

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 4 (CONT'D)**

**APPLICATION NO:**

2017/1451/OUT

- 10 Highway Informatives:  
Note 1 - Management and Maintenance of Streets.  
The applicant is advised that to discharge condition 18, that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.
- Note 2: The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Team Leader (Development), e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091
- Note 3 - Retaining Wall Informative  
Under the provision of the Highways Act 1980, the approval of the Highway Authority must be obtained for the construction of any retaining wall that is both within 4 yards of a highway and over 4ft 6ins (1.37m) in height.  
Under the provision of the West Glamorgan Act 1987, the approval of the Highway Authority must be obtained for the construction of any retaining wall that exceeds 1.5m in height.
- 11 Natural Resources Wales recommends that developers should:  
1. Follow the risk management framework provided in CLR11, Model Procedures for the Management of Land Contamination, when dealing with land affected by contamination.  
2. Refer to Environment Agency document; 'Guiding Principles for Land Contamination' for the type of information that we require in order to assess risks to controlled waters from the site. The Local Authority can advise on risk to other receptors, such as human health.  
3. Refer to: Groundwater protection: Principles and practice (GP3).
- 12 The treatment and disposal of contaminated soils and groundwater is regulated by waste legislation and requires an environmental permit. Excavated materials that are recovered via a treatment operation can be re-used on-site under the: CL:AIRE Definition of Waste: Development Industry Code of Practice.  
This voluntary Code of Practice provides a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste.
- 13 Any waste materials that are generated on site (either resulting from construction or demolition) must be stored and treated in line with relevant environmental legislation. If it is proposed to treat waste on site (i.e. production of aggregates), a relevant waste permit/exemption must be registered with NRW. More information on relevant waste exemptions can be found on our website at: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)
- 14 The proposed development site is crossed by a 600mm surface water public sewer and a 150mm foul water public sewer with their approximate position being marked on the Statutory Public Sewer Record. Their position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewers.
-





**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 5 (CONT'D)**

**APPLICATION NO:**

2017/2195/ADV

**SITE HISTORY**

<b>App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2017/1440/S73	Variation of conditions 2 and 4 of planning permission 2016/0726 granted 24/06/2016 (Change of use from office (Class B1) to restaurant (Class A3) and partial demolition and re-design of the existing garage to facilitate the provision of 2 off street parking spaces) to allow an amended parking layout, boundary treatment details, an external fire escape and a terraced area to the front	APP	13.11.2017
2017/2195/ADV	1 internally illuminated free standing sign and 2 non illuminated fence mounted signs	PDE	
2017/2475/DOC	Discharge of condition 9 (Tree Protection Plan and Arboricultural Method Statement) of planning permission 2017/1440/S73 granted 13th November 2017	REC	
2016/0726	Change of use from office (Class B1) to restaurant (Class A3) and partial demolition and re-design of the existing garage to facilitate the provision of 2 off street parking spaces.	APP	24.06.2016
2015/0873	Change of use from Offices (Class B1) to Class A3 with associated fenestration alterations to front elevation and replacement of single garage with double garage and associated works.	REF	20.08.2015
2015/0452	Change of use from offices (Class B1) to Restaurant/Bar (Class A3)	PRENE G	22.04.2015

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

### ITEM 5 (CONT'D)

APPLICATION NO:

2017/2195/ADV

2005/0657

Change of use from  
residential use (Class C3)  
to office use (Class B1)

APP

28.06.2005

### APPRAISAL

This application is reported to committee for decision at the request of Councillors Irene Mann and Peter May.

### RESPONSE TO CONSULTATIONS

Two neighbouring properties were consulted and the proposal was advertised on site and in the press as being development within a Conservation Area. 1 LETTER OF OBJECTION has been received and is summarised as follows:

- 1) Application for signage is a further deterioration to the alteration and appearance of building and grounds.
- 2) Until recently property was a private dwelling.
- 3) Commercialisation of Uplands Crescent with emphasis on sale of alcohol and food at night has a pernicious effect on quality of life of local residents.
- 4) Commercialisation of Uplands Crescent also a deleterious erosion of the better aspects of the conservation area.
- 5) A downward spiral visually and socially, increasing the drinking/nightclub culture.
- 6) Opening hours until midnight inconsistent with other outlets in the area, setting unwanted precedent.
- 7) Signage is unnecessary and intrusive.
- 8) Objection letter of 17th October (for s.73 application) applies equally to the signage application.
- 9) Council appears compliant and anxious to grant every application that destroys or erodes the status and values of our environment.

A PETITION OF OBJECTION containing 30 signatures has been received which raises the following concern:

- o Detrimental impact on the environment of the immediate neighbourhood and adjacent residential properties.

**Highway Authority** - No objection: There are a number of objections to the proposals however these are concerned with the visual aspect within a conservation area. From a highways point of view, the signs do not project onto the highway and do not constitute an obstruction. I would not consider them to be such a visual distraction to highway users as to constitute a safety issue. On balance therefore, there are no highway objections.

### **Design and Conservation Officer** -

- o The application site comprises no. 30 Uplands Terrace, an unlisted building of character with attractive external features. The application site lies within the Ffynone and Uplands Conservation Area.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 5 (CONT'D)

APPLICATION NO:

2017/2195/ADV

The application building is viewed as one of the most important buildings within this part of the Conservation Area and is located on a prominent corner at the junction of Uplands Terrace and Uplands Crescent. The surrounding streetscene, specifically along Uplands Crescent, is characterised by an array of commercial units including a variety of advertisements, both internally and externally illuminated.

- o Advertisement consent is sought for 1 no. internally illuminated sign and 2 no. non illuminated fence mounted signs at 30 Uplands Terrace. The Shopfront and Commercial Frontage Design Guide SPG notes that signage within conservation areas should be of high standard, relate architecturally to the host building and be in keeping with the surrounding scale.
- o The 1 no. internally illuminated sign comprises a matt painted finish metal box signage measuring 1142mm by 1040mm with a depth of 60mm. The signage will be backlit and fixed to the west (side) elevation wall of the building adjacent to the entrance door (application form incorrectly states east elevation wall). The signage will include bronze artwork reverse etched and the wording 'Saint James' will be fret cut to allow back illumination. The sign will project 20mm from the wall resulting in a maximum total projection of 80mm. The sign is located in a suitable position adjacent to the main entrance to direct visitors. The proposal backlit illumination is viewed as a discrete form of lighting which is acceptable in this location.
- o The 2 no. non illuminated fence mounted signs will measure 977mm by 530mm and have a depth of 10mm. The signage comprises black/blue painted panels with bronze artwork reverse etched and are proposed to be fixed directly onto the boundary railings, one fronting onto Uplands Terrace (western boundary) and one fronting onto Uplands Crescent (southern boundary). The signs should be lower so that the top sits below the circular detail of the railings, thereby being sensitively integrated into the railings. Sign 3- Ideally this should be moved to the left to form a corner pair with sign 2 as it currently looks a little disjointed and doesn't relate to any access point.

In summary, the proposed signage is broadly in line with the guidance set out within the Shop Front and Commercial Frontage Design Guide SPG and in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and subject to the minor amendments suggested in terms of siting, the proposal is considered to preserve the character and appearance of the Ffynone and Uplands Conservation Area.

### *Officer comments*

The applicant has been appraised of the views of the Design and Conservation Officer and then on 28th November 2017 submitted amended plans in line with these recommendations which shows the lowering of the railing signs so as not to cover the circular railing details and the re-siting of sign 3 to form a corner pair with sign 2.

Notwithstanding the amendments, it is noted that the two signs subject to amendment are "deemed consent" under Class 6 of the Town and Country Planning (Control of Advertisements) Regulations 1992 and accordingly do not require the consent of the Local Planning Authority.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 5 (CONT'D)

APPLICATION NO:

2017/2195/ADV

### Description

Advertisement consent is sought for the placement of 1 no. internally illuminated sign to the west elevation of the main building and 2 no. non illuminated railing mounted signs at 30 Uplands Terrace, Uplands.

The proposed signage is sought in connection with a recent planning permission (ref: 2016/0726), for the conversion to an A3 use. This consent was preceded by the submission of a Section 73 application (ref: 2017/1441/S73), approved at the November 2017 planning committee for variations to the original consent.

### Issues

In dealing with an application for Advertisement Consent the regulations require that decisions are made in the interests of amenity, and highway safety, taking account of any material factors. In this instance regard can be made to Policy EV14 of the City and County of Swansea Unitary Development Plan 2008. Consideration shall also be made to the potential impact on the Ffynone and Uplands Conservation Area having regard to Policy EV9. There are in this instance no additional issues to consider under the provisions of the Human Rights Act.

The site lies within the Ffynone and Uplands Conservation Area. As set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 a Conservation Area is defined as an area of 'special architectural and historic interest, the character or appearance of which it is desirable to preserve or enhance'. Section 72 of the Act specifies that in making a decision on an application for development in a conservation area, special attention must be paid to the desirability of preserving or enhancing the character or appearance of that area.

### Amenity

Notwithstanding the comments contained in the letter of objection and to a lesser extent, the petition, which predominantly relates to the recently approved use class and alterations to the premises, the signage contained within the application is considered modest and discreet, particularly in comparison to other commercial properties in the Conservation Area. Whilst it is noted that the majority of those premises are sited within the Uplands District Centre and the application site is just outside the boundary (the opposing side of the junction marks the boundary), the signage is not considered to represent visual clutter or an over amplification and would have an acceptable impact on the visual amenities of the streetscene.

In addition, the two railing mounted signs do not require the consent of the Local Planning Authority by virtue of Class 6 of the Town and Country Planning (Control of Advertisements) Regulations 1992 and the Design and Conservation Officer considers that the sign proposed for positioning on the building is located in a suitable position and the backlit illumination is viewed as a discrete form of lighting which is acceptable in this location. Furthermore, the scale, design and siting of the signage is such that no concerns are raised in relation to the residential amenity of neighbouring occupiers.

The proposed signage, therefore, is considered to represent an acceptable form of advertisement at this location.

## PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017

ITEM 5 (CONT'D)

APPLICATION NO:

2017/2195/ADV

### Public & Highway Safety

Provided that the signs are maintained in accordance with manufacturer's instructions and with the standard advertisement conditions attached hereto, there should be no adverse impact on public safety. The Highways Authority has not objected to the proposal.

### Ffynone and Uplands Conservation Area

The proposed signage is considered to be in line with the guidance set out within the Shop Front and Commercial Frontage Design Guide SPG and in line with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The amendments made to the signage to be attached to the railings, to provide these on the corner element only, results in an acceptable siting and form of signage which would not detract from the character and appearance of the Ffynone and Uplands Conservation Area. The proposed signage is in accordance with policies EV9 and EC5 respectively.

### Conclusions

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

Having regard to all material planning considerations, including the Human Rights Act, the signage is considered to be an acceptable form of development that would have a satisfactory impact on visual amenity and would not impact upon current highway safety standards, the Conservation Area or the District Centre. The signage therefore complies with the provision of Policies EV14 and EV9 of the City and County of Swansea Unitary Development Plan 2008.

### RECOMMENDATION

#### **GRANT ADVERTISEMENT CONSENT, subject to the following conditions;**

- 1 (a) All advertisements displayed and any site used for the display of advertisements shall be maintained in a clean and tidy condition to the reasonable satisfaction of the Local Planning Authority.
- (b) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a safe condition.
- (c) When an advertisement is required, under these Regulations, to be removed, the removal shall be carried out to the reasonable satisfaction of the Local Planning Authority.

**PLANNING COMMITTEE – 5<sup>TH</sup> DECEMBER 2017**

**ITEM 5 (CONT'D)**

**APPLICATION NO:**

2017/2195/ADV

(d) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

(e) No advertisement shall be sited or displayed so as to obscure or hinder the ready interpretation of any road traffic sign, railway signal or aid to navigation by water or air, or so as otherwise to render hazardous the use of any highway, railway, waterway or aerodrome (civil or military).

Reason: To comply with the requirements of The Town and Country Planning (Control of Advertisements) Regulations 1992, Part 3 (13 & 14).

- 2 The advertisement consent shall be carried out in accordance with the following approved plans and documents: 1033AL(90)00 (site location plan) received 11th October 2017 and Drawing BC UB 103 AC REV B (existing and proposed elevations and signage details) received 28th November 2017.

Reason: To define the extent of the permission granted.

**INFORMATIVES**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV14 and EV9 of the City and County of Swansea Unitary Development Plan 2008.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-