

Planning Committee – 4<sup>th</sup> December 2018

Item 1 Application Number: 2018/2238/FUL  
Ward: Llangyfelach - Area 1  
Location: Plots 7B 8 And 9 Felindre Business Park, Ffordd Parc Felindre, Llangyfelach, Swansea,  
Proposal: Erection of part single storey, part two storey industrial/warehouse unit and ancillary office space, circulation and parking, landscaping and associated works  
Applicant: PMH Developments Ltd PMH Developments Ltd



**Background Information**

**Site History**

**App No.**

97/1421

**Proposal**

RECLAMATION OF FORMER TINPLATE WORKS SITE AND ADJOINING LAND INCLUDING ASSOCIATED GROUND REPROFILING, LANDSCAPING AND FORMATION OF ATTENUATION PONDS

Decision: \*HGPC - GRANT PERMISSION CONDITIONAL

Decision Date: 05/01/1998

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2006/0773	Strategic business park for B1 and B2 uses to accommodate emerging industries, high tech manufacturing, high level services, ancillary uses, associated car parking, landscaping and access roads (outline). Decision: Grant Permission Conditional Decision Date: 17/10/2006	
2007/1988	Application under Section 73 of the Act to carry out development permitted by the outline planning permission 2006/0773 dated 17th October 2006 without complying with condition 6 relating to the restriction of the minimum individual building footprint of 4,645 sq. m (50,000 sq. ft) as outlined in the Development Strategy in Section 4.2.6 of the Environmental Statement Decision: Approve Conditional (S73) Decision Date: 12/11/2007	
2007/2513	Formation of a park and ride facility for DVLA staff for a temporary period of 18 months with associated portable buildings, lighting and fencing works Decision: Grant Temporary Permission Decision Date: 14/01/2008	
2009/0062	Renewal of temporary permission 2007/2513 granted on 14th January 2008 for park and ride facility for DVLA staff until September 2011 Decision: Grant Temporary Permission Decision Date: 07/04/2009	
2009/1520	Variation of condition 3 of planning permission 2006/0773 granted 17th October 2006 in order to extend period time for the submission of the reserved matters by a further two years Decision: Approve Conditional (S73) Decision Date: 04/01/2010	
2009/1585	Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period until September 2011 Decision: Grant Temporary Permission Decision Date: 23/12/2009	
2011/1143	Application under Section 73 of the Act to vary conditions 1 and 3 of outline planning permission 2006/0773 (as previously varied by planning permission 2009/1520) to include the internal highway infrastructure as a reserved matter to be included in condition 1 and to vary condition 3 to allow for the phased submission of the reserved matters in accordance with the programme of phasing to be approved under condition 5 of the permission Decision: Approve Conditional (S73) Decision Date: 07/10/2011	

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2011/1311	Extension of existing DVLA Park and Ride facility (to include Park and Share) for a temporary period until September 2013 Decision: Grant Temporary Permission Decision Date: 12/06/2012	
2012/1035	Application for the submission of reserved matters (in part) in respect of the means of access including the internal spine access road together with associated infrastructure, plot layout and the strategic landscaping of the proposed Felindre Strategic Business Park in accordance with condition 1 pursuant to outline planning permission under the Section 73 application 2011/1143 and details of roads/footpath levels (condition 8), 10 (landscaping), 13 (Japanese Knotweed), 14 (Site Investigation), 18, 19 & 21 (drainage) & 23 (Shared Access) Decision: Grant Permission Conditional Decision Date: 30/11/2012	
2012/0884	Relocation of temporary park and ride and park and share facility and creation of new access and associated works. Decision: Grant Temporary Permission Decision Date: 28/11/2012	
2015/0308	Two/three storey private hospital development with associated landscaping, site roads and car parking Decision: Grant Permission Conditional Decision Date: 15/05/2015	

### Background

This application is being reported to Planning Committee as it is a departure from the extant UDP and exceeds the 2ha threshold size for the site area.

Outline planning permission was approved for a strategic business park for B1 and B2 uses to accommodate emerging industries (e.g. biotechnologies), high tech manufacturing (e.g. pharmaceuticals), high level services (IT services and software), ancillary uses (e.g. a hotel/conference facility), associated car parking, landscaping and access roads in October 2006 (reference: 2006/0773). A condition of this consent tied the proposals to the parameters outlined in the Environmental Statement, with an overall employment floorspace area of 80,065m<sup>2</sup> (and each plot having a minimum industrial footprint of 4,654 m<sup>2</sup>).

An application was approved soon after to provide greater flexibility in choice for the park and enable smaller units to be provided with anticipated footprints of between 930m<sup>2</sup> and 1,860m<sup>2</sup> instead of the minimum footprint of 4,654m<sup>2</sup> (ref: 2007/1988). A Development Framework document was subsequently approved for the development of this site (dated January 2008) which provides certain parameters for the future development of the site.

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This consent was subsequently renewed via a S73 application in January 2010 (ref: 2009/1520) and again in October 2011 (ref: 2011/1143). A subsequent Reserved Matters application was submitted for the construction of the means of access including the internal spine access road together with associated infrastructure, plot layout and the strategic landscaping of the proposed Felindre Strategic Business Park (ref: 2012/1035) which was approved in November 2012.

The access road and the strategic landscaping scheme have subsequently been completed along with the plot layout and drainage, with the creation of a surface water drainage system to an attenuation pond to the south of the site.

Planning permission was granted in 2015 for a private hospital on Plot 8 (2015/0308) which remains extant, however this permission has not been implemented. The whole of the site currently lays vacant.

The application site has an area of approximately 3.29ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 1 hectare. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

### **Site Location**

The application site relates to part of plot 7b and the whole of plot 8 and plot 9b of the Felindre Strategic Business Park, which are located on the western edge of the business park. The site was previously occupied by the Felindre Tinplate works. As stated above, the site access and the internal spine road have been constructed, the internal plots have been laid out and strategic landscaping has also been carried out. None of the plots have been developed to date. The site is accessed off a roundabout from the B4889 which leads from Junction 47 of the M4 to Felindre with a secondary site access through Bryntywod to the A48. A small stream runs around the western edge of the site. Currently, the site itself has been levelled awaiting redevelopment.

Plot 11 is currently being used as a temporary park and ride facility for DVLA staff and is also being used on match days for games at the Liberty Stadium. This is a temporary consent that has been renewed several times. The surrounding area comprises open fields to the north and west with National Grid's 'Swansea North' electrical substation and Felindre Gas Compressor Station located to the north east of the site. Two commercial operations are located to the south of the site, accessed from Bryntywod which leads into the southern section of the site. The M4 motorway runs to the south of the site beyond these premises.

### **Description of Development**

Full planning permission is sought for the construction of a new industrial warehouse/distribution centre (class B8) with a floor area of approximately 5,329m<sup>2</sup>, along with associated car parking and landscaping.

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The distribution centre would be operated by DPD as a 24/7, 7 days a week operation. In addition to 151 no. van and 26 no. HGV parking spaces there is provision for 160 no. customer and staff car parking spaces which benefit from an access off the proposed entrance road. The site would therefore be predominantly hardstanding.

The building itself would measure 135 metres in length by 44 metres in depth to a maximum height of 13 metres and would have its longest elevation facing the road.

The following functions will also be provided as part of DPD's operations:

- \* Associated 2 storey administration offices;
- \* Single storey mess pod comprising locker and changing facilities;
- \* Service yards with lorry parking and vehicle circulation;
- \* Waste and jet wash area;
- \* Fuel island;
- \* Associated vehicle barriers and gates;
- \* HGV, car, van and cycle parking spaces; and
- \* Other ancillary works.

The proposed unit comprises a steel-single span portal frame warehouse which is sized to suit the operational requirements of the occupier. The application seeks to provide 4,610m<sup>2</sup> of warehousing floor area, in addition to a 577m<sup>2</sup> ancillary two storey administration office with accompanying single storey mezzanine and 142m<sup>2</sup> single storey Mess/Locker Pod. Articulated lorries are the most common form of transport for the distribution sector; reversing up to the buildings and utilising dock shelters and levellers to permit the easy transference of goods. This necessitates a change in floor level between the lorry yard and the internal warehouse slab of 1200mm, in order to allow the bed of the lorry to be accessed by fork lift trucks. Dock levellers will be positioned in the South and West elevations with level access doors along the North, East and West elevations.

The long thin proportions of the building are derived principally from the occupier's sortation and handling equipment which takes the form of a conveyor which travels along the centre of the unit. The conveyor receives parcels from HGV's unloading via the dock doors in the Southern gable and Western elevations. The conveyor then distributes the parcels via spurs to vans waiting at each of the level access doors on the Northern, Eastern and Western elevations. The building has been orientated to provide a layout which meets the occupiers specific needs whilst ensuring that the office and car parking address the main access road with servicing areas behind and largely concealed. Parking for 160 cars is provided through the use of a grade level car park which includes 8 accessible parking spaces, and a covered cycle shelter with capacity for 20 bikes.

Variation in cladding colour and profile design are utilised to break down the uniformity of the base design. The vertical and horizontal glazing elements are designed to correspond to joints in the cladding panels, thus reinforcing the modular aesthetic. The anchor element of the building is a deep blue fascia and soffit detail to the barrel vaulted roof, with lighter cladding panels below. This colour palette gives the overall building form a strong horizontal emphasis, when viewed from a distance, and the darker high level capping the impression of a mass "compressed" into the landscape. Materials would be a combination of profiled cladding laid horizontally with a composite flat panel cladding to the main elevations.

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Glazing would be polyester powder coated aluminium glazing/curtain walling systems with a built up, profiled, roof system. Colours would be a neutral palette of Slate Grey to the main building, with a silver grey cladding to the office and gable end elevations. Flashings and trims will be in Sargasso Blue with the roof in goosewing (light grey). Windows will have an Anthracite (Dark Grey) frame with grey anti-sun glazing.

Whilst the site essentially has two plots accesses already installed, a new wider access (suitable for articulated lorries) is proposed that would also provide access to the remainder of plot 7b. As such, the existing accesses (with the exception of one pedestrian path) would be grubbed up and landscaped.

The Design and Access Statement indicates that there would be approximately 130 people employed at the facility (50 in the warehouse and 80 office based staff).

The Transport Statement indicates the following anticipated trip rates based on the size of the distribution centre:

	Vehicular Trip Rate (per 100 sqm)			Vehicle Trip Generation		
	In	Out	Total	In	Out	Total
AM Peak (08:00 – 09:00)	0.246	0.561	0.807	13	31	44
PM Peak (17:00 – 18:00)	0.491	0.491	0.982	27	27	54
Daily (05:00 – 22:00)	4.403	4.361	8.764	240	238	478

Based on the above, the trip generation forecast for the proposed use is a maximum of 54 trips during the network peak periods and 478 movements across the day. In terms of parking provision, the distribution centre would have 4x the required amount of car parking provision for a warehouse of this size for staff and customers but this is due to their operational requirements, which is high in terms of employee per square metre of floorspace due to the number of goods drivers employed.

### Adopted Swansea Unitary Development Plan

#### Policies

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)

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).

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#### 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 - 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)

#### 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 - 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 - EC1 - General Employment Sites

Allocation of employment land to meet the needs of the local economy. (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)

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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)

### **Emerging Local Development Plan**

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.



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In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include:

PS2: Placemaking and Place Management – development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

SD G Site specific policy for Strategic Development site Northwest of M4 J46, Llangyfelach setting out placemaking principles and development requirements.

ER1: Climate Change – To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

ER6: Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

T1: Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant on the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2: Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy.

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T5: Design Principles for Transport Measures and Infrastructure – provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

EU4: Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

RP 2 A Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation

RP3: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 4 Avoidance of Flood Risk – In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

RP5: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

The Emerging LDP policies are broadly consistent with the UDP framework. Draft policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this. Emerging Policy R2A is similar to policy EV 40 but refers specifically to noise and refers to identified Quiet Area Noise Action Planning Priority Area. The site is not within an identified Quiet Area.

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Emerging policy T1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. Emerging Policy T2 promotes Active Travel, T5 provides further design principles and T6 relates to parking.

Emerging Policy PS 2 references the strategic green infrastructure network which is supplemented by Emerging Policy ER 2 which seeks to protect and enhance green infrastructure. Emerging Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site.

Emerging Policies RP 3 and RP 4 relate to water pollution, the protection of water resources and the avoidance of flood risk. Emerging Policy EU 4 states that development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Emerging Policy RP 5 is similar in construction and intent to UDP Policy EV 38.

### **Neighbour comments:**

The development was advertised on site with two site notices, and the application was also advertised in the Press on the 29th October 2018.

No neighbour comments have been received to date.

### **Consultations:**

#### **Urban Design:**

“This proposal is supported as the first potential occupant of the Parc Felindre Business Parc. This will create jobs and DPD are a global brand which should help grow confidence in this site.

The pre-application dialogue steered this use away from plots 3b, 4b and 5 because these prominent gateway plots are closely related to the active travel routes into the adjacent Felindre Urban Village SDA site and they demand a high quality of architecture and active frontages. Plots 7b, 8 and 9 are supported for DPD because these are a less prominent part of the site suitable for a warehouse surrounded by vehicles.

The building proposals are a standard design for DPD in response to functional and logistical requirements and the appearance/ materials are a brand requirement. It is noted that the two storey office element has been positioned to close the western vista along the southern part of the loop street, also this office element acts as a marker for visitors and those collecting parcels to help make the development legible. Therefore this is supported. The space around the building is dominated by hard standing and vehicles which is a requirement of a distribution depot.

The nearest listed building is Tredegar Fawr which is a gentry farmhouse some 600m to the west within the Felindre SDA site. There is sufficient separation and intervening vegetation so that the DPD proposals will have no visual effect on this designated heritage asset.

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At the pre-app stage, we highlighted the importance of the relationship to the south where one of the two main accesses into the Felindre strategic housing site for 800 homes is located – this will be the principle active travel route for walking and cycling onto Bryntwood. The SDA allocation is mentioned in passing in the Planning Statement but not referenced in the Design and Access Statement. The upshot is that the integration of planting to the south of the building within the visitor/ staff parking area is weak. Therefore additional planting is needed in this area to soften the hard surfaces/ parked cars and filter views to the building from the main access to the 800 homes. This additional planting could potentially be located between the parking spaces and potentially adjacent to the turnstile area where an expanse of paving is shown. This can be required by condition. Furthermore the area immediately outside the boundary is part of the WG/ Council ownership and the planting in this area could be increased also.

Approval is recommended with the usual conditions, plus a specific condition requiring additional planting in the southern part of the site as outline above.”

### **Highways:**

“1. Introduction

The site forms part of the Strategic Felindre business park which was supported by a Transport Assessment and received outline consent for development under planning application 2006/0773. There were a number of off-site works identified during the determination of the application and these requirements/conditions will still apply albeit they are of a phased nature. The most relevant planning application in Relation to this site was the planning permission 2015/0308 which was a private hospital.

Highways were consulted as part of a pre-app at the site and advised that a full TA would be required. Highways were further consulted during the PAC process and advised again that a full TA would be required and junction 46 of the M4 would need to be fully analysed. When the planning application came in it was supported by TS (Transport Statement) and did not include any junction modelling or analysis (the scope of which had not been agreed) and also did not include testing of junction 46. Highways brought this to the attention of the planning officer who was assured that a revised document would be submitted. Upon closer inspection it became apparent that the TS had been based upon an addendum to the TA submitted to support the original business park. The 2010 addendum was prepared by Arup on behalf on WAG in an attempt to downgrade the highways improvements that had been conditioned (by the submission of Section 73 variation). This addendum was not accepted by Highways and the Section 73 was eventually withdrawn. This revised TA document forms the entire basis for this current application, as such it is considered that it is not valid nor fit for purpose.

The original planning consent 2006/0773 included this condition relating to Highways improvements:

‘12. The proposed engineering details of the off-site and signal installations indicated within the Environmental Statement shall be implemented in accordance with an approved phasing programme for the proposed development. Details of the proposed off-site roadworks together with the phasing programme shall be submitted to and approved by the Local Planning Authority and unless otherwise agreed in writing with the Local Planning Authority shall include the following:

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Junction 46 Southern Roundabout:

- i) Widening the M4 off-slip from 2 to 3 lanes on the approach to the roundabout.
- ii) Signalising the M4 off-slip and adjacent gyratory.
- iii) Increase the entry width of the A8 (E) arm.

Junction 46 Northern Roundabout:

- i) Signalling the M4 off-slip and adjacent gyratory.

Pant Lasau Road/A48:

- i) Replacing the mini roundabout with a signalised T-junction and banning right turn movements from the A48 into Pant Lasau Road.
- ii) Widening the approach from the west to two lanes straight and one "left turn only" lane.

Reason 1. In the interests of highway safety.'

Whilst the Highway Authority is not suggesting the above list of mitigation measures would all be appropriate in this instance, the transport inputs for this application must provide sufficient evidence to be determined on its own merit.

### 2. Transport Statement/Travel Assessment

The consented use under the 2006 application was for B1/B2 office and storage and as such it would be normal practice to compare proposed traffic flows of the distribution centre with the consented use as a Business park. As the previous consent was only outline the simplest way to do this would have been to apportion trips based of the GFA of Plots 7b, 8 and 9 compared to that for the whole site.

A Transport Statement was submitted by David Tucker Associates on behalf of DPD to support the application. With a Transport Assessment it is standard practice to consult with, and reference to, the TRICS database to arrive at appropriate trip rates to estimate the traffic generated by the proposed distribution use, particularly in the morning and afternoon peaks when the impact on the existing highway volumes would have its highest impact. In this instance the concern was with the increase in numbers of HGV'S and the impact on the efficiency of junction 46. No junction modelling was undertaken; roundabouts are particularly sensitive to the proportion of HGVs.

The document states that 128 staff would be employed, thus assuming a shift pattern it would be reasonable to assume a minimum of 256 trips based on purely staff movements. The site is relatively isolated and is poorly served by public transport and pedestrian/cycle links.

The document claims that compared to the outline flows derived from the 2010 document (which has no status) the predicted trips fall within the 20% that could be built out without any mitigation works being required. The 2010 document was never accepted as a valid document and hence the 20% threshold has never been agreed to.

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### 3. Parking

The parking is being provided at well in excess of The City and County of Swansea Parking SPG for a distribution centre (39 spaces). Whilst this is not a problem in itself it does raise the question as to whether the TRICS rates are correct given that multiple times the parking requirement is being provided in line with a zone 5/6 distribution centre.

Based on the operational requirements of a typical DPD centre the parking provision is 160 car parking spaces, 157 van spaces and 26 HGV spaces. This is in excess of eight times the parking standard requirements.

Cycle parking has been shown as being provided in a cycle shelter allowing for 20 cycle spaces shown within the curtilage and this is considered an acceptable level.

### 4. Trip generation

The trip generation taken from TRICS is calculated at 44 two way movements in the a.m. peak, 54 in the p.m. peak and 478 during a working day (0500 to 2200). No comparable DPD sites have been included which would have made the data more user specific and hence reliable. Again reference is made to the 2010 addendum document which claimed that 20% of the site could be built out without any mitigation measures being required. This figure has not been agreed and the addendum document has not been accepted. The section 73 was withdrawn. As such this is not a material consideration.

No breakdown has been provided of HGV movements or arrival profiles, also no seasonal factors have been taken into account.

The accident analysis was undertaken by Crashmap which is a very crude methodology for assessment of this nature, as it takes no account of causation factors. No details have been provided merely the conclusion drawn that there are no road safety measures that warrant any mitigation.

### 5. Conclusions

It is not considered that the TS submitted allows for a full assessment of the Transport impact of this development on the Strategic Highway Network for the reasons as outlined above.

However, the proposals have however been validated against the original 2006 outline permission, and Swansea Strategic Transport Model, apart from the issues raised above I am satisfied that the development can be broadly accommodated within the existing infrastructure.

The successful operation of junction 46 in the future years is predicated on the implementation of the Transport Priority measures listed in the transportation section of the emerging LDP. Namely the signalisation of the Eastbound and Westbound off slips.

In the absence of sufficient information, it would be appropriate to condition the signalisation of the M4 Westbound off slip, Gyrotory and indirectly control the B4489 to ensure the development can be accessed and egressed safely.

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### 6. Recommendations

On balance I recommend that the application be approved, subject to the conditions below.

1. The development shall not be brought into beneficial use until such time as a scheme has been agreed and implemented to introduce partial traffic signal control on the Northern gyratory of junction 46, this shall be undertaken under a Section 278 agreement with the Highway Authority.  
Reason: In the interests of highway safety.
2. The parking plan being laid out in accordance with the approved plans prior to beneficial use of the centre commencing.
3. The cycle parking being laid out in accordance with the approved plans prior to beneficial use of the centre commencing.
4. The front boundary wall shall be kept below 1m in height in the interests of visibility.
5. The infilling of existing vehicular access points and alteration of the existing access to plot 7b shall be undertaken under a Section 278 agreement with the Highway Authority. All access works shall be completed to Highway Authority standards and specifications.
6. No development shall take place, including any works of site clearance until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to for the whole of the construction period.  
Reason: In the interests of highway and pedestrian safety, the environment and the amenity of residents.
7. The applicant should submit a staff Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to beneficial occupation. The Travel Plan should include reference to annual surveys to be undertaken and the results forwarded the LPA for their consideration.  
Reason: in the interest of promoting sustainable means of travel to the development.

Note 1: In respect of conditions 1 and 5 All works on the adopted Highway will be subject to agreement with the Highway Authority. The Developer must contact the Traffic and Highway Network Management Group, Swansea County Council, Guildhall, Swansea SA1 4FE before carrying out any work. Please contact the Senior Engineer Highways Management, emails to [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk), tel no. 01792 635380.

Note 2: In respect of condition 6 the CMS shall provide for a minimum:

- The parking of vehicles on site for operatives and visitors
- Loading and unloading of plant and materials including call up procedures.
- Storage of plant and materials used in constructing the development.
- The type of, erection and maintenance of security hoardings.
- Wheel washing facilities.
- Measures to control the emission of dust and dirt during construction.
- A scheme for recycling/disposing of waste resulting from site clearance and construction works.
- Scoping route for all deliveries to and from the development.
- A scheme for the assessment of carriageway condition prior to commencement of site clearance/construction and the completion of the development.

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Note3: In respect of condition 7. The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.”

**Drainage:**

“We have reviewed the submitted DS and based on the details contained in the report reference 70050166-DS-01, dated October 2018 we recommend the following is appended to any permissions given.

**Condition 1**

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

**Reason 1**

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.”

**Ecology:**

“The proposal could adversely affect foraging and commuting bats, nesting birds, reptiles, otter, badger, hedgehog. There will also be loss of semi-improved neutral grassland and SINC quality marshy grassland. Therefore, the following ecological comments apply:

**Reptiles**

The reptile survey (Oct 2018) and data trawl found all 4 species of reptile (common lizard, slow worm, adder, grass snake) recorded within 1 km of site boundary. As the site will be cleared, most of the suitable reptile (and amphibian) habitat will be lost. Therefore the agreed Reptile Mitigation Strategy (as per the Reptile Survey report, David Clements Ecology, 2018) is required to be followed. Any cuttings/wood/stone piles and other artificial refugia found on site are to be transferred to the agreed receptor site to provide further habitat.

Clearance of the site with regard to reptiles must not be undertaken during the winter hibernation period ie. between November and March.

In addition, please note the following:

All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634 960).

**Nesting birds**

Please include an informative as below:

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



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- 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
- Disturb dependent young (schedule 1 birds)

No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings/construction should be undertaken during the bird nesting season, March to August

#### Bats

Please include informative as below:

All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

In addition, the CEMP must include checking by an Ecologist for any signs of bat presence in any trees to be removed.

#### Other European Protected Species

Pre-construction checks must be undertaken for badger and otter. All trenches and excavations must be fenced off or covered-over at night to prevent any otters (or other animals) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped otters (and other wildlife) each morning before starting construction activities. This should be included as a statement in the CEMP.

In addition, please include the following informative:

Protected species may be present. Many species are protected under the Wildlife & Countryside Act 1981 (as amended) or are listed in 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).

Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly.

If evidence of any protected species is encountered e.g. live or dead animals, droppings or their resting or breeding places, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

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#### Neutral and marshy grassland

As there will be loss of semi-improved neutral grassland and SINC-quality marshy grassland, a mitigation strategy (including maps) is required, outlining the proposed new areas of these habitats, of at least the same area as that being lost. The new mitigation areas must be planted/seeded with native species indigenous to the locality. Further ecological enhancement of remaining verges/grassland and other habitats would be welcomed.

#### Lighting

A lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be agreed with the LPA Planning Ecologist. A statement on the use of artificial lighting and nocturnal wildlife must be included in the CEMP.

#### Wildlife Protection Plan

The proposed recommendations outlined in Section 6.5.11 for a Wildlife Protection Plan (WPP) are welcomed. In addition to the measures described, the plan should ensure that any works during the site clearance, construction phase and operational stage do not pose any risk or obstruction to otter movement through the site. The contents of the Wildlife Protection Plan (WPP) should be discussed and agreed with the LPA Planning Ecologist.

#### Biodiversity Management Plan

This must be provided and outline long term management and maintenance of the site with regard to the retained and new habitats.

#### Landscaping

The intention to provide wildlife corridors, use of native species planting, creation of wildflower areas along with the proposal to increase native hedgerow and thicket planting, to increase connectivity around the site is also welcomed. The proposed species should be of local or at least Welsh provenance, as per Appendix 5 of the David Clements Ecological Assessment report (2018). A statement on the Landscape Strategy must be included in the CEMP.

#### Invasive Non Native Species

Japanese knotweed has been recorded from this site. A method statement for removal of this and other INNS must be provided. An updated pre-construction INNS survey is also required.

#### Ecological enhancement

Draft Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section Paragraph 5.42 states that 'The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement.' In addition, individual development proposals must take into account the need to:

- promote the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;

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- ensure statutorily designated sites are properly protected and managed;
- safeguard protected species; and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil; and
- seek enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems.

Technical Advice Note 5: Nature Conservation and Planning (2009) - This Technical Advice Note provides advice about how the land use planning system should contribute towards protecting and enhancing biodiversity and geological conservation. It should be read in conjunction with Planning Policy Wales. TAN 5 confirms that under Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006, every public authority has a duty to “have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. Paragraph 2.1 of Tan 5 also states that the town and country planning system in Wales should look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally (PPW 5.1);

In view of this, the addition of ecological enhancement measures in the form of integrated bat boxes/bricks and bird boxes (for particularly swifts, sparrows, starling and other species) into the walls of new buildings is very welcomed. Where possible, these should also be erected on suitable trees around the site. Rubble and log piles to provide habitats for reptiles, amphibians and other species would also be desirable.

### Hedgehogs

There is a high probability of hedgehogs using the site. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species under the NERC Act (SEC.41) 2006. The species is therefore considered one of the UK's target species to avoid further population decline. On this basis, I advise the following Informative is added to any permission granted:

To avoid killing or injuring of hedgehogs it is best practice for any brush piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.

### INNS

Due to the presence of Japanese knotweed on site (Schedule 9 species of Wildlife and Countryside Act, 1981), a method statement is required outlining eradication and removal proposals, to be agreed with LPA Ecologist.

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The CEMP does not mention INNS which must be included. It is imperative that the principal contractor for the works develops bio-security measures that prevent the spread of these species.

#### Water Course

This must be protected by a buffer of at least 7 to 10m at either side. The statement must be included in the CEMP.”

#### **Pollution Control:**

“Land contamination:

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

#### Air Quality:

The Government’s Local Air Quality Management in Wales Policy Guidance (June 2017) requires that:

‘Our long-term goal for air quality should be twofold, to achieve compliance with the national air quality objectives in specific hotspots and to reduce exposure to pollution more widely, so as to achieve the greatest public health benefit’.

A development of this nature and scale will lead to an increase in HGV and LGV movements and emissions in the area and so mitigation measures will be expected to be included within the application, for example the provision of electric vehicle charging points.

Delivery and despatch vehicles should enter and leave the site via B4489 and not Bryn-tywod Road.

Reason: to protect the amenity of the locality, especially for people living on Bryn-tywod Road

#### Noise Pollution:

No beneficial use of the premises shall commence until a BS4142:2014 (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed (including the standby generator) at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014. Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.

No deliveries or despatches shall be made to or from the site, and no delivery or despatch vehicles shall enter or leave the site (whether laden or unladen), before the hours of 05.00hrs nor after 22.00hrs Monday to Sunday. Reason: to protect the amenity of the locality, especially for people living and/or working nearby.

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Construction Phase:

### 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 under Control of Pollution Act 1974, section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

### 3 Dust Control:

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

### 4 Lighting

During construction work the developer shall operate all best practice to minimise nuisance to locals 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

### **Landscaping Officer:**

“I note the lack of planting at the area highlighted in yellow. This allows views of the buildings, car parking / van parking and uninterrupted views of fencing lines from South of the realigned stream and the current access road to Tredegar-Fawr and its future uses. This section should be planted as per adjacent hedges, consideration should be given to relocating the fencing to adjacent the hard surfacing and planting between the relocated fence and the stream to both soften the impact of the fence and, as per the adjacent arrangement, make the planting more easily maintained and separate planting from hard surfaces and should be conditioned accordingly.

I am mindful that most of the foreground planting is maintained by others as part of the public realm; are those infilled areas going to be reassigned to the public realm in due course? How will be able to ‘condition’ the retention of the landscape in perpetuity? I am content with the proposed landscape management plan subject to the landscape being maintained, retained and developed in perpetuity.

I am also mindful of the existing land form to the West of the estate road; Section A shows a significant increase in height over existing of around 3.5m+ that I was not aware of.”

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### Natural Resources Wales:

“We recommend that you should only grant planning permission if you attach the following condition, in relation to: contaminated land. This condition would address significant concerns that we have identified, and we would not object provided you attach it to the planning permission.

#### Geoscience / Land Contamination

We note the submission of the document entitled; ‘Report on Ground Investigation at DPD, Parc Felindre, Swansea (Report No. AG2883-18-AF47)’, dated October 2018, by Applied Geology Limited.

Following a review of this new information by our Geoscience / Land Contamination Team, we would continue to recommend the following condition be added to any planning permission that your Authority may be minded to grant, as a precautionary measure.

#### Unsuspected contamination

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

Reasons: Given the size/complexity/history 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.

#### Pollution Prevention

We also note the submission of the document entitled; ‘DPD Plots 8 and 9, Parc Felindre: Construction and Environmental Management Plan’, dated 17 October 2018.

The document covers most of the information which we listed in our previous response (dated 25 October 2018), however it does not include all the detailed level of site-specific pollution control measures we would have expected. Some parts of the document refer to ‘Natural Resources Wales’ and other parts refer to the ‘Environment Agency’, while certain key contacts remain ‘to be confirmed.’

Whilst we are generally supportive of the measures outlined in the above CEMP, we recommend that prior to work commencing on site, the applicant contacts a member of our Natural Resource Management Team to discuss the content of the plan in greater detail.

We request that they contact Ms. Anwaar Younis (Natural Resource Management Officer) on: 0300 065 3336, or via email at: [SwanseaNRM@cyfoethnaturiolcymru.gov.uk](mailto:SwanseaNRM@cyfoethnaturiolcymru.gov.uk).

#### Protected Sites

The development site is located a short distance from drains and watercourses, which are hydrologically connected to the Burry Inlet and Loughor Estuary (SSSI), which is part of the Carmarthen Bay and Estuaries Special Area of Conservation (SAC).

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Regulation 61 of the Conservation of Habitats and Species Regulations 2017 requires the Local Authority, as the competent authority, to undertake an appropriate assessment of any plan or project which is likely to have significant effects, either alone or in combination with other plans and projects, on the SAC.

Therefore, your Authority must satisfy itself that there are no likely significant effects, either alone or in combination with other plans and projects, and if necessary undertake an appropriate assessment of the implications of the proposed scheme for the SAC in view of its conservation objectives, before granting planning permission.

### Ecology and Protected Species

We note the submission of the document entitled; 'Parc Felindre, Swansea: Ecological Assessment (Version V1.1)', dated September 2018, by David Clements Ecology Ltd.

Having reviewed Section 6 of the Ecological Assessment we wish to make the following comments:

We welcome the recommendation in Section 6.5.5 of the Ecological Assessment and advise that a lighting strategy is designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development. This lighting strategy should be agreed with your Authority's Planning Ecologist. In addition, we support the recommendation laid down in Section 6.5.7 to buffer the adjacent watercourse by 7-10 metres.

We also support the proposed recommendations in Section 6.5.11 for a Wildlife Protection Plan (WPP). We advise that in addition to the measures described, the plan should ensure that any works during the site clearance, construction phase and operational stage do not pose any risk or obstruction to otter movement through the site.

The contents of the Wildlife Protection Plan (WPP) should be discussed and agreed with your Authority's Planning Ecologist.

Finally, we advise that you discuss all the recommendations laid down in Section 6, with your Authority's Planning Ecologist as they may wish to make additional comments in relation to other matters which within their remit.

### Reptiles

We also note the provision of the report entitled; 'Land at Parc Felindre, Swansea: Reptile Survey (Version V 1.0)', dated October 2018, by David Clements Ecology Ltd.

The surveys identified the presence of several reptile, amphibian and small mammal species at the site. Therefore, we advise that the measures laid down in Section 5 (Potential Reptile Clearance and Mitigation Strategy) of the above document are discussed and agreed with your Authority's Planning Ecologist.

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### Landscape

We also note the submission of the documents entitled;

\* 'Landscape Design Statement (Doc Ref: 1877-18-RP02 Rev A), dated 15 October 2018, by Barry Chin Associates Ltd;

\* 'Landscape Maintenance & Management Plan (Doc Ref: 1829-18-RP01 Rev A LMMP)', dated 15 October 2018, by Barry Chin Associates Ltd;

\* 'Landscape Planting Plan (Drawing No. 01 Rev A)', dated 12 September 2018, by Barry Chinn Associates Landscape Architects.

We support the intention to provide wildlife corridors and use of native species planting, along with the proposal to increase native hedgerow and thicket planting, to increase connectivity around the site.

### Foul Water Disposal

We note from the document entitled; 'DPD, Parc Felindre: Swansea Drainage Statement (Ref: DS0001),' dated September 2018, by WSP Limited, that foul water flows are to be discharged to the main public sewer.

As you may be aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Loughor WFD water body. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

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

We strongly recommend that you consult with Dwr Cymru/Welsh Water (DCWW) to ensure hydraulic capacity exists at the treatment works to accommodate the flows from this development, without causing pollution.

We also remind you that your Authority must accord with the terms and content of the agreed MOU, and that foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme have been implemented within the same catchment. For larger scale developments such as this, bespoke solutions will be necessary, depending on the size and location of the particular development. We recommend that applications such as this are discussed with the Technical Advisors Group.

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

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



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We also recommend that you consult your Authority's Drainage Engineers to discuss and agree the surface water proposals. This is to ensure there is no connection of surface water to the main sewerage system.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>) .

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.”

### **Dwr Cymru Welsh Water:**

#### **SEWERAGE**

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016.

We acknowledge that our consultation response (Ref: PPA0003420) is included at Appendix 5 of the accompanying Pre-Application Consultation (PAC) Report, prepared by Savills, which highlights the applicant's intention to engage in early dialogue with statutory consultees. By way of response, we can confirm discussions with the developers and as part of this planning application submission we acknowledge receipt of a 'Drainage Strategy', prepared by WSP, which provides an estimated foul flow discharge rate of 2.24 l/s (peak). Further to these discussions, we acknowledge that this discharge rate is less than estimated from the previously approved hospital development on this site (Ref: 2015/0308) as referenced in our pre-application consultation response (Ref: PPA0003420) and therefore, in principle, would advise that foul flows from this proposed development can be accommodated within the public sewerage system.

Notwithstanding this, we would advise that the proposed development site 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.

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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.

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

### Conditions

No surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network

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

No development shall commence until a surface water removal strategy delivering sufficient compensation for the foul flows from the proposed development site, must be submitted to and approved in writing by the Local Planning Authority. Thereafter no dwelling hereby approved shall be occupied until the approved surface water removal strategy has been implemented in accordance with the approved details and written confirmation of this must be received by the Local Planning Authority.

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

### Advisory Notes

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).

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011.

The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

### WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development. Our response is based on the information provided by your application.

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Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

### **Glamorgan Gwent Archaeology Trust:**

“We have consulted the information in the Historic Environment Record, including historic mapping, and there are no known archaeological sites that would be impacted on by the proposed development. The area formed part of the mid to late 20th tinplate works which has been remediated since its closure, this removing concerns in relation to buried industrial remains. There are no recorded features that would be adversely impacted by the proposal, and no indications from historic mapping sources that any archaeological features would have survived and therefore unlikely that the proposed work would encounter any archaeological features that would require mitigation.

As a result, we have no archaeological objection to the positive determination of this planning application. If you have any questions or require further advice on this matter, please do not hesitate to contact us.”

### **CADW:**

“Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development.

We therefore have no comments to make on the proposed development.”

### **Police Designing Out Crime Officer:**

Recommendations have been made to prevent crime and anti-social behaviour including the installation of perimeter fencing, CCTV, signage, lighting, vehicle parking areas, waste disposal, drainpipes, building shell security, access control, door security, window security and intruder alarm systems.

## **APPRAISAL**

Full planning permission is sought for the construction of a new industrial warehouse/distribution centre (class B8) with a floor area of approximately 5,329m<sup>2</sup>, along with associated car parking and landscaping. The distribution centre would be operated by DPD as a 24/7, 7 days a week operation employing approximately 130 staff. The site forms part of the Felindre Strategic Business Park.

The site is allocated in the City and County of Swansea Unitary Development Plan for employment land to meet the growth needs of the local economy (EC1/1). The supporting text states that Felindre is a strategic employment site of regional significance and a major opportunity in the revitalisation of the local economy. As well as being of regional significance, the development of Felindre is a major component of Swansea's regeneration aspirations and the aim is provide a high level, high quality business park for B1 and B2 uses. This aim is repeated in the draft Local Development Plan where the site is again allocated for business use.

Therefore, the approval of this application would represent a departure from the Unitary Development Plan as the application is for a B8 use.

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### Main Issues

The main issues to consider in the determination of this application relate to the principle of the use in light of the UDP allocation for employment uses, the design/ visual impact, drainage, ecology and impact on highway safety, having regard to the prevailing provisions of the relevant UDP Policies, the emerging LDP and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### Principle of Development

The site is allocated within the Unitary Development Plan as a general employment site and has outline planning permission for a strategic business park for B1 and B2 uses (business and general industrial use) and these uses are also proposed in the emerging LDP where the site is included within Strategic Development G which is a specific policy. The UDP and LDP are aligned in this respect. The proposed distribution centre would be classed as a B8 use (warehouse and storage).

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

The UDP allocation seeks to retain sufficient land for the growth needs of the local economy. This stance is supported in Planning Policy Wales and Paragraph 7.5.1 states that Development Plans should include policies relating to future development on existing employment sites to protect them from inappropriate development. Paragraph 7.6.1 states that local planning authorities should adopt a positive and constructive approach to applications for economic development. In determining applications for economic land uses authorities should take account of the likely economic benefits of the development based on robust evidence. In assessing these benefits, key factors include:

- \* the numbers and types of jobs expected to be created or retained on the site;
- \* whether and how far the development will help redress economic disadvantage or support regeneration priorities, for example by enhancing employment opportunities or upgrading the environment;
- \* a consideration of the contribution to wider spatial strategies, for example for the growth or regeneration of certain areas

Technical Advice Note 23: Economic Development, published in 2014, also sets out national guidance relating to issues regarding economic development, and provides further advice with regards to Economic Development but principally deals with the B use classes. The proposed use would also fall within a B use class.

Paragraph 4.6.8 states that the traditional employment uses tend to generate lower land values than many other land uses, especially housing and retail, consequently, any land lost to these uses is generally difficult to replace. Planning authorities should avoid releasing for other uses sites where there is strong evidence of likely future need for B1-B8.

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Paragraph 4.6.9 states existing employment sites should only be released for other uses if one or more of the following apply:

- \* they have poor prospects of being re-occupied for their previous use;
- \* the particular market that the site is part of is oversupplied;
- \* the existing employment use has unacceptable adverse impacts on amenity or the environment;
- \* the proposed redevelopment does not compromise unduly neighbouring employment sites that are to be retained;
- \* other priorities, such as housing need, override more narrowly focussed economic considerations; and/or
- \* land of equal or better quality is made available elsewhere, even if this is not within the local planning authority boundary.

The Design and Access Statement states that there would be 130 employees generated by this development (50 warehouse employees and 80 office based employees). Further clarification was sought from the applicant who has confirmed the following:

\* The facility would initially employ 146 staff, of which around 66 would be owner-drivers and 35 would be employed drivers, the remainder would be employed on site with 27 staff in the warehouse and 18 staff in the office. As the facility becomes fully established (assumed to be by 2025) staff levels are anticipated to rise with a total of 100 staff working onsite each day along with approximately 280 owner-drivers.

\* The facility would be primarily serviced by owner-driver fleet vehicles. Given that owner drivers arrive in their own vehicles, there is no additional demand for staff car parking. Instead, operational parking and waiting areas are provided throughout the site with parking provision for up to 151 LGVs and 15 HGVs. Loading areas are provided for 29 LGVs and 12 HGVs. The number of loading and waiting bays provided is in line with similar sized DPD facilities. The car parking total of 160 is deemed appropriate for the anticipated number of employed drivers and employees on site with capacity for future growth.

\* The site would operate 7 days a week with a reduced service on Saturdays and Sundays. The majority of onsite staff would be employed in two key shift patterns, the PM shift starting at 1500 to 2100 hours and the AM shift starting at 0000 to 0800 hours. The owner-drivers would arrive from home between 0700 and 0930 hours to be loaded and would be dispatched for deliveries between 0830 and 1100hours. Once deliveries and collections are complete owner-drivers would return to the site between 1500 and 1900 hours to unload for approximately 30 minutes before returning home for the evening.

The employment generated is considered to be significantly more than a storage use would normally generate. The proposed level of employment is a material consideration to which significant weight should be attributed. Whilst the proposal does not fall within a B1 or B2 use class, the overarching aim of the policy is to secure high levels of employment and help grow the local economy and the use would fall within a B8 use class so would ensure the land value does not increase to a level where the land would be lost in the future for commercial purposes.

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Technical Advice Note 23: Economic Development provides criteria for releasing employment land which have been outlined above. With this in mind, it must be noted that the outline planning permission was granted in 2006, and despite subsequent renewals, the only works that have been undertaken on site are the creation of the access road, plot layout, drainage works and the strategic landscaping and the site is currently vacant. Indeed, no reserved matters applications for individual plots have been submitted to date. The only concrete interest to date (which resulted in a planning application) was the proposal for a private hospital that was approved on plot 8. In this respect, if this proposal did go ahead, the hospital wouldn't be able to be implemented. With this in mind, it is considered that the proposed development of this land as a distribution centre would not unduly compromise neighbouring employment sites given its B8 use and the development of the site for a global brand could act as a catalyst for the development of the remainder of the site for employment uses, supporting the overall regeneration of this business park. It must also be noted that there are also vacant sites at the nearby Swansea Vale Business Park.

Whilst it is appreciated that since 2008, the general state of the economy has been in decline, which is likely to have impacted on the development of this site, it is considered that the proposed distribution centre would provide significant employment opportunities which is the key aim of the UDP policy and the draft LDP is also seeking to drive office investment (B1 uses towards the city centre in the first instance).

On balance it is considered that the employment benefits created as a result of the proposal is a significant material consideration along with its complementary relationship to the existing B use classes on site and the anticipated catalyst impact it would have on the surrounding business park which has been vacant for a long time. The proposal would result in the site being used productively for employment purposes and this is considered of sufficient weight to depart from the UDP policy in this instance providing a condition is attached to ensure it is retained as a distribution centre and is not changed to a storage depot without requiring further permission.

### **Design/ Visual Impact/ Layout**

As previously stated, a Development Framework document has been approved for the development of this site (dated January 2008) which provides certain parameters for the future development of the site. Whilst this application is not bound by the terms of the Framework (as a full application), some of the key issues are addressed below in terms of the proposal.

In terms of layout, the plots have already been laid out with the plot accesses already provided. The Development Framework envisages that the plots would be laid out with parking provided on the outer ring and the buildings proposed in the central ring which has already been landscaped. The original layout proposed a pedestrian access running between plots 8 and 9b. However, whilst this link was originally intended to link to future phases of the surrounding business park, no access was provided over the watercourse at the rear of the site and there are no other links in place. The surrounding area is proposed to be developed for a residential led development but the site does not include the area of land on the western side of the watercourse. With this in mind, it is considered that the footpath link is no longer required.

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The indicative site layout also proposed that plot 8 should front on to this walkway, although this approach would be unreasonable and out-dated given the above comments. Within the current context of the site, it is considered that the orientation of the building provides a greater sense of presence and enclosure at this end of the main loop road serving the business park and is acceptable in this regard.

The proposed development represents a high quality industrial building that both reflects the occupiers corporate image and integrates well with the surrounding context. The use of contemporary industrial detailing creates a crisp simple form with a curved roof to soften the appearance of the gable end. The building is designed to provide a positive aspect when viewed from the approach along the existing internal estate road, with full height glazing to the corner of the projecting office providing a strong feature and dynamic frontage. The design of the 2-storey office element is used to punctuate the main entrance of the building and to provide an attractive and varied elevation to that of the main building. The use of varying cladding profiles, colours and metallic coatings along with full height glazing raise the aesthetic quality and serve to break down the overall uniformity of the warehouse design. A “stepped” footprint to the Southern gable end further breaks up the visual impact of the building mass. The main building is of a portal steel frame construction with a low barrel vaulted roof to soften the angular appearance of the facade and provide a more organic form to the building mass. The Urban Design Officer has raised no objections in terms of the design of the building.

Whilst the large majority of the site would be hard surfaced, this is required due to the nature of the operation with sufficient room required for the parking and turning of Heavy Goods Vehicles (HGVs) and Light Goods Vehicles (LGVs). A significant landscape buffer is proposed along the eastern boundary to screen the majority of the site infrastructure from the surrounding area and the parked vans associated with the use, although the planting along the southern boundary is meagre given the operational constraints and is discussed further below. This is considered more important when viewed from the south (and the secondary access that is proposed to serve the residential led strategic site).

The new access would enable HGVs to access the site whilst also ensuring that the overall area required is limited as far as practicable so that the junction would be in keeping with the aesthetic of the remainder of the estate.

The previously approved section 73 application removed the minimum building size requirement of 4,645m<sup>2</sup> (50,000 sq.ft.) that formed part of the original outline planning permission. This was varied in response to changing market demands within the Swansea area, enabling Felindre to fulfil its key economic development role. The overall floorspace of the building would be 5,329m<sup>2</sup>, which equates to approximately 7% of the permitted floorspace originally envisaged.

The maximum height (13m) exceeds that included within the Development Framework which identified a maximum building height of 12m (equivalent to 3 storeys) for the buildings located on this site. However, the ground would be excavated to make way for level loading from HGVs for a small portion at the back and on the eastern side elevation (1.2m) and therefore the overall height of the building is compatible with the Development Framework when taken from ground level and would appear as such when viewed from the front elevation and main loop road.

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In terms of phasing, the plots were suggested by Officers, as they were less visually prominent within the business park given the nature of the proposals. The phasing strategy previously approved indicated that development should commence on the lower plateau firstly, however this is the first development proposed for the site, approximately 11.5 years after the outline scheme was originally approved. The phasing strategy was informed by the proposed road layout; however this has subsequently been constructed. It is not considered that the development of this plot would have a significant impact on the development of the remainder of the site given that the key infrastructure has already been laid out. It must also be considered that the Framework does not appear to have met the market demands given that the site is still vacant.

It is therefore considered that the detailed design and layout of this proposal is acceptable, in terms of its impact on the character of the area and the place-making function in relation to UDP and emerging LDP policy.

### **Neighbouring/ Residential Amenity**

The proposed development is the first site to be developed on the business park and as such, there are currently no neighbouring properties within the immediate vicinity. The scale of the building is considered acceptable and its location within the site would ensure it does not have an overbearing impact on adjoining plots.

In terms of the amenity of future occupiers, the main source of background noise is currently the M4 situated in a South to South Westerly direction from the site. It is not considered that the proposed use is particularly sensitive to other noise sources (given its business nature) and similarly, it is not considered that the proposal would have a significant impact on surrounding properties in terms of its operation. Pollution Control Officers have requested a condition regarding noise details from plant and the standby generator to be submitted to the Authority for further consideration which is considered reasonable to ensure that the proposals do not have a significant impact on future surrounding users.

The Pollution Control team also requested conditions restricting the use of Bryntywod as an access / egress and limiting the hours of operation so that delivery vehicles cannot enter or leave the site between the hours of 22.00hrs and 05.00hrs, in the interests of neighbouring amenity. However, these conditions are not considered reasonable or enforceable. In the first instance, the site has been designed and laid out with two access roads, both of which are adopted highway (albeit one of which is currently weight limited and closed). It would not fall within the planning remit to prohibit vehicles using a public highway. It should also be noted that this road was the access to the Former Tinsplate Works and there are other businesses located between the site and residential area that are unrestricted in terms of operating times. In any event, it is likely that vehicles would predominantly use the B4489 and J46 route for distribution purposes as it is a more direct route to the M4 and wider road network.

With regards to the latter issue, whilst the site would be open 24/7, the site is not considered particularly noise sensitive as it is located on a business park set aside for B1 and B2 uses (which could be noisy by their nature). As noted above, there are two routes out on to the surrounding road network (subject to weight restrictions) via public highways.



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It is not considered that this operation would give rise to significantly increased levels of noise/disturbance for surrounding residents, especially when it is considered that the village/ hamlet of Bryntywod is located on the opposite side of the M4 motorway, approximately 700m away. As the first use on the site, it would therefore not impact on any users currently and 24 hour operation is unlikely to impact on any other business user significantly in terms of noise and disturbance. Whilst the site to the east is proposed for residential use, this is separated by approximately 200m with intervening woodland in between. It should also be noted that this site does not benefit from planning permission at the current time in any event and any future occupiers would be aware of the proposal if the site is developed.

Consideration needs to be given to the impact of the proposal on the adjoining future land uses. The site had outline planning permission for B1 and B2 uses and these uses are also indicated in both the UDP and the draft LDP. Given that this is the second application for any of the plots on site (and the first could not proceed in tandem with this one), it is considered that there would be sufficient space elsewhere on the site for B2 uses and any impact would be assessed as part of that proposal. B1 uses by their very nature are uses which are not considered to have a detrimental impact on the amenity of the area. On balance, it is not considered that the development of this site would restrict the development of the remainder of the site for B1 or B2 purposes.

### **Highway Safety/ Parking/ Public footpaths**

The access road to this site has already been constructed albeit not formally adopted. Two accesses into plots 8 and 9 plot have already been provided but these would be reinstated as part of this proposal and a revised access serving the site (and the remainder of plots 7b) would be constructed off the southern side of the access road. Pedestrian and cycle access would also be located in this location.

The Highways Authority was consulted as part of the PAC procedure and requested that a Transport Assessment was submitted that considered the access roundabout and J46 of the M4. The application was submitted with a Transport Statement but the Highways Authority again requested a Transport Assessment and queried use of a 2010 Transport Assessment that was not agreed with the Highways Authority.

Transport Assessments are generally required for proposals that generate significant levels of traffic. Technical Advice Note 18: Transport sets out guidelines for one when would be required. In terms of a Distribution Centre, this threshold is over 10,000m<sup>2</sup>. As noted above, the size of this facility does not meet that threshold, and has a floor area of approximately 60% the size of this. This is National Planning Policy and provides an applicable threshold across Wales.

Notwithstanding this, the Transport Statement did not include any junction modelling or analysis (the scope of which had not been agreed) and also did not include testing of junction 46. In this instance, the concern was with the increase in numbers of HGV'S and the impact on the efficiency of junction 46. No junction modelling was undertaken; roundabouts are particularly sensitive to the proportion of HGVs.

The Transport Statement submitted with this planning application does refer to the 2010 Transport Assessment (not accepted by the Highways Authority), but also refers to the approved 2006 Transport Assessment.

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This site has been laid out as a business park which originally received outline consent in 2006. The 'consented' traffic generation was 4,008 arrivals and 3,977 departures over a 24hr period (a total of 7985 movements). The 2010 Transport Assessment indicated a lower level of traffic generation, therefore the 2006 Assessment is considered to be a worst-case scenario.

The proposed parcel distribution centre would result in 44 (2 way) vehicle movements during the am peak and 54 (2 way) during the pm peak, adding less than 1 vehicle a minute during peak hours.

For comparative purposes, the peak hour trip generation for the approved hospital use was 193 (2 way) movements and 124 (2 way movements) during the peak hours, four times more in the am peak and over twice more in the pm peak. The proposed 24 hour operation would spread the movements over the course of the day which is considered to further reduce the impact on the surrounding network which would be quieter during these times.

The daily amount of traffic associated with the use is 478 movements a day. Again, for comparative purposes, the private hospital had an expected daily trip rate of 988 (more than double the anticipated trips of this proposal).

478 movements represents less than 6% of the total traffic of the 2006 'permitted' scheme and the proposed site would occupy approximately 2 of the 11 plots on site. Off-site transport improvements weren't required until 20% of the development traffic was generated on site in any event and this is well below that threshold.

It should also be noted that the approach that has been adopted by DPD is consistent with the approach adopted for Sancta Maria Hospital as part of the previous application. The Transport Statement has been prepared by the same Transport Consultants, and that Statement also referred to the 2010 Assessment.

Notwithstanding this, the Highways Authority maintain that no comparable DPD sites have been included which would have made the data more user specific and hence reliable. No breakdown has been provided of HGV movements or arrival profiles, also no seasonal factors have been taken into account. The accident analysis was undertaken by Crashmap which highways consider is a very crude methodology for assessment of this nature, as it takes no account of causation factors. No details have been provided merely the conclusion drawn that there are no road safety measures that warrant any mitigation.

Since the 2006 application was approved, various highway improvement works have been undertaken to J46 that have reduced operating issues and a Strategic Transport Model was commissioned that included the whole of the development traffic from the business park as committed development.

Whilst it is not considered that the Transport Statement submitted allows for a full assessment of the transport impact of this development on the Strategic Highway Network, the proposals have been validated against the original 2006 outline permission, and Swansea Strategic Transport Model, and the Highways Authority are satisfied that the development can be broadly accommodated within the existing infrastructure subject to conditions.

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The successful operation of junction 46 in the future years is predicated on the implementation of the Transport Priority measures listed in the transportation section of the emerging LDP. Namely the signalisation of the Eastbound and Westbound off slips. In the absence of sufficient information, it would be appropriate to condition the signalisation of the M4 Westbound off slip, Gyratory and indirectly control the B4489 to ensure the development can be accessed and egressed safely.

The car parking provision is significantly larger than that proposed for a warehouse type use in the Car Parking Standards SPG (in excess of eight times the parking standard requirements) however this is due to the operational requirements of a business such as this. Whilst it is normally argued that car parking provision should be reduced on site (in line with national guidance), the very nature of the business involves drivers taking vans from the distribution centre to fulfil their deliveries and additional parking is required to cover shift changes etc. The parking provision is reflective of the increased employment generated by a use such as this when compared to a warehouse/ storage use. This issue is noted above and is a positive aspect in terms of employment but negative in terms of the visual impact which would require mitigation in the form of landscaping.

Cycle parking provision is also provided to enable staff and visitors to access the site by other means than car in terms of active travel and the Highways Authority has recommended a condition regarding a staff travel plan. It should also be noted that the site is located on an existing business park which currently doesn't have any occupiers and this proposal could act as a catalyst to increase business within the park and therefore increase demand for public transport in general.

In terms of the other conditions, a condition would be attached to ensure parking provision is laid out and retained in accordance with the approved details, the boundary wall to the west of the access is being retained and no details have been provided for a new wall to the east. Whilst a CEMP was requested, one has been provided and no adverse comments have been received in response to the submitted CEMP which is therefore considered acceptable from a highways perspective. A condition requiring these works to be undertaken in accordance with a S278 agreement is not necessary as this is controlled by separate legislation. An advice note would be attached to any grant of consent.

The proposals are therefore considered acceptable in terms of access, highway safety and parking provision in relation to UDP and emerging LDP policy subject to conditions.

### **Ecology**

Despite being cleared twice, the site is predominantly comprised of Juncus-dominated marshy grassland, with areas of semi-neutral improved grassland, 'carr' scrub, improved grassland, and a planted hedgerow. The site is designated as a Site of Importance for Nature Conservation (SINC) – a non-statutory designation due to the quality of the marshy grassland and populations of all four species of reptile have been recorded on site, although it appears that this land was designated following the site clearance and servicing works in 2013. The Phase 1 Habitat Survey has been supported with a Reptile Mitigation Strategy that has already been approved by the Authority (to enable mitigation to be undertaken before the reptile hibernating season).

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The Council's Ecologist had advised that most of the suitable reptile and amphibian habitat would be lost and therefore the reptile mitigation strategy is to be followed. The Ecologist requested that the CEMP is updated to include additional checks and these have been included in the updated CEMP/ Wildlife Protection Plan. The Ecologist requested a method statement for Japanese Knotweed on site, however the applicant has clarified that knotweed was located on the opposite side of the stream and therefore it is not considered necessary to attach a condition requiring knotweed in this instance. It is controlled by separate legislation in any event.

The main area of concern relates to the loss of the semi-improved neutral grassland and SINC-quality marshy grassland. The Ecologist has required a mitigation strategy, outlining the proposed new areas of these habitats, of at least the same area as that being lost. However, the applicant cannot provide this on land within their control and the Council/ Welsh Government own the adjoining land. UDP Policy EV28 states that development which would adversely affect SINC's or would not provide appropriate compensatory/ mitigation measures would 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. This policy is similar in the LDP provided there is no satisfactory alternative and any harm is kept to a minimum or compensatory measures are put in place.

As noted above in the principle section, the development would deliver employment on a site that has remained vacant for a significant period of time despite significant outlay to provide a serviced site. In this regard, mitigation was previously provided for the development of this site by the creation of habitat for Lapwing which is within Council ownership. The intervening period has resulted in the site having increased ecological potential but this is at the expense of economic development on site. It is also considered that the proposal could act as a catalyst for the development of the remainder of the site and the site has been allocated for development in both the UDP and LDP. Within this context, whilst no mitigation is proposed as part of the planning application, the economic benefits of the proposal in terms of the significant level of employment generated and the first development of this site are significant material considerations that are considered to outweigh the policy harm as a result of the impact on the SINC/ grassland. Further discussions have been held internally and the Council (as landowner) will look to provide an appropriate mitigation and management plan for this site to mitigate the loss of this Section 7 Priority Habitat. The Head of Planning and City Regeneration has committed to provide suitable mitigation.

The proposals are therefore considered acceptable in this regard.

### **Trees/ Landscape**

Strategic landscaping has already been carried out around the business park with some planting along the site frontage. Given the site sensitivities in terms of the amount of development area proposed, strategic landscaping is considered imperative and the applicant has submitted both a detailed landscaping scheme and a management scheme for the landscaping area. The Council's Landscaping Officer has advised that the general layout of hedging and native 'woodland' (thicket) is acceptable. Where original bell mouth entrances to the original site layouts are to be removed that planting of hedge and Standard / avenue trees is to be provided to mimic and provide continuity with the public realm planting and character. This would improve the green infrastructure / connectivity along the site frontage to a degree.

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The Landscape Officer has raised concern with regards to the buffer along the southern boundary, as has the Urban Design Officer and it is considered that this could be controlled via condition. The sections indicated also appear inaccurate and a revised plan has therefore been submitted. Ownership of the sections of landscaped land is not a planning consideration and the ongoing management would be secured by condition.

The plan confirms that 2.4m high paladin fencing in a mid-grey colour is proposed to the full perimeter of the service yard area. As requested during the pre-app, the fencing has been offset 1m from the back edge of the kerb to improve security and surveillance. 1.8m high paladin fencing in a mid-grey colour is also proposed to the perimeter of the car park meaning the service yards are excluded from public/pedestrian access. The proposal allows a minimum maintenance distance of 7m between the top of bank of the existing ditch and the proposed development boundary. This is outside of the demise and security fence line. The substation would be finished in olive green as requested by the Landscape Officer.

As noted by the Urban Design Officer, additional planting outside the southern boundary should be provided to further screen the development from the proposed secondary access to the adjacent strategic site. Whilst part of this section is outside of the applicant's control as it is outside of their site, it is within the control of the Council and could be planted to screen the development further.

### **Contaminated Land**

The site was formerly a Tin Plate Works and has undergone extensive remediation and landscaping since the outline consent was granted. At the time of the last application for the private hospital, there were at least 18 reports relating to desk study, ground investigation and remediation information, pertaining to the site. The applicant has submitted their own site investigation for these parcels of land. This concludes that the risk assessments have established a low risk to human health and negligible risk to controlled water receptors. Further assessment and remedial actions are not warranted.

The Council's Pollution Control Officer has raised no concerns with regards to the submitted Site Investigation but has requested a condition regarding unexpected contamination which has also been requested by Natural Resources Wales.

NRW has requested that a Construction Environmental Management Plan is provided for this proposal. The applicant has provided a CEMP and NRW are satisfied that it would achieve its objective provided they are contacted to discuss certain aspects further in due course. This provision has been included within the CEMP. The Pollution Control team raised concern about the construction working hours originally indicated but these have been amended to 7.30am to 6pm during weekdays. These hours are considered acceptable given the distance to the nearest residential properties.

### **Drainage/ Flooding**

With regards to drainage, a Drainage Strategy has been submitted that indicates that a marginal part of the site is located within an area known to have flooded (Zone B). Given the limited nature of this encroachment into the site, the site is considered to be at little or no risk of flooding and this issue does not need to be considered further.

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The Drainage Officer has raised no issues with the proposed drainage strategy which is considered acceptable in principle and subject to a condition requiring full drainage details. The strategic surface water infrastructure has already been laid out and the proposal would have attenuation tanks underneath the car park that would discharge to the adjacent watercourse. Soakaways were not feasible on site.

Dwr Cymru Welsh Water raise no concerns with regards to drainage but have requested a condition is attached to secure suitable surface water removal from the system. This is discussed further below.

Natural Resources Wales do not object to the application but do raise the following points with regards to land and surface water drainage. Since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling to the Burry Inlet. As such, a Memorandum of Understanding (MOU) has been prepared to enable development in this area to go forward.

Protection of the water environment is a material planning consideration and the Local Planning Authority must be satisfied that the proposed method of foul and surface water drainage from the proposal will not cause any detriment to water quality. To accord with the terms and content of the MOU, foul connections should only be allowed when compensatory surface water removal or suitable improvement scheme has been implemented within the same catchment.

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

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

In accordance with the MoU, it is necessary to remove surface water from the combined sewer to provide betterment in the system. Currently the betterment should be twice the maximum proposed discharge from the site. However, this previously benefited from outline planning consent dating back to 2006 which had been regularly renewed. As such, in terms of foul flows, it is considered appropriate to consider the flows from the proposed development against the flows from the development that benefitted from outline consent as these discharged have already been taken into account in the Review of Consents.

The applicant has advised that the proposed development would have a foul discharge rate of 2.24l/s. It should be noted that this is less than half of the anticipated foul discharge of the private hospital previously approved.

The MoU outlines anticipated foul discharges for other uses such as industrial sites with large water usage and light industry sites. Given that the outline consent was granted for both B1 and B2 uses, it is considered that a worst case scenario would include an industrial site with an anticipated large water usage. The MoU recommends that a use such as this would generate 2.5l/s per hectare and on this basis, a site area of 3.29Ha would equate to 8.225l/s.

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The MoU is clear that these figures are a guide only and DCWW should be contacted. Dwr Cymru Welsh Water raise no objections subject to a condition regarding full drainage details to be provided to, and approved by the Local Planning Authority. They also advise that the Waste Water Treatment Plan could manage with the foul flows proposed. Essentially, the development of this site would replace the flows that could have been provided by the development of this site for an industrial use which has been accounted for in the review of consents undertaken as part of the Burry Inlet Habitat Regulations Assessment and were previously allowed as part of the private hospital development.

### Burry Inlet Habitat Regulations Assessment

#### Introduction

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

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

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

#### Water Quality

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

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

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

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

### Other possible effects on CBEEMs features

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

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

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

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

### Hydraulic Capacity Issues in Gowerton WwTW drainage network

Neither DCWW nor NRW have objected to the application. Moreover, the Local Planning Authority is satisfied that it has addressed the water quality issues relating to the Habitats Regulations on this site and NRW have since agreed to the Council's adopted Habitat Regulations Assessment that covers all development in the drainage network area up to the end of 2018. As explained above this HRA is based on objective information available from the Agency's own Review of Consents of Gowerton WwTW, 2010.

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

### Conclusion

In conclusion, DCWW has not objected to this scheme, and the Council's HRA which has been adopted for all development in the Gowerton WwTW drainage network area runs up until the end of 2018.



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The HRA has been agreed with NRW and concludes that 'It is the opinion of the Authority that this development can be accommodated within the post Review of Consents (RoC) discharge consent limits, and would not be likely to have a significant effect either alone or in-combination on the Carmarthen Bay and Estuaries SAC, the Carmarthen Bay SPA, or the Burry Inlet Spa and Ramsar. Such effects can be excluded on the basis of the objective information available through the 2010 Environment Agency review.

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

### **Other Issues**

CADW and GGAT raise no objections to the proposal and it is not considered that the proposal would have a detrimental impact on archaeological or historic features within the vicinity. Comments of the Police D.O.C.O would be attached as an advice note.

### **Conclusion**

Whilst it is acknowledged that the proposal represents a departure from UDP Policy EC1 and EC26 as no mitigation is proposed for the SINC (as part of the planning application), it is considered that there are significant material considerations which would offset these policy concerns in terms of the level of employment generated and the development acting as a catalyst for the development of the remainder of the site and in design terms, the proposals are generally in accordance with the Adopted Unitary Development Plan. It is therefore concluded that the application should be approved subject to the following conditions.

### **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:  
18027\_P0001 Rev. A (Location Plan), 18027\_P0002 Rev. A (Site Layout), 18027\_P0004 Rev. A (Site Layout - Fence Layout), 18027\_P0005 Rev. A (Site Layout - External Finishes), 18027\_P0009 Rev. A (Main Office Layout) and 18027\_P0011 Rev. A (Roof Layout) received on 18th October 2018; and 18027\_P0003 Rev. B (Site Layout - Cycle Shelter), 18027\_P0008 Rev. B (Building Layout), 18027\_P0010 Rev. B (Elevations), 18027\_P0013 Rev A (Substation & Gas Kiosk); Typical Generator Arrangement plan received on 31st October 2018 and Drawing No. 01 Revision D (Landscape Planting Plan) and 18027 P0004 Rev B received on 22nd November 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 Notwithstanding the details submitted with the application, no superstructure works shall commence until a fully detailed scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details.  
Reason: To ensure that effective drainage facilities are provided for the development, and that no adverse impact occurs to the environment or the existing public sewerage system.
- 4 All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the distribution centre hereby permitted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be managed in accordance with the Landscape Maintenance & Management Plan prepared by Barry Chinn Associates (ref:1829-18-RP01 Rev A LMMP) dated 15th October 2018.  
Reason: To safeguard landscape and amenity interests.
- 5 All planting and grass seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the distribution centre hereby permitted and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. The landscaping shall thereafter be managed in accordance with the Landscape Maintenance & Management Plan prepared by Barry Chinn Associates (ref:1829-18-RP01 Rev A LMMP) dated 15th October 2018.  
Reason: To safeguard landscape and amenity interests.
- 6 Prior to the first beneficial occupation of the development hereby approved, all of the proposed vehicle parking spaces (including cycle parking) as indicated on Drawing No. 18027 P0002 Rev. A shall be clearly demarcated on the ground and retained as such thereafter for lifetime of the development for the parking of vehicles.  
Reason: To ensure that adequate parking provision is provided on site for staff and visitors of the distribution centre.
- 7 Prior to the first beneficial use of the development hereby permitted, and notwithstanding the details submitted to date, full details of all external plant and equipment (including the standby generator) to be installed, and their location, shall be submitted to and approved in writing by the LPA. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: To ensure that plant and equipment is sensitively designed and ensure that the proposal does not result in unacceptable levels of noise transmission to existing and future neighbouring users.

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- 8 The development hereby permitted shall be used for a warehouse and distribution centre and for no other purpose (including any other purpose in class B8 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).  
Reason: The development is considered acceptable due to the level of employment generated and an alternate use may have significantly less employees.
- 9 The development hereby permitted shall be undertaken in accordance with the Construction and Environmental Management Plan, Issue No. 1 dated November 2018, Revision received on 21st November 2018.  
Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to pollution, contamination, water resources and ecology.
- 10 The development hereby permitted shall be undertaken in accordance with the Wildlife Protection Plan prepared by David Clements Ecology Version 1.1. (dated November 2018) received on 21st November 2018.  
Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment and ecology.
- 11 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.  
Reason: 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.
- 12 Prior to the first beneficial use of the development hereby permitted, a detailed lighting strategy for the operational phase of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: To ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the operation phases of the development.
- 13 Prior to the first beneficial use of the development hereby permitted, a travel plan shall be implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The travel plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary. The approved travel plan shall remain in place for the duration of the use hereby permitted.  
Reason: In the interests of the sustainable use of the site and to minimise private car use.
- 14 Prior to the first beneficial use of the development hereby permitted, partial traffic signal control of the M4 Westbound off slip gyratory shall be undertaken in accordance with a detailed scheme that has first been submitted to, and approved in writing by the Local Planning Authority.  
Reason: To ensure the proposal does not have a detrimental impact on the operation of J46 of the M4.

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### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV28, EV33, EV34, EV35, EV38, EV40, EC1, AS1, AS2, AS5 and AS6.
- 2 The Council's Pollution Control team have advised the following:  
Construction Phase:
  - 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 under Control of Pollution Act 1974, section 60. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - 2 Smoke/ Burning of materials  
No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - 3 Dust Control:  
During construction work the developer shall operate all best practice to minimise dust arising or dust nuisance from the site. This includes dust and debris from vehicles leaving the site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.
  - 4 Lighting  
During construction work the developer shall operate all best practice to minimise nuisance to locals residences from on-site lighting. Due consideration should be taken of the Institute of Lighting [www.ile.org.uk ] recommendations
- 3 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.
- 4 Dwr Cymru Welsh Water have advised the following:  
  
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.

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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).

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

### WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development. Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

- 5 The Police Designing Out Crime Officer has made recommendations for site security which the applicant should consider in full. The full comments are available to view on the Council's Planning Application website using the application reference number.
- 6 The Council's Ecologist has advised the following:

Protected species may be present. Many species are protected under the Wildlife & Countryside Act 1981 (as amended) or are listed in 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).

All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

If evidence of bats is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

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Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly.

If evidence of any protected species is encountered e.g. live or dead animals, droppings or their resting or breeding places, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work (01792 634960).

To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped. It is also possible to provide enhancements for hedgehogs by making small holes within any boundary fencing. This allows foraging hedgehogs to be able to pass freely throughout a site.

Due to the presence of Japanese knotweed near to the site (Schedule 9 species of Wildlife and Countryside Act, 1981), the applicant is advised to ensure the principal contractor for the works is aware of bio-security measures to prevent the spread of these species.

7 The Highways Officer has advised the following:

1. The improvements to the Northern gyratory of junction 46 and the infilling of existing vehicular access points and alteration of the existing access to plot 7b shall be undertaken under a Section 278 agreement with the Highway Authority. All access works shall be completed to Highway Authority standards and specifications.

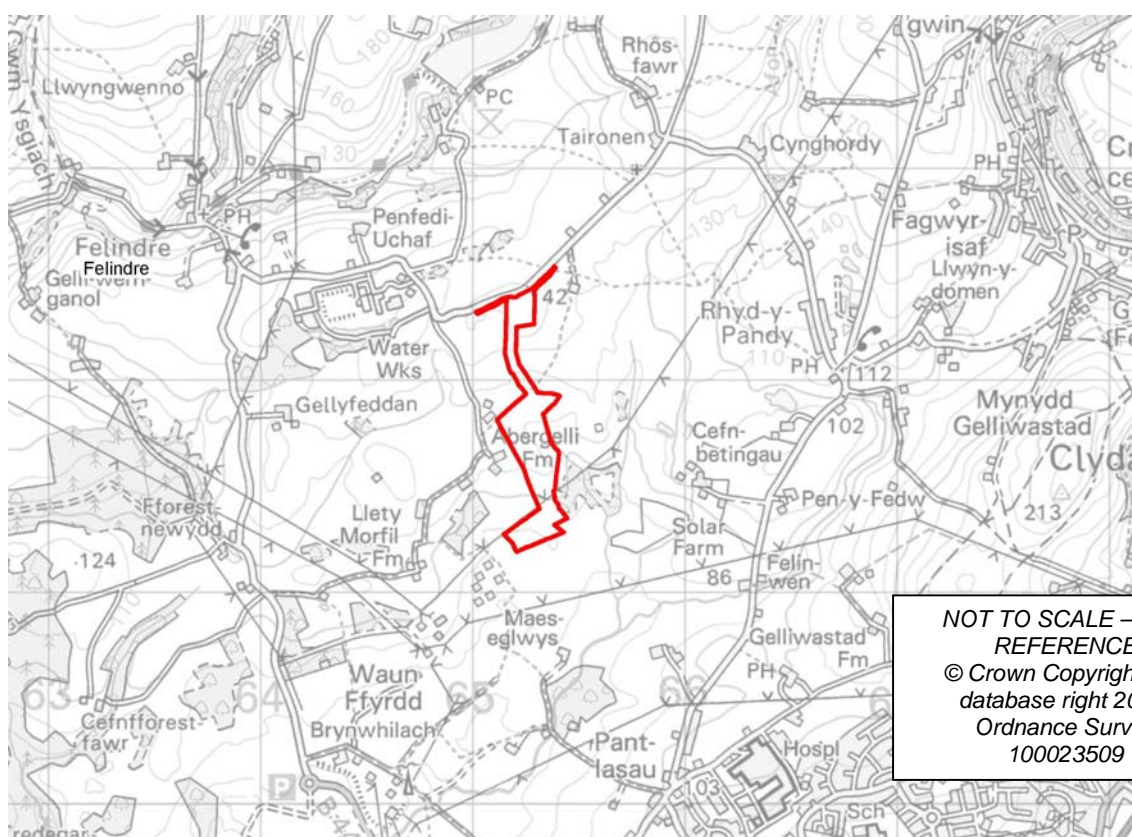
The Developer must contact the Traffic and Highway Network Management Group, Swansea County Council, Guildhall, Swansea SA1 4FE before carrying out any work. Please contact the Senior Engineer Highways Management, emails to [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk), tel no. 01792 635380.

2. The Travel Plan shall include details of car reduction initiatives and methods of monitoring, review and adjustment where necessary.

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<b>Item 2</b>	<b>Application Number:</b>	2018/2020/FUL
	<b>Ward:</b>	Mawr - Area 1
<b>Location:</b>	<b>Land At Abergelli Farm, Felindre, Swansea, SA5 7NN</b>	
<b>Proposal:</b>	<b>Installation of a gas connection in the form of a new above ground installation and underground gas pipeline to bring natural gas from the National Gas Transmission system to the Abergelli Power Station, including access, associated engineering operations and landscaping</b>	
<b>Applicant:</b>	<b>Mr David Ball Abergelli Power Ltd</b>	



### Background Information

#### **Policies**

##### **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 - EV1 - Design**

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

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#### UDP - EV12 - Lanes and Public Paths

The character of lanes and public paths that contribute to the amenity, natural and historical qualities of an area will be protected. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV21 - Rural Development

In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (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 - 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)

#### 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 - 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 - EC13 - Agricultural Land

Development that would result in the loss of the best and most versatile agricultural land will not normally be permitted. (City & County of Swansea Unitary Development Plan 2008)



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#### UDP - R2 - Coal

Proposal for coal mining, processing and coal recovery will be supported where specified criteria are met. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - R4 - Sand / Aggregates

Proposals to develop land based sand and gravel extraction will be supported subject to an assessment of the supplies of such material available from both marine dredged and land resources within an appropriate area for land bank calculations and subject to a set of specified criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS3 - Public Rights of Way

Accessibility - Protection of public rights way. (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)

### Site History

App Number	Proposal	Status	Decision Date
2018/1289/DCO	Gas fired power station	PCO	
2018/1352/SCR	SCREENING OPINION for gas connection	EIANRQ	17.07.2018
2018/1353/SCR	SCREENING OPINION for electric connection	EIANRQ	17.07.2018
2018/2020/FUL	Installation of a gas connection in the form of a new above ground installation and underground gas pipeline to bring natural gas from the National Gas Transmission system to the Abergelli Power Station, including access, associated engineering operations and landscaping	PDE	

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Item 2 (Cont'd)	Application Number:	2018/2020/FUL	
2018/2021/FUL	Installation of an electrical connection in the form of a new 400kV underground cable to export power from the Abergelli Power Station to the National Grid Electricity Transmission System at the Swansea North Substation, including associated engineering operations and landscaping	PDE	
2015/1716	Emergency standby electricity generation facility comprising: modern modular diesel generator units (up to 14 in total), transformers, diesel storage tanks, boundary treatment including acoustic screening, access improvements and associated works.	REF	16.10.2015
2014/1335/DOC	Discharge of condition 5 of planning permission 2013/0135 granted 28th May 2013	NOBJ	15.12.2014
2014/1313/NMA	Reduction in number of buildings, solar panels, height of fence, height of framework and no met mast (non material amendment to planning permission 2013/0135 dated 28th May 2013)	APP	28.10.2014
2013/0135	Installation of ground mounted array of solar panels, inverter substations and 2.4m high fencing	APP	28.05.2013
2008/0827	Change of use from agricultural land to recycling of green waste and composting treatment	REF	16.04.2009

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Item 2 (Cont'd)		Application Number:	2018/2020/FUL
2007/2756	Removal of condition 2 of planning permission 2007/0907 granted on 16th November 2007 to allow the use of the northern access	PCO	
2003/1004	Retention of side extension to agricultural storage building	APP	11.07.2003
2003/0561	Change of use of land from agricultural to horse racing training/facility ground	APP	27.05.2003
2002/0312	Excavation and removal of inert material from landfill site and restoration	APP	04.02.2003
2001/1642	Application for the removal of inert material and associated engineering works.	WDN	22.02.2002

### BACKGROUND

This application is being reported to Planning Committee as it exceeds the 2ha threshold size for the site area.

Abergelli Power Limited (“APL”) propose to develop a gas-fired power generation plant and connections to the electricity and gas networks on land adjacent to the electricity and gas networks, adjacent to the National Grid Compressor Station at Abergelli Farm, Felindre, Swansea, SA5 7NN, located north of the M4 (junction 46).

As the proposal involves a power generating station of up to 299MW, it is classed as Nationally Significant Infrastructure Project (similar to the Tidal Lagoon DCO) and it will be examined by the Planning Inspectorate before being referred to the Secretary of State for Business, Energy and Industrial Strategy. The Local Authority is an Interested Party in the process. The application was accepted in June 2018 and is currently being examined.

As the Project is a generating station in Wales below 350 MW, development consent cannot be granted for Associated Development (gas and electricity connections) in the DCO. However, the Gas Connection and the Electrical Connection have been considered and assessed in the Environmental Statement to provide full information on the effects of the Project as a whole.

An application for the electricity connection has also been submitted and is under consideration (2018/2021/FUL).

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**Item 2 (Cont'd)**

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The application site has an area of approximately 16.4ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 1 hectare. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

### PLANNING POLICY

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

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In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, and where appropriate, significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include:

PS2: Placemaking and Place Management – development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

ER1: Climate Change – To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

ER2: Strategic Green Infrastructure Network – Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 5 Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County.

ER6: Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

ER8: Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

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ER9: Ecological Networks and Features of Importance for Biodiversity – Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

ER11: Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

CV 2 Development in the Countryside – Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

T1: Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant on the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T7: Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

RP 2 A Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPP or would have an unacceptable impact on a Quiet Area will not be permitted.

RP 2 B Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

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RP3: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP5: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 12 Safeguarding Minerals - Development within mineral safeguarding areas that would permanently sterilise identified resources of aggregates and coal will only be permitted where it can be demonstrated compliance with specific criteria. Development of a temporary nature will only be permitted where the site can be restored within a timescale that the mineral is likely to be needed.

The Emerging LDP policies are broadly consistent with the UDP framework. Draft policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this. Policy CV 2 seeks to protect the open countryside and is similar to EV 21 in construction and EV 2 which seeks to conserve the countryside in general.

Emerging Policies R 2 A and R 2 B are similar to policy EV 40 but R 2 A refers specifically to noise and refers to identified Quiet Area Noise Action Planning Priority Area. The site is not within an identified Quiet Area.

Emerging policy T 1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. T 7 seeks to protect PROWs which is similar to AS 3.

Emerging Policy PS 2 references the strategic green infrastructure network which is supplemented by Emerging Policy ER 2 which seeks to protect and enhance green infrastructure. Emerging Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site. ER 8, ER 9 and ER 11 also seek to protect ecological and biodiversity interests and trees. Policy ER 1 seeks to mitigate the effects of climate change.

Emerging Policies RP 3 and RP 4 relate to water pollution, the protection of water resources and the avoidance of flood risk which are similar to EV 34 and EV 35. Emerging Policy RP 5 is similar in construction and intent to UDP Policy EV 38.

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Finally, Policy RP12 seeks to protect mineral resources which is similar to Policies R2 and R4 although it does provide for criteria where it would be considered acceptable including where the extraction is impracticable/ uneconomic; the mineral has already been extracted, the scale of the development would have no significant impact on working the resource or there is an overriding need for the development.

### NEIGHBOUR COMMENTS

The development was advertised on site with four site notices, and the application was also advertised in the Press on the 1st October 2018.

No neighbour comments have been received to date.

### CONSULTATIONS

Highways:

“The proposed scheme involves the construction of a new permanent priority junction and associated access to the north of the site off Rhydypany Road. This will need to be designed/constructed under a Section 278 Agreement with the Highway Authority.

We are satisfied that the junction can be implemented and operate as intended. The supporting documentation appears to cover all eventualities with regard to the impact on the Strategic Highway Network.

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

1. Prior to the commencement of works on site, the developer or site owner(s) shall undertake a condition survey of the Strategic Highway network from junction 46 of the M4 linking to the application site, and shall submit the findings of this condition survey to the Local Planning Authority.

Within 1 month of the completion of construction works on site, the developer or site owner(s) shall undertake a second condition survey of the same area and shall submit the findings of this condition survey to the Local Planning Authority. If this second condition survey indicates that any part of the highway has been damaged by construction/delivery vehicles during the construction phase of the development, the highway shall be repaired by the developer or site owner(s) to the same standard (or better) as detailed in the pre-construction condition as specified in the first condition survey, within 3 months of the completion of construction works on site.

2. The works to facilitate the new priority junction to the north of the site on Rhydypany Road shall be undertaken under a Section 278 Agreement with the Highway Authority.

Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.



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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 email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)”

**Pollution Control:**

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

**Ecology:**

As there will be temporary loss of dense and continuous scrub, semi improved neutral grassland, broad-leaved woodland, marshy grassland, semi-improved grassland, 1 pond and around 180 m hedgerow, permanent loss to trees, and temporary effects on reptiles, amphibians, breeding birds and foraging bats, the following ecological comments apply:

**Protected species**

\* Pre-construction checks for bats are required on any trees scheduled for removal as part of the development.

\* Pre-construction checks are required for otters and water voles. Should these species be recorded, and displaced from the site, then a mitigation strategy is required, detailing the alternative habitat provided for them. The condition must state that the final LEMS will included details of potential displacement and mitigation for protected species.

\* Clearance of the site with regard to reptiles must not be undertaken during the winter hibernation period ie. between November and March.

\* No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings/construction should be undertaken during the bird nesting season, March to August

\* Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

**Hedgerows**

Hedgerow A will be severed to facilitate the construction of the Gas Connection. This hedgerow must be reinstated. As discussed with Aecom, alternative techniques to hedgerow severance must be considered i.e. 'boring' under the hedgerow by using open cut trench techniques or lifting, storing and re-planting the original hedgerow section. Timing of the works is critical and should avoid winter months.

Additional species-rich hedgerow and native tree planting is required as mitigation for that being lost and for enhancement to ensure connectivity of the habitat across the site and surrounding areas, as per the submitted LEMP.

**INNS**

As there is the possibility for spread of INNS by construction methods, an INNS strategy and method statement for controls is required.

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Potential contamination on watercourses

Due to the potential for adverse impacts on the Carmarthen Bay & Estuaries SAC and Burry Inlet SPA, the LA Ecologist undertook a TLSE and Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations (2017).

The applicant must produce a Construction Environment Management Plan (CEMP). Without counteracting measures with regard to the potential impacts from the construction and operation phase, it cannot be concluded that there will be no likely significant effects on the Carmarthen Bay and Estuaries SAC features and conservation objectives. A condition must be attached to any consent ensuring adherence to the CEMP.

Lighting Strategy

The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance. The lighting strategy must be placed as a condition on any planning permission granted.

Public Rights of Way:

“They would have to apply for a temporary closure of footpath LC35 and would have to reinstate the surface afterwards. This has a lead in time of up to 6 weeks. I believe I would ask that any sub surface pipes or cables have appropriate warning tape etc.”

Drainage:

“We have no objections to the proposed connection routes and do not wish to recommend any conditions for this element of the project that will be duplicated with other legislation.

Informatives

The power connecting routes cross some watercourses, the crossing of watercourses is governed by the Land Drainage Act 1991, depending on the method of the crossing the Authority's prior written consent will be required, to avoid any issues please contact the Drainage and Coastal Management function via [Drainage.Consents@swansea.gov.uk](mailto:Drainage.Consents@swansea.gov.uk).”

Tree Officer:

“The proposed gas line cuts through two hedgerows. The proposed mitigation plan will adequately compensate for the length of hedge that requires removal.”

Invasive Species:

“Location

Various

Species

\* Japanese Knotweed

\* Balsam, Himalayan      *Impatiens glandulifera*

Knotweed:

Planning condition CL12 must be placed upon this application.

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.

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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, acceptable to myself, for the control of the plant.

Himalayan Balsam:

Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing how invasive plants including Himalayan balsam will be treated so as to control their spread during construction. The development shall be undertaken in accordance with the approved method statement.

It is an offence under section 14(2) of the Wildlife and Countryside Act 1981 to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 Part II.”

Health and Safety Executive:

No comments provided. However, HSE advised during the PAC that they did not need to be consulted on this planning application.

Glamorgan Gwent Archaeological Trust:

“Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website and can confirm that the proposal has an archaeological restraint.

We note the compilation of a Gas Connection Environmental Report by Aecom (dated August 2018) which includes an Historic Environment section (4.7). Two non-designated sites (AB03 and AB04) are located within the project site boundary, with a portion of historic boundary AB03 being subject to a direct effect. The report concludes that a Written Scheme of Investigation (WSI) detailing a watching brief will be prepared and implemented during construction.

It is possible that any ground disturbance work associated with the proposal may encounter archaeological structures or deposits and the suggested mitigation is appropriate and in accordance with our previous consultations and recommendations regarding the development.

Therefore 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.

We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, 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. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

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 has been submitted by the applicant and approved by the local planning authority.

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Thereafter, the programme of work will 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. We also recommend that a note should be attached to the planning consent explaining that:

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.”

CADW:

“Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development.

We therefore have no comments to make on the proposed development.”

Coal Authority:

“I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area.

The Coal Authority records indicate that within the application site and surrounding area there are coal mining features and hazards which should be considered as part of development proposals.

Our records indicate that part of the application site has been subject to past coal mining activities, specifically a recorded mine entry close to the western boundary of the site with a zone of influence which extends into the red line boundary identified on the submitted plan (Site Layout Plan, Figure 2, Rev 005). However, the recorded mine entry is not located within the specific part of the site where new development is proposed.

The Coal Authority Recommendation to the LPA

As you will be aware, the Coal Authority’s general approach in cases where development is proposed within the Development High Risk Area is to recommend that the applicant obtains coal mining information for the application site and submits a Coal Mining Risk Assessment to support the planning application.

However, when considering this particular proposal; whilst there are recorded mining features within the application site, the specific part of the site where new development is proposed actually falls outside the defined Development High Risk Area. Therefore we do not consider that a Coal Mining Risk Assessment is necessary for this proposal and do not object to this planning application.

However, if this proposal is granted planning permission, in the interests of public safety the Coal Authority would recommend that the following wording is included as an Informative Note within the Decision Notice:

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The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.”

Cadent Gas Ltd:

“Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does not include:

\* Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.

\* Gas service pipes and related apparatus

\* Recently installed apparatus

\* Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is the applicant's responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>). ”

Natural Resources Wales:

“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, and we would not object provided you attach them to the planning permission.

Condition: Submission, agreement and implementation of a Landscape and Ecology Mitigation Strategy, to include detail on potential displacement and mitigation for the protection of otters and watervoles.

Condition: Submission, agreement and implementation of a Lighting Strategy.

Condition: Submission, agreement and implementation of a Construction Environment Management Plan.

Condition: Submission, agreement and implementation of a Surface Water Management Plan.

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We have provided pre-application advice to the developer on this overall development through the ongoing Abergelli Nationally Significant Infrastructure Project (NSIP) process, with responses sent on the Scoping Report, Preliminary Environmental Information Report (PEIR) and draft Environmental Statement (ES). The pre-application stage has been a thorough and extensive process, which has resulted in several issues being scoped out and improvements made to the scheme.

We have reviewed the submission of documents in support of this application which include the 'Gas Connection Environmental Report – Abergelli Power Project' (ER), by Aecom, dated September 2018 and its associated appendices and figures. We advise that our concerns relating to this gas connection application can be dealt with through conditions attached to any planning permission your Authority is minded to approve.

#### Landscape and Ecology Mitigation Strategy

We welcome the submission of the Outline Landscape and Ecology Mitigation Strategy (LEMS) within Appendix 2.3. We advise that the LEMS should be included as a condition on any planning permission your Authority may grant.

#### Habitat Management

Table 4.5 (Ecology Summary for Effects Arising During Construction Phase) within chapter 4 of the ER notes that "Habitat management will be undertaken to reduce the quality of the habitats for holt/couch creation for the period leading up to and for the duration of construction in that area" following the proposed pre-construction checks. It should be noted that if this occurs, then full details of the habitat that otters may be displaced into must be provided as part of the mitigation proposals. Additionally, alternative habitat must be suitable for the species and available to colonise in advance of being displaced. We advise that it is not sufficient to simply displace them from the construction area.

The Gas Connection Pre-Application Consultation (PAC) report (September 2018) under table 5 'Summary of Representations from Specialist Consultees' notes our comments above and has confirmed that the final LEMS will be updated to provide details of potential displacement and mitigation, which will be secured by a condition.

We note the submission of the Outline Drainage Strategy by WSP (September 2018) which provides further information on the watercourse crossings as previously requested. The measures to allow continuous species movement for commuting and foraging along the watercourses have not been provided as requested, however the PAC report states that details on riparian habitat retention/reinstatement and protective measures will be included in the finalised LEMS. We therefore look forward to the proposals above being included in the final report.

#### European Protected Species – Bats

We welcome the submission of the 'Bat Activity and Roost Confirmation Survey' dated August 2018, by Aecom, which includes the latest survey work for the site, and clarifies our previous comments made in the PAC report. We note the results, which found that no buildings on site are bat roosts, however one tree on site (no.19) has been identified as a bat roost. Section 1.11.3 of the survey notes that the project will not require the removal of tree 19.

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We note that pre-construction checks will be required on any trees scheduled for removal as part of the development. We welcome the recommendations set out in section 1.12.3, which have been included within the Outline LEMS.

### Lighting Strategy

The aforementioned LEMS provided in support of both the Gas and Electricity connection submissions states in section 4.3.2 that “during construction there will be no night time illumination of hedgerows, woodland or mature tree lines. The (lighting) strategy will seek to limit effects of lighting on habitats (and therefore species) adjacent to the project site.” Section 4.3.3 states that “the gas connection and electrical connection will not be lit”. We welcome these measures put in place to ensure that the protected species using the site for commuting and foraging purposes can continue using the site without disturbance.

The Environmental Report refers to an Outline Lighting Strategy in Appendix 3.5, however this appears to be mislabelled as this is for the Reptile Survey Report. We note however that an Outline Lighting Strategy was submitted under Appendix 3.5 under the associated DCO application and includes details of how lighting will be controlled across the site, and the outline LEMS does provide some detail on the proposed dark corridors. We however haven't been provided with an outline lighting plan under this submission, which demonstrates that watercourses, vegetative bat flight paths and dark corridors around the Generating Equipment Site will continue to be kept dark for foraging and commuting purposes by protected species.

We advise that the lighting strategy is placed as a condition on any planning permission that your Authority may grant. The lighting strategy will need to include a lighting plan which, along with the above, confirms the location of the lights, their specifications, where light spill measures will be deployed (e.g. hoods, cowls, timers, details of any lights on timing) and anticipated light spill. We note the Construction Environmental Management Plan (CEMP) has considered construction lighting, and as previously advised, the lighting plan should consider operational and emergency lighting.

### Construction Environment Management Plan and Surface Water Management Plan

We welcome the submission of the Outline Construction Environment Management Plan (CEMP), and the Surface Water Management Plan (SWMP) and advise that these are placed as conditions on any planning permission that your Authority may grant.

The Outline Drainage Strategy provides further information on the watercourse crossings as previously requested, and we advise that the plans should adhere to the relevant building regulations and associated CIRIA best practices. There appear to be only two minor crossings for both the Gas and Electrical connections, which are likely to be achieved via directional drilling beneath the drains and watercourses in question. We advise that any waste arisings will need to be appropriately managed and standard pollution prevention guidelines should be adopted, which should be included in and addressed through the CEMP.

The watercourses affected are ordinary watercourses, which falls under the remit of your Authority, and therefore if any culverting is proposed, we refer you to the comments of your Drainage Engineer.

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The construction activities proposed adjacent to, and over the water main easement. In this regard, we advise consultation with Dwr Cymru/Welsh Water on the most appropriate methodology and construction option to adopt, for the protection of the water main.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.”

Dwr Cymru Welsh Water:

“We acknowledge that the application seeks planning permission, under the Town & Country Planning Act 1990, for an underground gas pipeline connection in association with a Gas Fired Power Generating Station which is subject to an application (Ref: EN010069) to the Secretary of State for a Development Consent Order (DCO). We can confirm that Dwr Cymru Welsh Water (DCWW) are registered as an interested party on the DCO and have highlighted that the proposed development site is crossed by a 66” strategic watermain. As part of consultation on the DCO application we can advise that DCWW are engaged in discussions with the applicant regarding an area of development that crosses the strategic watermain, namely the access road, and look to agree a suitable design that does not affect the structural condition and integrity of this watermain.

Turning to the gas connection, we can confirm that DCWW have been previously informed of this application (Ref: 2018/2020/FUL) by way of statutory pre-application consultation. We acknowledge that our representation (Ref: PPA0003328) is included at Appendix D of the report and highlights our concerns and objection to any forthcoming application given the potential impact upon the strategic watermain asset. By response the applicants refer to the accompanying Environmental Report, namely Section 4.3, and highlight that discussions are underway regarding protective provisions for the strategic watermain. However, this section of the Environmental Report fails to address the impact upon the watermain and the application does not appear to be accompanied by any detailed cross section drawing showing the alignment and relationship of the gas connection to the watermain. In addition, whilst the accompanying Environmental Report highlights that “trenchless techniques (e.g. Horizontal Directional Drilling, HDD) may be used to reduce impact on sensitive areas”, it appears the application fails to include any risk assessment on the impact of such works or details of the protection measures for the duration of construction works and operational period, including restoration works.

Accordingly, we recommend the aforementioned details are submitted prior to any further consideration of the application and request that DCWW are reconsulted on receipt of this information.



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At this time, we consider that the application fails to address our concerns regarding the impact of the proposed development upon the structural condition and integrity of the existing watermain and is consistent with our pre-application consultation response as well as representations to the DCO application. As advised we request re-consultation on receipt of this information and, should the applicant or Local Planning Authority seek to discuss anything further, we would welcome contact with us at the earliest opportunity.”

### SITE LOCATION

The land at Abergelli Farm consists of grazing fields for sheep and is divided by hedgerows and is generally flat in a slightly undulating landscape. The site is located within the open countryside and lies approximately 1.5km north west of Morrision Hospital. The overall farm is approximately 97Ha and is currently used for sheep grazing and horse training/ breeding and there is a planning history associated with these uses. The application site is currently accessed via a network of farm tracks that lead to the B4489 to the south and an unnamed road to the north which leads to Felindre and Rhyd y Pandy.

The wider surrounding area is generally rural in character although there is a large amount of utilities' infrastructure in the vicinity e.g. gas and water pipelines, electricity pylons and substations, a gas compressor station and a water treatment plant. A large water main also crosses the site.

The gas connection site is located to the north of the Generating Equipment site and would be accessed off Rhydypany Road. The site varies in width from approximately 60m in width to 250m in width to provide a large working width for the gas pipeline. A Public Right of Way crosses the site (LC35B) approximately halfway through the site and emerges in the north eastern corner of the site. There are no residential dwellings located along the gas connection.

There are two hedgerows along the gas connection that depict field boundaries that could have medieval origins. The first is located in the northern extent of the gas pipeline, running north-south along the field boundary that marks the edge of the western boundary of the gas connection. The second crosses perpendicular to the gas connection approximately half way along the Gas Pipeline length. The gas connection crosses one field drain that discharges into the Afon Llan.

### DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the installation of a gas connection in the form of a new Above Ground Installation (AGI) and underground gas pipeline to bring natural gas from the National Gas Transmission system to the Abergelli Power Station, including access, associated engineering operations and landscaping. This is to bring natural gas to the Project from the National Gas Transmission System. Gas would be transported at a suitable rate and pressure to produce up to 299 Megawatt (MW) when the Power Station is in use. The AGI would comprise a Minimum Offtake Connection (MOC) facility, which would be owned by National Grid; and a Pipeline Inspection Gauge (PIG) Trap Facility (PTF), which would be owned by APL.

The AGI (both the MOC and PTF) would be located on the southern side of the Rhyd-y-pandy Road leading to Felindre. Once complete, maintenance access for the AGI would be from Rhyd-y-pandy Road via a short, purpose built tarmacadam access track.

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The AGI would comprise of gas apparatus enclosed within a fenced compound with a stock proof fence set outside of this and landscaping in between. The equipment has been set back off Rhydpandy Road and is located approximately 20m back from the road. The facility is split into the APL Pig Trap Facility and National Grid's Minimum Offtake Connection and the apparatus would be surrounded by gravel. The overall compound would measure a maximum of approximately 50m in depth by 56m in width (excluding the outer stock proof fencing section). The palisade fence and lighting columns would be up to 3m in height. The stock proof fencing would measure 1.2m in height and would be set off the palisade fencing by 3m.

The Gas Connection would then run in southerly direction to the Abergelli Power Station. It would be approximately 1.4 km in length. It would cross the National Gas Transmission System in two locations, a Public Right of Way (LC35B), two private farm tracks and one ditch (field drain). Termination of the Gas Connection would be at a second PTF located at the Abergelli Power Station.

The Gas Connection includes both the Gas Pipeline together with its connection with the AGI. The route for the actual Gas Pipeline would be marked out, topsoil stripped and moved to one side and the trench excavated. The exact construction method for the Gas Pipeline would be subject to further survey and dependant on the National Gas Transmission System depth and ground conditions.

Construction of the Gas Pipeline would likely take place within a temporary fenced strip of land called the 'working width'. The working width is required to facilitate safe construction and the protection of off-site receptors. It is likely that the working width would be 30m along the length of the Gas Pipeline route, although it may be necessary to increase / decrease the working width at specific points. For example, adjacent to road and water crossings it may be necessary to increase the working width to provide additional working areas and storage for materials or special plant. Alternatively, adjacent to areas of conservation or existing services it may be necessary to decrease the working width to reduce potential impacts.

Aside from the special crossings, for example, water and road crossings, where trenchless techniques (e.g. Horizontal Directional Drilling, HDD) may be used to reduce impact on sensitive areas, it is expected that the gas pipeline would be constructed using standard open-cut cross-country pipeline construction techniques. The gas pipeline would be delivered in spools and laid out along the route before welding into a string. The sections of pipe would then be lowered into the trench using side arm booms and backfilled for testing. Where the gas pipeline route crosses the National Gas Transmission System, an appropriate method of crossing would be undertaken which affords the appropriate level of protection to the National Gas Transmission System at its existing depth. This may include open cut techniques or a trenchless crossing such as HDD. After the gas pipeline is laid, the excavated material and topsoil would be returned to its original position. The surface would then be seeded to restore it to its original state.

The gas connection would cross an existing PRow LC35B. During construction, temporary closure(s) of all or part of the footpath and restriction of the use of the footpath may be required in order to ensure user safety. Details of how these temporary arrangements would be managed would be supplied in supporting management plans. It is not envisaged that the PRow would be stopped up.

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The gas connection would remain operational for the entire lifetime of the Project. No parts of the gas connection would be manned. Telemetry apparatus (both within the gas pipeline trench and at the AGI) would report back any issues to a central control room. Should any issues be identified, the gas pipeline would be isolated and the supply switched off, pending investigation of any faults. It is assumed that elements of the gas connection may be left in situ at the point of decommissioning, as this approach is likely to cause less environmental effects than removal.

### **APPRAISAL**

Planning permission is sought for the installation of a gas connection in the form of a new Above Ground Installation (AGI) and underground gas pipeline to bring natural gas from the National Gas Transmission system to the Abergelli Power Station, including access, associated engineering operations and landscaping.

#### **Main Issues**

The main issues to consider in the determination of this application relate to the principle of the use in light of the UDP countryside designation, the design/ visual impact, ecology and impact on highway safety, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

#### **Principle of Development**

The site is located within the open countryside within the Unitary Development Plan where policies EV21 and EV22 are applicable. The latter seeks to conserve the countryside for the sake of its natural heritage and resources etc whilst the former is a criteria based policy that states that non-residential development in the countryside will only be permitted subject to meeting one of five criteria and the proposals have to be located within the countryside rather than a nearby settlement.

It is clear for this proposal that the gas connection is not beneficial for the rural economy (i), would not meet an overriding social or economic need of the local community (ii), is not an appropriate development for farm diversification (iii) and the site is not previously developed land (iv).

The issue would therefore be whether it is essential utility service provision that needs to be located in the countryside rather than in a nearby settlement. Unusually, the gas connection is required in connection with the gas-fired power station at Abergelli Farm that is being considered as part of a different statutory regime – a Development Consent Order application determined by the Secretary of State. As set out above, the gas connection is considered to be associated development and consent cannot be granted (in Wales) for this infrastructure which has resulted in this application. In this regard, the gas connection is essential to the operation of the gas-fired power station (by definition), but would only be required if the DCO is granted. However, if the DCO was not granted consent, then this development is highly unlikely to proceed in isolation as it would not be necessary for this, the stated purpose.

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It is clear that at a UK level, there is general support for this type of development in the National Policy Statements but these are separate considerations and case law (Powys CC v WM 2015) indicates that these may not always be material considerations on a planning application under the T&CPA (1990) regime. Notwithstanding this, the power station itself is subject to an application for Development Consent Order and associated development in England would also be considered under this regime (and therefore the NPSs would apply). It is therefore considered that the NPSs would be a material consideration in this instance, despite the different statutory regime and should be afforded weight in the decision making process.

Notwithstanding this, Planning Policy Wales (9th Edition) states that adequate and efficient infrastructure (including electricity and gas) is crucial for the economic, social and environmental sustainability of all parts of Wales. At the same time, infrastructure that is poorly designed or badly located can exacerbate the problems rather than solving them. Paragraph 12.1.6 states that “the capacity of existing infrastructure and the need for additional facilities should be taken into account in the...consideration of planning applications.” Paragraph 12.8.6 states that “the Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.”

Emerging Policy ER 1 seeks to mitigate climate change by, amongst other criteria, reducing carbon emissions, and whilst the proposal would support a gas fired power station, as noted above, there is general support for proposals such as this to secure an appropriate energy mix in the transition to a renewable/ low carbon future.

In light of this, it is considered that the proposed gas connection is essential utility service provision in line with the development plan, emerging LDP and Planning Policy Wales and needs to be located within the countryside rather than a nearby settlement. If the AGI was located elsewhere, it could have a greater impact on the environment as a larger connecting section of pipeline would be required. Given the location of the apparatus / pipeline within the area, the AGI has to be located in the countryside and the conservation and design principles are considered further below in the relevant sections.

The agricultural quality of the land is considered to be Agricultural Grade 4 and is therefore not the best and most versatile land (regarded as 1, 2 and 3A according to Planning Policy Wales). The proposal would therefore comply with Policy EC13.

### Design/ Visual Impact/ Layout

The AGI would comprise of gas apparatus enclosed within a palisade fenced compound with a stock proof fence set outside of this. The equipment has been sent back off Rhydpandy Road and is located approximately 20m back from the road. The facility is split into the APL Pig Trap Facility and National Grid’s Minimum Offtake Connection and the apparatus would be surrounded by gravel. The overall compound would measure a maximum of approximately 50m in depth by 56m in width (excluding the outer stock proof fencing section).

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Whilst palisade fencing was proposed, Officers raised concerns with this approach and suggested weldmesh fencing which has been agreed by the applicant and a condition to this effect would be attached to any grant of consent. The fence and lighting columns would be up to 3m in height. The stock proof fencing would measure 1.2m in height and would be set off the weldmesh fencing by 3m with landscaping in between.

The layout and design of the facility is purely utilitarian and whilst not in keeping with the rural locale per se, there are other items of large infrastructure within the vicinity of a much larger scale than that proposed. Concerns were raised about the design of the access into the site and the site frontage along Rhydypany Road and the applicant has confirmed that the hedge would need to be removed and the access details have been provided. Whilst no indication of surfacing has been provided, it is suggested that grasscrete or individual tracks are provided through the field rather than a tarmacked road as this would be more in keeping with the rural locale. This could be secured by condition.

In addition, it is considered that landscaping would be required along the Rhydypany Road frontage to reduce the visual impact when travelling along this route. The apparatus would be visible from public footpaths in the area which would have a significant impact during operation but again, landscaping could be utilised to ameliorate this impact. A condition requiring landscaping would be attached to any grant of consent.

It is likely that the working width would be 30m along the length of the Gas Pipeline route, although it may be necessary to increase / decrease the working width at specific points. For example, adjacent to road and water crossings it may be necessary to increase the working width to provide additional working areas and storage for materials or special plant. Alternatively, adjacent to areas of conservation or existing services it may be necessary to decrease the working width to reduce potential impacts. After the Gas Pipeline is laid, the excavated material and topsoil would be returned to its original position. The surface would then be seeded to restore it to its original state. The exact layout/ route of the pipeline has not been confirmed but it would be located underground and there are no concerns raised in terms of the working width suggested in terms of design and layout.

### Mineral Assessment

The site is identified as having the potential for coal, sand and aggregates under the UDP (Policies R2 and R4). These policies require that proposals that would affect the working of known resources have to be accompanied by a full assessment of the potential resource and the impact of sterilising that resource. The Strategic Planning team have advised that the LDP proposals map is considered more accurate in this regard and the gas connection would impact on predominantly coal resources.

The applicant maintains that the coal, sand and gravels reserves are considered to be of minimal economic use. While there would be permanent sterilisation of the reserves from the gas connection, it is considered that a relatively small area of the reserves would be affected compared to the full extent available in the area. As a result, there would be no long term impacts on the mineral resource in the area and they don't consider that the gas connection would be in conflict in this regard.

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However, policies R2 and R4 are clear that a full assessment is required in order to be able to fully assess the impact on the resource and this has not been undertaken. It should be noted that the draft LDP proposals plan is considered the most accurate plan and this indicates that only coal would be impacted, but the impact on this resource is unknown and the proposals are therefore not policy compliant with Policy R2.

In terms of the Emerging policy, there is more flexibility and whilst it is difficult to confirm the statements in the absence of a mineral resource survey, there is considered to be an overriding need for the development which would result in policy compliance with the emerging LDP which should be given some weight. The issue regarding the policy conflict and the weight to be given to the material considerations in this respect must be weighed in the planning balance along with all of the other issues that are considered further below.

The Coal Authority have not objected to this proposal but have requested that an advice note is included to any permission granted.

### Neighbouring/ Residential Amenity

There are no neighbours in close proximity to the site and it is not considered that the operation of the gas connection would have an impact on neighbouring amenity. It is noted that the impacts have been assessed as part of the Environmental Statement for the whole project and there could be some issues in terms of noise/ disturbance during construction. It is therefore considered necessary to condition the working hours on site.

No comments have been received from the Council's Pollution Control department but they have previously raised no concerns with regards to the provision of a Construction Environmental Management Plan to cover the works. These comments have been reiterated by Natural Resources Wales and a condition is therefore considered necessary in this respect.

It is therefore considered appropriate to attach a condition requiring the submission of a Construction Environmental Method Plan.

### Highway Safety/ Parking/ Public footpaths

A new access road is located off Rhydypany Road. The Highways Authority has advised that they are satisfied that the junction can be implemented and operate as intended. The supporting documentation appears to cover all eventualities with regard to the impact on the Strategic Highway Network. They have requested two conditions, the first being a condition survey pre and post development and the second being a requirement to enter into a S278 agreement. The latter is covered under separate legislation and should not be replicated as a planning condition, but a note would be attached to any grant of consent. In terms of the former, it is not considered necessary or reasonable to require a survey of this kind for the creation of the gas connection alone. In any event, any damage to the public highway would be a separate legal matter.

During operation, the AGI would not be manned but would be visited sporadically for maintenance purposes. It is not considered that proposals would have an impact on highway safety.

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The gas connection would cross public footpath LC35B. Whilst it would not be affected in the long term, it would be affected during construction and temporary closure of all or part of the footpath and restriction of the use of the footpath may be required in order to ensure user safety. The PRow Officer has raised no concerns but has advised that a temporary diversion may be required and any impact is considered to be on a short term basis. These works may be covered in the DCO (if approved) and the Council would be consulted on the method statement to consider the impact of the proposals in totality. A S106 contribution is also proposed to undertake improvements to the footpaths as part of the DCO application but this has not been considered in the determination of this application.

### Heritage

The gas pipeline would cross the line of historic boundary AB03, necessitating the removal of a portion of this feature for the construction working width of the Gas Pipeline. However, only a small percentage of this feature is affected. The construction working width of the Gas Pipeline would also run parallel to historic boundary AB04. However, this feature is 25 m from the Gas Pipeline centreline, and thus beyond the limits of the pipe easement.

GGAT has stated that it is possible that any ground disturbance work associated with the proposal may encounter archaeological structures or deposits and the suggested mitigation is appropriate and in accordance with our previous consultations and recommendations regarding the development.

Therefore, they recommend 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 grant of consent.

### Ecology/ Trees/ Landscape

The application has been supported by an Environmental Report and a significant amount of ecological surveys have been undertaken on site.

NRW and the Council's Ecologist have not objected to the proposals subject to the inclusion of conditions regarding a Landscape and Ecology Mitigation Strategy and a Lighting Strategy.

The Arboricultural Officer is satisfied that the mitigation proposed would offset the impact of the works on the hedgerows within the site.

The Council has undertaken an Appropriate Assessment under the Habitat Regulations for this scheme and NRW has confirmed that they agree with the conclusions of the appropriate assessment carried out by the Council in relation to the above application. The assessment of the potential for the proposals to undermine the conservation objectives of the Carmarthen Bay and Estuaries Special Area of Conservation and the integrity of the Burry Inlet Special Protection Area and Ramsar sites is precautionary and, therefore, a condition requiring a suitable Construction Environmental Management Plan (CEMP) to be agreed prior to construction beginning should be adequate to ensure that any impacts would be avoided. This constitutes NRW's advice as the appropriate Nature Conservation Body as defined by the Habitats Regulations 2017.

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### Drainage/ Flooding

With regards to drainage, the Council's Drainage Officer has advised that they have no objections to the proposed connection routes and do not wish to recommend any conditions as it will be duplicated by other legislation. Whilst a Drainage Strategy has been included for the DCO, as this is a separate planning application and could be implemented independently of any consent granted under the DCO, it is considered necessary to require drainage details at this stage.

Dwr Cymru Welsh Water originally raised concerns as the proposed development site is crossed by a 66" strategic watermain and as part of consultation on the DCO application, DCWW has been actively engaged in discussions with the applicant regarding an area of development that crosses this watermain. Their response to this application for the new gas connection previously requested further information regarding details of the protection measures for the duration of construction works and operational period, including restoration works. However, further to discussions with the developer, DCWW understand that the proposed gas connection does not cross the watermain and offer no objection to the proposals in principle. They have requested a condition regarding surface water not connecting with the public sewerage network.

### Contamination/ Ground Stability

The Coal Authority's general approach to development in High Risk Areas is to recommend the applicant obtains a coal mining risk assessment to support the application. However, given the nature of the proposal, the specific part of the site where development is proposed falls outside of the defined Development High Risk area and the Coal Authority do not object to the planning application but have suggested an advice note is attached to any grant of consent.

A small part of the site (the edge of the working width) formed part of a former colliery site but there are also disused (inert) landfill and historical mine spoil heap. Historic landfill and industrial land use activities have a higher potential for ground contamination. Contamination within soils (the presence of which is to be confirmed during the ground investigation) has the potential to affect the health of construction workers adversely. Any ground disturbance has the potential to cause temporary, moderate adverse effect to health arising from oral, inhalation or dermal contact with potential contaminants including potential sheep dips, use of fertilisers, ground gas/landfill gas/mine gas or mine water during construction. However once embedded mitigation measures detailed in the CEMP are taken into account, the magnitude of this effect is assessed as negligible and this is considered to be an appropriate control mechanism in this regard.

### Other Issues

Cadent (the gas network operator) has advised that the proposals may impact on their apparatus within the vicinity and would respond further if required. In terms of invasive species, they are located on site and it is considered necessary to attach a condition requiring the submission of an invasive species remediation strategy for the site. All other issues raised by consultees are considered above.



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Planning Balance

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

The proposed development is considered to be in general accordance with the Unitary Development Plan but the proposals are not policy compliant with policies R2 and R4 (minerals) policies as no detailed assessment has been undertaken to date.

As noted above, the NPS's are considered to have some weight in support of the proposal. Planning Policy Wales states that adequate and efficient infrastructure (including electricity and gas) is crucial for the economic, social and environmental sustainability of all parts of Wales. Paragraph 12.1.6 states that "the capacity of existing infrastructure and the need for additional facilities should be taken into account in the...consideration of planning applications." The gas connection is necessary for the gas fired power station which aims to support the move towards low carbon energy generation which is in line with the Welsh Government's aim to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts.

When assessing this issue, it is considered that the benefits of the development (which would facilitate the gas fired power station) would outweigh the policy harm of conflict with policies R2 and R4 given the limited impact on the environment of this development alone and the policy compliance with the emerging minerals policy which should also be afforded some weight.

Conclusion

Whilst it is acknowledged that the proposal does not comply with Policies R2 or R4, there are benefits to the proposal that would outweigh this limited harm from the gas connection, and the proposals are generally in accordance with the Adopted Unitary Development Plan. It is therefore concluded that the application should be approved subject to the following conditions.

### **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: Figure 1 Rev 005 (Site Location Plan) and Figure 2 Rev 005 (Site Layout Plan) received on 19th September 2018; Drawing No 287257A-APL-CS-14-0602-2 Rev.2 (AGI Elevation Drawings) and Drawing No. 287257A-APL-CS-14-0603-2 Rev 2 (AGI Elevation Drawings Section Details) received on 11th October 2018; and Drawing No 60542910.001 (Proposed Access Arrangements received on 9th November 2018).  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 Prior to the commencement of development, a Surface Water Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Surface Water Management Plan shall be in substantial accordance with the principles set out in the Outline Surface Water Management Plan. The development shall thereafter be undertaken in accordance with the approved Surface Water Management Plan.  
Reason: To ensure that surface water drainage is effectively drained from the site to prevent flooding.
- 4 Prior to the commencement of development, full landscaping details and implementation timetable shall be submitted to, and approved in writing by the Local Planning Authority. The landscaping details shall be in substantial accordance with the landscaping mitigation proposals set out in the Outline Landscape and Ecological Mitigation Plan (Figure 4.4 Rev 001). The landscaping /restoration works shall thereafter be undertaken in accordance with the approved landscaping details and implementation timetable.  
Reason: In the interests of visual amenity to ensure that appropriate landscaping is planted to screen the development, replace vegetation to be removed and to ensure appropriate species are used in the interests of biodiversity.
- 5 Any trees or plants which within a period of 5 years from their completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
Reason: In the interests of visual amenity to ensure the landscaping scheme becomes established.
- 6 Prior to the commencement of development, an Ecological Management Plan (to include an implementation timetable) shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall be in substantial accordance with the ecological mitigation set out in the Outline Landscape and Ecological Management Plan. The development shall thereafter be undertaken in accordance with the approved Ecological Management Plan and implementation timetable.  
Reason: To ensure that the ecological interests of the site are protected and or mitigated throughout the course of the development.
- 7 Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Traffic Management Plan shall be in substantial accordance with the Outline Construction Traffic Management Plan. The development shall thereafter be undertaken in accordance with the approved Construction Traffic Management Plan.  
Reason: To ensure that the construction of the development does not have an unacceptable impact on highway safety and to ensure that Public Rights of Way are managed appropriately during the course of the development.
- 8 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of works on the archaeological resource.

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- 9 Prior to the commencement of development a Construction Environment Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall be substantially in accordance with the Outline Construction Environment Management Plan and shall include the following:
- (a) Community liaison;
  - (b) Complaints procedure;
  - (c) Nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, noise, vibration and lighting);
  - (d) Dust management measures;
  - (e) Site waste and materials management measures;
  - (f) Pollution control measures;
  - (g) Security measures and use of artificial lighting;
  - (h) A protocol in the event that unexpected contaminated land is identified during ground investigation or construction; and
  - (i) Out of hours working procedures and notification procedure.

All construction works shall thereafter be undertaken in accordance with the approved Construction Environment Management Plan and protocols contained therein.

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to neighbouring amenity, pollution, contamination, water resources and ecology/ biodiversity interests.

- 10 No construction work, or the delivery or removal of materials for construction work, shall take place outside the hours of (a) 0800 and 1800 hours on weekdays (excluding public holidays); and (b) 0800 and 1300 hours on Saturdays and public holidays, unless approved in writing by the Local Planning Authority and residents notified in accordance with the details included within the Construction Environment Management Plan prior to the approved variation.
- Reason: In the interests of neighbouring residential amenity to ensure construction work does not have an adverse impact.

- 11 Prior to the commencement of development an Invasive Species Method Statement shall be submitted to, and approved in writing by the Local Planning Authority detailing how invasive plants including Himalayan balsam and Japanese Knotweed would be managed, maintained, monitored and remediated so as to control their spread during construction. The development shall be thereafter undertaken in accordance with the approved Invasive Species Method Statement.
- Reason: To control the spread of non-native species during the construction of the development.

- 12 Notwithstanding the details submitted to date, the boundary enclosure to be erected around the Above Ground Installation (indicated as palisade fencing) shall be weld mesh or Paladin fencing.
- Reason: In the interests of visual amenity.

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- 13 Notwithstanding the details submitted to date, and prior to the construction of development, full details of the surfacing of the new access road / carriageway from the existing access road shall be submitted to and approved in writing by the Local Planning Authority. The access road/ carriageway shall thereafter be constructed in accordance with the approved details.  
Reason: In the interests of visual amenity and to ensure that the access is appropriate for the rural locale.
- 14 Prior to the first beneficial use of the Above Ground Installation, a written scheme for the management and mitigation of artificial light emissions shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall be substantially in accordance with the Outline Lighting Strategy. The development shall be implemented before, and maintained during the operation of the development, in accordance with the approved management and mitigation of artificial light emissions scheme.  
Reason: To effectively manage the light emissions from the site to avoid unnecessary light pollution and ensure lights do not impact unnecessarily on biodiversity interests.

### 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, EV12, EV21, EV22, EV24, EV30, EV34, EV35, EV38, EV40, EC13, R2, R4 and AS3.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.
- 3 The Highways Authority has advised that the works to facilitate the new priority junction to the north of the site on Rhydypany Road shall be undertaken under a Section 278 Agreement with the Highway Authority.

Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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 email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk).

- 4 The Drainage Officer has advised that the power connecting routes cross some watercourses, the crossing of watercourses is governed by the Land Drainage Act 1991. Depending on the method of the crossing, the Authority's prior written consent may be required. To avoid any issues please contact the Drainage and Coastal Management function via [Drainage.Consents@swansea.gov.uk](mailto:Drainage.Consents@swansea.gov.uk).

## Planning Committee – 4<sup>th</sup> December 2018

**Item 2 (Cont'd)**

**Application Number:**

2018/2020/FUL

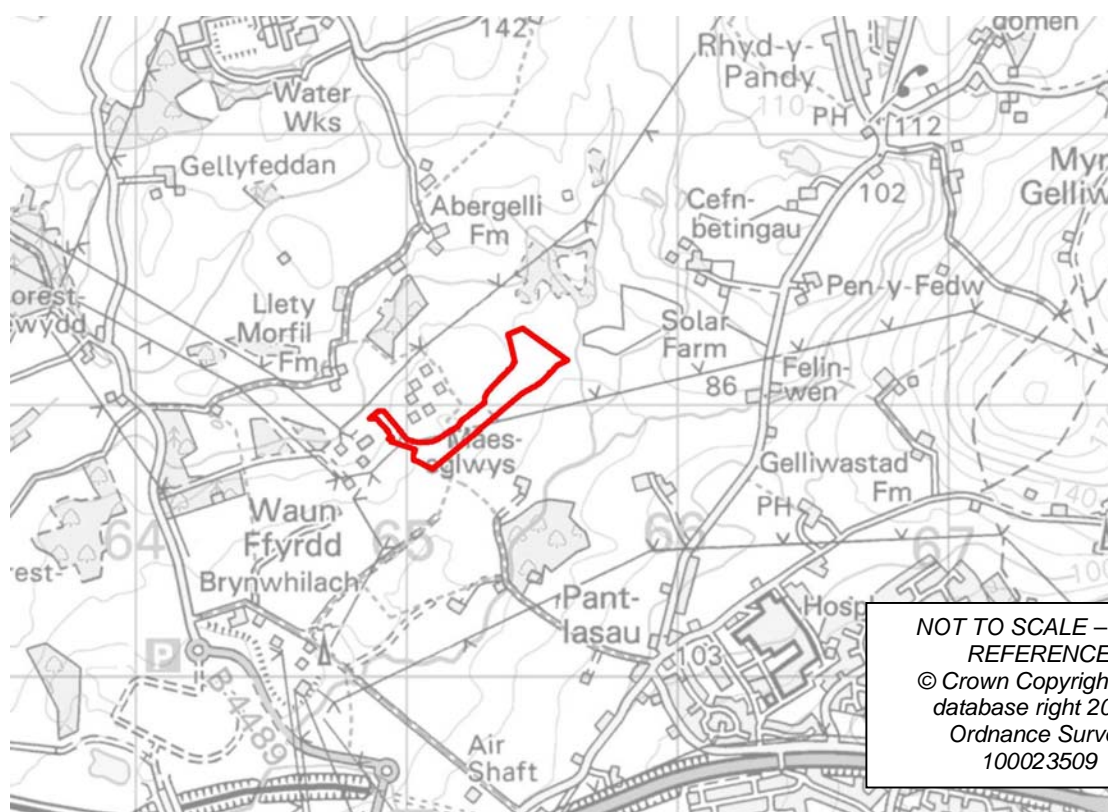
- 5 GGAT has advised that the archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), ([www.archaeologists.net/codes/ifa](http://www.archaeologists.net/codes/ifa)) and it is recommended that it is carried out either by a CIfA Registered Organisation ([www.archaeologists.net/ro](http://www.archaeologists.net/ro)) or an accredited Member.
- 6 Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

It is the applicant's responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>) .

- 7 The applicant should be aware that the proposals impact on Public Rights of Way and diversions (temporary or permanent) may be required before these works can be undertaken. The applicant is therefore advised to contact the Public Rights of Way department to discuss this issue further.
-

## Planning Committee – 4<sup>th</sup> December 2018

<b>Item 3</b>	<b>Application Number:</b>	2018/2021/FUL
	<b>Ward:</b>	Mawr - Area 1
<b>Location:</b>	<b>Land At Abergelli Farm, Felindre, Swansea, SA5 7NN</b>	
<b>Proposal:</b>	<b>Installation of an electrical connection in the form of a new 400kV underground cable to export power from the Abergelli Power Station to the National Grid Electricity Transmission System at the Swansea North Substation, including associated engineering operations and landscaping</b>	
<b>Applicant:</b>	<b>David Ball Abergelli Power Ltd</b>	



### **Background Information**

#### **Policies**

##### 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)

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#### 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 - EV12 - Lanes and Public Paths

The character of lanes and public paths that contribute to the amenity, natural and historical qualities of an area will be protected. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV21 - Rural Development

In the countryside non-residential development will only be permitted where it can be demonstrated that it is beneficial for the rural economy, or it meets overriding social or economic local needs, or it is appropriate development associated with farm diversification, sustainable tourism or nature conservation, or it provides an acceptable economic use for brown field land or existing buildings, or it is essential for communications, other utility services, minerals or renewable energy generation. (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 - 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)

#### 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)

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### Item 3 (Cont'd)

**Application Number:**

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#### 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 - EC13 - Agricultural Land

Development that would result in the loss of the best and most versatile agricultural land will not normally be permitted. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - R2 - Coal

Proposal for coal mining, processing and coal recovery will be supported where specified criteria are met. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - R4 - Sand / Aggregates

Proposals to develop land based sand and gravel extraction will be supported subject to an assessment of the supplies of such material available from both marine dredged and land resources within an appropriate area for land bank calculations and subject to a set of specified criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS3 - Public Rights of Way

Accessibility - Protection of public rights way. (City & County of Swansea Unitary Development Plan 2008)

### Site History

App Number	Proposal	Status	Decision Date
2018/1289/DCO	Gas fired power station	PCO	
2018/1352/SCR	SCREENING OPINION for gas connection	EIANRQ	17.07.2018
2018/1353/SCR	SCREENING OPINION for electric connection	EIANRQ	17.07.2018
2018/2020/FUL	Installation of a gas connection in the form of a new above ground installation and underground gas pipeline to bring natural gas from the National Gas Transmission system to the Abergelli Power Station, including access, associated engineering operations and landscaping	PDE	



**Planning Committee – 4<sup>th</sup> December 2018**

<b>Item 3 (Cont'd)</b>	<b>Application Number:</b>	2018/2021/FUL	
2018/2021/FUL	Installation of an electrical connection in the form of a new 400kV underground cable to export power from the Abergelli Power Station to the National Grid Electricity Transmission System at the Swansea North Substation, including associated engineering operations and landscaping	PDE	
2015/1716	Emergency standby electricity generation facility comprising: modern modular diesel generator units (up to 14 in total), transformers, diesel storage tanks, boundary treatment including acoustic screening, access improvements and associated works.	REF	16.10.2015
2014/1335/DOC	Discharge of condition 5 of planning permission 2013/0135 granted 28th May 2013	NOBJ	15.12.2014
2014/1313/NMA	Reduction in number of buildings, solar panels, height of fence, height of framework and no met mast (non material amendment to planning permission 2013/0135 dated 28th May 2013)	APP	28.10.2014
2013/0135	Installation of ground mounted array of solar panels, inverter substations and 2.4m high fencing	APP	28.05.2013
2008/0827	Change of use from agricultural land to recycling of green waste and composting treatment	REF	16.04.2009

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Item 3 (Cont'd)		Application Number:	2018/2021/FUL
2007/2756	Removal of condition 2 of planning permission 2007/0907 granted on 16th November 2007 to allow the use of the northern access	PCO	
2003/1004	Retention of side extension to agricultural storage building	APP	11.07.2003
2003/0561	Change of use of land from agricultural to horse racing training/facility ground	APP	27.05.2003
2002/0312	Excavation and removal of inert material from landfill site and restoration	APP	04.02.2003
2001/1642	Application for the removal of inert material and associated engineering works.	WDN	22.02.2002

### BACKGROUND

This application is being reported to Planning Committee as it exceeds the 2ha threshold size for the site area.

Abergelli Power Limited (“APL”) propose to develop a gas-fired power generation plant and connections to the electricity and gas networks on land adjacent to the electricity and gas networks, adjacent to the National Grid Compressor Station at Abergelli Farm, Felindre, Swansea, SA5 7NN, located north of the M4 (junction 46).

As the proposal involves a power generating station of up to 299MW, it is classed as Nationally Significant Infrastructure Project (similar to the Tidal Lagoon DCO) and it will be examined by the Planning Inspectorate before being referred to the Secretary of State for Business, Energy and Industrial Strategy. The Local Authority are an Interested Party in the process. The application was accepted in June 2018 and is currently being examined.

As the Project is a generating station in Wales below 350 MW, development consent cannot be granted for Associated Development (gas and electricity connections) in the DCO. However, the gas connection and the electrical connection have been considered and assessed in the Environmental Statement to provide full information on the effects of the Project as a whole.

An application for the gas connection has also been submitted and is under consideration (2018/2020/FUL).

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The application site has an area of approximately 7.1ha. Therefore this proposal falls within Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, as the application site area exceeds 1 hectare. A Screening Opinion was carried out in accordance with the above regulations. It was considered that this proposal, by virtue of its nature and location, would not have a significant environmental impact. It was therefore determined that an Environmental Impact Assessment was not required to be submitted with this application.

### PLANNING POLICY

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

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In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include:

PS2: Placemaking and Place Management – development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

ER1: Climate Change – To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

ER2: Strategic Green Infrastructure Network – Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 5 Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County.

ER6: Designated Sites of Ecological Importance - Development will not be permitted that would result in a likely significant adverse effect on the integrity of international and national designated sites, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that specified policy criteria are met.

ER8: Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

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ER9: Ecological Networks and Features of Importance for Biodiversity – Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological network. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

ER11: Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

CV 2 Development in the Countryside – Development outside defined settlement boundaries will be required to ensure the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside except where it meets a specific set of criteria. Countryside development must be of a sustainable form with prudent management of natural resources and respect for the cultural heritage of the area. Where possible, existing buildings should be reused and where this is not feasible new buildings should be positioned close to existing buildings.

T1: Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant on the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T7: Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages, and where appropriate extensions, to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

RP 2 A Noise Pollution - Where development could lead to exposure to a source of noise pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants. Noise sensitive development will not be permitted unless effective mitigation will prevent exposure to existing noise generating uses. Development that would lead to an increase in environmental noise at a NAPPA or would have an unacceptable impact on a Quiet Area will not be permitted.

RP 2 B Air and Light Pollution - Where development could lead to exposure to a source of air or light pollution it must be demonstrated that appropriate mitigation measures will be implemented, and incorporated into the design of the development to minimise the effects on existing and future occupants.

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RP3: Water Pollution and the Protection of Water Resources - development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP5: Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 12 Safeguarding Minerals - Development within mineral safeguarding areas that would permanently sterilise identified resources of aggregates and coal will only be permitted where it can be demonstrated compliance with specific criteria. Development of a temporary nature will only be permitted where the site can be restored within a timescale that the mineral is likely to be needed.

The Emerging LDP policies are broadly consistent with the UDP framework. Draft policy PS2 is an overarching design/ place-making policy and states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place and greater emphasis is placed on this. Policy CV 2 seeks to protect the open countryside and is similar to EV 21 in construction and EV 2 which seeks to conserve the countryside in general.

Emerging Policies R 2 A and R 2 B are similar to policy EV 40 but R 2 A refers specifically to noise and refers to identified Quiet Area Noise Action Planning Priority Area. The site is not within an identified Quiet Area.

Emerging policy T 1 requires development to be supported by appropriate transport measures and infrastructure. Development will be required to be designed to provide safe/ efficient access, improve connectivity, reduce reliance on the car, deliver new transport measures to mitigate impacts and ensure developments are served by appropriate parking provision. T 7 seeks to protect PROWs which is similar to AS 3.

Emerging Policy PS 2 references the strategic green infrastructure network which is supplemented by Emerging Policy ER 2 which seeks to protect and enhance green infrastructure. Emerging Policy ER 6 relates to designated sites of ecological importance and states that developments should maintain and enhance the conservation interest of the site. ER 8, ER 9 and ER 11 also seek to protect ecological and biodiversity interests and trees. Policy ER 1 seeks to mitigate the effects of climate change.

Emerging Policies RP 3 and RP 4 relate to water pollution, the protection of water resources and the avoidance of flood risk which are similar to EV 34 and EV 35. Emerging Policy RP 5 is similar in construction and intent to UDP Policy EV 38.

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Finally, Policy RP12 seeks to protect mineral resources which is similar to Policies R2 and R4 although it does provide for criteria where it would be considered acceptable including where the extraction is impracticable/ uneconomic; the mineral has already been extracted, the scale of the development would have no significant impact on working the resource or there is an overriding need for the development.

### NEIGHBOUR COMMENTS

The development was advertised on site with four site notices, and the application was also advertised in the Press on the 1st October 2018.

One letter has been received on behalf of the owner of Maes Eglwys Farm as the underground cable is proposed to pass through this property. The letter states that a considerable length passes under their clients holding and they are at an advanced stage of negotiation with a battery storage facility on approximately 5 acres of land at the farm. The proposed route of the cable would be in direct competition with this NSIP and would sterilise a large portion of the holding if approved. The letter suggest a logical and sensible alternative for both the road and 400kv underground electrical cable.

### CONSULTATIONS

Highways:

“The proposed scheme involves the construction of a new permanent priority junction and associated access to the north of the site off Rhydypany Road. This will need to be designed/constructed under a Section 278 Agreement with the Highway Authority.

We are satisfied that the junction can be implemented and operate as intended. The supporting documentation appears to cover all eventualities with regard to the impact on the Strategic Highway Network.

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

1. Prior to the commencement of works on site, the developer or site owner(s) shall undertake a condition survey of the Strategic Highway network from junction 46 of the M4 linking to the application site, and shall submit the findings of this condition survey to the Local Planning Authority.

Within 1 month of the completion of construction works on site, the developer or site owner(s) shall undertake a second condition survey of the same area and shall submit the findings of this condition survey to the Local Planning Authority. If this second condition survey indicates that any part of the highway has been damaged by construction/delivery vehicles during the construction phase of the development, the highway shall be repaired by the developer or site owner(s) to the same standard (or better) as detailed in the pre-construction condition as specified in the first condition survey, within 3 months of the completion of construction works on site.

2. The works to facilitate the new priority junction to the north of the site on Rhydypany Road shall be undertaken under a Section 278 Agreement with the Highway Authority.

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Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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 email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)”

#### Pollution Control:

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

#### Ecology:

“The proposal may affect foraging and commuting bats, nesting birds, reptiles, amphibians, otter, hedgehog. There will also be temporary loss of broad-leaved woodland and trees. Temporarily removed habitats must be re-instated.

The following ecological comments apply:

#### Protected species

- Pre-construction checks for bats are required on any trees scheduled for removal as part of the development.
- Pre-construction checks are required for otters and water voles. Should these species be recorded, and displaced from the site, then a mitigation strategy is required, detailing the alternative habitat provided for them. The condition must state that the final LEMS will included details of potential displacement and mitigation for protected species.
- Clearance of the site with regard to reptiles must not be undertaken during the winter hibernation period ie. between November and March.
- No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings/construction should be undertaken during the bird nesting season, March to August
- Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

#### Mitigation

The embedded mitigation, as outlined in 2.5 of the Electrical Connection Environmental Report (Aecom, 2018) must be implemented and adhered to.

#### INNS

As there is the possibility for spread of INNS by construction methods, an INNS strategy and method statement for removal of INNS is required.



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#### Potential contamination on watercourses

Due to the potential for adverse impacts on the Carmarthen Bay & Estuaries SAC and Burry Inlet SPA, the LA Ecologist undertook a TLSE and Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations (2017).

The applicant must produce a Construction Environment Management Plan (CEMP).

Without counteracting measures with regard to the potential impacts from the construction and operation phase, it cannot be concluded that there will be no likely significant effects on the Carmarthen Bay and Estuaries SAC features and conservation objectives. A condition must be attached to any consent ensuring adherence to the CEMP.

#### Lighting Strategy

The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance.

The lighting strategy must be placed as a condition on any planning permission granted."

#### Public Rights of Way:

"They would have to apply for a temporary closure of footpath LC117 and would have to reinstate the surface afterwards. This has a lead in time of up to 6 weeks. I believe I would ask that any sub surface pipes or cables have appropriate warning tape etc."

#### Drainage:

"We have no objections to the proposed connection routes and do not wish to recommend any conditions for this element of the project that will be duplicated with other legislation.

#### Tree Officer:

"The proposed electrical connection follows the most direct route and may affect a few trees in a hedgerow. The loss of these trees can be mitigated by planting detailed in a landscape plan."

#### Invasive Species:

"Location

Various

#### Species

\* Balsam, Himalayan      Impatiens glandulifera

Prior to the commencement of development a method statement shall be submitted to and approved in writing by the Local Planning Authority detailing how invasive plants including Himalayan balsam will be treated so as to control their spread during construction. The development shall be undertaken in accordance with the approved method statement. It is an offence under section 14(2) of the Wildlife and Countryside Act 1981 to plant or otherwise cause to grow in the wild any plant listed in Schedule 9 Part II."

#### Glamorgan Gwent Archaeological Trust:

"Thank you for consulting us about this application; consequently we have reviewed the detailed information contained on your website and can confirm that the proposal has an archaeological restraint.

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We note the compilation of a Electrical Connection Environmental Report by Aecom (dated August 2018) which includes an Historic Environment section (4.7). Two non-designated sites (AB03 and AB04) are located within the project site boundary, with a portion of historic boundary AB03 being subject to a direct effect. The report concludes that a Written Scheme of Investigation (WSI) detailing a watching brief will be prepared and implemented during construction.

It is possible that any ground disturbance work associated with the proposal may encounter archaeological structures or deposits and the suggested mitigation is appropriate and in accordance with our previous consultations and recommendations regarding the development.

Therefore 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.

We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, 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. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014:

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 has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will 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. We also recommend that a note should be attached to the planning consent explaining that:

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.”

CADW:

No response received to date.

Coal Authority:

No response received to date. However, they advised that they were unlikely to have any objections as part of the PAC process.

Cadent Gas Ltd:

“Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

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As your proposed activity is in close proximity to National Grid's Transmission assets we have referred your enquiry/consultation to our Asset Protection team for further detailed assessment.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

This assessment solely relates to Cadent Gas Ltd, National Grid Electricity Transmission plc (NGET) and National Grid Gas plc (NGG) and apparatus. This assessment does not include:

\* Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.

\* Gas service pipes and related apparatus

\* Recently installed apparatus

\* Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is the applicant's responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

Natural Resources Wales:

"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, and we would not object provided you attach them to the planning permission.

Condition: Submission, agreement and implementation of a Landscape and Ecology Mitigation Strategy, to include detail on potential displacement and mitigation for the protection of otters and water voles.

Condition: Submission, agreement and implementation of a Lighting Strategy.

Condition: Submission, agreement and implementation of a Construction Environment Management Plan.

Condition: Submission, agreement and implementation of a Surface Water Management Plan.

We have provided pre-application advice to the developer on this overall development through the ongoing Abergelli Nationally Significant Infrastructure Project (NSIP) process, with responses sent on the Scoping Report, Preliminary Environmental Information Report (PEIR) and draft Environmental Statement (ES). The pre-application stage has been a thorough and extensive process, which has resulted in several issues being scoped out and improvements made to the scheme.

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We have reviewed the submission of documents in support of this application which include the 'Electrical Connection Environmental Report – Abergelli Power Project' (ER), by Aecom, dated September 2018 and its associated appendices and figures. We advise that our concerns relating to this electrical connection application can be dealt with through conditions attached to any planning permission your Authority is minded to approve.

### Landscape and Ecology Mitigation Strategy

We welcome the submission of the Outline Landscape and Ecology Mitigation Strategy (LEMS) within Appendix 2.3. We advise that the LEMS should be included as a condition on any planning permission your Authority grants.

### Habitat Management

Table 4.5 (Ecology Summary for Effects Arising During Construction Phase) within chapter 4 of the ER notes that "Habitat management will be undertaken to reduce the quality of the habitats for holt/couch creation for the period leading up to and for the duration of construction in that area" following the proposed pre-construction checks. It should be noted that if this occurs, then full details of the habitat that otters may be displaced into must be provided as part of the mitigation proposals. Additionally, alternative habitat must be suitable for the species and available to colonise in advance of being displaced. We advise that it is not sufficient to simply displace them from the construction area.

The electrical Connection Pre-Application Consultation (PAC) report (September 2018) under table 5 'Summary of Representations from Specialist Consultees' notes our comments above and has confirmed that the final LEMS will be updated to provide details of potential displacement and mitigation, which will be secured by a condition.

We note the submission of the Outline Drainage Strategy by WSP (September 2018) which provides further information on the watercourse crossings as previously requested. The measures to allow continuous species movement for commuting and foraging along the watercourses have not been provided as requested, however the PAC report states that details on riparian habitat retention/reinstatement and protective measures will be included in the finalised LEMS. We therefore look forward to the proposals above being included in the final report.

### European Protected Species – Bats

We welcome the submission of the 'Bat Activity and Roost Confirmation Survey' dated August 2018, by Aecom, which includes the latest survey work for the site, and clarifies our previous comments made in the PAC report. We note the results, which found that no buildings on site are bat roosts, however one tree on site (no.19) has been identified as a bat roost. Section 1.11.3 of the survey notes that the project will not require the removal of tree 19. We note that pre-construction checks will be required on any trees scheduled for removal as part of the development. We welcome the recommendations set out in section 1.12.3, which have been included within the Outline LEMS.

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### Lighting Strategy

The aforementioned LEMS provided in support of both the Gas and Electricity connection submissions states in section 4.3.2 that “during construction there will be no night time illumination of hedgerows, woodland or mature tree lines. The (lighting) strategy will seek to limit effects of lighting on habitats (and therefore species) adjacent to the project site.” Section 4.3.3 states that “the gas connection and electrical connection will not be lit”. We welcome these measures put in place to ensure that the protected species using the site for commuting and foraging purposes can continue using the site without disturbance.

The Environmental Report refers to an Outline Lighting Strategy in Appendix 3.5, however this appears to be mislabelled as this is for the Reptile Survey Report. We note however that an Outline Lighting Strategy was submitted under Appendix 3.5 under the associated DCO application and includes details of how lighting will be controlled across the site, and the outline LEMS does provide some detail on the proposed dark corridors. We however haven't been provided with an outline lighting plan under this submission, which demonstrates that watercourses, vegetative bat flight paths and dark corridors around the Generating Equipment Site will continue to be kept dark for foraging and commuting purposes by protected species.

We advise that the lighting strategy is placed as a condition on any planning permission that your Authority may grant. The lighting strategy will need to include a lighting plan which, along with the above, confirms the location of the lights, their specifications, where light spill measures will be deployed (e.g. hoods, cowls, timers, details of any lights on timing) and anticipated light spill. We note the Construction Environmental Management Plan (CEMP) has considered construction lighting, and as previously advised, the lighting plan should consider operational and emergency lighting.

### Construction Environment Management Plan and Surface Water Management Plan

We welcome the submission of the Outline Construction Environment Management Plan (CEMP), and the Surface Water Management Plan (SWMP) and advise that these are placed as conditions on any planning permission that your Authority may grant.

The Outline Drainage Strategy provides further information on the watercourse crossings as previously requested, and we advise that the plans should adhere to the relevant building regulations and associated CIRIA best practices. There appear to be only two minor crossings for both the Gas and Electrical connections, which are likely to be achieved via directional drilling beneath the drains and watercourses in question. We advise that any waste arisings will need to be appropriately managed and standard pollution prevention guidelines should be adopted, which should be included in and addressed through the CEMP.

The watercourses affected are ordinary watercourses, which falls under the remit of your Authority, and therefore if any culverting is proposed, we refer you to the comments of your Drainage Engineer.

The construction activities proposed adjacent to, and over the water main easement. In this regard, we advise consultation with Dwr Cymru/Welsh Water on the most appropriate methodology and construction option to adopt, for the protection of the water main.

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### Habitats Regulations Assessment

The electrical connection crosses drainage ditches which discharge into the Afon Llan, which links to the Afon Lliw and River Loughor, before reaching the Carmarthen Bay and Estuaries Special Area of Conservation (SAC), Burry Inlet Special Protection Area (SPA) and Ramsar site.

Due to this hydrological link, we advise that your Authority as the Competent Authority should carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.

Our comments above only relate specifically to matters that are included on our checklist Natural Resources Wales and Planning Consultations (September 2018) which is published on our website at this link (<https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/our-role-in-planning-and-development/our-role-in-planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.”

### Dwr Cymru Welsh Water:

“We acknowledge that the application seeks planning permission, under the Town & Country Planning Act 1990, for a 400KV underground electrical connection in association with a Gas Fired Power Generating Station which is subject to an application (Ref: EN010069) to the Secretary of State for a Development Consent Order (DCO). We can confirm that Dwr Cymru Welsh Water (DCWW) are registered as an interested party on the DCO and have highlighted that the proposed development site is crossed by a 66” strategic watermain. As part of consultation on the DCO application we can advise that DCWW are engaged in discussions with the applicant regarding an area of development that crosses the strategic watermain, namely the access road, and look to agree a suitable design that does not affect the structural condition and integrity of this watermain.

Turning to the electrical connection, we can confirm that DCWW have been previously informed of this application (Ref: 2018/2021/FUL) by way of statutory pre-application consultation. However, the application is accompanied by a Pre-Application Consultation (PAC) Report which fails to acknowledge receipt of our response dated 21st August 2018 and concerns raised regarding the location of the strategic watermain asset, which crosses the proposed development site. In addition, the application does not appear to be accompanied by any detailed cross section drawing showing the alignment and relationship of the electrical connection to the watermain. Whilst we acknowledge the accompanying Environmental Report highlights proposals to drill, “with at least 2 metre clearance from the underside of the water main” (Para 2.1.4), the application fails to include any risk assessment on the impact of such works or details of the protection measures for the duration of construction works and operational period, including restoration works.

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Accordingly, we recommend the aforementioned details are submitted prior to any further consideration of the application and request that DCWW are reconsulted on receipt of this information. At this time, we consider that the application fails to address our concerns regarding the impact of the proposed development upon the structural condition and integrity of the existing watermain and is consistent with our pre-application consultation response as well as representations to the DCO application. As advised we request re-consultation on receipt of this information and, should the applicant or Local Planning Authority seek to discuss anything further, we would welcome contact with us at the earliest opportunity.”

### SITE LOCATION

The land at Abergelli Farm consists of grazing fields for sheep and is divided by hedgerows and is generally flat in a slightly undulating landscape. The site is located within the open countryside and lies approximately 1.5km north west of Morryston Hospital. The overall farm is approximately 97Ha and is currently used for sheep grazing and horse training/ breeding and there is a planning history associated with these uses. The application site is currently accessed via a network of farm tracks that lead to the B4489 to the south and an unnamed road to the north which leads to Felindre and Rhyd y Pandy.

The wider surrounding area is generally rural in character although there is a large amount of utilities' infrastructure in the vicinity e.g. gas and water pipelines, electricity pylons and substations, a gas compressor station and a water treatment plant. A large water main also crosses the site.

The western extent of the electrical connection encompasses parts of the Swansea North Substation ('Substation') (comprising a 400 kilovolt (kV) and 132 kV substation) and the existing access road leading to the Substation and Felindre Gas Compressor Station from the B4489. There are no residential dwellings located along the electrical connection. The electrical connection coincides with an area classified as Ancient Woodland as the cable route enters the Substation. This is part of a wider area of Ancient Woodland surrounding the Substation and Felindre Gas Compressor Station, and the existing access road leading to these facilities from the B4489. The woodland is also partially within the Lletty-Morfil Site of Nature Conservation Interest (SINC) (no. 106), which is adjacent to the Site to the north. The Electrical Connection crosses two drainage ditches that discharge into the Afon Llan.

### DESCRIPTION OF DEVELOPMENT

Planning permission is sought for the installation of an electrical connection to enable power to be exported from the Abergelli Power Station to the National Grid Electricity Transmission System (NETS). The connection would be approximately 900 m in length. It would consist of a 400 kilovolt (kV) underground cable to the Substation and associated works inside the Substation to connect to a gas-insulated switchgear (GIS) bay. The GIS bay would be consented and owned by National Grid with APL providing and installing a 400 kV cable for termination into the GIS bay as well as installing feeder protection and settlement metering for the GIS Bay.

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The Substation is proposed to be extended by National Grid at the eastern end of the building to house the GIS bay. National Grid is responsible for securing any necessary planning permissions for this work and therefore this is not considered as part of this project description or application.

The electrical connection route would run immediately adjacent to the alignment of the new section of access road for the Abergelli Power Project within a 5 m working width adjacent to the road. A cable duct would be installed adjacent to the new section of access road to allow the cable to be pulled through at a later date. Short sections of open cut trench would be required at either end of the cable route where it does not coincide with the access road. The installation of the cable within the Substation is anticipated to be in cable ducts, although National Grid has recently started using direct buried cables within the Substation.

At the eastern extent, the electrical connection leaves the Abergelli Power Project Generating Equipment Site, passing underground through open land to the east and southeast of the National Grid Gas Transmission System. The route crosses into National Grid's land to the east of tower 4YW251 heading towards the Substation. Once within National Grid's land the electrical connection turns to the north-west to run outside the Substation and parallel with the Substation fence line. The electrical connection then turns into the Substation close to the northern corner.

The electrical connection passes twice under one 400 kV overhead lattice tower mounted transmission line and once under one wooden pole mounted 11 kV overhead distribution line. The route crosses two ditches and a Local Transmission System pipeline within the field to the east of tower 4YW251. The electrical connection would be drilled (for example using drilling techniques such as Horizontal Directional Drill (HDD)) under the Water Main and Oil Pipeline with at least 2 m clearance from the underside of the Water Main.

The electrical connection would cross an existing PRow LC117. During construction, temporary closure(s) of all or part of the footpath and restriction of the use of the footpath may be required in order to ensure user safety.

The electrical connection would remain operational for the entire lifetime of the Project. It is assumed that elements of the electrical connection may be left in situ at the point of decommissioning, as this approach is likely to cause less environmental effects than removal.

### APPRAISAL

Planning permission is sought for the installation of an electrical connection in the form of a 900m length of underground cable to export electricity from Abergelli Power Station to the National Grid Electricity Transmission System (NETS).

Construction of the electrical connection would likely take place within a temporary fenced strip of land called the 'working width'. The working width is required to facilitate safe construction and the protection of off-site receptors. The route for the actual connection would be marked out, topsoil stripped and moved to one side and the trench excavated.



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### Main Issues

The main issues to consider in the determination of this application relate to the principle of the use in light of the UDP countryside designation, the design/ visual impact and impact on ecology, having regard to the prevailing provisions of the relevant UDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### Principle of Development

The site is located within the open countryside within the Unitary Development Plan where policies EV21 and EV22 are applicable. The latter seeks to conserve the countryside for the sake of its natural heritage and resources etc whilst the former is a criteria based policy that states that non-residential development in the countryside will only be permitted subject to meeting one of five criteria and the proposals have to be located within the countryside rather than a nearby settlement.

It is clear for this proposal that the electrical connection is not beneficial for the rural economy (i), would not meet an overriding social or economic need of the local community (ii), is not an appropriate development for farm diversification (iii) and the site is not previously developed land (iv).

The issue would therefore be whether it is essential utility service provision that needs to be located in the countryside rather than in a nearby settlement. Unusually, the electrical connection is required in connection with the gas-fired power station at Abergelli Farm that is being considered as part of a different statutory regime – a Development Consent Order application determined by the Secretary of State. As set out above, the electrical connection is considered to be associated development and consent cannot be granted (in Wales) for this infrastructure which has resulted in this application. In this regard, the electrical connection is essential to the operation of the gas-fired power station (by definition), but would only be required if the DCO is granted. However, if the DCO was not granted consent, then this development is highly unlikely to proceed in isolation as it would not be necessary for this stated purpose.

It is clear that at a UK level, there is general support for this type of development in the National Policy Statements but these are separate considerations and case law (Powys CC v WM 2015) indicates that these may not always be material considerations on a planning application under the T&CPA (1990) regime. Notwithstanding this, the power station itself is subject to an application for Development Consent Order, and associated development in England would also be considered under this regime (and therefore the NPSs would apply). It is therefore considered that the NPSs would be a material consideration in this instance, despite the different statutory regime and should be afforded weight in the decision making process.

Planning Policy Wales (9th Edition) states that adequate and efficient infrastructure (including electricity and gas) is crucial for the economic, social and environmental sustainability of all parts of Wales. At the same time, infrastructure that is poorly designed or badly located can exacerbate the problems rather than solving them. Paragraph 12.1.6 states that “the capacity of existing infrastructure and the need for additional facilities should be taken into account in the...consideration of planning applications.”

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Paragraph 12.8.6 states that “the Welsh Government’s aim is to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts. This forms part of the Welsh Government’s aim to secure the strongest economic development policies to underpin growth and prosperity in Wales recognising the importance of clean energy and the efficient use of natural resources, both as an economic driver and a commitment to sustainable development.”

Emerging Policy ER 1 seeks to mitigate climate change by, amongst other criteria, reducing carbon emissions, and whilst the proposal would support a gas fired power station, as noted above, there is general support for proposals such as this to secure an appropriate energy mix in the transition to a renewable/ low carbon future.

In light of this, it is considered that the proposed electrical connection is essential utility service provision in line with the development plan and Planning Policy Wales, with further supported added by the NPSs and needs to be located within the countryside rather than a nearby settlement. Given the location of the proposed generating station and the location of the existing electrical substation, the proposed route is as direct as possible.

The agricultural quality of the land is considered to be Agricultural Grade 4 and is therefore not the best and most versatile land (regarded as 1, 2 and 3A according to Planning Policy Wales). The proposal would therefore comply with Policy EC13.

### Design/ Visual Impact/ Layout

The electrical connection would be located predominantly underground and would span a length of 900m, running immediately adjacent to the alignment of the new section of access road. The construction activity and plant associated with the electrical connection alone would only result in localised and limited effects to the landscape character resulting in a small loss of woodland and hedgerow planting, which would not affect the integrity or key characteristics of the landscape.

The route is direct, the working width would be kept to a minimum (5m) and the site is not overly prominent from the surrounding area, although it is crossed by a PRoW. Any land disrupted would be reinstated afterwards and an Outline Landscape and Ecological Mitigation Plan has also been submitted indicating that the area around the AGI would require planting to limit the visual impact which would be considered further at detailed design stage of the project and a condition would be attached requiring the works to proceed in accordance with these details.

### Mineral Assessment

The site is identified as having the potential for coal, sand and aggregates under the UDP (Policies R2 and R4). These policies require that proposals that would affect the working of known resources have to be accompanied by a full assessment of the potential resource and the impact of sterilising that resource. The Strategic Planning team have advised that the LDP proposals map is considered more accurate in this regard and the electrical connection would impact on predominantly coal resources.

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The applicant maintains that the coal, sand and gravels reserves are considered to be of minimal economic use. While there would be permanent sterilisation of the reserves from the gas connection, it is considered that a relatively small area of the reserves would be affected compared to the full extent available in the area. As a result, there would be no long term impacts on the mineral resource in the area and they don't consider that the gas connection would be in conflict in this regard.

However, policies R2 and R4 are clear that a full assessment is required in order to be able to fully assess the impact on the resource and this has not been undertaken. It should be noted that the draft LDP proposals plan is considered the most accurate plan and this indicates that only coal would be impacted, but the impact on this resource is unknown and the proposals are therefore not policy compliant with R2 and R4.

In terms of the Emerging policy, there is more flexibility and whilst it is difficult to confirm the statements in the absence of a mineral resource survey, there is considered to be an overriding need for the development which would result in policy compliance with the emerging LDP which should be given some weight. The issue regarding the policy conflict and the weight to be given to the material considerations in this respect must be weighed in the planning balance along with all of the other issues that are considered further below.

The Coal Authority has not objected to the application and indicated in the Pre-Application Consultation that they were unlikely to given the limited impact of the proposal.

### Neighbouring/ Residential Amenity

There are no neighbours in close proximity to the site and it is not considered that the operation of the electrical connection would have an impact on neighbouring amenity. It is noted that the impacts have been assessed as part of the Environmental Statement for the whole project and there could be some issues in terms of noise/ disturbance during construction. It is therefore considered necessary to attach a condition requiring the submission of a Construction Environmental Method Plan and control the working hours.

### Highway Safety/ Parking/ Public footpaths

The Highways Officer has commented that a new access is proposed, but this does not form part of this application. There is an existing access serving the electrical substation and gas compressor station and the new access road referred to above is being considered as part of the DCO submission. A total of 4 (2 way) vehicle movements would be anticipated each weekday in a 24hr period during construction of the electrical connection. It is not considered that the proposal would have an impact on highway safety in this regard and no conditions are required.

The electrical connection would cross public footpath L117. Whilst it would not be affected in the long term, it would be affected during construction and temporary closure of all or part of the footpath and restriction of the use of the footpath may be required in order to ensure user safety. The PRoW Officer has raised no concerns but has advised that a temporary diversion may be required and any impact is considered to be on a short term basis. These works would be covered in the DCO (if approved) and the Council would be consulted on the method statement to consider the impact of the proposals in totality.

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A S106 contribution is also proposed to undertake improvements to the footpaths as part of the DCO application but this has not been considered in the determination of this application.

#### Heritage

GGAT has stated that it is possible that any ground disturbance work associated with the proposal may encounter archaeological structures or deposits and the suggested mitigation is appropriate and in accordance with our previous consultations and recommendations regarding the development.

Therefore, they recommend 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 grant of consent.

#### Ecology/ Trees/ Landscape

The application has been supported by an Environmental Report and a significant amount of ecological surveys have been undertaken on site. NRW and the Council's Ecologist have not objected to the proposals subject to the inclusion of conditions regarding a Construction and Environment Management Plan, Landscape and Ecology Mitigation Strategy and a Lighting Strategy, but the latter request is not considered necessary or relevant to this permission as no operational lighting is proposed and construction lighting could be controlled through the CEMP.

The Arboricultural Officer is satisfied that the mitigation proposed would offset the impact of the works on the hedgerows within the site.

The Council has undertaken an Appropriate Assessment under the Habitat Regulations for this scheme and NRW have confirmed that they agree with the conclusions of the appropriate assessment carried out by the Council in relation to the above application. The assessment of the potential for the proposals to undermine the conservation objectives of the Carmarthen Bay and Estuaries Special Area of Conservation and the integrity of the Burry Inlet Special Protection Area and Ramsar sites is precautionary and, therefore, a condition requiring a suitable Construction Environmental Management Plan (CEMP) to be agreed prior to construction beginning should be adequate to ensure that any impacts would be avoided. This constitutes NRW's advice as the appropriate Nature Conservation Body as defined by the Habitats Regulations 2017.

#### Contaminated Land

A small part of the site (the edge of the working width) formed part of a former colliery site but there are also disused (inert) landfill and historical mine spoil heap. Historic landfill and industrial land use activities have a higher potential for ground contamination. Contamination within soils (the presence of which is to be confirmed during the ground investigation) has the potential to affect the health of construction workers adversely. Any ground disturbance has the potential to cause temporary, moderate adverse effect to health arising from oral, inhalation or dermal contact with potential contaminants including potential sheep dips, use of fertilisers, ground gas/landfill gas/mine gas or mine water during construction. However once embedded mitigation measures detailed in the CEMP are taken into account, the magnitude of this effect is assessed as negligible and this is considered to be an appropriate control mechanism in this regard.

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Natural Resources Wales has requested that a Construction Environmental Management Plan is provided for this proposal in line with the above. No adverse comments have been received from the Pollution Control Officer in relation to this application.

The Coal Authority have raised no concerns to the proposal.

#### Drainage/ Flooding

With regards to drainage, the Council's Drainage Officer has advised that they have no objections to the proposed connection routes and do not wish to recommend any conditions as it will be duplicated by other legislation. Whilst a Drainage Strategy has been included for the DCO, as this is a separate planning application and could be implemented independently of any consent granted under the DCO, it is considered necessary to require drainage details at this stage.

Dwr Cymru Welsh Water originally raised concerns as the proposed development site is crossed by a 66" strategic watermain and raised concerns about how the proposal would cross this water main. Whilst further information was requested, it was not forthcoming and a condition would therefore be attached to require a method statement to be submitted to the Local Planning Authority for consideration in conjunction with DCWW.

#### Other Issues

Cadent (the gas network operator) has advised that the proposals may impact on their apparatus within the vicinity and would respond further if required. In terms of invasive species, whilst they are located on the wider development site, they do not appear to be included within the application site and it is not considered necessary to attach a condition requiring the submission of an invasive species remediation strategy for the site. All other issues raised by consultees are considered above.

A letter has been received on behalf of a neighbouring resident advising that the proposed electrical connection runs through their land and would sterilise part of the land, restricting an opportunity for a battery storage plant which itself would be an NSIP. Whilst these concerns are appreciated, this planning permission would not allow the applicant to develop the land outside of their control.

It is appreciated that compulsory acquisition powers are being sought through the DCO process and it is considered that this is the appropriate forum to discuss these concerns with the Examining Authority. In planning terms, the site in question is not allocated for the use coming forward and the land ownership / sterilisation issue has been given limited weight in the determination of the application.

#### Planning Balance

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

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The proposal development is considered to be in general accordance with the Unitary Development Plan but the proposals are not policy compliant with policies R2 and R4 (minerals) policies as no detailed assessment has been undertaken to date.

As noted above, the NPS's are considered to have some weight in support of the proposal. Planning Policy Wales states that adequate and efficient infrastructure (including electricity and gas) is crucial for the economic, social and environmental sustainability of all parts of Wales. Paragraph 12.1.6 states that "the capacity of existing infrastructure and the need for additional facilities should be taken into account in the...consideration of planning applications." The electrical connection is necessary for the gas fired power station which aims to support the move towards low carbon energy generation which is in line with the Welsh Government's aim to secure an appropriate mix of energy provision for Wales which maximises benefits to our economy and communities, whilst minimising potential environmental and social impacts.

When assessing this issue, it is considered that the benefits of the development (which would facilitate the gas fired power station) would outweigh the policy harm from conflict with policies R2 and R4, given the limited impact on the environment of this development alone and the policy compliance with the emerging minerals policy which would also be afforded some weight.

### Conclusion

Whilst it is acknowledged that the proposal does not comply with Policies R2 or R4, there are benefits to the proposal that would outweigh this limited harm, and the proposals are generally in accordance with the Adopted Unitary Development Plan. It is therefore concluded that the application should be approved subject to the following conditions.

### 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: Figure 1 Rev 005 (Site Location Plan) and Figure 1 Rev 005 (Site Layout Plan) received on 19th September 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to the commencement of development, a Surface Water Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Surface Water Management Plan shall be in substantial accordance with the principles set out in the Outline Surface Water Management Plan. The development shall thereafter be undertaken in accordance with the approved Surface Water Management Plan.  
Reason: To ensure that surface water drainage is effectively drained from the site to prevent flooding.

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- 4 Prior to the commencement of development, full landscaping details and implementation timetable shall be submitted to, and approved in writing by the Local Planning Authority. The landscaping details shall be in substantial accordance with the landscaping mitigation proposals set out in the Outline Landscape and Ecological Mitigation Plan. The landscaping /restoration works shall thereafter be undertaken in accordance with the approved landscaping details and implementation timetable.  
Reason: In the interests of visual amenity to ensure that appropriate landscaping is planted to screen the development, replace vegetation and to ensure appropriate species are used in the interests of biodiversity.
- 5 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.  
Reason: In the interests of visual amenity to ensure the landscaping scheme becomes established.
- 6 Prior to the commencement of development, an Ecological Management Plan (to include an implementation timetable) shall be submitted to and approved in writing by the Local Planning Authority. The Ecological Management Plan shall be in substantial accordance with the ecological mitigation set out in the Outline Landscape and Ecological Management Plan. The development shall thereafter be undertaken in accordance with the approved Ecological Management Plan and implementation timetable.  
Reason: To ensure that the ecological interests of the site are protected and or mitigated throughout the course of the development.
- 7 Prior to the commencement of development, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Construction Traffic Management Plan shall be in substantial accordance with the Outline Construction Traffic Management Plan. The development shall thereafter be undertaken in accordance with the approved Construction Traffic Management Plan.  
Reason: To ensure that the construction of the development does not have an unacceptable impact on highway safety and to ensure that Public Rights of Way are managed appropriately during the course of the development.
- 8 No development shall take place until the implementation of a programme of archaeological work has been secured in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.  
Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of works on the archaeological resource.
- 9 Prior to the commencement of development a Construction Environment Management Plan shall be submitted to, and approved in writing by the Local Planning Authority. The Construction Environment Management Plan shall be substantially in accordance with the Outline Construction Environment Management Plan and shall include the following:

  - (a) Community liaison;
  - (b) Complaints procedure;

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- (c) Nuisance management including measures to avoid or minimise the impacts of construction works (covering dust, noise, vibration and lighting);
- (d) Dust management measures;
- (e) Site waste and materials management measures;
- (f) Pollution control measures;
- (g) Security measures and use of artificial lighting;
- (h) A protocol in the event that unexpected contaminated land is identified during ground investigation or construction; and
- (i) Out of hours working procedures and notification procedure.

All construction works shall thereafter be undertaken in accordance with the approved Construction Environment Management Plan and protocols contained therein.

Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to neighbouring amenity, pollution, contamination, water resources and ecology/ biodiversity interests.

- 10 No construction work, or the delivery or removal of materials for construction work, shall take place outside the hours of (a) 0800 and 1800 hours on weekdays (excluding public holidays); and (b) 0800 and 1300 hours on Saturdays and public holidays, unless approved in writing by the Local Planning Authority and residents notified in accordance with the details included within the Construction Environment Management Plan prior to the approved variation.

Reason: In the interests of neighbouring residential amenity to ensure construction work does not have an adverse impact.

- 11 Prior to the commencement of development, a detailed method statement for crossing the strategic watermain to include a risk assessment, detailed cross-section drawing, protection measures for the duration of the construction works and operational period and restoration work, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure the high pressure watermain is protected both during the course of the works and the operational period.

### 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, EV12, EV21, EV22, EV24, EV30, EV34, EV35, EV38, EV40, EC13, R2, R4 and AS3.
- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.



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- 3 The Highways Authority has advised that the works to facilitate the new priority junction to the north of the site on Rhydypany Road shall be undertaken under a Section 278 Agreement with the Highway Authority.

Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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 email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk).

- 4 The Drainage Officer has advised that the power connecting routes cross some watercourses, the crossing of watercourses is governed by the Land Drainage Act 1991, depending on the method of the crossing the Authority's prior written consent will be required, to avoid any issues please contact the Drainage and Coastal Management function via [Drainage.Consents@swansea.gov.uk](mailto:Drainage.Consents@swansea.gov.uk).

- 5 Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

It is the applicant's responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on the National Grid Website (<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>).

- 6 The applicant should be aware that the proposals impact on Public Rights of Way and diversions (temporary or permanent) may be required before these works can be undertaken. The applicant is therefore advised to contact the Public Rights of Way department to discuss this issue further.

- 7 The Council's Ecologist has advised the following:

The proposal may affect foraging and commuting bats, nesting birds, reptiles, amphibians, otter, hedgehog. There will also be temporary loss of broad-leaved woodland and trees. Temporarily removed habitats must be re-instated. The following issues will need to be assessed in the CEMP:

#### Protected species

- o Pre-construction checks for bats are required on any trees scheduled for removal as part of the development.

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- o Pre-construction checks are required for otters and water voles. Should these species be recorded, and displaced from the site, then a mitigation strategy is required, detailing the alternative habitat provided for them. The condition must state that the final LEMS will included details of potential displacement and mitigation for protected species.
  - o Clearance of the site with regard to reptiles must not be undertaken during the winter hibernation period ie. between November and March.
  - o No clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings/construction should be undertaken during the bird nesting season, March to August
  - o Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped
  - o Lighting details during the construction phase.
-



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#### 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 - AS6 - Parking/Accessibility

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

#### UDP - EV9 - Development in Conservation Areas

Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)

### Site History

App Number	Proposal	Status	Decision Date
2016/1619	Demolition of outbuildings and construction of two detached dwellings	PDE	
2009/0266	Side conservatory	APP	20.05.2009
2007/2789	Front conservatory	REF	10.01.2008

### RESPONSES TO CONSULTATIONS

#### Original Scheme (Received 12th August 2018)

This application was first received in August 2016 and was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters and the posting of a site notice within the vicinity of the application site.

This application was called in on 18th September 2016 by Councillor Peter May. The original scheme was subject of a petition of objection containing 33 No. signatures. 14 No. separate letters of objection were also received which have also been received which are summarised below:

- o Increase in traffic
- o All properties around the new builds are render
- o Loss of view
- o Japanese Knotweed is on the site
- o Parking issues

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- o The site is within a conservation area
- o Drainage issues
- o The proposed properties are not in keeping with the surrounding properties
- o The development will have an impact upon biodiversity
- o Unsightly development

### Amended Scheme (Received on drawings of 8th May 2018 and revised Design and Access Statement of 21st June 2018)

Following receipt of the amended scheme a new round of consultation was undertaken with letters sent to neighbours on 16th July 2018 inviting comments on the amended scheme.

1. Objection was received from the occupier of No. 1 Glanmor Court, Glanmor Crescent. The resident raises concerns about a loss of view of the park and trees from the rear windows of Glanmor Court.

Councillor May was invited to uncall the application given that the scheme had been changed since its original submission and the level of objection being much reduced from that of the original scheme. In response the Councillor stated *"I managed to meet with residents in Park Drive yesterday evening. They had considered the modifications last week and still feel that the revised plan does not address the concerns raised in the petition. They would like to address the committee to articulate this. Unfortunately the application will have to remain called in."*

On this basis the application has been reported to Planning Committee for determination.

### **Tree Officer**

The site is within a conservation area and subsequently all the trees have protection.

There is no objection to the removal of the two category C trees within the site as mitigation planting is suggested. Work is recommended to trees within Cwmdonkin Park which are owned by the authority, permission to complete this work will be required where it extends beyond the site boundary.

The main threat to the trees is disturbance/ground compaction within the root protection areas. A cell web no-dig drive and parking is proposed which will minimise impacts to an acceptable level.

No indication of service positions is shown and these cannot enter the site along the access drive if they are subterranean as they will affect tree roots. Providing services do not affect the tree roots or suitable mitigation is proposed then there is no objection to the proposals.

In the event of the proposals being approved could you please append the conditions below ensure the important trees are afforded suitable protection?

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### Condition 1

No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan and arboricultural method statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the specification and positioning of temporary tree protective fencing and ground protection where required. Other details shall include: areas for storage, tree pruning requirements, mixing areas and parking areas.

The approved tree protection measures shall be installed prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan, unless otherwise agreed in writing by the Local Planning Authority.

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

### Condition 2

No development shall commence until a plan of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level has been submitted to and approved in writing by the Local Planning Authority.

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

### Planning Ecologist

#### *Documents Submitted*

- o Preliminary Bat Roost and Nesting Bird Assessment, Acer Ecology (November 2016)
- o Bat Survey Report, Acer Ecology (June 2017)

#### *Comments*

Acer Ecology assessed the site on 28th October 2016; and further bat surveys were recommended due to external crevices on the buildings and extensive ivy on a sycamore tree to be felled. One dusk and one dawn survey were undertaken in May 2017.

No bats were seen emerging or re-entering the buildings or tree, therefore no licence or mitigation are required.

Numerous features that could be used by roosting bats and nesting birds were identified on-site, and therefore their presence could not be ruled out in future. The applicant should be informed of the legal protection afforded to birds and bats, so the demolition and tree felling should be undertaken between November-February to minimise the potential for encountering either species group.

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### Highway Authority

Demolition of outbuildings and construction of two detached dwellings. The shared drive is indicated as being 4.5m wide which meets current adopted standards, revised details indicate that turning for emergency vehicles is no longer possible however this is not regarded as being significant given the shallow nature of the site. Parking is indicated at 2&3 spaces which is adequate for the site. Whilst some local concerns have been raised regarding parking in the area, as the parking conforms to City & County of Swansea adopted standards then the parking should be self-contained.

The site is currently occupied by a number of garages which are protected by white H bars. As only a single access point will be included in the proposed development the applicant is required to alter this to allow for an increase in on street parking fronting the redundant access points. The existing dropped access fronting the garage element will need to be reinstated to full height footway and the developer will need to enter into a S278 with the Authority to address these two elements with all works being at their expense.

I recommend no highway objections are raised subject to:

1. The shared drive being laid out in accordance with the approved plans and maintained as such prior to beneficial occupation of either unit commencing.
2. The parking areas being laid out in accordance with the approved plans and maintained as such in perpetuity
3. The applicant be required to enter into a S278 agreement to amend the TROs fronting the site (which would no longer be required) at their expense, and to reinstate the existing dropped access to full height in accordance with details to be submitted for approval to the Highway Authority.
4. Prior to any works beginning on site, a construction traffic management plan shall be submitted to and approved in writing by the LPA. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the LPA.

The Developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Principle Engineer, e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091.

### Conservation and Urban Design Team

There have been a revisions to the scheme and the most up to date comments from the Conservation and Urban Design Team are below:

*"Drawing PD/16/109E Rev E provides elevation overlays of the existing and proposed building as requested. The marginal increase in ridge height is considered acceptable. The amendments made to reduce the roof pitch are also now considered acceptable, shifting away from the steep gables of existing residential buildings to now follow the form of a subservient mews building.*

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*The retention of the curved window to the northern elevation facing towards Cwmdonkin Park is welcomed. The street facing elevation (west) has been amended omitting the first floor vertical slot windows. Whilst these are retained at ground floor the design has been amended so that they are obscured by timber infill panels of a scale to match the garage door openings found at the existing outbuilding. This approach is considered acceptable and would enable the provision of windows to provide natural light to the ground floor rooms, offer a level of privacy to future occupiers, whilst also minimising the visual impact of large glazed windows onto the street. As previously stated however, the DAS should be updated to fully justify this design approach. In addition, full details of the timber infill panels/window details should be conditioned to any grant of consent.*

### **Description**

This application seeks full planning permission to demolish existing outbuildings and construct two detached dwellings at land to the rear of Glanmor Court which is situated in the local ward of Uplands. As referred to above since original submission the scheme has been subject of amendments which has reduced the scale of both dwellings.

The site is located to the rear of Glanmor Court and is currently accessed off Park Drive. The north boundary of the site is shared with Cwmdonkin Park. The submission advises that most of the site is unused and is occupied by outbuildings related to Glanmor Court but some of the garages are rented out and used for storage purposes.

As part of the development proposal access is proposed off Park Drive with the existing outbuilding being removed to provide an appropriate width to the new access. House 1 consists of a two storey main building structure which fronts Park Drive in a traditional form similar to the existing building on site. The property would be finished in stonework and a slate roof. Towards the rear house 1 includes a single storey addition which is of a more contemporary nature in general form. An amenity space is proposed to the rear which is to be separated from the access and parking area by a stone wall and fencing. House 2 is to be located to the rear of the site and of a similar form and design of House 1 albeit of a smaller scale.

### **Policy and Procedural Matters**

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.



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Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, an emerging LDP policy that is considered to be a relevant material consideration is PS 2 'Placemaking and Place Management' which refers to the need for development to enhance the quality of places and spaces and should accord with relevant placemaking principles.

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Further relevant policies include HC1 (Historic and Cultural Environment) with a need to preserve and enhance the County's distinctive historical and cultural environment, HC 2 (Preservation or Enhancement of Buildings and Features) and T 6 (Parking) to ensure that proposals are served by appropriate parking provision.

The emerging policies within the LDP are consistent with the existing policies of the Unitary Development Plan as referenced above and as such there is considered to be no conflict when assessing this scheme.

### **Main Issues**

The primary issues in the consideration of this application relate to the impact of the proposed development on visual amenity with specific regard to its impact upon the Conservation Area and trees, impact upon residential amenity, highway safety and ecology, having regard to Policies EV1, EV2, EV3, EV9, HC2 and AS6 of the City and County of Swansea Unitary Development Plan (2008) and emerging Local Development Plan Policies PS 2, HC 1, HC 2 and T 6. The application is also considered with regard to the Council's Supplementary Planning Guidance documents entitled the 'Infill and Backland Design Guide, the 'Places to Live Residential Design Guide' and 'Parking Standards'.

### **Visual Amenity and Impact upon Conservation Area**

The site lies within the Ffynone & 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.

In terms of context, the application site is located within the Uplands and Ffynone Conservation Area. The site itself abuts Cwmdonkin Park located to the north and is currently accessed off Park Drive which is identified within the Conservation Area Character Appraisal and Management Plan as contributing to a 'character area' which provides cohesive residential development with most of the buildings being either Grade II listed or are considered to make a positive contribution to the streetscape.

The site comprises a rectangular shaped plot located to the rear of Glanmor Court with vehicular access off Park Drive. The site slopes gradually from north to south/south-east. The properties at Glanmor Court comprise substantial three storey properties, the original house located centrally and more recent three storey buildings located either side. The residential properties along Park Drive are semi-detached and two storeys in height sitting on elevated plots facing over Cwmdonkin Park. The site currently occupies a two storey garage/outbuilding with pitched roof and a number of single storey garages located along the eastern boundary and in a north-south orientation in a central location. The two storey pitched roof garage/outbuilding is visible on the 1917 historic map submitted with the application, whilst the single storey garages are more recent additions, visible on the 1943 overview map. Full planning permission is sought for the construction of two detached residential dwellings, 'House 1' located along the site frontage forming an 'L' shaped footprint and 'House 2' located along the shared rear boundary of 1-12 Glanmor Court.

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The Design and Access Statement notes that the proposed siting of the two dwellings is a direct response to avoiding the tree root protection areas for the trees in Cwmdonkin Park located to the north.

In terms of the siting, 'House 1' would be located with its frontage directly onto Park Drive, taking reference of the scale and siting of the existing two storey outbuilding which it would replace. The proposed dwelling takes its height from the existing outbuilding but is located closer to the rear elevations of Glanmor Court than the existing structure on site, the proposal shown to be built up to the shared boundary. House 1 would be 'L' shaped, with the rear element of the property running along the rear of the Glanmor Court boundary.

When viewed from the streetscene the dwellinghouses will be subservient to Glanmor Court and take on the appearance of a rear mews/barn style development, comprising blue pennant stone to match the existing boundary treatment and simple finish including front door and three slot windows. This approach is considered acceptable and would serve to enhance and preserve the conservation area in which it sits, whilst not detracting from the adjoining Cwmdonkin Park or the residential character of the streetscene.

The elevations of House 1 and 2 which face into the site are illustrated to take influence from a Mews style dwelling which can be considered to reflect the historic use of the outbuilding at the site, incorporating vertical glazed openings whilst also including more contemporary additions such as cladding and larger expanses of contemporary glazing.

In respect of the potential impact of the development upon trees the Council's Tree Officer has been consulted and provided comments as part of the application. No objection has been raised subject to further details being sought via planning conditions in relation to ensuring that a Tree Protection Plan is provided and full details of overhead and underground services are provided.

In view of the above, and subject to securing further details in relation to exterior finishes, boundary treatments, removing permitted development rights to prevent extensions and new buildings being erected without prior approval and conditions to provide for protection of existing trees at the site, the proposals are considered to comply with the provisions of Policies EV1, EV2, EV9 and HC2 of the City and County of Swansea Unitary Development Plan, emerging policies within the Local Development Plan, the Infill and Backland Design Guide and the Places to Live Residential Design Guide.

### **Residential Amenity**

The proposed dwellings will be located on land adjacent to properties along Glanmor Crescent and Glanmor Court. The dwellings are however orientated in such a way that it is not considered that they will have an adverse impact upon the residential amenity of adjoining neighbours by virtue of any overlooking, overbearing or overshadowing impact. The scheme has been substantially amended from its original submission which included two storey rear wings/extensions as opposed to the current scheme with modest single storey extensions.

There are no windows proposed to the first floor of House No 1 facing the properties at Glanmor Court, there is also only one window to the first floor of House No. 2 which is small and serves a landing and will not therefore have the propensity to overlook the properties or private amenity space at Glanmor Court to an unacceptable level.

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Paragraph 8.7 of the Infill and Backland Design Guide states *unacceptable direct overlooking can be avoided by ensuring a separation distance of at least 10m exists between a proposed first floor habitable room or elevated ground floor window and the rear or side garden boundary of neighbouring properties*. There is separation distance of approximately 9.2m from the rear wall of Nos. 7-12 Glanmor Court and the application site, approximately 12.5m from Nos. 1-6 Glanmor Court and the application site and approximately 18.9m from Nos. 15-20 Glanmor Court and the application site. Whilst it is recognised that there is only a separation distance of approximately 9.2m to the rear of Nos. 7-12 Glanmor Court, it is considered that in this instance this is acceptable as the majority of the proposed dwellings are single storey in height which will have a limited physical impact upon the properties at Glanmor Court.

Whilst the site is clearly constrained in its overall form and the private amenity spaces are small they are considered to be appropriate to meet the needs of future residents.

It is noted that the original application was subject to a number of objections including a petition which raised a range of issues primarily relating to the design of the buildings and their impact upon the amenities of neighbouring occupiers, particularly the properties at Glanmor Court. As referred to earlier in this report this most recent scheme was subject of one objection which concerns a potential loss of view of Cwmdonkin Park from the flats. It is considered that the design of dwellings are appropriate here and there will be no adverse impact upon the amenities of the occupiers of the flats by reason of being overbearing, resulting in harmful overlooking or resulting in overshadowing. The loss of a view is not a material planning consideration that could result in a reason for refusal of a planning application.

### **Highway Safety**

The scheme provides for a shared driveway measuring 4.5m in width along with provision of 5 car parking spaces to serve the two properties. The Highway Authority have responded to the application advising that the drive meets the current adopted standards and that the parking spaces are adequate for the site conforming with the adopted standards which are set out in the Parking Standards SPG. The Highway Authority notes the existence of white H bar lines on the road side of the property that would become redundant in view of the removal of the garaging uses along with a need to alter the current dropped kerb access into a normal kerb. Conditions are requested to require the shared driveway to be laid out in accordance with the approved plans and maintained as such, the parking areas being laid out and maintained in perpetuity, a condition to require a construction management plan and a condition to require the applicant to enter into a S278 agreement to amend the TROs fronting the site and to re-instate the existing dropped access to full height.

Whilst it is considered that conditions to require the shared access and parking to be completed and retained for the approved purposes are reasonable and necessary in relation to the development it is not considered that a condition requiring the removal of white H bar lines and restoration of kerb stones would be required in order to make the development acceptable. Such a condition would not meet the tests set out in the Welsh Government Circular 01/2014 - The Use of Planning Conditions for Development Management. A condition to require a Construction Method Statement, in line with the model condition within the circular, would be necessary in view of the constrained nature of the site to ensure no adverse impact upon highway safety alongside controlling site matters associated with the development in the interests of the visual and residential amenities of the surrounding Conservation Area.

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Subject to appropriate planning conditions the application is considered to be acceptable in respect of highway impacts.

### **Ecology**

The application was supported by surveys carried out in 2016 and 2017. No bats were seen emerging or re-entering the buildings or tree, therefore no licence or mitigation are required. The Councils Planning Ecologist has raised no objection to the application but noted that there are numerous features that could be used by roosting bats and nesting birds identified on-site, and therefore their presence could not be ruled out in future. The applicant should be informed of the legal protection afforded to birds and bats and this can be included via an appropriate informative.

### **Conclusions**

In conclusion it is considered that the proposal represents an acceptable form of development. The proposed detached dwellings will complement the overall character and appearance of the Conservation Area. In addition the proposed development will not have an adverse impact upon the residential amenity of any adjoining neighbours. The proposal will therefore will accord with Policies EV1, EV2, EV3, EV9, HC2 and AS6 of the City and County of Swansea Unitary Development Plan, the Infill and Backland Design Guide and the Places to Live Residential Design Guide.

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 principles 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: PD/16/102 B proposed site plan, received 15th December 2017. Location and block plan, received 5th January 2018. PD/16/04 F house 1 floor plans, PD/16/105 D house 1 elevations, PD/16/107 D house 2 floor plans, PD/16/108 D house 2 elevations, PD/16/109 E site street, PD/16/110 C proposed cross sections, received 8th May 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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3 No development shall commence until full details including samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been 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 Conservation Area.

4 Notwithstanding the approved plans and prior to the construction of the dwellinghouses a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the boundaries of Houses 1 and 2 which shall not be completed in full timber fencing. The boundary treatment shall be completed as approved before the dwelling hereby approved is occupied and shall thereafter be retained as such.  
Reason: In the interest of maintaining a satisfactory scheme of landscaping and to protect the visual amenity of the area.

5 No development including site clearance, demolition, ground preparation, temporary access construction/widening, material storage or construction works shall commence on site until a Tree Protection Plan and arboricultural method statement, in accordance with BS5837:2012 Trees in relation to design, demolition and construction Recommendations, has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the specification and positioning of temporary tree protective fencing and ground protection where required. Other details shall include: areas for storage, tree pruning requirements, mixing areas and parking areas.

The approved tree protection measures shall be installed prior to any site activity commencing and maintained until the area is to be landscaped. No development or other operations shall take place other than in complete accordance with the Tree Protection Plan, unless otherwise agreed in writing by the Local Planning Authority.

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

6 No development shall commence until a plan of overhead and underground services and the location of any wayleaves along with provisions for reducing their impact on trees to an acceptable level has been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that reasonable measures are taken to safeguard trees in the interests of local amenity.

7 Notwithstanding the provisions of schedule 2, part 1, classes A and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no extensions or buildings shall be erected other than those expressly authorised by this permission.

Reason: In order that the Local Planning Authority can retain control over any future development of the site given its limited size and its location within the Ffynone and Uplands Conservation Area.

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- 8 The proposed parking area hereby approved/illustrated on the submitted plan shall be:
- (i) porous or permeable; or
  - (ii) constructed to direct run-off water from the hard surface to a porous or permeable area or surface within the curtilage of the dwellinghouse; and
  - (iii) be permanently maintained so that it continues to comply with the requirements of paragraph (i) and (ii).

Reason : In the interests of sustainability

- 9 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. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 10 The shared drive and parking areas shall be completed in accordance with the approved details, prior to the first beneficial occupation of any part of the development and the car parking spaces shall remain available for their designated use for the lifetime of the use.

Reason: To reduce the likelihood of obstruction of the highway or danger to road users, to maintain a minimum amount of interference to the free flow of through traffic, to ensure that no deleterious material is carried onto the road and in the interests of road safety.

- 11 No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the use of the development hereby approved commencing and retained thereafter for the lifetime of the development

Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage system.

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### Informatives

1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, HC2, AS6, EV9.

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 2017. 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 whether a bat is present at the time or not. 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 (0300 065 3000).

3 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.

4 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.

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### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (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 - 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 - 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)

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**Item 5 (Cont'd)**

**Application Number:**

2018/1279/RES

<b>Site History App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2018/1279/RES	Residential development comprising 70 dwellings houses with associated roads and open space (details of the appearance, landscaping, layout and scale of the development including proposed levels of each dwelling of planning permission 2006/0650 as varied by 2011/0329 and 2013/0425)	PDE	
2013/0425	Variation of conditions 2 and 15 of planning permission 2006/0650 as varied by 2011/0329 to extend the time period for the submission of the reserved matters and the submission of a travel plan (outline planning permission granted 6th March 2008 for 'Residential development comprising 70 dwelling houses with associated roads and open space').	S106	09.06.2015
2011/0329	Variation of conditions 2 and 15 of planning permission 2006/0650 granted 6th March 2008 to extend the time period of the submission of the reserved matters by a further 2 years and the submission of the travel plan by a further 2 years	S106	15.04.2011
2006/0650	Residential development, comprising 70 dwelling houses with associated roads and open space (outline)	S106	19.03.2008

This application is reported to Committee as the number of dwellings proposed exceeds the development threshold.

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2018/1279/RES

### RESPONSE TO CONSULTATIONS

The application was advertised on site and 17 individual properties were consulted.

FIFTEEN LETTERS OF OBJECTION have been received, which are summarised as follows:

1. The road in front of nos. 50 and 52 is not sufficient to accommodate the additional traffic and is narrower than the rest of Bryn Hawddgar.
2. The boundary is not drawn as a straight line and implies that some of our property is affected.
3. What assessment has been carried out to confirm that the road junctions have been assessed to take the additional traffic.
4. The additional traffic will increase the problem of travelling along Gellionon Road and between the junction with Vardre Road and Bryn Hawddgar.
5. It is unclear from the site plan if access is also via the north off Bryn Hawddgar.
6. We are concerned about the close proximity to the school.
7. 70 new houses would increase the strain on numerous basic services for the village.
8. Concerns over increase in traffic and road safety.
9. Concerns over cutting down of woods
10. Concerns over lack of amenities for the extra children?
11. Could a third access be provided to divert the traffic?
12. Are there any plans to fund a crossing at the junction of Gellionon and Lone Road.
13. Do the schools have capacity?
14. Wild orchids are growing there and badgers frequent there.
15. Impact upon doctor's surgery, water pressure, natural watercourses and wildlife.
16. Concerns over noise and pollution.
17. Roads are already in a bad state of repair.
18. Devalue my property.

**Clydach Community Council** – Comments as follows:

"1. On 18th June 2018 at 6:30pm, Clydach Community Council met at an Extraordinary planning meeting to discuss the proposal to develop 70 dwellings on the land to the rear of Bryn Hawddgar, Clydach. During this meeting, councillors discussed the benefits and disadvantages of this development, and how any disadvantages could potentially be overcome. Our concerns and recommendations are set out below:

#### 1.1 Flood Risk (Surface water run off) & Sewerage

There are currently issues within Clydach of flooding of Capel Road, downhill of the proposed development. The drainage currently in place is too narrow to cope with existing measures and the Community Council believe this development would further add to the unsurmountable pressures already experienced. The Council also believes that there is likely to be increased pressures to the areas of Ffordd Abiah, Bryn Hawddgar, Gellionon Road, Vardre Road, Heol y Fagwr, Woodlands Avenue, Waverley Park. The council believes it will be false economy if the Local Authority are forced to pick up the cost of future repairs or upgrades to drainage or sewer networks as a result of this development and would expect that an in-depth assessment of sewerage and surface water drainage is carried out. If a Flood Risk Assessment has been carried out, or will be carried out, we expect it to take into account all areas above, and previous history of flooding. This should not simply relate to the immediate development area, but much further afield.

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### 1.2 Road Infrastructure and Safety

With the development of 70 dwellings, there will be a significant increase to the amount of traffic moving along Gellionnen Road and Carlton Road. There are serious concerns regarding safety of children and road users with the existing road layout. School pupils are placed at risk on a daily basis as they navigate their way to YGG Gellionnen and Clydach Primary. Recently an online campaign has been started to request a pelican crossing at the Junction of Vardre Road and Gellionnen Road in an attempt to alleviate these risks. A roundabout may also be beneficial at this location. It may also be beneficial for Gellionnen Road to become one way up to the point of the junction with Faraday Road. A meeting has been held with Alan Ferris (Highways) and a site meeting has been requested, although no reply has been received to date, to consider these current and pressing issues. Additional traffic in this area and along these roads will exacerbate the situation. Furthermore, it appears that a second route into and out of the proposed development is planned and will adjoin Tan y Coed Road. This junction is on a very tight 'S' Shaped bend which is extremely narrow. There is real scope for this bend to be widened for two vehicles to pass safely, including buses. Placing an additional junction at this point would prove dangerous. To this end, Clydach Community Council would further press the need for a site visit from a member of the highways department, with a representation from the community council present, in order to fully assess these real concerns that are raised on a weekly basis in Clydach.

### 1.3 School Safety at YGG Gellionnen

Concerns have been raised over the proximity of the development to the school premises, in particular to two of the school yards, one of which is the Cylch Meithrin class yard. We would expect the development plans to detail how the privacy of the school and its pupils' safety is considered and prioritised. We would have grave concerns over the development if this fails to materialise. It is reasonable for us to insist on a form of shielding to the playgrounds. This could be in the form of hedging or fencing with this requirement built into the deeds of the properties so that the shielding cannot be removed in the future.

### 1.4 Pressure to local services

The Community Council believes there will be pressure put upon local services such as GP and dentists practices and potential increase in crime as a result of this development. Whilst councillors agreed that there is little that can be done to alleviate this, we ask that this is noted, so that the impact of future developments will be considered alongside this application for any collective negative effects.

### 1.5 Wildlife and Control of Vermin

It is expected that there will be an amount of disturbance to local wildlife as a result of this development. Clydach Community Council trusts that there will be a statutory environmental impact assessment carried out to minimise effects. Further to this, we ask that any displaced vermin are dealt with promptly by the local authority, with a promise to treat any reported vermin activity within the surrounding areas (including Woodlands Avenue, Bryn Hawddgar, Ffordd Abiah, Penydre Road, Tanycoed Road, Gellionnen Road and any other nearby roads, with 3 days of reporting.

### 1.6 Welsh Language Impact

It was noted that there has been no assessment carried out with regards to any impact on the Welsh language in Clydach as is the requirement with developments of this size. To this end, Clydach Community Council requests that this is carried out promptly and thoroughly.

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We would also request that this development complements the local authority's own guidelines around use of the Welsh language on matters such as Welsh preferred street names of local meaning (please see recommendations below).

### Benefits Summary

2. The Community Council agreed that there were also benefits to this proposal that should be noted by all parties. These are:

2.1 Potential increase in trade to local businesses

2.2 Support to strengthen position of local schools. More families moving to the area, would help ensure a constant flow of children, which would secure the position of local schools in the future.

2.3 A larger community would help the Community Council secure funding for various projects such as crime prevention etc.

2.4 An addition to the Community Council's precept (Currently approx. £30 per household per year) which is reinvested directly back into the local community and not allocated to any other area of Swansea."

### **Dwr Cymru Welsh Water** – Comments as follows:

#### "SEWERAGE

Firstly we acknowledge that outline planning permission 2006/0650 was originally granted 19th March 2008 and later amended to extend the time period for submission of reserved matters, the latter comprising permission 2013/0425. It does not appear Dwr Cymru Welsh Water (DCWW) were consulted on this latter application albeit we acknowledge that an extension of time was granted subject to condition 3 which requires the submission of an application for approval reserved matters no later than three years from the date of consent, granted 9th June 2015.

In this instance, we acknowledge that this current application (Ref: 2018/1279/RES) was received and registered within the aforementioned timeframe albeit express concerns that DCWW has not been consulted and was only drawn to our attention by review of the weekly list on the Council's website.

Moreover, it would appear DCWW have not been consulted or offered comments since the original outline planning application for 70 dwellings, dated 9th March 2006 (Ref: 2006/DCWW/30789). On this point, we remind that DCWW is a statutory consultee in accordance with the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 and would highlight that the public sewerage system has potential for significant change within extended timeframes, which amounts to over 10 years in this instance.

Notwithstanding the above, we can confirm that Dwr Cymru Welsh Water have recently been informed of the proposed development and responded by way of our formal pre-application consultation service.

In conjunction with our recent pre-application advice, we would advise that foul flows only can be accommodated within the public sewerage system albeit that the proposed development site is crossed by combined and foul water public sewers with their approximate position being marked on the attached Statutory Public Sewer Record.

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In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to the 'Proposed Site Plan' (Drawing No. G1341-P01), it appears the proposed development would be situated within the protection zone of the combined public sewer, measured 3 metres either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss and consider possible solutions. In the first instance, it is recommended that the developer carry out a survey to ascertain the location of this sewer and establish its relationship to the proposed development.

As such, in principle we have no objection to the application for approval of reserved matters subject to compliance with the requirements of drainage related conditions and advisory notes imposed on the outline planning permission, namely condition 12:

12) Development shall not commence until details of foul, surface and land drainage works have been submitted to and approved in writing by the Local Planning Authority. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved details.

Reason: To ensure a satisfactory means of drainage.”

South Wales Police Designing out Crime Officer – Comments with regards to designing out crime.

Housing Enabling – Comments as follows:

The siting of the AH units on the site plan is acceptable as they are dispersed. The last correspondence on this was 8 units Social Rented Tenure, 3 bedroom houses DQR standard.

Right of Way Officer - Due to the fact that the building of 70 more houses in this area is going to put a lot more pressure on the path network in the area, the Countryside Access Team would ask for works via section 106 to be undertaken.

They involve surface scrape to get rid of mud, drainage to prevent any damage to the path due to excess water coming from the site onto the paths and surfacing to improve the surface for path users. There are 2 sites that require sleeper bridges or a culvert. All these works would improve the path network for all the people currently living in the area and the ones who will be living in the houses that are to be built. It will also give much more user friendly routes down into Clydach, linking in the new estate to the village.

We would also ask that a section of footpath RN19 is diverted through, or around the edge of the site to provide an easy access link for people.

Japanese Knotweed Officer - 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.

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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, acceptable to myself, for the control of the plant.

#### Design and Conservation – Original Comments

“This scheme has been appraised against the adopted Residential Design Guide SPG ‘Places to Live’. The following placemaking comments are structured using the design guide sections working from strategic considerations down to detail, as follows:

#### Comments

The site is allocated for housing HC1(24) in the Swansea UDP with the north eastern part to be protected as urban greenspace. Outline permission was granted in 2008 for residential development comprising of 70 dwellings, details of the proposed access and road layout considered but all matters regarding siting, design, external appearance and landscaping to being reserved for future consideration. An indicative layout was provided to demonstrate that the site could accommodate 70no. dwellings.

The site forms an extension to the settlement limits of Clydach, abutting open countryside to the south. The application site is formed of an irregular shaped parcel of land measuring approx. 5.5 hectares and is currently undeveloped, containing woodland and two streams which converge and run as a single stream to the woodland to the south. The northern boundary of the site abuts housing on Tanycoed Road, the western boundary abuts Y.G.G. Gellionen, the south-western boundary housing on Bryn Hawddgar and Ffordd Abiah and the eastern boundary housing on Brynamlwg and Heol y Fagwr. Woodland exists to the south with housing development on Woodlands Avenue beyond. The site is covered by a SINC (Gelli Onen), and a PRow runs along the southern boundary linking Brynamlwg to the east Clos Tygwyn to the south.

The following advice is provided on the compliance with the design and placemaking policies of the UDP and adopted Residential Design Guide SPG which focusses on new developments of 10 or more homes and is underpinned by the proactive placemaking planning approach.

#### Neighbourhood Creation

Sustainable place making is based around the concept of ‘walkable neighbourhoods’. The proposed layout displays a permeable layout with a fixed vehicular access achieved from Bryn Hawddgar to the south, with this road extended to form the main spine road within the site. A northern link through to Tanycoed Road is shown for pedestrian and emergency services only – how will this be treated / managed? In addition to this, a pedestrian link is shown to the eastern boundary linking the site into the existing PRow and the wider neighbourhood at Heol Y Fagwr. From the proposed site layout it isn’t clear if there are any further active travel links, for example through the existing woodland providing a further linkage from the site to an existing gravel track off Tanycoed Road? It would be helpful for the proposed site layout to be shown in its wider context.

A bus route runs along Tanycoed to the north and Waverly Road/Vardre Close to the south of the site. The western boundary of the site abuts Y.G.G. Gellionen and Clydach Primary School is located approx. 750m to the SW. A public house/restaurant is located approx. 400m to the west of the site and the main high street is approx. 850m to the south. These distances are acceptable to encourage walking/cycling trips rather than car reliance.



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#### Density and Mixed Uses

The layout is broadly in line with that shown on the indicative layout at outline, although the scheme does now take a more cramped appearance as a result of a number of plot sizes being reduced. The scheme comprises a mix of 3 and 4 bedroom, two storey detached, semi-detached and small terraces of three, which adheres to the surrounding content and offers a variety of family accommodation throughout the site, including 8no. affordable houses (secured by Section 106). The affordable housing does not appear to have been marked on the layout. AH should be seamlessly integrated into the development and not concentrated to one part of the site - the Housing Officer should be consulted to ensure they are content with such a concentration of AH units. In addition to this, affordable housing should be indistinguishable from market housing.

#### Natural heritage

The starting point on every site is to work within the existing environmental constraints and opportunities. There are no trees on the site which are subject to TPO's. However, it is noted at outline stage (referenced in the committee report) that approx. 35% of the site area (the north eastern corner) is to become a managed woodland area which will be accessible to the public. In addition, the management plan also includes the existing woodland to the south of the site, which although outside the site boundary is in the ownership of the applicant (outlined in blue). It is stated that the existing footpath through this land would be refurbished and a new network of paths created for public use, along with repairs to walls and stream crossings. The streams running through the site would also be managed under this plan. This is presumably all controlled via conditions and a S106 agreement.

The proposal seeks to retain a section of existing boundary trees/hedgerow to the south and southwest which is welcomed to provide natural screening between the site and the adjoining school and dwellings located at Ffordd Ash. Additional boundary vegetation should be retained where practical i.e. to the side/rear of plots 1 and 4. Full consideration should be given to the retention of vegetation along the north western boundary, taking into consideration the topography of the site and the potential views through to the site from Gellionnen Road which is elevated above the site land levels – will there may be views through to the rear elevations of plots 48-59?

#### Connections

The proposed layout plan shows access points to the north (Tanycoed Road), south west to Bryn Hawddgar and east to Heol y Fagwr. These linkages are important connections to the wider community and link into the existing PRow. These linkages need to be suitably overlooked and safe to encourage active travel and community cohesion. No specific detail has been provided to this regard. In terms of connections within the site, access and road layout were approved at outline stage and include a number of cul-de-sacs accessed off the spine road. Whilst not desirable the cul-de-sacs are not excessively long and therefore should not discourage walking. It would however be preferential to replace the two western cul-de-sacs with a loop road, hereby resulting in a well-structured built form set around a perimeter block. Nevertheless, the main route through the site allows good north-south connectivity. Question is raised to the footpath located to the rear of plots 26-36 abutting rear boundary enclosures in terms of the poor natural surveillance and subsequent safety concerns – does this footpath really serve a purpose, would a woodland link be more functional?

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Further details / information is also needed on the proposed pedestrian/cycle link to the east of the site in terms of treatment and how the site will be connected to the existing PRow which runs along the southern boundary.

#### Public Space

The layout retains a significant portion of woodland to the north east of the site and includes a number of informal open spaces including trees and water features. However, no designated public open space has been included. In accordance with the Wales FIT standards, a development of this size requires the provision of a Local Area for Play (LAP) and a Locally Equipped Area for Play (LEAP). These play spaces should be well overlooked and of an acceptable size and separation distance to accord with the required buffers between play space and residential boundaries. These will need to be designed into the proposed layout in suitable locations – for example alongside plots 13 and 70. Given the woodland nature of the site, there is also scope to incorporate an element of natural play, i.e. nature trails and rustic, woodland play equipment.

#### Street as places / Buildings / Inclusive places

The proposed layout includes a well-structured building layout that offers a good degree of active frontage to both sides of the main route running through the site and the secondary cul-de-sac routes. The street hierarchy provides a legible layout, with outward facing buildings with dwellings which respond positively to the public realm. The slightly staggered building lines create small spaces which provide 'visual pauses' and inclusion of trees/green provide an element of contrast in the streetscene which is welcomed, especially along the northern section of the site (plots 45-58), many of which are quite tightly arranged. Plots 48-49, 51-53, 56 should incorporate side driveways and remove frontage parking which dilutes engagement with the streetscene. In relation to corner plots throughout the site, these must 'turn the corner' with well designed frontage that includes meaningful windows onto public areas to create interest and allow natural surveillance. Corner plots, and those adjoining pedestrian linkages, must be double-fronted to engage effectively with the streetscene, i.e. plots 3, 8, 13, 14, 25, 26, 36, 37, 39, 40, 42, 44, 45 & 70. These dwellings need to include meaningful windows to side elevations to engage with the streetscene and provide natural surveillance. At present a number of the above mentioned plots fail to engage appropriately with the streetscene (i.e. plot 45 has no side windows – this plot should be double-fronted and take its access off the main spine route).

Plot 43 has no street frontage but could work to successfully overlook an area of open space located to the north of the plot. The indicative layout showed 3no. dwellings in place of plots 43 and 44 in a more appropriate street facing layout, presumably to be accessed off a shared private driveway. It may be that this layout should be reverted to, providing 3no. smaller dwellings in this area, and subsequently allowing one unit to be removed from the NW boundary, eliminating the cramped appearance and enabling the incorporation of side driveways.

Further details are required in relation to plots 37-39 which are unacceptably set back from the streetscene, separated by frontage parking. The orientation and access of these plots need to be fully explained/justified as the current arrangement appears wholly unacceptable.

The introduction of an element of shared space within the cul-de-sac elements of the scheme would improve the overly engineered turning heads and provide a more 'people friendly' environment. In addition, the linear elements of the street would benefit from some raised surfaces / variation in surfacing as a means of traffic calming within the site.

## Planning Committee – 4<sup>th</sup> December 2018

### Item 5 (Cont'd)

Application Number:

2018/1279/RES

#### Privacy and amenity

Each development plot should meet the required separation distances as stipulated in the Residential DG (21 m back-to-back, 10m separation from existing garden boundaries and 15m separation 'back-to-side'). Where homes are set at different slab heights (see site section 1, plots 66 and 7), the basis separation distances should be increased by 2m for every 1m difference in level. The case officer should check separation distances, but notably plot 13 appears tight, especially when taking into account level changes.

It appears that front gardens are to remain open and include an element of planning which makes a positive contribution to the public realm. No details on boundary enclosures have been provided. Where rear/side boundaries adjoin the public realm they must be high quality and robust – close boarded fencing is not appropriate. Where buildings are located close to public / communal areas (i.e. plot 13, 25 etc), a defensible space should be incorporated to separate habitable rooms and public realm. The rear boundaries abutting the PRow will need to be appropriately treated.

#### Integrating Parking

The parking arrangement throughout the site comprises private side driveways, which is preferable, and an element of frontage parking which pushes buildings back from the streetscene hereby weakens the sense of enclosure and results in car dominated public realm. Parking should generally be behind the building line, although an element of frontage parking may be included on the basis that it is one side of the street only, does not take up more than half of the plot width and is broken up with planting. The arrangement to plots 37-39 is particularly poor and needs further consideration. No parking space is annotated for Plot 29. Plots 8-10 should be pulled forward to engage better with the streetscene and side driveways provided. Further consideration should be given to the rear parking to plot 45 which results in plot 44 being landlocked by parking and the parking / driveway to plot 43. Whilst not shown, all visitor parking should be 'on-street'.

#### Quality and Character

There is no strong local vernacular in terms of form, features and materials. The existing dwellings to the south on Bryn Hawddgar are two storeys, pitched roofed, finished in red brick with rough cast render. To the north, the dwellings on Tanycoed comprise a mixture of two storey semi's and groups of small terraces, with either pitched or hipped roofs, some with front gable features. The proposed dwellings are of a generally acceptable scale and proportion in this location. The provided elevations show dwellings of a broadly uniform appearance incorporating pitched roofs and gable features to some of the detached dwellings. This approach is acceptable. In terms of minor detail, as noted above, meaningful side windows must be incorporated into the design where appropriate, on double-fronted corner buildings and to plots that adjoin pedestrian links to ensure good levels of natural surveillance. The proposed material palette is broadly acceptable, render should however be included prudently given the known issues with render finishes. Details and samples should be conditioned.

#### Amended Plans

Amended plans were submitted following these comments and no further comments were received.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 5 (Cont'd)**

**Application Number:**

2018/1279/RES

Highways Observations - 2018/1279/RES | Residential development comprising 70 dwellings houses with associated roads and open space (details of the appearance, landscaping, layout and scale of the development including proposed levels of each dwelling of planning permission 2006/0650 as varied by 2011/0329 and 2013/0425) | Land at Bryn Hawddgar, Clydach, Swansea

### 1. Background information

The site was granted Outline planning permission under planning application 2006/0650 which was subsequently varied under 2011/0329 and 2013/0425 so the principle of the residential development has already been established. A full Transport Assessment (TA) was submitted on behalf of Blue Sky Planning in support of the outline consent (the scope of which was agreed with the CCS Highways Officer). The TA was validated and found to be a likely representation of the traffic movements that would arise.

There were a number of highways comments/conditions attached to the outline consent in addition to a contribution under the Section 106 Agreement for a number of road safety measures to mitigate for the additional traffic.

### 2. Section 106 contributions

The Section 106 was signed in 2015 and the highways contributions were split into 2 sums, the payments are also index linked.

Contribution 1 is for £87,264.33

Contribution 2 is for £44,951.00

The threshold for payments in relation to contribution 1 was 50% of the cost of the works to upgrade Gellionen Road/Vardre road/Lone road junction prior to commencement of the development. With the remaining 50% being paid prior to the occupation of the 18th dwelling. The threshold for payments in relation to contribution 2 was 100% of the cost of the traffic calming measures being paid prior to the occupation of the 54th dwelling.

### 3. Current planning application

The current planning application is to discharge the reserved matters of the Outline consent (as subsequently varied by the extension of time applications).

### 4. Layout and parking

Advice has been given previously regarding the geometry that would be required for the internal roads to be adopted. The layout internally is considered to be acceptable with a 5.5m carriageway and two 2m footways on either side

The parking is mainly on plot frontage parking with some side drive parking. There are no parking courts.

From initial inspection it appears that the road layout would be suitable for adoption subject under a Section 38 Agreement with the Highway Authority subject to the drainage proposals and longitudinal gradients being acceptable.

Main vehicular access to the site will require a section 278 agreement with the Highway Authority to tie into the existing adopted highway of Bryn Hawddgar. There are a further two pedestrian access points that link to Talycoed Road and Heol Y Fagwr which will add to the accessibility of the site for non car modes of transport. As a Section 278 agreement will be required (of which a Construction Traffic Management plan will be an integral part) then there is no need for a separate Construction Method Statement to be conditioned.

## Planning Committee – 4<sup>th</sup> December 2018

### Item 5 (Cont'd)

Application Number:

2018/1279/RES

It is not clear whether the roads are intended for adoption by the Highway Authority but if they are then the applicant will need to enter into a section 38 agreement with the Highway Authority. Other than that details will be required of the private management/maintenance

#### 5. Conclusions

The Transport Assessment document submitted with the Outline planning application demonstrated that the car traffic could be accommodated within the existing infrastructure subject to a Section 106 contribution and a series of highway safety measures (as outlined in section 2). The inclusion of additional pedestrian links should also increase the permeability of the site in relation to walking/cycling to local amenities, local schools and public transport routes.

#### 6. Recommendations

I recommend that no highway objections are raised to the proposed reserved matters application subject to:

1. Permitted development rights being removed with respect to the garages.
2. The front boundary walls being kept below 1m in the interests of visibility.
3. The applicant entering into a Section 278 Agreement with the Highway Authority to provide the new accesses into the site.
4. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].
5. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

Note 1: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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 e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

Note 2: The applicant is advised that to discharge condition 5 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

## Planning Committee – 4<sup>th</sup> December 2018

Item 5 (Cont'd)

Application Number:

2018/1279/RES

### APPRAISAL

The principle of development was established following the grant of the outline planning permission. Consequently, the consideration of this application is limited to the details relating to the appearance, landscaping, layout and scale of 70 dwellings on land at Bryn Hawddgar, Clydach.

By way of background, outline planning permission 2006/0650 was granted on the site for 70 dwellings with associated roads and open space in March 2008. This planning permission was renewed twice on the site in 2011 (2011/0329 refers) and 2013 (2013/0425 refers). This planning permission was subject to the signing of a Section 106 relating to:

- \* 8 Affordable housing units on site
- \* Education contribution of £62,375 for improvements to YGG Gellionnen.
- \* Highways improvements to Gellionnen Road/Vadre Road/Lone Road of £87,500.
- \* Highways improvements to provide traffic calming measures in the vicinity of the development of £36,033.50.

The layout indicates a mixture of dwellings as below:

- \* 38 x 4 bedroomed houses - Types 1, 1a, 2, 2a, 3, 3a
- \* 26 x 3 bedroomed houses – Types 4 and 6
- \* 6 x 2 bedroomed dwellings - Types 5 and 5a.

Eight of the dwellings are allocated as affordable housing as specified in the Section 106 agreement and are pepper potted throughout the site. The site also includes an area of Local Area of Play (LAP) adjacent to Plots 70 and 13 which is located centrally in the of the site.

The application site is 5.48 hectares in area and is currently undeveloped, containing woodland, scrub, and grassland as well as two streams which converge and run as a single stream to the woodland to the south. The northern boundary of the site abuts housing on Tanycoed Road, the western boundary abuts Y.G.G. Gellionnen, the south-western boundary housing on Bryn Hawddgar and Ffordd Abiah and the eastern boundary housing on Brynamlwg and Heol y Fagwr. Woodland exists to the south with housing development on Woodlands Avenue beyond.

Access to the site would be obtained from Bryn Hawddgar to the south west and Tanycoed Road to the north with this road extended to form the main spine road within the site with approximately one third of the site area being retained as open space.

### Issues

The main issues to be considered are the impact of the details on the visual and residential amenity of the area and highway safety having regard to the requirements of Policies EV1 (Design), EV2(Siting), EV3(Accessibility), EV30 (Trees, Woodland and Hedgerow Protection), AS6(Parking), EV33(Sewage Disposal), EV34(protection of Controlled Waters), EV35(Surface Water Run-off) and HC2(Urban Infill Housing)of the Unitary Development Plan 2008.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 5 (Cont'd)**

**Application Number:**

2018/1279/RES

### Planning Policy Update

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme.

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**Item 5 (Cont'd)**

**Application Number:**

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Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include:

Policy PS2 (Placemaking and Place Management)– development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

T6 (Parking) - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

ER11 (Trees, Hedgerows and Development) - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

EU2 (Renewable and Low Carbon Technology in New Development) - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

RP3 (Water pollution and the protection of Water Resources)- development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality.



## Planning Committee – 4<sup>th</sup> December 2018

### Item 5 (Cont'd)

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2018/1279/RES

Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP4 (Avoidance of flood risk) - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

The above LDP policies are broadly consistent with the Policies within the UDP Framework and as such, the UDP Policies are the ones that will continue to apply to the consideration of this planning application. It should also be noted that the site is allocated within the emerging LDP for residential development/

#### Layout and Scale

In visual terms the layout and plot density is appropriate for the area and does not result in an over development of the site. The proposal includes a mixture of 2, 3 and 4 bedroomed two storey dwellings which would be in keeping with the character and appearance of the surrounding area. The Council's Design and Conservation Team raised some concerns with the some orientation and plot layout issues on the originally submitted plan. A subsequent amended layout was submitted which included additional windows, a LAP area and changes to parking and layout and as such it is considered that these original concerns have been overcome.

#### Appearance

The materials proposed would be blue/black cement roof slates, painted timber windows and doors with smooth painted rendered walls, painted timber soffits, brick chimneys and artificial replica stone cladding. No colours for the windows, doors or render or samples of the proposed stone to be used have been submitted and as such, it is recommended that a condition be imposed for these to be submitted for approval prior to commencement of works.

#### Landscaping

The Council's Tree Officer raised some issues with regards to the layout and the impact upon the trees. The layout was amended to overcome the concerns and as such, the scheme is now considered acceptable.

#### Residential Amenity

The layout ensures that each dwelling has a sufficient amount of residential amenity space and complies with the minimum distances between dwellings to prevent any overbearing physical impact. The fenestration detailing and window orientation also ensures that the development does not give rise to direct overlooking or loss of privacy for future occupiers.

The scheme also provides a Local Area of Play (LAP) and several areas of greenspace which ensures a pleasant overall living environment and avoids an over development of the site or a cramped form of development.

#### Access and Highways Issues

The Head of Transportation and Engineering raises no highway objection subject to the applicant entering into both a Section 278 and Section 38 agreement with the Highways Authority. The specified conditions in the above response form part of the original outline so it is not considered necessary to duplicate them as part of this approval.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 5 (Cont'd)**

**Application Number:**

2018/1279/RES

Response to consultations

In terms of the comments raised by the Community Council, as previously indicated, this is a Reserved Matters application and the principle of the development and S106 contributions has already been determined.

The issues raised by the objectors in terms of visual and residential amenity and highway safety are addressed above in the main body of the report. With regards to the comment concerning Welsh Language Impact Assessment, TAN 20 : Planning and the Welsh Language states that Planning Applications should not routinely be subject to Welsh language impact assessments as this would duplicate the SA and LDP site selection processes. Furthermore, this is not an application for planning permission but for approval of details, the principle having been previously established.

The comments raised by the Right of Way officer are noted but this issue was not included in the original outline planning permission and as this application is to approve matters reserved by that application, then it is not appropriate to enter a new Section 106 Agreement at this time. The comments raised with regards to drainage and ecology will be covered by details that need to be submitted to discharge and comply with the original drainage and ecological conditions.

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

In conclusion and having regard to all material planning considerations, the proposal is considered an acceptable form of development at this location, that complies with the requirements of Policies EV1, EV2, EV3, AS6, EV30, HC2, EV33, EV34 and EV35 of the Unitary Development Plan 2018.

### **RECOMMENDATION**

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: 2018/55 landscape proposals and native blocks, 2018-56 landscape proposals hedges planting beds, G1341-P09 proposed house type 4 - elevations, G1341-P100 site location plan received 7th June 2018, G1341- P08 REV A proposed house type 4 plans, G1341-P13 proposed site sections, G1341-P14 proposed house type 1A elevations, G1341-P17 proposed house type 5A elevations, sewer plan received 18th June 2018, G1341-P01 PROPOSED SITE PLAN\_REV B, G1341-P02 PROPOSED HOUSE TYPE 1 PLANS\_REV B, G1341 - P04 PROPOSED HOUSE TYPE 2 AND 2A PLANS\_REV B , G1341 - P05 PROPOSED HOUSE TYPE 2 ELEVATIONS REV A, G1341 - P06 PROPOSED HOUSE TYPE 3 AND 3A PLANS REV B, G1341 - P07 PROPOSED HOUSE TYPE 3 ELEVATIONS\_REV A , G1341 - P10 PROPOSED HOUSE TYPE 5 PLANS\_REV B, G1341 - P12 PROPOSED STREET ELEVATIONS \_REV B, G1341 - P13 PROPOSED SITE SECTIONS \_REV 1,

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### Item 5 (Cont'd)

**Application Number:**

2018/1279/RES

G1341 - P18 PROPOSED HOUSE TYPE 6 PLANS , G1341 - P19 PROPOSED HOUSE TYPE 6 ELEVATIONS received 3rd October 2018. G1341 - P20 Proposed House Type 1A (Handed) Plans, G1341 - P21 Proposed House Type 1A (Handed) Elevations, G1341 - P22 Proposed House Type 2A (Handed) Plans, G1341 - P23 Proposed House Type 2A (Handed) Elevations, G1341 - P24 Proposed House Type 3 (Handed) Plans, G1341 - P25 Proposed House Type 3 (Handed) Elevations G1341 - P26 Proposed House Type 4 (Handed) Plans, G1341 - P27 Proposed House Type 4 (Handed) Elevations, G1341 - P28 Proposed House Type 6 (Handed) Plans, G1341 - P29 Proposed House Type 6 (Handed) Elevations received 20th November 2018.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 2 No development shall commence until further details and/or samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been 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.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, HC2, EV33, EV34, EV35, AS6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The applicant is reminded that there are still conditions to be discharged on planning permission 2013/0425 prior to any commencement of works
- 4 We would advise that foul flows only can be accommodated within the public sewerage system albeit that the proposed development site is crossed by combined and foul water public sewers with their approximate position being marked on the Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having regard to the 'Proposed Site Plan' (Drawing No. G1341-P01), it appears the proposed development would be situated within the protection zone of the combined public sewer, measured 3 metres either side of the centreline. It may be possible to divert the sewer if the developer applies under Section 185 of the Water Industry Act and we request that they contact us to discuss and consider possible solutions. In the first instance, it is recommended that the developer carry out a survey to ascertain the location of this sewer and establish its relationship to the proposed development.
- 5 All off-site highway works are subject to an agreement under Section 278/Section 38 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

**Planning Committee – 4<sup>th</sup> December 2018**

**Item 5 (Cont'd)**

**Application Number:**

2018/1279/RES

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 e-mail [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk)

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## Planning Committee – 4<sup>th</sup> December 2018

### Item 6 (Cont'd)

**Application Number:** 2018/1537/RES

#### 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 - HC24 - Play Areas/Public Open Space

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

### Site History

App Number	Proposal	Status	Decision Date
2018/1537/RES	Residential development comprising of up to 92 dwellings with associated access, drainage and public open space (Details of access, appearance, landscaping, layout and scale) pursuant to Planning Permission 2013/0617 granted 30th October 2017.	PDE	
99/0896	SINGLE STOREY REAR EXTENSION, SIDE CONSERVATORY EXTENSION AND ERECTION OF DETACHED GARAGE/WORKSHOP	APP	06.08.1999
98/0817	ERECTION OF ONE DWELLING	WDN	30.11.1998
98/0195	ERECTION OF A DETACHED DWELLING HOUSE (OUTLINE)	APP	06.04.1998

**Planning Committee – 4<sup>th</sup> December 2018**

<b>Item 6 (Cont'd)</b>	<b>Application Number:</b>	<b>2018/1537/RES</b>
97/1752	ERECTION OF 2 NO. DETACHED DWELLINGS (OUTLINE)	APP 02.02.1998
2017/0934/DOC	Discharge of condition 4 of Planning Permission 2015/1934 granted 13th November 2015	APP 20.06.2017
2017/0938/DOC	Discharge of condition 4 of Planning Permission 2015/1934 granted 13th November 2015	WDN 02.05.2017
2017/1002/FUL	Retention and completion of two storey side/rear extension with rear balcony and replacement side/rear conservatory	APP 20.09.2017
2018/0930/RES	Reserved Matters - details of the access - pursuant to outline planning permission 2013/0617 granted 30th October 2017 for Residential development comprising of up to 92 dwellings with associated access, drainage and public open space.	APP 05.09.2018
2018/1537/RES	Residential development comprising of up to 92 dwellings with associated access, drainage and public open space (Details of access, appearance, landscaping, layout and scale) pursuant to Planning Permission 2013/0617 granted 30th October 2017.	PDE

**Planning Committee – 4<sup>th</sup> December 2018**

<b>Item 6 (Cont'd)</b>	<b>Application Number:</b>	2018/1537/RES	
2018/1571/DOC	Discharge of conditions 5 (Japanese Knotweed), 11 (Construction Pollution Management Plan), 14 (Retention and Protection of Trees), 15 (tree protection) 19 (Maintenance of the Surface Water System), 24 (Levels) and 26 (Future Management and Maintenance of the Proposed Streets) of planning permission 2013/0617 granted 30th October 2017	PCO	
2018/2278/FUL	Incorporation of land into residential curtilage and retention and completion of single storey rear extension to form a plant room, removal of railings and increase in height of enclosure around existing rear balcony and addition of second floor window to West elevation and rear boundary wall	PCO	
2018/2285/DOC	Discharge of condition 18 (drainage) of Planning Permission 2013/0617 granted 30th October 2018	PCO	
2016/1644	Non-Material Amendment to Planning Permission 2015/1934 granted 13th November 2015 to square of the sun lounge and replace the roof with a pitched roof	APP	06.09.2016
2015/1934	Two storey side extension and rear conservatory	APP	13.11.2015
2015/0088	Two storey side extension and single storey rear extension	REF	16.03.2015
2014/1506	Two storey side extension and single storey rear extension	REF	08.12.2014



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Item 6 (Cont'd)

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### RESPONSE TO CONSULTATIONS

The application was advertised by way of a number of site notices and a press notice. Seventeen nearby properties were directly consulted.

FOUR LETTERS OF OBJECTION have been received which raise the following (summarised) material planning concerns / comments:

- o Glebe road is unable to support the extra vehicles this development would create.
- o Loss of parking resulting from the proposed new access off Glebe Road.
- o Impact on protected species.
- o Protection of bats, particularly the pipistrelle bat.
- o The mineshaft and associated woodland should be protected from any development.
- o The effect of the siting of the main access road and roundabout to a major housing development of up to 92 houses directly in front of the main entrance to the Moriah chapel.
- o With developments recently completed at Horizon Way and Kingsbridge Fields on Loughor Road, the congestion in the area feels beyond capacity.
- o Many complaints have been made to local Councillors regarding the parking and speed of vehicles on Loughor Road and at peak times it can become gridlocked.
- o The public services in the area are beyond capacity.
- o The Welsh school is bursting and no spaces in doctors and dentists surgeries are available.

### Llchwyr Town Council

My only comment is the need to provide adequate parking to meet the needs of Moriah Chapel in view of the number of international visitors it attracts

### Dwr Cymru / Welsh Water

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage: Dwr Cymru Welsh Water recently commented on an application (Ref: 2018/0930/RES) for approval of a reserved matter, relating to access, on outline planning permission 2013/0617 and offered no objections in principle. As part of this latest application for approval of all reserved matters (Ref: 2018/1537/RES), we acknowledge receipt of an accompanying 'Drainage Strategy and Flood Risk Assessment Report' which indicates proposals to discharge foul water flows to the public sewerage system and dispose surface water flows into an adjacent watercourse. In principle these proposals are considered acceptable and comply with our previous recommendation (Ref: PLA0002042), included by way of condition 20, insofar as the foul flows communicate to a recommended point of connection along Glebe Road. Therefore, we offer no objections in principle to this application for approval of reserved matters subject to compliance with the requirements of condition 18 of outline planning permission 2013/0617.

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### Head of Transportation and Engineering

#### Initial Comments

Outline consent has been granted for this development with indicative internal layout plans under application number 2013/0617

The current submission reflects the expected layout and shows 92 dwellings. Traffic movements associated with the outline proposal of 120 dwellings therefore will be slightly reduced. The internal road layout is acceptable and conforms with accepted standard for residential streets.

Parking levels are slightly below the standard, the space reduction is associated with the smaller 3 bed units, however each dwelling is indicated to have a minimum of 2 parking spaces and this is thought to be acceptable.

The developer has indicated that the roads are to be offered for adoption, the main site spine roads appears acceptable with 5.5m carriageways and 2m footways each side, it is unclear whether the road serving numbers 8-16, 19-26 and 46-61 would be appropriate. It appears as though these are proposed to be shared space, with no segregated pedestrian facilities. The Authority would generally not wish to pursue adoption of this type of streets.

My recommendation on the outline application still stands and therefore I reiterate my observations as follows;

I recommend no highway objection subject to the following;

- i. All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.
- ii. Permitted Development Rights to be removed with respect to the garages.
- iii. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

Note: The Developer must contact the Highway Management Group, The City and County of Swansea , Guildhall, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to : [Darrell.jones@swansea.gov.uk](mailto:Darrell.jones@swansea.gov.uk), tel. no. 01792 635765

#### Final Comments

Amended layout plans were submitted to address urban design concerns (see paras below).

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In terms of layout this appears to still be acceptable, my only concern is still the areas detailed in my previous comments.

In order for the roads to be adopted they will have to be constructed to Highway Authority standards and specifications. Whilst the main spine streets appear to be able to be constructed to an adoptable standard, the areas serving properties 8-16, 19-26 and 46-61 would need to be of the correct carriageway and footway widths to be considered for adoption.

### **Urban Design Officer**

The application seeks Reserved Matter (RM) approval for the construction of 92 new homes and associated infrastructure and public space areas. This RM application follows on from a previous outline approval granted under application 2013/0617 and which set out a Placemaking framework for the future development of the site. The current application seeks approval for all Reserved Matters which include Access, Appearance, Landscaping, Layout and Scale.

The current RM application has been subject to detailed and ongoing design negotiations from initial submission to the most recent iteration of the scheme. This has involved assessing each iteration of the proposals against the outline Placemaking parameters as well as the principles of good residential design as set out in the adopted Residential Design Guide SPG. As a result the scheme includes a number of positive aspects which include active and varied street frontages, a range of open space areas with an approach of seeking to incorporate the majority of these centrally within the scheme where they form a core part of the character and appearance of this. Another approach which has helped to reinforce this has been the retention of existing mature tree groups and integration of these into the open spaces and other public realm areas. In order to ensure a quality public realm and street character an approach the dwelling types and locations have been subject to ongoing negotiations to ensure maximum frontage onto the street with corner turning units at junctions and onto open space areas. In addition to this the car parking strategy has been negotiated in order to minimise the impact of parked cars by utilising side drives and garages where possible and by breaking up frontage parking areas with intermediate planting where these have been utilised. The final point of negotiation to ensure a quality street character has been the locating of dwellings terminating key views along roads as well as ensuring high quality boundary treatments to gardens and private areas where these abut or are visible from the public realm.

Following the ongoing and detailed design negotiations on this scheme it is now considered that the proposals result in a high quality residential development which provides pleasant streets and public spaces for the enjoyment of future residents and visitors alike. As such the current scheme is supported in design terms and recommended for approval on the basis of the above assessment.

### **Tree Officer**

#### Initial Comments

The layout is generally acceptable and has looked to retain trees wherever possible. However there are areas of conflict:

Plots 8, 9, 10, 21, 23, 34 and 92 have gardens dominated by the adjacent trees.

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The boundary treatments throughout the site are not compatible with the trees. The design of any fencing must be able to be fluid to allow posts to be placed at irregular intervals to miss tree roots. Ideally, fencing should be along the boundary of the plot and not fencing off trees. The proposed wall behind plots 8, 9 and 10 will adversely affect the trees and so this should be changed. There are paths shown within tree root protection areas and in one case a tree is shown to be retained in the middle of a path. There are ways of constructing hardstanding within RPAs but this has not been discussed or specified in the TPP.

### Further Comments

Following initial comments on the application, an amended layout plan was submitted by the applicant. However, Plots 7, 17 and 37 still seem to be excessively shaded / covered by trees. Previous concerns remain about paths and boundary walls.

### Final Comments

Amended plans have been submitted in order to address the previous concerns raised.

The change from a boundary wall to a fence reduces impacts on the retained trees to a negligible level. The impact of the footpaths will need to be addressed in the tree protection plan and arboricultural method statement, the impacts can be suitably mitigated (this is being dealt with under the separate Discharge of Condition application 2018/1571/DOC).

The alterations of plot 7 has been brought forward and plot 37 has been handed. This is welcomed and improves the juxtaposition of the dwellings to the trees. The juxtaposition of the dwelling to the tree in plot 17 has not changed. Some crown raising is inevitable but this will not resolve the negative impacts of the tree on the dwelling. The only way of preventing the impacts is to remove the tree or the plot. That said, this impasse is not sufficient to lead to refusal when considering the site as a whole. Future pruning will be resisted in any tree works application.

The detail of the Public Open Space landscape plans is acceptable.

### **Ecology Officer**

#### Initial Comments

Condition 22 of the Outline Planning Permission 2013/0617 states that "The development shall be carried out in accordance with the recommendations contained within Section 6 of the approved Extended Phase 1 Habitat Survey Report by Middlemarch Environmental received on the 30th July 2013". Section 6.2 (Habitats) of the report states that "...proposals for the site include the retention of the southern-most field which will be utilised for the creation of an attenuation pond which will considerably increase the biodiversity value of the site. Furthermore, it is understood that a significant proportion of the field boundary hedgerows and associated trees will be retained, protected and enhanced". It goes on to state that "...a habitat/species enhancement scheme should be incorporated into the landscaping scheme of any proposed works to maximise the ecological value of the site. This will involve, for example, the planting of native seed/fruit bearing species which will be of value to wildlife".

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Evaluation : Under the proposal, the majority of trees and hedgerows along the site boundary will be retained, along with some of the internal trees and hedgerows. However, a significant number will be removed. Under the submitted Landscape Proposals, no enhancement of the boundary hedgerows and trees has been proposed, and the proposed planting almost entirely consists of non-native species. And while the Biodiversity Enhancements document does contain some simple suggestions of nesting/roosting boxes to benefit rare birds and bats, it could only be considered a very minimal species enhancement scheme, and could not be considered a habitat enhancement scheme. The submitted documents are not therefore consistent with the conditioned recommendations.

Ecology Conclusion: The only realistic solution is to use the far southern field as a mitigation area. An appropriate planting scheme must be designed by a professional ecologist, to mitigate for the loss of habitat elsewhere on-site, by enhancing the southern field. The planting scheme should use locally-native species, designed to maximise the ecological value of the site, in-line with the previously conditioned recommendations. The scheme will have to be compatible with the agreed surface water drainage strategy, to allow any maintenance of pipes and the attenuation pond as required. If the final design of the attenuation pond has not been finalised, it should be designed with gently sloping sides, optimal for both biodiversity and child safety.

Timing : Any tree felling or other vegetation removal should take place between September-February inclusive, to minimise the potential for impacts on wildlife; nesting birds in particular.

### Final Comments

Details of the attenuation pond and an Ecological Enhancement Scheme has been submitted which shows additional tree and hedgerow planting within the field to the south containing the attenuation pond.

The amended planting details are now acceptable.

### **Drainage Officer**

We have no objection to the proposed layout and the details of the attenuation pond.

### **Housing Enabling Officer**

I can confirm that we agree with the proposed site layout, containing 2 & 3 bedroom affordable housing sited in clusters across the site. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

### **Rights of Way Officer**

Please note that footpath Lluchwr 40 (LC40) crosses the site and footpath Lluchwr 39 (LC39) abuts the site. See attached plan. These rights of way are registered on the definitive map so are protected in law and therefore must be kept open for users at all times. We have concerns about the attenuation pond and its proximity to the bridleway to the south. We recently had issues with a flooded bridleway due to water being directed onto it from a development.

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### APPRAISAL

This application seeks approval for the 'reserved matters' (internal access, appearance, landscaping, layout and scale) relating to Outline Planning Permission 20113/0617 granted on 30th October 2017 for 92 dwellings. A reserved matters application relating to the means of access serving the site was approved on the 5th September 2018 (Ref 2018/0930/RES).

This reserved matters application is being reported to Committee for determination as it relates to a development of 92 dwellings.

The site is located centrally within the urban settlement of Loughor and will be accessed via one vehicle access point from Glebe Road. The northern site boundary backs onto houses and a petrol station, the western boundary is heavily wooded and runs along a public footpath, the eastern boundary abuts an area of open land and the southern boundary adjoins an area of green wedge. The application site extends to five fields, four of which benefit from a land allocation for housing development, the fifth is not allocated and lies within the adjoining green wedge and will be used to provide an attenuation pond and wetland habitat for the development.

Moriah Chapel, the adjacent School building and the railings, are all Grade II listed with separate records (LB 479/479/480) and face Glebe Road directly opposite the site. They are constructed of local pennant stone with slate roofs and are largely unaltered and provide a heritage anchor to an area otherwise lacking in features of interest. Much of the significance of these buildings lies in the connection to Evan Roberts and the Welsh Revival in the early 1900's, and for this reason the Chapel attracts many visitors.

The 3.81 ha site is irregular in shape and falls steadily downwards in a southerly direction providing vistas out from the site to the hillsides on the opposite side of the estuary. As the land slopes down from Loughor, it meets the railway line and A484 bypass at the bottom of the valley where the Afon Lliw River flows out to the Loughor Estuary to the west.

The patchwork of fields which make up the site is defined by well-established trees and hedgerows which are in themselves a significant constraint. A group Tree Preservation Order has been placed on a number of hedgerows and trees that cross the site.

A former mine shaft sits in the north-west corner of the site and no development is intended within this area.

The site is allocated as a housing site under Policy HC1 (105) of the City & County of Swansea Unitary Development Plan 2008 (UDP).

The site benefits from outline planning permission (2013/0617) for residential development. As part of that permission, a Section 106 Agreement was signed which included

- o 15% Affordable Housing on site, comprising a mix of 50/50 mix of 2 and 3 bedroom properties provided at 42% ACG.
- o An education contribution of £100,000.
- o A highways contribution of £92,100.

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- o Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the open space and play areas.
- o Monitoring fee in accordance with the requirements of the Council's adopted SPG - Planning Obligations (2010)

This reserved matter application shows the detailed layout of the site with a new access road into the site being located off Glebe Road, opposite the Moriah Chapel (as previously approved).

There are 14 affordable housing units proposed which are pepper-potted throughout the site in groups comprising three sets of pairs of semi-detached houses, one terrace of 3 houses and a cluster of 5 houses.

### Background Information

There are two other separate application relating to the 2013/0617 planning permission, which are currently being assessed as follows;

Discharge of Condition application (2018/1571/DOC) for "Discharge of conditions 5 (Japanese Knotweed), 11 (Construction Pollution Management Plan), 14 (Retention and Protection of Trees), 15 (Tree Protection) 19 (Maintenance of the Surface Water System), 24 (Levels) and 26 (Future Management and Maintenance of the Proposed Streets) of planning permission 2013/0617 granted 30th October 2017."

Discharge of Condition application (2018/2285/DOC) for "Discharge of condition 18 (comprehensive and integrated drainage system) of planning permission 2013/0617 granted 30th October 2017."

As mentioned earlier, the site access was granted under reserved matters application 2018/0930/RES on the 5th September 2018.

### Main Issues

The main issue for consideration with regard to this application relate to the acceptability of the proposed internal access, appearance, landscaping, layout and scale of the proposed development in terms of the 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, and impacts on environmental interests.

### Policy Context

Policies EV1, EV2, EV3, EV30, HC24, AS2, and AS5, of the City and County of Swansea Unitary Development Plan (2008) are relevant to the determination of this application, as is the Supplementary Planning Guidance (SPG) - Places to Live: Residential Design Guide. There are no overriding issues for consideration under the provisions of the Human Rights Act.

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019.

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Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019.



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The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations.

These include the following :

PS2 - Placemaking and Place Management - Development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

ER1 - Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

ER2 - Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER11 - Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted. Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

T1 - Transport Measures and Infrastructure - Development must be supported by appropriate transport measures and infrastructure and dependant the nature, scale and siting of the proposal, meet specified requirements. Development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T2 - Active Travel - Development must take opportunities to enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery off site of specific measures, as specified in the policy. Developments must not have a significant adverse impact on existing active travel routes as specified in the policy

T5 - Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

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The relevant LDP policies that apply to this scheme are broadly consistent with the objectives of the UDP Policies cited above. Consequently, as the LDP Policies do not materially affect the way that the proposal is evaluated, the scheme is primarily considered having regard to UDP Policies and the Council's Places to Live: Residential Design Guide.

### **Visual Amenity**

The proposal has been the subject of significant negotiations via the pre-application process and during the course of the assessment of the reserved matters application (as per the Urban Design comments section of this report), to ensure that the density, layout, and design of the development has sufficient regard to its location and the placemaking principles in the SPG - A Design Guide for Residential Development, UDP Policies and the emerging LDP Policy PS2 - Placemaking and Place Management.

The proposed development is to be accessed via one point of access off Glebe Road. The estate would have one main road off Glebe Road which would run southwards which would then split into a number of smaller roads and cul-de-sacs which would form 4 distinct character areas within the estate:

(i) Gateway - This forms the entrance to the estate and will run from Glebe Road southwards into the site. It will have a medium density with strong linear frontages, with detached houses set back from the roadway behind small front gardens. Garages will be set back behind the dwellings.

(ii) Linear Neighbourhood Green - This area is centrally located with a north-south axis and is characterised by the retention of a number of existing TPO trees and hedges. It will have a medium to higher density, and the houses would face the public open spaces, and will have a more irregular frontage line with landscaped gardens. A number of the dwellings would be dual frontage where they are located on corners.

(iii) Oak Crescent - This is a small area towards the western side of the site and will have a medium density with a more irregular building line with soft garden frontage adjacent to the public open space.

(iv) Soft Edge - This area will be located within the south-western area and will have a lower density with a higher proportion of detached dwellings with more informal soft landscaped frontages. This area would have a rural interface with the existing fields to the west and south.

There are a number of public open spaces (POS) within the estate - POS 1 will be located within the Soft Edge character area around a number of retained trees and would be 'informal' open space. POS 2 and 3 will be located within the Linear Neighbourhood Green character area, which would include a Local Equipped Area of Play (Leap) and an informal area of open space with retained trees and hedgerows. POS 4 will be in the north-west corner of the site which would include a number of retained trees and informal open space. POS 5 would be an existing field to the south which will contain the SUDS attenuation pond, and enhanced ecological area and the existing Right of Way.

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All of the open market houses are shown to be a mix of semi-detached and detached houses with front and rear gardens, with 2 car parking spaces and a garage (either integral or detached).

The affordable housing units will be pepper-potted through the site and will be in groups comprising of three sets of pairs of semi-detached houses, one terrace of 3 houses and a cluster of 5 houses. Each will have a 2 front parking spaces, and a rear garden.

All of the dwellings are proposed to be 2 storey houses with a mix of detached, semi-detached and two small terraces of three houses. All of the houses would be finished in red brick with slate grey roof tiles in a traditional design with pitched roofs and some gable fronts. The majority of the houses would have small porches over the front doors and all of the corner dwellings would have side windows to add to the visual interest of the estate and to allow for natural surveillance.

The boundary treatments would consist of screen walls to all public facing elevations, with a mix of close boarded fences and timber panel fences between the proposed gardens.

The proposed internal access arrangements, appearance, landscaping, layout and scale of the proposals are considered to be acceptable in visual terms and respect the character of the area.

The proposal is therefore considered to represent a satisfactory form of development in terms of its impacts upon the character and appearance of the area, and the layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of Policies EV1 and EV2 of the UDP, the SPG - Places to Live: Residential Design Guide and emerging Local Development Plan Policies PS2.

### **Residential Amenity**

In terms of residential amenity impacts, there are existing residential houses on Glebe Road which back onto the application site (Nos. 99, 103, 103, 105 and 105A). Within the proposed development, there would be four dwellings that will back onto the rear gardens of these existing neighbouring dwellings (plots 52, 53, 54 and 55). Each of the proposed houses would have a rear garden of 10m, and the existing dwellings have rear gardens in excess of 20m, resulting in separation distances of 30m between the proposed and existing properties, which is in excess of the minimum separation distance given within the SPG - Places to Live: Residential Design Guide. As such, there would be no material residential amenity impacts in terms of overlooking, overbearance or overshadowing impacts on these existing dwellings.

The layout of the proposed development ensures that all separation distances for back to back relationships accord with (and exceed) the minimum separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have a standard 10m separation distance where first floor windows overlook neighbouring private amenity space. All of the plots would have an acceptably sized private rear garden. In terms of the residential amenity of the existing and future occupiers, the application is considered to be acceptable and would accord with the provisions of Policy EV1 of the Swansea Unitary Development Plan, the SPG - Places to Live: Residential Design Guide, and the emerging Local Development Plan Policies PS2.

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### **Access, Transportation and Highway Safety**

The site benefits from outline planning permission (2013/0617) for residential development. That application was supported by a Transport Assessment, and this showed that it was considered that the site could be developed for up to 92 dwellings in terms of vehicular movements.

The outline planning permission was subject to a S106 agreement, which included a sum of £92,000 for the funding of local road safety enhancements at the site, which shall be paid prior to the occupation of the first (1st) dwelling on the site.

The site has a frontage onto Glebe Road of approximately 50m. The details for the access to the site showing a new mini roundabout within Glebe Road which was approved under reserved matters application 2018/0930/RES on the 5th September 2018.

With regard to the access roads and car parking within the site, the parking levels are slightly below the required standard; this shortfall is associated with the smaller 3 bed units. However each dwelling is indicated to have a minimum of 2 parking spaces and this is considered to be acceptable. The developer has indicated that the roads are to be offered for adoption; the main site spine roads appear acceptable with 5.5m carriageways and 2m footways each side the layout is considered to be acceptable.

It is noted that the Head of Transportation and Engineering has requested the imposition of certain conditions. However as this is a 'reserved matters' application, conditions cannot be added at this stage. Matters regarding the adoption of certain parts of the proposed road system is covered by other legislation and is not considered to be a material planning consideration in this instance.

It is considered that the layout and parking of the proposed scheme is acceptable and would accord with the provisions of Policies EV1, AS2 and AS5 of the Swansea Unitary Development Plan (2008) and emerging Local Development Plan Policies PS2 and T2.

### **Trees**

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

A number of trees are protected with Tree Preservation Orders and the majority of the protected trees are to be retained.

The submitted landscape plans showing the existing and new planting within the public open spaces are considered to be acceptable.

The separate Discharge of Condition application (2017/1571/DOC) relating to the outline planning permission provides details of Condition 14 - scheme of the retention and protection of trees and Condition 15 - tree protection measures.

As no arboricultural objection is raised to this application, the impact on trees is considered to be acceptable.

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### **Ecology**

The Ecology Officer has raised no objection to the application as detailed in the Ecology Officer observations section of this report (above).

No protected species (including badgers, dormice, bats or reptiles) would be detrimentally affected by the proposed development and as such the application is considered to be acceptable in this regard.

Additional ecological enhancement planting is proposed within the field to the south which contains the attenuation pond, the details of which are considered to be acceptable.

### **Affordable Housing**

There are 14 affordable housing units proposed which are pepper-potted throughout the site in groups of three sets of pairs of semi-detached houses, one terrace of 3 houses and a cluster of 5 houses.

The Housing Enabling Officer has confirmed that they agree with the proposed site layout, containing 2 & 3 bedroom affordable housing sited in clusters across the site. The design and specification of the affordable units is shown to be of equivalent quality to those used in the Open Market Units.

As such the proposed affordable houses are considered to be acceptable.

### **Drainage**

The proposal includes a surface water attenuation pond to be located in the field to the south of the site. The Drainage Officer has confirmed that the details of the attenuation pond are acceptable.

There are two separate Discharge of Condition applications relating to drainage currently being assessed. 2017/157/DOC includes the details required by Condition 19 (maintenance and management of the surface water system) and (2018/2285 includes the details required by Condition 18 (scheme for the comprehensive and integrated drainage system). These two DOC applications will be assessed on their individual merits

### **Rights of Way**

The existing right of way which runs through the site will be retained, although, it will be slightly diverted in the southern field through a new kissing gate. An application to divert the right of way is dealt with under separate legislation. The right of way will be fully accessible to the public and will run from Glebe Road at the north, through the estate and field to the south and will connect to the existing right of way to the south of the site.

With regard to the concerns raised regarding the possible drainage impacts from the attenuation pond on the Bridleway to the south of the site, the Drainage Officer has confirmed that the attenuation pond will drain into an existing watercourse and therefore should not impact upon the bridleway.

## Planning Committee – 4<sup>th</sup> December 2018

Item 6 (Cont'd)

Application Number:

2018/1537/RES

### Response to Consultation

Matters relating to listed buildings, mine shafts, wildlife, traffic and congestion impacts, and school capacity were considered during the determination of planning application 2013/0617 and are not therefore considered to be relevant to this reserved matters application. Matters relating to ecology have been addressed in this report. It should also be noted that the proposed development does not physically impact on any listed building, nor is it considered to affect the setting of any listed building. Matters relating to the capacity of local doctors and dentists are not a material planning consideration. With regard to the concerns by the friends of Moriah Chapel regarding the siting of the access, the principle of this was considered during the determination of planning application 2013/0617. Furthermore, the details of the access serving the site was approved as part of the reserved matters application 2018/0930/RES. No conditions were imposed as part of the 2013/0617 permission that required the provision of the creation of parking provision for the Chapel.

### Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, the details of the internal access, appearance, landscaping, layout and scale, submitted in relation to outline planning permission 2013/0617 granted on 30th October 2017 for 92 residential units, are considered to be acceptable and comply with Policies EV1, EV2, EV3, EV30, HC24, AS2 and AS5 of the City and County of Swansea Unitary Development Plan (2008), the Supplementary Planning Guidance (SPG) - Places to Live: Residential Design Guide, and emerging Local Development Plan Policies PS2, ER1, ER2, ER11, T1, T2 and T5.

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.

### **RECOMMENDATION: APPROVE subject to the following condition**

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

P18-0751\_20A - Site Location Plan, received 11 July 2018.

1752-002 REV A - Longitudinal Sections Road And Drainage, received 31st July 2018.

Biodiversity Enhancements Bat And Bird Boxes and 008 - Attenuation pond details, received 17th September 2018.

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### Item 6 (Cont'd)

Application Number:

2018/1537/RES

P18-0751\_14 A - POS 1 Landscape Proposals, P18-0751\_15 B - POS 2 & 3 Landscape Proposals Linear Neighbourhood Greens, P18-0751\_16 A - POS 4 - Landscape Proposals Former Mineshaft Area, P18-0751\_12B - Street Scenes, received 9th November 2018.

P18-0751\_18B - On Plot Planting-Sheet 1, P18-0751\_18B - On Plot Planting-Sheet 2, P18-0751\_12D - Movement, P18-0751\_11D - Character Areas, P18-0751\_10D - Refuse Strategy, P18-0751\_09D - Adoptable Areas, P18-0751\_08E - Boundaries & Surfaces, P18-0751\_07D - Parking Strategy, P18-0751\_06D - Materials, P18-0751\_05D - Building Heights, P18-0751\_04Y - Site Layout, 1752-001-3 REV C - Engineering Layout, P18-0751-3.8 REV B - Thornton Plans & Elevations, P18-0751-3.6 REV B - Andover Plans & Elevations, P18-0751-3.4 REV B - Radleigh Plans & Elevations, P18-0751-3.3 REV B - Maidstone Plans & Elevations, P18-0751-3.3 REV AB - Maidstone Plans (Attached Gable) & Elevations, P18-0751-3.2 REV B - Chester Plans & Elevations, P18-0751-3.2 REV B - Alderney Plans & Elevations, P18-0751-3.16 REV B - Garages Plans & Elevations, P18-0751-3.15 REV B - Buchanon Plans & Elevations, P18-0751-3.15 REV B - Beech Plans & Elevations

P18-0751-3.13 REV B - Olive Plans & Elevations, P18-0751-3.11 REV B - Larch Plans & Elevations, P18-0751-3.10 REV B - Moresby Plans & Elevations, P18-0751-3.10 REV B - Moresby (Detached) Plans & Elevations, P18-0751-3.1 REV B - Hemsworth Plans & Elevations, Drainage Strategy & Flood Risk Assessment, received 14th November 2018.

P18 - 0751 - 17 REV J - POS 5 Landscape Proposals Attenuation Area, received on 22nd November 2018

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

### 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 EV1, EV2, EV3, EV30, HC24, AS2, and AS5
- 2 The developer must contact the Highway Management Group, The City and County of Swansea, Guildhall, Swansea SA1 4PE before carrying out any work. Please email [networkmanagement@swansea.gov.uk](mailto:networkmanagement@swansea.gov.uk) or telephone 01792 636091.
- 3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. 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 whether a bat is present at the time or not. 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 (0300 065 3000).

**Planning Committee – 4<sup>th</sup> December 2018**

**Item 6 (Cont'd)**

**Application Number:**

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- 4 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild bird
- No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.
- 5 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 6 The applicant/developer is also advised of the need to comply with the conditions forming part of outline planning permission 2013/0617 granted on 30th October 2017.
-





## Planning Committee – 4<sup>th</sup> December 2018

Item 7 (Cont'd)

Application Number: 2018/1848/FUL

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)

### Site History

App Number	Proposal	Status	Decision Date
2018/1848/FUL	Retention of change of use from residential (Class C3) to 6 bed HMO (Class C4) and addition of rear dormer and two front roof lights	PDE	

### APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

### RESPONSE 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.164 and 168 Rhyddings Terrace on 17th October 2018. A site notice was also posted within the vicinity of the application site on 22nd October 2018.

Four individual letters of objection have been received, which are summarised below:

- o Already in use as HMO.
- o Noise and disturbance negatively impacting human rights
- o Overconcentration of HMOs in the area negatively impacting social cohesion
- o Antisocial Behaviour
- o Increased Litter
- o Parking
- o Overdevelopment of the building
- o Visual impact of dormer
- o Overlooking

The comments on the petitions are as follows:

*"We the undersigned object to the above planning application on the following grounds:*

1. *It will add to the existing percentage and therefore capacity levels of HMOs in the area.*
2. *It will affect the general amenity of the area and lead to an already harmful over-concentration of HMOs in the area.*

## Planning Committee – 4<sup>th</sup> December 2018

Item 7 (Cont'd)

Application Number:

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3. *The application is contrary to the aims of The Future Generations Act 2015 Planning Policy WALES 2015 (to promote and provide mixed use tenure and sustainable communities)".*

**HMO Team** - I have carried out a full inspection of this property and it is fully in compliance with requirements for Houses in Multiple Occupation. All works have been completed to a high standard and there are no issues or concerns from an HMO perspective.

### **Dwr Cymru**

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following advisory notes:

#### Advisory Notes

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.

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached Statutory Public Sewer Record. Should circumstances change and the application proposes any operational development, including any new structures or increase in the roof area of the building, we must be re-consulted on this application.

### **Description**

Full planning permission is sought for the retention of change of use from a residential dwelling (Class C3) to a 6 person HMO (Class C4) with the installation of a rear dormer and two front roof lights at No.116 Rhyddings Terrace, Brynmill.

The application property is a two storey mid-terrace currently used as a dwelling house with 3 bedrooms.

The application will see the creation of an additional habitable room in the loft space.

### **Policy and Procedural Matters**

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan.

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This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

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In the case of this particular proposal, the emerging LDP contains a specific policy relating to HMO applications - Policy H9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and submitted for Examination. This re-write of the policy followed receipt of the Ministers of the Welsh Government (through the Cabinet Secretary for Energy, Planning and Rural Affairs) letter, sent to all Local Authorities in Wales in February 2018. The Ministerial correspondence emphasised that LPAs need to: 'Put in place robust local evidenced based policies in their LDP against which planning applications for HMOs can be assessed', and that, 'LPAs must not delegate the criteria for decisions on planning applications to SPG'. The LDP Examination Inspectors clearly articulated to the Council that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H9 of the Deposit LDP to be amended such that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy. The policy was amended on that basis and significant additional detail was included within it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants Litchfields on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the following elements in particular were integrated into the amended LDP Policy H9:

- A two tier approach that defines a HMO Management Area on the LDP Proposals Map (within which HMOs are limited to 25% of all residential properties), and a threshold of 10% to apply elsewhere
- A 'radius approach' being applied within a 50m distance of the proposal, to determine levels of concentration
- A 'no sandwiching' approach to avoid properties being isolated between two HMOs
- A specific protection for 'small streets' that are characteristic of some parts of Swansea, and
- Sufficient flexibility in the case of exceptional circumstances, or overriding material considerations, where these demonstrably outweigh any concerns regarding harmful concentration or intensification

Having regard to the comprehensive nature of the amendments made to the Deposit version of Policy H9, and the statement of evidence submitted to the Examination by objectors to its proposed content (including the proposed thresholds for 'over-concentration'), it is not appropriate to rely on the policy as a basis for decision making at this stage. The policy, in its substantively amended form, has not yet been subject to statutory consultation, and therefore neither the LPA nor the Examination Inspectors have had the opportunity to review any comments made on the detailed elements. As such, no significant weight can be attributed to the policy at this stage, which includes the proposed thresholds for defining 'over-concentration' levels. In continuing to apply the extant UDP policy (HC5) criteria, due regard can be given to the detailed and up to date evidence base relating to HMO matters that has been amassed in recent years to underpin emerging policy and guidance. This includes understanding existing concentration levels of HMOs within neighbourhoods, the findings of a review of relevant national research, appeal decisions, and the findings of comprehensive engagement undertaken with the public, Universities, landlords, Registered Social Landlords (RSLs), and charity groups.

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Thus far appeal inspectors have not given this evidence base sufficient weight to justify the dismissal of any appeals for the change of use of a dwelling to a HMO when assessed against current UDP policy, which is a fact the LPA must have regard to as part of its own considerations, including reaching a judgement on whether the proposal would give rise to an unacceptable concentration of HMOs.

### **Principle of Use**

The application property is an existing residential dwelling and would change to a property in shared occupation as a HMO. This would therefore remain in residential use and its principle is considered to be acceptable as set out by Policy HC5 of the Unitary Development Plan. Regard shall be given therefore to the assessment criteria listed in the policy which relate to material planning considerations including residential amenity, concentrations of HMOs, visual amenity, highway safety and refuse storage arrangements.

The criteria of Policy HC5 are as follows:

- (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 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?

A large family could occupy the property under the extant lawful use of the premises and it is likely that the overall nature of the use for 6 unrelated individuals would increase the intensity in the use of the building. Whilst this is the case there is no evidence to suggest that this increase in use would represent a 'significant adverse effect upon residential amenity' having regard to potential for noise, nuisance or other disturbance as referred to in the policy. There is anecdotal evidence of problems arising from HMOs in that they can create problems such as antisocial behaviour, waste and litter but such amenity issues do not arise exclusively from a HMO use and could also be generated by a dwelling in C3 use.

It is not considered that the use of the premises for up to 6 people as a HMO would result in an unacceptable intensification of the use of the building over and above what could be experienced as a dwelling house.

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In terms of overlooking it is not considered that the rear dormer or rooflights would provide any unacceptable direct views of neighbouring private amenity spaces. Similarly it is not considered that the external alterations would result in any harmful impacts in regard to increased overbearance or overshadowing.

As such, the use of the property as a 6 bedroom HMO is not considered to result in an increase in 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 Swansea UDP.

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 also revealed common problems associated with a high concentrations of HMOs including damage to social cohesion, difficult access to the area for owner occupiers and first time buyers, increases 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 school 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.

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.

From viewing the Council's own HMO register there are 36 properties on Rhyddings Terrace which are registered HMOs and two properties which have planning approval to convert to a HMO but are not on the register, and there are 95 individual properties including flats on Rhyddings Terrace. The street percentage of HMOs would therefore change from approximately 40% to 41% on approval and implementation of the application. It is noted that there is already a high level of HMOs in the street and the surrounding area. However it could be argued that given the existing high concentration the character of the street has already changed with regard to the number of HMOs relative to residences.

It is clear that approval of the application would result in the addition of a further HMO in an area that already comprises a high concentration of HMOs, however, whilst this is the case there has been no evidence that leads conclusively to the conclusion that approval of this application would result in a harmful concentration or intensification of HMOs in this area or the street in general. Regard can be given to a number of Planning Inspectorate decisions in relation to HMO applications which have been refused by the Council but subsequently allowed on appeal.

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In those decisions, Planning Inspectors have stated that with no adopted Supplementary Planning Guidance on the matter, whether or not a proposal is harmful depends on planning judgement, and have gone on to suggest that there has been no conclusive evidence to prove harm to the area in those cases.

For example in dealing with an appeal at No. 57 St Helens Avenue (ref: 2016/1688) which would result in the concentration of HMOs along St Helens Avenue going from 40% to 41% the appeal inspector found that given the existing circumstances in the Ward that the conversion to a HMO would *"not cause any material harm to the character and amenity of the area"*. Furthermore the Inspector stated; *"whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area"*. At 96 King Edwards Road (ref: 2016/1380) the inspector noted the existence of 52% of dwellings being HMOs as well as the existence of a draft SPG for HMOs, but given the draft nature of the SPG was unable to attach any significant weight to it. On the evidence before him he concluded there would be no material harm and allowed the appeal. Further information of these decisions and other relevant decisions relating to HMO proposals have been appended in below paragraphs.

On consideration of the change in the percentage of HMOs in the street within an already highly concentrated area, the absence of an appropriate formal percentage or other similar calculation based approach, the absence of empirical evidence and an Adopted SPG defining the level at which harm ensues, as well as the stance taken by Planning Inspectors on appeal, it cannot be regarded that approval of this application would result in a harmful concentration of HMOs in the area and thus the proposal complies with the aims of this criterion.

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

The rear dormer given its flat roof is not considered to be in keeping with the pitched roof character of the main roof. Furthermore it is not considered that dormers characterise the immediate character of the local area, despite the presence of a front dormer to a neighbouring dwelling. However it is noted that the dormer itself is small and is not considered to dominate the existing roof form. The dormer also lacks visibility from most public vantages with the exception of the rear access lane. On balance, therefore, the dormer is considered to have an acceptable visual impact. Similarly whilst the front roof lights are more prominent it is not considered that they would result in any visual harm on the character of the local area.

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 indicated an external area for bike storage, however no details if this is covered or of a sufficient size for 6 bikes. A condition will therefore be added to require that bike storage details are provided within one month of the date of this permission and once agreed in writing that they are provided within a period of one month of approval.



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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.

### Appropriate refuse storage arrangements can be provided

The refuse storage can be provided within the rear yard.

### Response to objectors

The issues raised in respect of social cohesion, high concentration of HMOs, increased noise, disturbance, litter, overlooking, visual amenity, overdevelopment and anti-social behaviour are addressed in the above report. It is also considered that the proposal has been assessed in regard to the impact on neighbouring human rights. The proposal is also considered to comply with the aims of The Future Generations Act 2015 Planning Policy WALES 2015. The concerns raised about parking are noted and have also been appraised in the above paragraphs.

### **Material Planning Appeal Decisions**

Members attention can be drawn to a series of past appeal decisions by the Planning Inspectorate in connection with similar applications for HMOs. These appeals principally covered matters relating to concentrations of HMOs, amenity space and highway safety and form useful background information in respect of the application of planning considerations and the Adopted SPG Parking Standards.

### 22 St Albans Road, Brynmill - APP/B6855/A/10/2137679 - 2010/0266 - 26 January 2011

*This appeal related to the creation of a seven bed HMO from an existing 6 bedroom HMO and a single reason for refusal relating to a failure to provide any parking to mitigate the impact of the development on demand for on-street parking in the area. The inspector allowed the appeal and stated "I saw during my visit areas reserved for permit holders and double yellow lines restricting parking in the vicinity of road junctions. This endorses the Council's submission that the area is subject to heavy pressure for on-street parking. The appellant indicates that incoming tenants are advised that the area will not support vehicle parking and this approach has resulted in the property being free of tenant parking for the last two academic years. However, no evidence has been presented to indicate that such an approach is enforceable. However, the appeal site is in an urban location and I saw alternative forms of public transport area available in the vicinity of the site. Given the minimum parking standards are no longer appropriate, I do not consider the provision of an additional bedroom at this property would result in such an increase in on-street parking that it would have a significant adverse effect on local car parking and highway safety. I have had regard to all other matters raised but find nothing to sway me from my conclusion that the proposal would not be contrary to Policies EV1 and HC5 of the City and County of Swansea Unitary Development Plan"*

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Item 7 (Cont'd)

Application Number:

2018/1848/FUL

The Crescent, 132 Eaton Crescent, Uplands - APP/B6855/A/14/2219261 - 2013/1598 -25 September 2014

This appeal related to a change of use from a guest house to a 10 bedroom HMO and the scheme was refused on concerns about lack of parking. In the assessment the inspector noted the Council requirement for 9 parking spaces and that there was a shortfall of 4 spaces on site. The inspector noted the Council's concerns about the residents permit system being oversubscribed but from visits observed a good number of parking spaces being available. Whilst acknowledging the increase in number of people that could lead to increased activity stated *"even so, whilst the proposal does not provide the level of parking suggested by parking guidelines, the proposal does provide for five off road parking spaces and two residents parking permits are available with the property. The permits do not give access to dedicated spaces but do allow parking within the regulated and unregulated areas on the street, increasing choice"*. The sustainable location of the site was noted by the inspector stating it *"is situated within walking distance of the wide range of services, and facilities, and public transport opportunities that the city offers. It is also close to the University and other employment opportunities."* The inspector allowed the appeal citing that it was finely balanced but that the overall difference in activity between the existing guest house and a 10 bedroom HMO would not likely have a significant effect on traffic generation, parking problems or road safety within the area.

4 Rosehill Terrace, Swansea - APP/B6855/A/14/2225154 - 2014/0764 - 14 January 2015

This appeal related to a refusal of permission for a change of use from residential (C3) to a 7 bedroom HMO. The principal issues related to living conditions for future residents and highway safety. On the issue of living conditions the inspector noted that the provision of amenity space would be largely unchanged and whilst being modest it would be sufficient to meet the requirements of residents for outdoor relaxation and functional space. The inspector stated *"Whilst I agree that the proposed development would lead to an increase in activity at the appeal site, which could give rise to additional noise and disturbance, the increase in the scale of this activity caused by 1 additional occupant would not be materially different to that which currently exists"*. On the issue of highway safety 2 off-street parking spaces were proposed and the Adopted Parking Standards require that the development makes provision for 4 off-street spaces thus a short fall of 2 spaces. In concluding that the scheme would be acceptable the inspector stated *"I am mindful that the parking standards are generic guidance and should be applied reasonably to the individual circumstances of the development. In this instance, I am of the opinion that the level of off-street provision proposed coupled with the existing parking regime in the area and the close proximity of public transport would ensure that the development would not exacerbate parking problems in the locality"*.

8 Alexandra Terrace, Brynmill - APP/B6855/A/16/3156916 - 11 November 2016

This appeal related to a proposal for a HMO for upto 6 people. The inspector considered that the key issues were the effect of the development on the character of the area in terms of ensuring a mixed and balanced community and highway safety with reference to vehicle parking. The inspector noted the high concentration of HMOs in the area which equates to 42% in the street and the concerns about impacts upon a cohesive and sustainable community but considered that that the proposal would not run counter to the objectives of securing a sustainable mixed use community.

## Planning Committee – 4<sup>th</sup> December 2018

Item 7 (Cont'd)

Application Number:

2018/1848/FUL

She stated *"whilst I acknowledge the transient nature of multiple occupancy dwellings and note the evidence submitted in relation to age and economic profiles and household tenure, there is no detailed evidence before me to demonstrate that the resulting property would be occupied by students or that its change of use would materially alter existing social structures and patterns"... "the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses"*. On the issue of highway safety and parking the inspector noted that car parking is near saturation levels and witnessed high levels of on-street parking on her site visit. The inspector noted that only 1 parking space could be provided but stated *"However, the area is well served by facilities and services and incorporates good access to public transport links, which would reduce the necessity to have access to a private vehicle. I also note that 8 Alexandra Terrace was originally a six bedroom family home and would have had similar parking demands. Moreover, the Council operates a residential permit zone in the area which could be utilised to minimise such problems for those residents that are reliant on the use of a private car. For these reasons, I do not consider the level of evidence provided to justify the refusal of planning permission"*. The appeal was allowed.

105, Rhyddings Terrace, Brynmill - APP/B6855/A/16/3161603 - 2016/1316 - 10 February 2017

In allowing this appeal the inspector noted that the Council identified 36% of dwellings in the street being HMO whilst a local resident estimated that 43% of all dwellings within 50 metres are HMO. In response to concerns about damage to the area's character of amenity the inspector stated *"Whilst I do not dispute that there are a number of HMOs nearby, there is limited evidence before me to indicate that the appeal development, specifically, has a significant or detrimental effect on the sustainability of the local community. Further, although many dwellings nearby appear to be in good or very good physical condition, some of the environmental issues cited are not exclusive to their use as HMOs."* He went on to say; *"The appeal development has resulted in a modest increase in the number of bedrooms within the property. Even were the previous house not to have been fully occupied, all bedrooms could have been used without planning permission. There is little evidence before me to demonstrate that the use of the property as an HMO, rather than a C3 dwelling, would in itself result in levels of noise, disturbance or antisocial behaviour that would harm the living conditions of those living nearby. Whilst I note that the bedrooms appear large enough to accommodate double beds, any substantial increase in occupation would require separate planning permission."*

96 King Edwards Avenue - APP/B6855/A/16/3165057 - 2016/1380 - 19 April 2017

In this case the inspector noted that 52% of dwellings in the area were HMOs and in allowing the appeal stated *"whilst I recognise the cumulative effects that development can have, there is no identified threshold supported by evidence to demonstrate the point at which any further HMO's would have an adverse effect on the amenity or character of the area. The ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, but there is little evidence that directly relates this to an unbalanced or unsustainable community. In fact, the census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to support local facilities such as sport centres, libraries, and shops."*

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*I note that the Council has consulted on supplementary planning guidance for HMO's but given its draft status I am unable to attach any significant weight to it."*

57 St Helens Avenue - APP/B6855/A/16/3165327 - 2016/1688 - 25 April 2017

In allowing this appeal the inspector stated *"The appeal site is in the Uplands Ward where the evidence indicates that 49% of the population are students. However, although I understand local concerns, it would appear to be the case that HMOs in this area are already established alongside family housing in fairly balanced numbers. An additional HMO in this location would not result in any material change to existing circumstances. In addition, whilst I recognise the cumulative effects that development can have, there is no supported threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity or character of the area. Whilst the ward profile and census data establishes a high student population and a large proportion of private rented accommodation in Uplands, there is little evidence that directly relates this to an unbalanced or unsustainable community. The census data shows a good mix of tenure types with over 46% in private ownership, either owned outright or with a mortgage. Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. The appeal property is in an accessible and sustainable location and although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries, and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."*

124 St Helens Avenue - APP/B6855/A/17/3167108 - 2016/1038 - 4 May 2017

In this case the inspector made similar conclusions as to the case at No. 57 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns about the transient population the inspector stated *"Similarly, concerns relating to a transient population and the effects on community facilities are not verified by any tangible details as to which community facilities are being affected in the area or to what extent, or how any such effects correlate with HMO accommodation type. Although students are generally away from the area during holiday periods, they are also likely to provide some support for local facilities such as sport centres, libraries and shops. I note that the Council has consulted on supplementary planning guidance for HMOs but given its draft status I am unable to attach any significant weight to it."* The appeal was allowed.

26 Pinewood Road, Uplands - APP/B6855/A/17/3170653 - 2016/1249 - 20 June 2017

This appeal related to a proposal for a 4 person HMO and the principal issue considered by the inspector related to the impact of the proposal on the character and amenity of the area by reason of the level of use of the property having regard to the number of HMOs in the locality. The inspector noted that UDP Policy HC5 does not quantify what might constitute a significant adverse effect and given there is no adopted SPG on this matter stated *"whether or not a proposal is harmful depends on planning judgement"*.

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He noted that the proposal would involve the conversion of a ground floor reception room to a fourth bedroom and given that the existing dwelling features 3 bedrooms and could be occupied by a family considered that the use of the property by 4 unrelated individuals would not represent a substantial increase in the intensity of the use of the building. Responding to concerns about nuisance, noise, disturbance, antisocial behaviour, waste and litter considered that such amenity issues would not arise exclusively from an HMO use but could also be generated by a C3 use. On the issue of concentrations of HMOs the inspector found 'little convincing evidence to substantiate the view that the concentration of HMOs in the wider area has materially harmed the sustainability of the community. On concerns raised about lack of parking the inspector stated: *"whilst occupants of the proposed HMO may be more likely to own cars than all residents of the property in C3 use, given that the building would accommodate only 4 individuals any increase in vehicles would not be significant in the context of the street as a whole. Pinewood Road appears lightly trafficked, with relatively low vehicle speeds, and there is little evidence that the parking of vehicles on the street by future occupants would demonstrably affect the safety of highway users"*. The appeal was allowed.

199 St Helens Avenue, Brynmil - APP/B6855/A/18/3200196 - 2018/0161/FUL - 22 January 2018

This appeal related to a proposal for a 6 person HMO and the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The inspector made similar conclusions as to the cases at No. 57 and 124 St Helen's Avenue noting that there was no substantiated threshold to demonstrate the point at which any further HMOs would have an adverse effect on the amenity of the area. In relation to concerns over increased parking pressures the inspector stated *"Much of the street is the subject of permit holders only parking restrictions. The area lies in a sustainable location where many services are within easy walking distance with good public transport to others."* The appeal was allowed.

30 St Albans Road, Brynmill - APP/B6855/A/18/3208762 - 2018/0954/FUL - 22 August 2018

This appeal related to a proposal for a 5 person HMO and again the principal issue considered by the inspector related whether the development would conflict with local and national planning policies which seek to secure and maintain sustainable and inclusive mixed communities. The Inspector did give consideration to the evidence base of the not yet adopted HMO SPG and the recommended 25% maximum threshold for HMOs in Brynmill. However the Inspector concluded that *"as the SPG has not been adopted, I give little weight to the suggested thresholds."* Whilst it was acknowledged that there is a potential impact from incremental and cumulative high concentrations of HMOs in a local area, it was concluded that *"the proposed use clearly serves to meet a particular housing need and the surrounding area offers a broad mix of uses."* Furthermore it was not considered that there would be a significant adverse effect on the local community in regard to anti-social behaviour, litter, refuse or parking. The appeal was allowed.

## Planning Committee – 4<sup>th</sup> December 2018

Item 7 (Cont'd)

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### Conclusion

It is considered that the Local Authority has no evidence to suggest that the use of this property as 6 bedroom 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 for the provisions of Policies EV1, EV40, AS6 and HC5 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 WCFG 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 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.

### RECOMMENDATION

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

- 1 The development shall be carried out in accordance with the following approved plans and documents: 3 ground and first floor plans proposed, 5 second floor plan and cross section proposed, 6 location plan received on 22nd August 2018. 4a proposed elevations received on 17th October 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 2 Within a period of one month from the date of this decision full details of secure and undercover storage for a minimum of six bicycles along with refuse storage facilities shall be submitted to the Local Planning Authority for approval in writing. The approved cycle and refuse storage facilities shall be constructed on site within one month of the approval of the details and made available thereafter for the beneficial use of the residents and shall thereafter be retained and not used for any other purpose.  
Reason: In the interests of sustainability and to encourage alternative forms of transport and to safeguard the visual amenity of the locality and the residential amenities of future occupiers.

### 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 EV1, EV40, AS6 and HC5.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
-



## Planning Committee – 4<sup>th</sup> December 2018

### Item 8 (Cont'd)

Application Number:

2018/1873/RES

#### UDP - AS6 - Parking/Accessibility

Provision of car parking in accordance with adopted standards. (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)

#### 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)

### Site History

App Number	Proposal	Status	Decision Date
2018/1147/PRE	PRE APP for reserved matter application pursuant to outline 2014/0977 for appearance, landscaping, layout and scale for 310 dwellings, public open space and ancillary infrastructure	PCO	



## Planning Committee – 4<sup>th</sup> December 2018

Item 8 (Cont'd)	Application Number:		
2018/1873/RES	Construction of 28 dwellings, public open space and ancillary infrastructure (first phase reserved matters application pursuant to outline application 2014/0977 relating to appearance, landscaping, layout and scale)	PDE	
2018/2019/DOC	Discharge of conditions 7 (presence of gases) and 18 (landfill gases) of planning permission 2014/0977 granted 11th January 2018	PCO	
2018/2317/DOC	Discharge of conditions 5 (A programme for the phasing of the development along with a phasing plan), 9 (The Environmental Management Plan) and 13 (Scheme and method statement for tree protection) of planning permission 2014/0977 granted 11th January 2018	PCO	
2014/0977	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)	APPEAL ALLOWED	
2003/0394	Siting of two detached portacabins and portable toilet block	WDN	11.11.2003

This application is reported to committee for determination as the development threshold of 20 dwellings is exceeded.

### **RESPONSE TO CONSULTATIONS**

The application was advertised on site and 21 neighbouring properties were consulted.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 8 (Cont'd)**

**Application Number:**

2018/1873/RES

THREE LETTERS OF OBJECTION have been received, which are summarised as follows:

1. The plots will be small.
2. I would be concerned as to how close the houses would be to the trees.
3. The close proximity of the garage to my property is a concern.
4. The visitor parking looks minimal.
5. Any further development will exacerbate an already critical traffic congestion.
6. Mitigation measures are laughable.
7. If only trips to schools or services would be made on foot or bike.
8. The proposed layout is dense with minimal separation distances.
9. The garages are overbearing.
10. I'm not happy that their boundary line becomes my boundary line with no room for me to do any maintenance to my wall.
11. Our lives will be ruined by this development and there will be dusty noisy building work for a very long time to come.

### **Dwr Cymru Welsh Water –**

Dwr Cymru Welsh Water (DCWW) were consulted on the original outline planning application (Ref: 2014/0977), for a residential development comprising circa 300 dwellings, and provided a number of responses between August 2014 and February 2015. As part of our latter response (Ref: PLA0007625), dated 17th February 2015, we offered no objection subject to recommended conditions and advisory notes including reference to a Hydraulic Modelling Assessment (HMA) undertaken of the water supply network. We acknowledge the application was later refused but allowed on appeal (Ref: APP/B6855/A/16/3157177) and granted permission subject to conditions including No. 9 which requires the submission of a drainage strategy prior to the commencement of any development.

With respect to this latest application for approval of reserved matters (Ref: 2018/1873/RES) for phase 1 of development, comprising the construction of 28 dwellings, we can confirm that DCWW have been previously informed of the proposed development and responded by way of our formal pre-application consultation service. In reference to our original consultation (Ref: PLA0007625), and our response to pre-application consultation, we can advise that foul flows only from the proposed development can be accommodated within the public sewerage system. As part of the application we acknowledge receipt of a 'Proposed Drainage Layout' (Drawing No. 13169-SK301 Rev A) and 'Proposed Drainage – Off Site Works' (Drawing No. 13169-SK302 Rev A) which confirms proposals to discharge foul water to the public sewer and surface water flows to an existing lagoon via Sustainable Drainage Systems (SuDS).

Therefore, in respect of this application for approval of reserved matters and effectively discharge of condition 9 on phase 1, we offer no objection to the proposed development for construction of 28 dwellings. Notwithstanding this, please note the applicant has not concluded approval under Section 104 of the Water Industry Act 1991, and therefore amendments may be required through this process. The applicant will be responsible for notifying the Local Planning Authority of any amendments made through this process.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 8 (Cont'd)**

**Application Number:**

2018/1873/RES

### **Designing Out Crime Officer –**

Comments made with regards to designing out crime.

### **Tree Officer (Initial comments)–**

The layout is generally acceptable and has looked to retain trees wherever possible. However there are areas of conflict:

Plots 4, 5 and 6 have gardens dominated by the adjacent trees. Pruning has been recommended for these trees, however following the work already carried out on site the impact of this pruning is unclear. The impact assessment does not look at the impacts of the pruning on the trees.

The impact assessment lists the trees to be removed; however, it does not look at the impacts of these removals. As the tree schedule is not supplied the impacts cannot be considered by the Tree Officer. It is not known from the information supplied what trees are being removed and from where. The tree protection plan is inadequate due to the position of protective fencing not dimensioned from fixed points. (Protective fencing specification is contradicted in the landscape plan)

### **Landscape Plan**

The landscape plan includes tree protection details that contradict the tree protection plan (with incorrect information). The plan shows proposed trees, however some are labelled as shrubs, clarification is required. The tree schedule includes trees that are not on the plan. Generally the shrub planting is acceptable.

Details of planting and full details of staking are required, reference to the current British Standard should be included.

### **Tree Officer further comments:**

The TPP will be acceptable subject to the highlighted areas being put on the submitted plans.

### **Drainage Officer –**

We have reviewed the submitted information and there appear to be a few elements that require further resolution or checking.

\* The supporting calculations seem to have been undertaken using FSR, the Authority no longer accepts the use of FSR as it has long since been superseded by FEH2013, this requirement is based on guidance from Natural Resources Wales released in 2016.

\* The drawings supporting the application show Phase 1 drainage linking into Phase 2, but there are no details provided showing how Phase 1 will be drained until Phase 2 comes online.

\* The system has not been checked against the 1 in 100 year critical storm including a 30% allowance for climate change, we understand that the tanks are only designed to store the 30year storm, but there no details on the proposed conveyance routes for storms greater than this nor how those routes will be designed and protected for the lifetime of the development.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 8 (Cont'd)**

**Application Number:**

2018/1873/RES

### **Design and Conservation Officer –**

Having looked at the layout and submitted supporting details for the scheme I have the following comments:

The proposals are for a development of detached and a few pairs of semi detached bungalows which is appropriate (subject to local needs) given the presence of existing bungalows and dormer bungalows in the existing neighbourhood to the north.

The use of bungalows is also appropriate to make best use of this narrow site which links the existing dwellings to the north to the residential development to the south west and to avoid potential neighbour amenity issues within the site and on boundaries with existing neighbours.

The proposed layout makes good use of the site and links well to the existing highway network off Brodorian Drive, providing a rounding off to this edge. Despite the constraints of the narrow site, the layout manages to provide some townscape features such as a strong but slightly curving building line, buildings terminating vistas and a few feature street trees.

Parking is tucked to the sides of the dwellings which is welcomed and minimises the impact of parked cars. Garden sizes are tight but all appear to meet the minimum recommended size and as such are acceptable.

The introduction of a pedestrian link into the wider housing development to the south west corner is welcomed and this is relatively short, wide and overlooked from the side windows of the dwelling at plot 15 to provide a safe and convenient access in this location.

The variation in dwelling type and the materials palette for the dwellings is appropriate and there is enough variation to provide visual interest and avoid monotony along the streetscene.

### **Highways Officer –**

The outline consent has been granted at appeal so the principle of residential has been established. There is a section 106 Agreement in connection with the outline consent and that is unaffected by this proposed layout.

The layout in part meets the 5.5m carriageway widths as required for adoption, with footways on either side of varying widths, however the road quickly narrows to 4.8m. The layout is unusual as in whilst the visitor parking takes place on street it requires a localised widening of 5.5m in order to achieve this. This results in a complicated layout. In addition the swept paths appear to be very tight at the turning head and any indiscriminate parking would prevent safe turning from taking place. It is not clear if the developer wishes the site roads to be adopted but in its current state we would not be prepared to adopt due to concerns regarding the narrow nature and possible problems with turning movements. I would suggest a better layout would be a blanket 5.5m carriageway width which would allow for on street parking for visitors.

The parking provision looks acceptable and the pedestrian link through at the southeast of the site will help with the permeability of the site.

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**Item 8 (Cont'd)**

**Application Number:**

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In summary, if the road layout stays as currently then we would not wish to adopt it.

Notwithstanding that, if the road layout is to remain in private ownership then standard conditions will be required to be added.

### **APPRAISAL**

The application is for the construction of 28 detached and semi-detached bungalows at the rear of nos. 5- 29 Brodorion Drive in Cwmrhydyceirw. The site forms part of the larger Parc Ceirw development site for 300 dwellings for which planning permission was granted on appeal in January 2018 – 2014/0977 refers. These 28 dwellings form Phase 1 of the overall development. The principle of the development has been established via the appeal decision and the details submitted for the approval of reserved matters in respect of appearance, landscaping, layout and scale are the only matters that can be considered.

The proposal involves the construction of 28 bungalows with detached garages/carports on this relatively flat site which measures approximately 55m x 210m. The southern boundary of the site backs onto Morryston Golf Club and the northern boundary adjoins existing properties in Brodorion Drive.

There are 2 planning application currently under consideration to discharge conditions in relation to the overall outline planning permission – 2018/2019/DOC relating to conditions 7 (presence of gases) and 18 (landfill gases) and 2018/2317/DOC relating to conditions 5(phasing), 9(Environmental management plan) and 13(Tree Protection).

Twenty one of the bungalows will have a red brick finish whilst 7 will have a cream render finish. All will have grey concrete roof tiles and cream timber clad car ports, grey trellis work and red brick garages. The windows will be white upvc with black rainwater goods.

### Issues

The main issues to be considered are the impact of the proposal on the visual and residential amenity of the area and highway safety having regard to the requirements of Policies EV1 (Design), EV2(Siting), EV3(Accessibility), EV30 (Trees, Woodland and Hedgerow Protection), AS6(Parking), EV33(Sewage Disposal), EV34(protection of Controlled Waters), EV35(Surface Water Run-off) and HC2(Urban Infill Housing)of the Unitary Development Plan 2008.

Within the overall original scheme proposed, a 5% affordable housing provision was agreed by the Appeal Inspector instead of the 25% - 30% original requested by the Local Planning Authority. None of this provision is included as part of this Phase 1 proposal but will be provided as part of future planning applications on the site. In order to comply with the terms of the unilateral undertaking, construction of market housing cannot commence until a scheme for the provision of the affordable housing units has been submitted to and agreed in writing by the Council. An informative reminding the developer of this is recommended.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 8 (Cont'd)**

**Application Number:**

2018/1873/RES

### Planning Policy Update

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 8 (Cont'd)**

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Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include:

Policy PS2 (Placemaking and Place Management)– development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

T6 (Parking) - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

ER11 (Trees, Hedgerows and Development) - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

Where necessary a tree survey; arboricultural impact assessment; an arboricultural method statement; tree protection plan and/or scheme for tree replacement, including details of planting and aftercare will be required in support of a planning application.

EU2 (Renewable and Low Carbon Technology in New Development) - development will be required to maximise the contribution of renewable or low carbon energy technology to meet the energy demands of the proposal, particularly for Significant Energy Consuming Developments. Larger schemes, as specified in the policy, will be required to submit a comprehensive Energy Assessment to determine the feasibility of incorporating low carbon or renewable energy installations into the scheme and/or connect to renewable or low carbon energy technology and district heating networks.

RP3 (Water pollution and the protection of Water Resources)- development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable.

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Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP4 (Avoidance of flood risk) - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

The above LDP policies are broadly consistent with the Policies within the UDP Framework and as such, the UDP Policies are the ones that will continue to apply to the consideration of this planning application.

#### Visual Amenity

As indicated in the comments from the Design and Conservation Officer, the design, layout and density of the site is considered to be appropriate and in keeping with the character of the surrounding development. The variation in dwelling type and the materials palette for the dwellings is appropriate and there is enough variation to provide visual interest and avoid monotony along the streetscene.

The layout provides future occupiers with ample residential amenity space and sufficient off street car parking within each plot without resulting in an overdevelopment of the site or cramped form of development. The siting of the parking areas to the side of the dwellings also minimises the visual impact of parked cars.

The proposal is considered to be acceptable in visual amenity terms, and in accordance with policies EV1, EV2, EV3, and HC2 of the UDP.

#### Residential Amenity

This application seeks the approval of 28 bungalows. It is considered that there would be no adverse impact in terms of an overbearing physical impact for either future occupiers of the new dwellings or occupiers of the existing dwellings. The site lies to the south of the existing dwellings but due to the single storey design and modest overall height, it is not considered that the proposal would lead to an unacceptable overshadowing impact or loss of light.

Rear gardens of the proposed dwellings comply with the recommended sizes and this will ensure adequate amenity space for future occupiers as well as ensuring the proposed dwellings are sited sufficient distance away from existing properties to prevent unacceptable overlooking. The single storey nature of the dwellings also dictates that there would be no loss of privacy caused via direct overlooking as the proposed means of enclosure would mitigate against any impact and no accommodation is proposed in the roof space. The shallow roof design also dictates that it is unlikely that the roof void could be successfully converted to living accommodation in the future. A condition restricting the insertion of windows at first floor, however, is recommended to ensure this is the case.

#### Access and Highways Issues

The Head of Transportation and Engineering has commented that the proposed road layout is acceptable.



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However, the unusual nature of the road layout, with the narrowing of the road and the visitor parking taking place on site would mean that the road would be unlikely to be adopted. This is due to part of the road being approximately 4.8m maximum width whereas it should be a minimum of 5.5m along its length to be adoptable standard. The proposed parking provision is considered acceptable and the pedestrian link through at the southeast of the site will help with the permeability of the site. As such no highway objections are raised.

### Response to Consultations

The issues raised by the objectors are noted and have been addressed above in the main body of the report. The drainage officer comments are noted but these issues will need to be resolved as part of the submission of a discharge of condition application for the drainage details, as required by the outline planning permission.

### Viability

The Unilateral Undertaking agreed as part of the original planning permission, stated that as part of the first reserved matters application, a revised viability appraisal had to be submitted to assess whether or not the development could afford to deliver more than the stated 5% Affordable Housing Contribution. Officers have reviewed the information sent in by the applicant's agent and have concluded that no further contribution would be required.

### Conclusion

Consideration 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 section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

In conclusion, and having regard to all material considerations, the proposal is an acceptable form of development at this location that complies with the overall requirements of Policies EV1, EV2, EV3, AS6, EV30, EV33, EV34, EV35 and HC2 of the Unitary Development Plan 2008 and Policies PS2, T6, ER11, EU2, RP3 and RP4 of the emerging Local Development Plan. Approval is therefore recommended.

## RECOMMENDATION

### APPROVE subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: ecology statement, drainage statement, 13169-SK300B phase 1 levels, 13169 SK301A phase 1 drainage, 13169 SK302A phase 1 drainage off site, 13169 SK400A phase 1 refuse vehicle tracking, P1 100 planning layout phase 1, P101B location plan, P1 102-1 external works layout phase 1, P1 103 materials layout, P1 104 storeys heights layout, P1 105 parking strategy layout, P1 106 boundary enclosure layout, P1 113 proposed street scenes, P1-114 proposed site section, P1 201 bournemouth, P1 202 bournemouth wide, P 203 bournemouth wide plots 16 and 28, P1 204 budleigh, P1 205 budleigh render, P1 206 single timber carport and garage,

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P1 207 single timber car port and garage with rear store, P1 208 single timber car port and garage with side store, P1 209, twin timber car port and garage with side store, P1 210 boundary enclosure details sheet 1, P 211 boundary enclosure details sheet 2, P1 212 substation plans and elevations received 24th August 2018, 1532-P1 200B eastbourne house type received 6th September 2018, materials layout plan, AMS excavation plan, marked up TPP plan, phase 1 landscape proposals, TPP overall plan, TPP plan 2, TPP plan 3, Tree Protection plan 01 received 15th November 2018.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 2 Notwithstanding the provision of the Town and Country Planning (General Permitted Development Order) 1995 (as amended), Classes B and C of Part 1 of Schedule 2 of Article 3 shall not apply.

Reason: To prevent overlooking of adjacent property, in the interest of residential amenity.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, AS6, EV33, EV34, EV35, HC2.
  - 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
  - 3 The developer is advised that in order to comply with the terms of the unilateral undertaking, construction of market housing cannot commence until a scheme for the provision of the affordable housing units has been submitted to and agreed in writing by the Council.
  - 4 The developer is advised of the need to discharge all relevant conditions on the outline planning permission prior to commencing development.
-



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#### UDP - EV16 - Small Villages

Within the small villages identified on the Proposals Map, small-scale development will be approved only where it is appropriate to the location in terms of the defined criteria. (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)

#### 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 - 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 - 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)

#### Site History

App Number	Proposal	Status	Decision Date
2017/0737/FUL	Erection of a marquee to house a children's play area for temporary period of 18 months	REF	08.06.2017

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2018/0977/FUL	Detached dwelling	PCO
2018/2001/FUL	Redevelopment of the site to provide five detached dwellings, and two pairs of semi-detached dwellings with one pair of garages serving plots 1 and 2 and two detached garages serving plots 4 and 5 with associated access, parking and landscaping	PDE
2016/1717	PRE APP for a detached dwelling	POSP RE 26.10.2016
2016/0453	Temporary use of the fields as campsite and carpark from 9th June to 20th June (inclusive) 2016	APP 20.04.2016
2015/0421	Temporary use of the fields as campsite and carpark from Friday June 12th to Monday 22nd June 2015 (inclusive)	APP 13.05.2015
2013/1667	Temporary use of the fields as campsite and carpark	APP 17.01.2014
2012/1414	Temporary use of the field for tents between 14th - 16th June 2013 inclusive	APP 27.12.2012
2011/0560	Single storey side extension, first floor side extension, two storey part single storey rear extension with side and rear canopies	APP 17.02.2012

### RESPONSE TO CONSULTATION EXERCISE

The originally submitted application proposed 7 dwellings. The application was initially publicised by means of displaying a site notice within the vicinity of the site and by sending individual consultation letters to three neighbouring properties. The proposed scheme was then amended and proposed 9 dwellings. The revised proposals were re-publicised by displaying a site notice within the vicinity of the site. The proposed scheme was then amended for a second and final time (the third iteration of the scheme), although the scheme still proposes 9 dwellings. These revised proposals were again re-publicised by means of displaying a site notice near the site.

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The third publicity exercise was carried out on the 22nd November 2018. Consequently, the publicity period had not expired at the time that this report was written, although it will have expired by the time that this report is considered by the Planning Committee during the December 2018 meeting. Any further letters of objection or support received after this report is written will be reported to Committee during the meeting.

The correspondence referred to below, is a combination of the correspondence received during the three publicity exercises.

63 letters of OBJECTION have been received, together with a PETITION OF OBJECTION containing 324 signatures. The grounds of objection contained within the letters and objection are summarised as follows:

- \* The pub was a very viable business until the previous landlord moved out
- \* The applicant has intentionally run down the business to pave the way for the proposed housing scheme.
- \* Accounts available from Companies House show that the pub was well supported, and would be again under the right management.
- \* Demolition of this Public house will not only change the nature of the village, but will remove a cherished amenity which is at the heart of the village and a meeting place for the locals and those further afield.
- \* The proposed high density development will do nothing for the local community, especially as the houses will not be affordable to local families, which is what is required in this locality.
- \* The only Pub left in the area will be the Welcome to Town, as the Dolphin is due to close.
- \* The local school is at capacity.
- \* Concerns about the sewerage system which cannot cope.
- \* The local community and tourists have lost the North Gower Hotel. The loss of the Greyhound Inn will be another nail in the coffin for the local community.
- \* While there is a clear need for local housing we cannot dismiss the importance of a public house to the local community and the things they mean to it. They are meeting places, long term employment hubs, they provide satellite business support and they can be seen as the social glue that keeps a community together.
- \* I am a strong believer that if it is bought as a pub, it should be sold on as a pub and the Greyhound Inn has a history that goes back some 160 years,
- \* A similar application involving a local business, namely the Oldwalls garage application (2015/2031) which was turned down because "The proposal would result in unjustified residential development within the countryside, which would constitute a visually intrusive and suburbanising form of development, that detracts from the character of the area". What detracts more from the character of the area than the loss of a local public house?
- \* There is a right of way through the site to the agricultural fields at the rear.
- \* The Greyhound Public House should be maintained for the community in the Oldwalls area. It was a thriving business until the owner appeared to lose interest, and not the other way round as stated.
- \* The pub helped bring people together, limit social isolation and maintain community spirit.
- \* There will be no chance of getting the Pub back once houses are built.
- \* In 2016, 500 pubs closed nationally and nationally there has been a reduction by 17% since 2000.

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- \* With the demographic population in the area demonstrating a shift towards an ever increasingly older population, such buildings and places to gather take on an even more important role
- \* It is really important to protect the integrity and heritage of a place and this application threatens the very fabric of the community.
- \* Losing such a key element of the village can also have financial as well as social ramifications.
- \* Pub closures have had repercussions for employment, nationally 24000 have left the hospitality industry and you need to value and reward your local pub as a community asset. This would give you social policy benefits, by supporting a hub of community cohesion and financial policy benefits in terms of tax revenue and adding to local economy.
- \* There are properties in the area that cannot be sold. There is no need for the new proposed houses.
- \* Having lived away from some time, it is very easy to see not only how important it is to locals, but also to tourism, especially in the summer months when locals and visitors alike would stop for food and drinks on their return from Llangennith. Due to its convenient location it would be sorely missed.
- \* The additional housing would bring more pupils to an already over-subscribed school and more traffic to the school drop-off as the road is too dangerous to be walked and buses are/should be provided for pupils living further afield.
- \* The Greyhound Inn is an invaluable tourist attraction, with a longstanding and fine reputation within the hospitality sector.
- \* Over the years, The Greyhound has been at the heart of our community. It could be again, under the right ownership.
- \* Since the current owners took back the running of the pub, there has been a noticeable decline in customers, not only in the bar area, but also in the previously popular dining area, despite the best efforts of the very welcoming staff
- \* The sudden decline in business was actually orchestrated by the owners themselves, in order to force closure and to support their current planning application.
- \* Up to thirty jobs were provided by The Greyhound previous management. These jobs for local people will be lost forever
- \* The closure of The Greyhound has resulted in a community which finds itself bereft of a previously valuable, indeed vital, facility. The Gower Peninsula will also lose one of its finest and enduringly popular tourist attractions.
- \* I would point out that within Oldwalls village there is no similar development and the building of 7 properties, in such a small area at the end of the main residential area that fronts the A4118, does not respect the distinctive character of both the natural and built environment of Gower
- \* It does not have a design that in its form, elevational treatment, detailing and use of materials is sympathetic to the architectural character of the village,
- \* It will involve a loss of land of recreational, natural heritage or amenity value
- \* It does not have an acceptable relationship with adjacent buildings, spaces and landscape, including coastal features,
- \* It will harm the amenity of neighbouring residents.
- \* It may be accessed without prejudicing highway safety but not without detriment to the character of the village
- \* The proposal does not comply with Development Plan Policies.
- \* The proposal does not comply with the adopted Gower AONB Design Guide.
- \* the site will restrict the views from the road as they cover the whole frontage.

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- \* As for the viability of the business, under the previous tenant landlord, the Greyhound had high accolades and a loyal following as one of the best pub dining establishments in the region, including Swansea as a whole.
- \* The same people now run the Rake & Riddle in Penclawdd where they have replicated this success.
- \* The decline of the Greyhound has been solely down to the owner / management. It has been proposed that this decline has been more by design than back luck. However, if the previous tenant was still in situ the Greyhound would have remained a very much needed and profitable business.
- \* If Gower as a whole is to survive as a tourist destination we need places for these travellers to refresh and unwind, not more housing.
- \* The village does not require executive housing. Local farms require rural housing for the young people to maintain working on their family farms.
- \* Only one small village pub (The Welcome to Town) will be left which is far too small for the community and the tourists that Gower needs to sustain. Also local jobs are needed for our future generations
- \* The proposed plans will result in a negative social and economic impact on the community and surrounding area.
- \* I am the first to agree that there is a need for further housing in the Llanrhidian area. The current restriction by the Planning Department to only allow conversion of redundant farm buildings to allow holiday usage has had a serious impact on local families employed in agriculture and those on minimum wages to be able to work and live in the area they have grown up in. There is a need for affordable housing, but this should be located in Llanrhidian village to allow easy access for families to travel to and from school safely. The local development plan does not seem to have addressed this issue.
- \* By allowing planning on this site will encourage other public houses in the area to close because it is more profitable to build housing than to run a business
- \* False statements are being made by the current owner. He says its closure is due to economic decline; we know this to be untrue as until he recently took over the running of the pub, it was a very successful business, full car park day and night! I understand that offers have been made to buy the pub but they have been turned down
- \* It is also very difficult to understand how over the years, local people who have applied for planning permission for single dwellings for family and their children, on a not for profit basis, have consistently been turned down by the Planning Department, yet it seems large scale commercial developments that have a detrimental effect on the local community and tourism, appear to be supported.
- \* It is beyond our comprehension how one individual's financial gain can override the whole community and its future prospects, let alone the effect on tourism.
- \* What future has the village community with absolutely no amenities. Swansea City Council have to look at the bigger picture here, as Oldwalls alone has lost its village shop (for two houses) and now possibly the pub. Why would people want to move here with no local amenities.
- \* The Greyhound was thriving under the previous Licensee, who offered good food and good service. That's not surprising with 417 million pounds spent in Swansea and Gower in 2017 by tourists and 4.64 million visitors to the area. Since the recent change in management of the Greyhound, the quality of the offering has significantly diminished, with food hygiene ratings falling from 5 to 1



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- \* 625 reviews on Trip Advisor averaging 4.5/5 should speak volumes within itself of this establishment which has historically provided a continuous source of income supporting local businesses with local produce which always seems to be forgotten.
- \* Visitors to the area have an essential requirement to be able to eat, drink and be entertained.
- \* It has been proven many times over that people will throng to areas with a wide and attractive choice of venues and will avoid those that are lacking in facilities with the obvious detrimental effect both socially and economically
- \* If this planning proposal is passed, then I would suggest that the validity of the process should be urgently examined in detail, because it would prove that the process is deeply flawed, and totally inappropriate for Gower.
- \* Where is the affordable housing?
- \* Overdevelopment of the site
- \* The recent Local Well-being Plan launched by Swansea Public Services Board (PSB) who stated in May, following 2 years of work, the Local Well-being Plan for Swansea was being launched. Every local authority in Wales has a PSB. They work with partners and organisations to improve the well-being - being healthy and happy in all areas of your life - of people in our areas.
- \* Early Years - Children have the best start in life to be the best they can be (they shouldn't be living on a busy main road that has no pavements for them to walk the mile to the school in Llanrhidian and back)
- \* Live Well, Age Well - To make Swansea a great place to live and age well (it is and in particular the Gower Peninsula is the ideal area for recreational walks, cycling and family days out, enjoying a meal at the Greyhound Inn in Oldwalls)
- \* Working with Nature - To improve health, supporting biodiversity and reduce our carbon footprint. (One Building, supplying recreational facilities and serving the public, rather than 7 homes covering the recreational area, which will be lost for ever)
- \* Strong Communities - To build strong communities with a sense of pride and belonging. (Llanrhidian and Oldwalls is a strong community, built by forging lifetime bonds with friends and neighbours, many of whom met at the Greyhound Inn and continued to meet there until the recent closure).
- \* 'Sharing for Swansea' - Our Cross Cutting Action is to make sure all services work together more in Swansea by sharing resources, assets and knowledge (please make contact with the PSB on this matter)
- \* It's not as if the application is for affordable housing that would actually benefit Gower.
- \* To build a cluster of 7 similar looking properties I believe will urbanise and destroy the rural character of our village.
- \* The proposal will result in highway safety issues.
- \* Given the clear position of National Planning Policy in relation to the importance of employment provision in rural communities, impacts of conversion on the local economy and considering the loss of village services including rural public houses, the proposed development is inconsistent with national policy in this regard.
- \* The planning application does not propose any affordable housing as part of the development.
- \* There is no reference in the applicant's Planning Statement to any consultation undertaken with the Design Commission for Wales.
- \* The design proposes relocating a current right of way, providing access for the owner of neighbouring property, over the existing car park. This has, been undertaken without any consultation or legal discussion

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- \* The only supporter of the scheme, owns the last surviving Public House in Llanrhidian - The Welcome to Town - and currently has his house up for sale with plans to move away from the area. Hardly a representative of the community which will be affected by the closure
- \* The infra structure of schools, roads, Doctors, waste, power, sewage etc. will be affected adversely.
- \* I draw your attention to a planning application, also in Oldwalls, for three detached dwellings and one pair of semi-detached dwellings, that was refused in July 2016 (despite no local despite)
- \* A "cul-de-sac" style housing development is not in keeping with this hamlet, nestled within the first designated Area of Outstanding Natural Beauty. It is also at odds with the individualistic style of housing within Oldwalls.

ONE Letter of SUPPORT has been received which is summarised as follows:

- \* My property is directly next door to the Greyhound and I give full support to the development, despite the inconvenience it will cause me.
- \* The owners of the Greyhound have made numerous attempts at encouraging local and holiday trade into the pub including new and varied menus, improved children's play area and redecorating.
- \* Sadly, I have witnessed the decline in numbers of customers and without trade, the business cannot exist.
- \* Llanrhidian has three pubs and so losing one is not going to reduce the amenity in the village at all
- \* The plans for the development look great!

**The Gower Society** - OBJECT- We have studied this application and have the following observations to make :

1. As a principle our Society objects to the demolition of a once thriving business and Gower landmark (until relatively recently) but accepts that under planning legislation there may be very little that can be done to stop it happening.
2. The 7 proposed dwellings are in our opinion an over-development of the site. The design as presented with 5 houses virtually on top of the highway is purely to create space at the rear for two larger houses and garages.
3. The house designs are acceptable but we suggest that four houses fronting the highway with appropriate garages or access to garages from the highway is the maximum that should be allowed. Rear parking is not an issue.
4. The rear car park area was the result of the purchase of agricultural land that whilst hardcore surfaced, we think should never be built upon. It will set a precedent for further rear development between Oldwalls and Llanrhidian or other locations on Gower for that matter.

Whilst we are not minded to object to a more modest development on this site, we have no alternative but to object to the 7 proposed dwellings in this application.

**Llanrhidian Lower Community Council** - OBJECT

The Community Councillors of Llanrhidian Lower Community Council object to these development plans, they have a number of serious concerns relating to the proposed development:

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\* The Greyhound Inn has been a public house since the mid 1800's, it has been a thriving business and the focal point of village life for all these years and has only recently declined. The Councillors are aware that at least two local businessmen have approached the owners to buy the premises as a going concern, but these offers has been refused and subsequently the business has been closed. Given commitment, this business could again flourish as the pub is very popular with both local people and tourists. From October 2018, the village of Llanrhidian will only have one public house.

\* The Welcome to Town is a very small pub and cannot cope with the volume of holiday makers in this area. The Greyhound Inn needs to remain as a public house, its closure is already having an impact on some local businesses, such as small caravan sites and businesses who provided its local produce.

\* The Community Council have to date received 5 letters in opposition of these plans (attached) and two local people attended the CC meeting to express their opposition and query how they can voice their concerns to City and County of Swansea Planning Committee. A petition against the proposal has also been set up by one local resident and already has over 200 signatures.

\* The submitted plans are not in line with the village building line, the planned development leads straight onto a busy main road with no pavement and the vehicle access onto this busy road would have restricted vision.

\* The proposal would result in unjustified residential development within the countryside, which would constitute a visually intrusive and suburbanising form of development, that detracts from the character of the area and fails to conserve or enhance the Gower AONB contrary to the requirements of policies EV1, EV2, EV16, EV20, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008.

\* The proposal, by virtue of its unacceptable and inappropriate layout and design, would fail to respect the local pattern of development and would fail to preserve or enhance the character and appearance of the area and wider Gower AONB, contrary to Policies EV1, EV2, EV16, EV22 and EV26 of the City and County of Swansea Unitary Development Plan 2008, the advice contained within T.A.N. 12 (Design) and the Council's adopted "Gower AONB Design Guide" 2011 and Residential Development Design Guide.

\* There is a query as to how the sewage system would cope with this extra housing in the area, as there appears to be no mention of this in the proposal.

\* Concerns were expressed over the precedence this proposal sets for other domestic development in an already isolated and deprived area in terms of the facilities available. Welsh Index of Multiple Deprivation 2014 (WIMD) for rural areas in Wales reveals that Gower 1 and Gower 2 are ranked most deprived in the access to services domain in the Swansea Bay West Area and both are within the 10% most deprived in Wales. LLCC are Gower 1 and this exacerbates the issue.

\* A number of local farming families are being turned down for planning on their family farms, they are having to live out of the area and commute. The whole community's housing needs requires re-evaluation.

\* Gordons Yard was recently been turned down for planning on some of the above grounds and that was an industrial brown-field site from which the owner was retiring. The Community Councillors would like to meet with the Planning Committee and carry out a site visit to discuss this planning application.

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**Rebeca Evans AM** - I have been contacted by constituents expressing "extreme sadness at the loss of the important local amenity, The Greyhound Inn." They tell me that, "This has been an essential fundamental part of the local community, for around 160 years. It has been attended by all types locally, from farm boys to judges, all mixing together." They also talk of great family occasions that have been enjoyed there over the years, and the warm welcome that there has been for visitors. They commented that, until fairly recently, the pub served excellent food. "The departing tenants have shown what can be done, by taking a closed, dormant business and turning it into one of the most successful pub/restaurants locally, winning many awards in just two years," they add. My constituents tell me that, until two years ago the pub was "a highly prosperous and undoubtedly viable business. When the previous tenants were evicted by the owner, the business immediately began to fail, food ratings plummeted, service was appalling, the place was not maintained, and visitors voted with their feet." I am told that it is a "local belief that the owners always intended to run the business into the ground with the intent of gaining planning permission for a lucrative, expensive development on the site."

My constituents are concerned that the housing proposed is not an affordable housing project, which they acknowledge is needed in the area. They say that there are already highly priced properties on the market in the area, and there is no identifiable need for more. "This proposal would mean the destruction of part of our village's way of life. With the correct management this pub could once again become the profitable hub of our community, to the benefit of owners, tourists and locals," they say. They also tell me that the school is already at capacity and is rejecting children from neighbouring villages, the infrastructure is not in place to support seven more families. My constituents would be grateful if these points would be considered seriously in the application process, and would like to lodge their objection to the proposals.

**Head of Transportation and Engineering** (Committee members are advised that the below comments are based on the initially submitted application for 7 dwellings. The Head of Transportation and Engineering has been re-consulted on the proposed scheme subject of this report, but had not provided a response at the time of writing this report. Any response received will be presented to the Committee on the day of the Committee meeting).

Scheme Proposals: Demolition of the Greyhound Inn and redevelopment of the site for 7 new detached dwellings. Closure of the existing access and the introduction of two new residential accesses together with an allowance, along one side of the development, for agricultural access.

### Background

The existing site currently operates as the Greyhound Inn a public house with parking area. Vehicular access is taken directly from the main route through the area, which is unnamed. The carriageway along the frontage is subject to a 30 mph speed restriction, however this changes to unrestricted (60 mph) a short distance west of the site for westbound travel.

A proposed layout of the development has been provided. Any development at this location would be subject to safe and appropriate access and adequate design of an internal layout.

The unnamed road is rural in character and acts as a distributor road for the local settlement whilst connecting with areas further afield.

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### Access

The existing site has one point of vehicular access, it is deduced from the planning material and site observations that the agricultural field behind the existing Greyhound Inn is accessed through the car park.

The proposals seek to directly introduce two new access points to the residential development and indirectly result in a third separate access for the agricultural field. The field is the subject of a number of permissions relating to camp site type uses. Therefore there is concern about the number of access in close proximity, where there was previously only one.

It is noted that the plans include provisions for visibility in terms of height. The plans also need to demonstrate the appropriate visibility splays can be achieved to the left and right of each access at the required set back distance.

A footway will be required to be provided along the frontage of the site to ensure the safety of pedestrians. The provision of a footway will provide safe refuge for vulnerable road users whilst negotiating any new accesses without needing to look both ways on the main route at the same time.

The access junction radii and road width will need to be shown on the plan for consideration. It is also expected that the access is assessed for vehicular movements, in the case that the radii are tight, which they appear to be. It is advised that swept path assessments are carried out demonstrating that a removal vehicle and fire tender can successfully enter the site and exit in a forward gear.

### Internal route

As mentioned above there may be issues with road and junction widths. There are also no footways provided within the site, with the shared surface being instead opted for. Ideally the carriageway widths and footways would be provided to adoptable standards.

A swept path assessment is required showing two vehicles travelling in opposite directions and using the turning areas to exit in a forward gear.

### Parking

Parking must be provided in accordance with the adopted supplementary planning guidance. It appears from the information that this is being provided although clarity in the plan would be appreciated, numbering each spaces to show the related plot.

Vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

There is also a requirement with the planning guidance for visitor parking at the rate of 1 space per 5 units. This would be helpful to provide 2 spaces given the rural location and narrow internal route.

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Parking must be provided within the curtilage of each proposed unit. Garages will only be considered as parking spaces if they meet the minimum clear internal dimensions of 6 metres by 3 metres (for single garages). These must also be accompanied by a minimum of 6 metres length of driveway, which is not less than 3.6 metres in width.

In the one plan submitted '1101 Rev A' there may be an error in the location of plot 6 in relation to its allocated parking.

Conclusion

Whilst it is not envisaged that this level of development would require a Transport Assessment or Statement, the points raised in this consultation will need to be fully addressed.

**Council's Head of Drainage and Coastal Management** - No Objection subject to standard conditions

**Council's Design and Conservation Team Leader** - With regard to the amended plans dated 21st November I have the following comments to make:

The design treatment of the backland affordable housing units (plots 6-9) has reverted to the earlier high quality 'barn' approach incorporating natural stone and timber cladding. Therefore on balance the AH now has a comparable quality to the private units. The suggestion of swapping one of the detached frontages houses with a pair of AH cottages has not been taken on board but given the architectural improvements, this is not considered to be sufficient to warrant a refusal.

There is one final issue highlighted by the street scene views from the main road - the main two storey gable to plot 8 will be visible through the backland access gaps and therefore the natural stone proposed for the frontages of the AH units (6-9) should be carried through to the prominent side gable. This can be ensured through a suitably worded condition.

Therefore approval is now recommended subject to ensuring stonework to the prominent two storey gable of plot 8.

**Council's Housing Enabling Officer** - No objection subject to the affordable dwellings being transferred to a Registered Social Landlord/Council and being DQR compliant.

**Council's Tree Officer** - No objection subject to a landscaping condition

**Dwr Cymru/Welsh Water** - No objection subject to standard conditions and advisory notes.

### APPRAISAL

Full planning permission is sought for the erection of 5 detached houses and two pairs of semi-detached houses with associated detached garages, parking and landscaping at the site of the Greyhound Public House, Llanrhidian, Gower. The proposed dwellings require the demolition of the existing Public House.

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### Policy Background

The site lies within the 'small village' of Oldwalls as defined by the City and County of Swansea Unitary Development Plan (UDP). It also lies within the Gower AONB. Consequently UDP Policies EV1, EV2, EV3, EV16, EV26, EV33, EV34, EV35 and HC3 are relevant to the determination of this application.

The UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depending on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage.

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In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018.

On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies and related evidence that diverge from the UDP and need to be considered as significant material considerations for determining the proposed scheme. These include the following LDP policies, which are outlined below in their modified 'Matters Arising Changes' versions:

PS 1 In order to deliver sustainable places and strategically manage the spatial growth of the County, the delivery of new homes, jobs, infrastructure and community facilities must comply with the Plan's sustainable settlement strategy, which requires that development is directed to the most sustainable locations within the defined settlement boundaries of the urban area and Key Villages and inappropriate development in the countryside is resisted.

PS 2 Development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity.

PS 3 The Plan provides for the development of up to 17,645 homes to promote the creation and enhancement of sustainable communities and meet the housing requirement of 15,600 dwellings for the Plan period. The Sustainable Housing Strategy is based on:

Creating new neighbourhoods at Strategic Development Areas within, and on the edge of, established settlements;

Allocating Non-Strategic Housing Sites within, and on the edge of, established settlements;

Supporting windfall residential development at appropriate sites within the settlement, focussing on the re-use of previously developed land;

and Allocating exception sites in Gower and Gower Fringe that will deliver high proportions of affordable housing and homes that provide for an identified local need.

In all areas outside defined settlement boundaries there will be a presumption against inappropriate housing development.



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IO 1 Development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal. Where necessary, Planning Obligations will be sought to ensure that the effects of developments are fully addressed in order to make the development acceptable, which will include addressing any identified deficiencies in provision or capacity directly related to the proposal.

H2 Provision will be made to deliver a minimum 3,518 affordable homes over the Plan period through setting targets for on-site provision of affordable housing (Policy H3); allocating Local Needs Housing Exception Sites (Policy H5); and providing a policy framework for determining 100% affordable housing rural exceptions sites (Policy H5A).

H3 On residential sites with capacity for 2 or more dwellings within the Gower and Gower Fringe Strategic Housing Policy Zones, on-site provision of Affordable Housing for Local Needs will be sought at the target percentage of 50%.

SI 1 Health inequalities will be reduced and healthy lifestyles encouraged by ensuring that development proposals reflect the spatial distribution of need for primary and secondary healthcare provision, ensuring such proposals are accessible by non-car modes and have the potential to be shared by different service providers; create sustainable places that accord with the principles of Place making; are supported by appropriate social infrastructure and community facilities, with good interconnectivity between places and land uses; maintain and/or enhance the extent, quality and connectivity of the Active Travel and green infrastructure networks; and do not result in significant risk to life, human health or well-being, particularly in respect of air, noise, light, water or land pollution.

SI 2 Development that would adversely affect the operation, or lead to the loss, of a community facility of local value will not be permitted unless

- i. An alternative facility of at least equal quality and scale to meet community needs will be provided; or
- ii. It can be demonstrated that the existing provision is surplus to the needs of the community and there is sufficient provision of a similar relatively accessible and convenient facility to serve the community nearby; or
- iii. Evidence is provided that the existing use is no longer viable.
- iv. Evidence is provided of appropriate marketing undertaken to secure an occupier for the established use.

SI 5 Development will not be permitted on areas of open space unless: it would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment; or the substantive majority of open space provision on the site is to be retained and enhanced as part of the development and the functional use of the facility would be unaffected; or the development can provide appropriate open space provision, that delivers a wider community benefit and is provided in a suitable alternative location; or a satisfactory financial contribution to satisfactory compensatory provision is provided towards an acceptable alternative facility.

SI 6 Open space provision will be sought for all residential development proposals with capacity for 10 or more units. This will include the creation of new on site facilities, or the improvement of existing local provision off-site, along with appropriate maintenance contributions.

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SI 8 Development must be designed to promote safe and secure communities and minimise the opportunity for crime.

ER 2 Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network, and where appropriate: create new interconnected areas of green infrastructure between the proposed site and the existing strategic network; fill gaps in the existing network to improve connectivity; and/or in instances where loss of green infrastructure is unavoidable, provide mitigation and compensation for the lost assets.

ER 4 Within the AONB, development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area. In assessing the likely impact of development proposals on the natural beauty of the AONB, cumulative impact will also be taken into consideration.

ER 8 Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where the need for development outweighs the nature conservation importance of the site; the developer demonstrates that there is no satisfactory alternative location for the development which avoids nature conservation impacts; any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall nature conservation value of the area. Where this is not feasible, compensation measures designed to conserve, enhance, manage and, where appropriate, restore natural habitats and species must be provided.

ER 11 Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development will not normally be permitted that would result in: fragmentation or loss of Ancient Woodland; The loss of an Ancient or Veteran tree; Ground damage, loss of understorey or ground disturbance to an area of Ancient Woodland or Ancient or Veteran Tree's root protection area; A reduction in the area of other semi natural habitats adjoining Ancient Woodland; Significant alteration to the land use adjoining the Ancient Woodland; An increase in the likely exposure of Ancient Woodland, Ancient or Veteran Tree to air, water or light pollution from the surrounding area; Alteration of the hydrology in a way that might impact on Ancient Woodland, Ancient or Veteran Trees; Destruction of important connecting habitats relating to Ancient Woodland; Destruction of Plantations on Ancient Woodland Sites (PAWS); and/or Development in close proximity to within 15m of Ancient Woodland and Ancient and Veteran trees.

CV 2 Presumption against development in the countryside, except where it is for specified uses, including affordable housing to meet local need at acceptable and sustainable locations within or adjoining settlements, or as minor extensions to small groups of dwellings in the countryside.

T 1 Development must be supported by appropriate transport measures and infrastructure, depending on the nature, scale and siting of the proposal.

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T 2 Development must take opportunities to enhance walking and cycling access by incorporating within the site, and/or making financial contributions towards the delivery off-site. Developments must not have a significant adverse impact on Public Rights of Way or existing routes identified by the Active Travel (Wales) Act (2013)'s Swansea Integrated Network Map and should be designed.

T 5 All proposals must ensure that the design of development, together with any supporting transport measures and infrastructure:

Maximises the accessibility of the site via public transport and Active Travel;

Provides suitable facilities and a safe, attractive environment for pedestrians, cyclists and other non-motorised modes of transport;

Allows for the safe, efficient and effective movement of vehicles, inclusive of service vehicles;

Minimises vehicle speeds where appropriate; Considers the place and movement of any transport infrastructure in line with Streets Hierarchy and User Hierarchy concepts to ensure appropriately designed transport infrastructure;

Does not encourage extraneous traffic unless there is a specific strategic need for an access route through the area; Does not give rise to any significant adverse effect on the natural heritage, and the historic and cultural environment is preserved and enhanced; Maintains the character of rural lanes and public paths; Complies with the principles of accessibility Access For All; Accords with standards of good practice, including the Active Travel Act Design Standards; and Considers, and responds to, the findings of any relevant Travel Plan and/or Transport Assessment.

T 6 Proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles.

RP 3 Development that compromises the quality of the water environment, or does not comply with good water resource management, will not be permitted. Development proposals must make efficient use of water resources and, where appropriate, contribute towards improvements to water quality. Sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. Watercourses will be safeguarded through green corridors/riparian buffers: to protect water habitats and species; water quality and to provide for floodplain capacity. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 9 Development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

EU 4 Development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure which does not form part of the utility provider's improvement programme will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

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### National Planning Policy

The following guidance in Planning Policy Wales (PPW) is of relevance:

Section 9.1.1 - The Welsh Government will seek to ensure that:

- o previously developed land is used in preference to greenfield sites;
- o new housing and residential environments are well designed, meeting national standards for the sustainability of new homes and making a significant contribution to promoting community regeneration and improving the quality of life; and that
- o the overall result of new housing development in villages, towns or edge of settlement is a mix of affordable and market housing that retains and, where practical, enhances important landscape and wildlife features in the development.

Section 10.2.8 - Individual small shops and businesses, such as convenience stores and public houses, which are not part of established retail and commercial centres, can play an important economic and social role, particularly in rural areas and in urban areas with limited local provision, and their loss can be damaging to a local community. The role of these businesses should be taken into account in preparing development plan policies and in development management decision making.

The following guidance set out in TAN 6 (2010) is of relevance:

2.2.1 - Development plans should set out the spatial vision for rural communities. This should be based on a sound understanding of the functional linkages within the area and the potential for improving the sustainability of the existing settlement pattern. Many rural communities can accommodate development, particularly to meet local needs. New development can help to generate wealth to support local services, ensuring that communities are sustainable in the long term. A key question for the planning authority, when identifying sites in the development plan or determining planning applications, is whether the proposed development enhances or decreases the sustainability of the community. In particular, planning authorities should support developments that would help to achieve a better balance between housing and employment, encouraging people to live and work in the same locality.

4.1.2 - Development plans should include sufficient land to meet market and affordable housing needs across the planning authority's area. In rural areas, especially where there are environmental constraints or social or cultural considerations, planning authorities may wish to give priority to affordable housing to meet local needs, by identifying those smaller villages and clusters where future housing development will be limited to this category. The requirement for market and general affordable housing need should be accommodated elsewhere in the planning authority's area.

### The Proposal

The applicant is seeking to demolish the existing Greyhound Inn and erect nine dwellings. It is noted that the original application proposed seven dwellings with no affordable housing provision. However, the scheme was then amended to include two affordable units in accordance with UDP policy requirements. Upon further detailed consideration and having regard to the policy background outlined above, the provision for affordable units has increased. Four of the nine dwellings being proposed are affordable dwellings.

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### Planning Considerations

The site can reasonably be considered to be located 'within' the small village of Oldwalls as defined under UDP Policy EV16. There are no boundaries defining small villages and UDP Policy EV16 allows for permission to be granted for small scale development subject to it meeting the following criteria:

- (i) It is of a scale, density and layout compatible with the size and form of settlement,
- (ii) It has a design that in its form, elevational treatment, detailing and use of materials is sympathetic to the architectural character of the village,
- (iii) It will not involve a loss of land of recreational, natural heritage or amenity value,
- (iv) It has an acceptable relationship with adjacent buildings, spaces and landscape, including coastal features,
- (v) It will not harm the amenity of neighbouring residents, and
- (vi) It can be accessed without prejudicing highway safety and without detriment to the character of the village.

Consequently, the proposal to develop this brownfield site, which lies within a 'small village' as defined by the UDP is acceptable in principle, subject to the criteria contained within Policy EV16, together with the compliance with other UDP and emerging LDP Policies.

Notwithstanding the above comments, it should be noted that there are significant changes between the UDP and emerging LDP (Deposit LDP 2016 and associated Matters Arising Changes 2018) with regard to settlement boundaries and village settlements. All rural settlements were reviewed for the LDP as evidenced within the Key Village Appraisal document (2017)<sup>1</sup>. The LDP strategy is to designate 'Key Villages' selected for their size, existing facilities and public transport connections and are evenly distributed across the County. Therefore, they are judged to be the most sustainable locations for essential appropriate development to serve rural areas.

The Village Appraisal document states that Oldwalls 'has less than 25 dwellings, a public house and a chapel. It is situated on a public transport corridor. Oldwalls has a linear settlement form, which is characterised by the areas of countryside extending into the settlement, creating open gaps giving the settlement an open dispersed built form to the north'. Indeed, although a Primary school is located in nearby Llanrhidian some 800metres away, there is no pedestrian access to the school from the site. Similarly, the nearest local facilities of a garage/store is in Llanrhidian and the Local Centre is at Penclawdd, over 6km away. Although the site is on a bus route, the primary form of transport will be the private car. The Appraisal concluded that Oldwalls did not fall to be considered as a Key Village due to size and dispersed non-cohesive settlement structure. The proposed development therefore falls to be considered under emerging LDP Policy CV2.

Emerging LDP Policy PS 1 emphasises that the Plan's settlement boundaries are a key mechanism for helping to manage future growth by defining the area within which development would normally be permitted, subject to material planning considerations. The distribution of future sustainable growth across the County follows a simple settlement hierarchy consisting of the urban area, key villages and the countryside. The County's countryside is a finite resource and is protected from inappropriate development.

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Generally only development requiring a countryside location is permitted and there is an emphasis on safeguarding the openness of the countryside and protecting, conserving and enhancing the County's high quality natural and historic environment.

Outside the defined settlement limit, development is strictly controlled, and will generally only be supported in exceptional circumstances, in accordance with Plan policies, and/or if a countryside location is deemed essential given the nature of the proposal, in line with National Planning Policy and Guidance. This is further reinforced by emerging LDP Policy PS3 which states that in all areas outside defined settlement boundaries there will be a presumption against inappropriate housing development. It is acknowledged that the site is 'brownfield', however PS3 notes that not all brownfield sites are appropriate for development, having regard to other Plan policies and in some instances fundamental site constraints. Policy PS3 presumes against any proposals outside defined settlement boundaries, providing clarity as to the appropriate locations for future development. The consideration of potentially appropriate housing beyond settlement boundaries will be made having regard to emerging LDP Policy CV2: Development in the Countryside and National Planning Policy and Guidance.

Emerging Policy CV2: Development in the Countryside (as proposed for amendment by MAC 255), states that outside defined settlement boundaries development will be required to ensure that the integrity of the countryside is conserved and enhanced. There is a presumption against development in the countryside, except where it is for;

iii. Affordable housing to meet local need at acceptable and sustainable locations within or adjoining settlements, or as minor extensions to small groups of dwellings in the countryside;

The LDP states that appropriate isolated groups of dwellings in the countryside must contain five or more dwellings, consist of a continuous line of dwellings, or a close group of dwellings, adjacent to a highway and have reasonable access to facilities and services, for a rural location. It is clear that the principle of redevelopment of the Greyhound Inn can be considered as potentially acceptable exceptional development under criterion (iii) of CV2. However this Policy states that the housing should be for 100% affordable housing to meet local needs.

Notwithstanding the above references to emerging LDP Policies, the UDP (although time expired) is still the extant development plan against which the proposals must be assessed. The UDP Policies are accordingly given more weight than the emerging LDP Policies. Consequently, for the purposes of determining this application, the application site is considered as falling within the 'small village' of Oldwalls as defined within the extant UDP, as opposed to falling within an area of open countryside as defined by the emerging LDP.

The emerging LDP is underpinned by up-to-date evidence base, which the UDP (due to its time expired nature) is not. This up-to-date evidence base is a material consideration in the determination of this application. Evidence provided by the Local Housing Market Assessment (LHMA) identifies that demand for rural homes in Gower is high and house prices reflect this. The Gower Zone is relatively prosperous with high levels of owner occupation and has seen significant price rises in recent times.

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The LDP Affordable Housing Strategy is to be delivered via LDP Policy H 3: Affordable Housing, which requires that on residential sites with capacity for 2 or more dwellings within the Gower SHPZ, on-site provision of Affordable Housing for Local Needs will be sought at the target percentage of 50%. The Policy applies to all proposed housing developments with a capacity to deliver a net gain of 2 or more dwellings in the Gower Zone. Where adjacent and related residential proposals result in combined numbers meeting or exceeding the specified thresholds, they will be treated as a single proposal and trigger the relevant target percentage. Therefore, the LDP is materially different from the UDP and requires that proposals within defined Key Villages on Gower should deliver a minimum of 50% affordable housing.

Whilst it is recognised that the proposal is not being treated as falling within a 'Key Village' as defined by the emerging LDP, the evidence base supporting the emerging LDP clearly identifies that a target of 50% affordable houses should be secured. Consequently, whilst the proposal is assessed as falling within a 'small village' as defined by the UDP, it is considered necessary to secure four affordable dwellings as deemed necessary by the evidence base supporting the emerging LDP. The current proposal meets this requirement.

The Council's Housing Enabling Officer has offered no objection to the proposal, subject to the four dwellings being DQR compliant and transferred to a Registered Social Landlord/Council.

### Community facility

There are no specific UDP Policies which protect the loss of Public Houses. However, the Council's District Centre, Local Centre and Community Facilities SPG (2010) addresses the provision of community facilities in urban and rural areas, and seeks to safeguard such provision where appropriate. The SPG has been adopted by the Council to the extant UDP, and is consistent with PPW (10.2.8) and emerging LDP Policy SI 2. It highlights the importance of some establishments, such as pubs in providing a tourism resource, as they may be sufficiently renowned to bring in trade from a wider catchment, as well as serving a very localised and captive population. The SPG states that the Local Planning Authority will need to establish the relative importance and individual merit of a particular community facility in order to determine whether or not it is appropriate to safeguard that facility and resist its loss, and outlines the factors that will be taken into account to establish the importance or merit of the facility.

Emerging LDP Policy SP 2 and the District Centre, Local Centre and Community Facilities SPG (2010) reflect TAN 6: Planning for Sustainable Rural Communities (2010). As the TAN was published more recently than the UDP it is a material consideration when considering proposals which result in the loss of rural community facilities. The TAN states that Planning Authorities should support the retention of existing services and facilities, including rural public houses, and should set out in the development plan the criteria they will apply when considering planning applications that will result in the loss of important village services. Furthermore, the TAN states that conversion of buildings which are currently in commercial use to dwellings may have an adverse impact on the local economy.

Emerging LDP Policy SI 2 (as proposed to be amended by MACs 199-203) seeks to prevent the loss of community facilities and locally important uses unless

i. an alternative facility of at least equal quality and scale to meet community needs will be provided; or

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- ii. It can be demonstrated that the existing provision is surplus to the needs of the community and there is sufficient provision of a similar relatively accessible and convenient facility to serve the community nearby; or
- iii. Evidence is provided that the existing use is no longer viable. Criterion iv (as proposed to be included by MAC199) states that 'Evidence is provided of appropriate marketing undertaken to secure an occupier for the established use'.

The Greyhound Inn provides a locally important community facility and employer. The reasoned justification to emerging LDP Policy SI 2 states that facilities of local value are defined as those which:

- i. play an important role in meeting an identified need;
- ii. benefit community vitality and cohesiveness or the local economy;
- iii. bring other added value in terms of wider benefits for the community;
- iv. can demonstrate evidence on the extent to which the facility is valued by the community;
- v. contribute to the character of the area and provide a distinctive and unique facility as a destination in the locality;
- vi. provide a wider social function, such as venue for social interaction and/or an informal meeting place.

The reasoned justification of SI2 clearly states that the viability of premises as a continuing business or other enterprise will be material to the assessment of a proposal for change of use or redevelopment of an important community facility (2.7.11) and that the Council will, as appropriate, request the submission of evidence that demonstrates the current financial status of a business.

The applicant has provided detailed justification and reasoning behind the closure of the Public House. Information has been provided in relation to the sale particulars for the pub when it was placed on the market before the previous tenant left. The property was marketed by Sidney Phillips, Licenced Premises specialists from 2016 until its recent closure.

The applicant has explained that the fundamental reason for the pub closure has been the significant drop in trade from £1,138,531 in 2015 to approximately £500,000 in 2017/18. During this time the rateable value of the property has also increased from £47,000 per year to £101,000 per year. These economic circumstances have contributed to the pub's closure. The Gower Brewery also left the premises at the same time as the previous tenant and is now running successfully from Crofty.

During the two years the Public House was advertised for sale, the applicant only received one offer which was accepted. However the purchaser failed to obtain a mortgage and subsequently withdrew their offer.

The applicant has also advised that despite many suggestions to the contrary, no other offers, or an offer from an unnamed local businessman has been made and the property agent is content to confirm this in writing if needed.

It is therefore considered that sufficient evidence has been provided to demonstrate that the Public House is no longer economically viable.



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Furthermore, there were (at the date of the submission of this application) 2 existing public houses in the neighbouring settlement of Llanrhidian, albeit it is understood that one of the two has within the last month closed due to retirement. Although Llanrhidian is a separate settlement from Oldwalls, the public house which remains open (The Welcome to Town) is nevertheless considered sufficiently accessible to local residents.

### Visual amenity

Within the Gower AONB, the primary objective of this designation is the conservation or enhancement of the natural beauty of this area. This is addressed by the requirements of Policy EV26. The Council wishes to foster high standards of design in all new development, and this is reinforced by Planning Policy Wales, which states that within AONBs, the primary objective of this designation is the preservation of the natural beauty of this area, and development control decisions affecting the AONB should respect this by considering the importance of traditional and local distinctiveness.

Emerging LDP Policy PS 2 states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity and have particular regard to the following Policy criteria:

- i. The proposed development should have regard to landscape, views and vistas,
- ii. Ensure neighbourhoods benefit from an appropriate diversity of land uses, community facilities and mix of densities that in combination are capable of sustaining vibrancy;
- iii. Create or enhance opportunities for Active Travel and greater use of public transport;
- iv. Integrate effectively with the County's network of multifunctional open spaces and enhance the County's green infrastructure network;
- v. Avoid the loss of land and/or premises that should be retained for its existing use or as an area of open space; and
- vi. Ensure no significant adverse impact on natural heritage and built heritage assets.

The Gower AONB Design Guide SPG highlights that there are significant views through the site towards Cefn Bryn. It is understood that the proposed layout seeks to maintain a section through the site through which some of the view is retained, together with the retained agricultural access to the east of the site. The reasoned justification of Policy PS2 (as proposed to be amended by MAC21) explains that an integral part of place making and holistic planning is to create and manage places that seek to ensure social inclusion, equality of opportunity and access for all.

Oldwalls is centred around the junction of the north Gower Road to Llanmadoc and the road to Llangennith. It comprises approximately 26 dwellings and supports a Chapel and the Public House that falls within the application site.

To the east and west of the site lie the adjacent dwellings. However, the application site does not directly abut either of these properties as there are intervening areas of land either side. To the rear, the site is principally bound by adjoining open countryside. However, Bryn View to the south abuts the south-western corner of the site.

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A visual analysis of the street scene and Oldwalls locality reveals the following predominant characteristics of residential dwellings which form the basis of the design approach.

- o Simple traditional dwelling forms and roofscapes
- o Dwelling forms which front the road (i.e. their widest elevations) and which have roofs running parallel to the road
- o Roof pitches between 35-40 degrees
- o A lack of dormers
- o Vertically emphasised windows.

The proposal includes three house types;

\* House type A the larger detached two storey dwelling insofar as it features a single storey side element, and

\* House type B slightly smaller detached two storey dwelling.

\* House type C pairs of semi-detached properties that will provide for the affordable housing element of the proposal.

All of the dwelling types are of a relatively modest scale. House Type A with a main frontage width (excluding the side annexe) of 9m is consistent with that advocated for a traditional vernacular style dwelling such as this within the Gower AONB Design Guide. House type B measuring some 8.5m in width is also considered an appropriate width, with both detached house types displaying an appropriate building depth. House Type C which provide for the affordable units on the site are on backland plots (Nos. 6, 7, 8 and 9) and are subservient in design in an agricultural outbuilding character. Although there are no vernacular examples of houses behind houses in the traditional rural context, the contextual reference is vernacular house onto the lane frontage and subservient agricultural style buildings and courtyards to the rear. The place making concept was for the backland units to be 1.5 storey outbuildings (in order to be subservient with the frontage houses) with a barn/outbuilding character to reflect the grain of rural development and reduce the density on the rural edge at the rear of the site. This is considered to accord with the adopted Infill and Backland Design Guide as well as the adopted Gower Design Guide.

It is acknowledged that the amplification text contained within paragraph 2.5.21 of the emerging LDP states that "where affordable housing is provided it should be integrated into the overall development and should not be obviously segregated through location, layout or design." This equality of treatment has long been set in the adopted 'Residential Design Guide' at paragraph 7.11 which states that "affordable homes should be seamlessly integrated into developments and not concentrated in one part of the site"

The design and quality of the affordable homes in this instance is equal to the frontage private dwellings, and for the reasons clearly set out above, the backland plots in this instance need to be subservient. This has however been achieved without creating dwellings that appear secondary to the private units. The backland units maintain an equality of quality and character expected of a development within the Gower AONB. The main two storey gable to Plot 8 will be visible through the backland access gaps and therefore the natural stone proposed for the frontages of the AH units (6-9) should be carried through to this prominent side gable. This can be ensured through a suitably worded condition

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The frontage dwellings are generally simple traditional dwellings, with well-proportioned porches and simple detailing to the front elevations. The rear elevations display a more contemporary appearance with larger full height doors and windows balconies and balustrades. This approach is in keeping with the character and appearance of the local area and makes a direct reference to the most recently constructed dwellings to the west of the site. The proposed dwellings are considered to display many of the key features advocated within the adopted Gower AONB Design Guide chapter of new houses in villages (Module A). The soft frontage approach with parking to the rear is also welcomed. Overall the frontage buildings are considered to represent a good example of dwellings that will promote and reinforce traditional local distinctiveness.

The pallet of finishes indicated on the submitted plan include:

- \* Painted sand-cement - white
- \* Upvc sash windows
- \* Painted timber fascia's - black
- \* Cement fibre roof slates riven faced - blue-grey
- \* Brickwork plinth and chimneys - red-orange
- \* Natural stone - rough coursed
- \* Glass balustrade
- \* Aluminium sliding doors
- \* Aluminium casement windows and patio doors - light Grey.

Careful attention is paid to detailing such as use of external finishes. In this instance, timber windows would be the appropriate response, with a natural slate roof covering and any stone used must be locally sourced. The aluminium full height doors and glass balustrade are considered acceptable as they are being used on the rear elevations. All of these matters will be controlled fully via appropriately worded condition.

With regard to the site layout, it is noted that 2 of the 9 dwellings (plots 8 and 9) will be sited with the gable end parallel to the road and the remaining two proposed dwellings (plots 6 and 7) will be sited to the rear of Plot 5, orientated parallel. Whilst this is not an approach normally supported or indeed advocated within the Gower AONB Design Guide, It is not considered that the re-development of this area behind the established building line is unacceptable in visual terms in this instance having regard to the place making concept detailed above.

On this basis, it is considered that the proposed dwellings can successfully integrate with their surroundings, taking into account the character of the village in which it sits. Overall, the buildings are considered to represent a good example of dwellings that will promote and reinforce traditional local distinctiveness.

### Residential amenity

Turning to residential amenities, it is considered that the siting of the dwellings in relation to boundaries of the neighbouring properties and the distance from the neighbouring dwellings themselves, would not give rise to unacceptable overbearing or overshadowing impacts which could warrant the refusal of this application. The submitted drawings indicate that the dwellings are sited a sufficient distance from the boundaries of the neighbouring dwellings and demonstrate that the re-development of the site in this manner can occur without giving rise to an unacceptable impact upon the residential amenities of the neighbours.

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### Trees and hedgerows

The site contains mature trees and hedgerows. UDP Policy EV30 seeks to protect woodlands, trees and hedgerows which are important for their visual amenity, historic environment, natural heritage and/or recreation value. Emerging LDP Policy ER 11 prohibits development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services. encompasses all elements of society and is applicable to all developments in all locations.

The applicant has submitted an Arboricultural Report in support of the application which indicates the site has no significant trees that present a major constraint on developing the site. 13 trees of low (C category) quality are identified in the survey and the current layout will result in the loss of some of these trees. The Council's Tree Officer has been consulted and concurs the trees are of low to poor quality and recommends a landscaping condition should be attached to include suitable tree planting.

### Ecology

Bats are present on site as detailed within the Bat Survey submitted in support of the application. It will be necessary for the developer to apply for an European Protected Species (EPS) license to disturb from Natural Resource Wales as the host building is to be demolished. The works will therefore cause destruction of a roosting area used by small numbers of common pipistrelle bats. An application can only be made for a license to disturb once planning permission has been granted. An appropriately worded condition is therefore recommended.

In advance of works commencing on site, two bat boxes will be erected within a large broadleaf tree to provide compensatory alternative roosting, which will again be controlled via condition.

Careful attention will need to be taken to ensure that external lighting is kept to a minimum and will not illuminate the bat access points or flight paths. This matter will also be controlled via an appropriately worded condition.

Subject to this, the application is considered to be in accordance with UDP Policy EV28 and emerging LDP Policy ER 8 which seek to ensure that development that would adversely affect the resilience of protected habitats and species should maintain and enhance the nature conservation interest of the site.

Nevertheless, where a EPS is present and the proposed development is likely to contravene the protection afforded to it, a development may only proceed under a licence (derogations from the provisions of the Habitats Directive) issued by NRW as the appropriate authority responsible for issuing licences under section 55 of the Conservation of Habitats and Species Regulations 2017.

Advice contained within PPW (section 5.5.12) states that in order to avoid developments with planning permission subsequently not being granted derogations in relation to EPS, Local Planning Authorities should take the three requirements for derogations into account when considering development proposals where a EPS is present.

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The three 'tests' are;

- i) that the development must be for the purposes of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment;
- ii) there is no satisfactory alternative; and
- iii) if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The proposed development is assessed against these three tests below;

- i) Given that the Public House does not appear to be financially viable, the re-development of the site for residential development is considered to be favourable, particularly as four affordable houses are being provided. It is not considered to be in the public interest to resist the removal of the existing building, particularly when it has ceased trading.
- ii) Given the financial status of the existing business, it appears to be futile to insist upon the retention of the existing building. The proposed re-development of the site is a high quality development whilst the use of the site for residential purposes is the most satisfactory alternative in land-use terms. Furthermore, it is unknown whether there are any other alternative sites that could accommodate the proposed development, whilst also being deliverable.
- iii) It is considered that subject to compensatory measures being provided, the removal of the existing building will not be detrimental to the maintenance of the bat population.

### Highway Safety

The existing site currently operates as the Greyhound Inn, a public house with associated parking area. Vehicular access into the site is taken directly from the main unnamed highway. The carriageway along the site frontage is subject to a 30 mph speed restriction, however this changes to unrestricted (60 mph) a short distance west of the site for westbound travel.

The unnamed road is rural in character and acts as a distributor road for the local settlement whilst connecting with areas further afield.

### Access

The existing site has one point of vehicular access, and it is deduced from the planning application and site observations that the agricultural field behind the existing Greyhound Inn is accessed through the car park. A separate access to the field is maintained within the proposals and any rights over this are a private civil matter between the two parties.

The proposal seeks to introduce two new access points to the residential development and indirectly result in a third separate access for the agricultural field. The field is the subject of a number of permissions relating to short term camp site type uses. The Head of Transportation and Engineering expresses some concern about the number of access in close proximity, where there was previously only one.

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However, the demolition of the pub results in significantly improved sight lines for all road users in both directions so there is considered to be a benefit overall. The amount of vehicle movements associated with the use of the proposed accesses/dwellings are likely to be similar to the volumes generated by the pub, which together with the improved visibility is considered to result in betterment for road users.

The two points of access serving the proposed dwellings have visibility splays of 2.4m by 43m in both directions which is considered adequate. These vision splays are far improved compared to the existing position.

Although the Head of Transportation and Engineering considers and recommends that a footway should be provided along the frontage of the site, to ensure the safety of pedestrians, a highly engineered traditional "hard" footway is at odds with the rural character of the carriageway and at odds with the prevailing character of the settlement. Furthermore, to provide a footway along the site frontage would result in a footpath ending abruptly at either end of the site frontage as there is no existing footpath to join. To that end, the applicant has proposed a grassed verge between the carriageway and the low front boundary treatments that will afford a safe refuge area to step out onto and traverse along, for users negotiating access and crossing without compromising the rural character of the area.

The Head of Transportation and Engineering commented that access junction radii and road widths would need to be shown on the submitted plans for consideration. It was also expected that the access is assessed for vehicular movements, in the case that the radii are tight. It was also requested that swept path assessments were carried out, to demonstrate that removal vehicle and fire tenders can successfully enter the site and exit in a forward gear. In this regard, the junction radii have been increased to 6m and each of the proposed private drives have been increased to 4.5m wide to enable two vehicles to pass on the private drives. Given the nature of the site in a rural location and given that no more than 5 dwellings are served from each drive, it would be harmful to the rural character of the area to design the internal road any wider. All refuse can be collected via a collection arrangement from the main road as is the case with other properties in the village and each of the dwellings can be reached by a fire tender in an emergency situation. This is not uncommon for private drives that are not being adopted.

### Internal route

The Head of Transportation and Engineering comments that there are no footways provided within the site, with shared surfaces being instead opted for. The Head of Transportation and Engineering had advised that ideally the carriageway widths and footways would be provided to adoptable standards. However, in view of the local rural character, a shared private drive is proposed and designing the layout for an adoptable road would be considered overly engineered and harmful to the character of the Gower AONB. Only 5 dwellings are served by each drive and hence vehicle movements will be very low.

The Head of Transportation and Engineering suggested that a swept path assessment was required to demonstrate how two vehicles could travel within the site in opposite directions and how they could use the turning areas to exit the site in a forward gear. Each access drive has been increased to 4.5m width and turning areas increased to enable vehicles to exit the site in forward gear. It is therefore not considered necessary for a swept path assessment to be carried out.

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### Parking

The proposed dwellings must be served by appropriate parking provision in accordance with maximum parking standards.

Parking is provided in accordance with the adopted Parking Standards SPG and is being provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces.

There is also a requirement within the planning guidance for visitor parking at the rate of 1 space per 5 units. Whilst no specific visitor parking spaces are provided, it is noted that five of the nine dwellings are served by 4 parking spaces which will in part cater for visitor provision.

It should also be noted that the site is located along a public transport corridor and a public bus stop, in accordance with emerging LDP Policy T1.

### Drainage

The proposal seeks to remove surface water by means of a Sustainable Urban Drainage system (SUDS). Any drainage scheme would have to ensure that there would be no detriment to any water course in accordance with LDP Policy RP3.

The Head of Drainage and Coastal Management has been consulted and advises that the ground investigation scheme carried out does not appear to have undertaken a complete infiltration testing programme with the majority of the holes having only been tested once. Accordingly a full programme of testing will be required.

However despite this, the Head of Drainage and Coastal Management considers that an appropriately designed drainage scheme can be delivered and therefore recommends appropriately worded conditions to be appended to any planning permission given.

Dwr Cymru/Welsh Water have offered no objection to the proposal, but have advised that only foul flows from the development can be accommodated within the public sewer system.

### Response to consultations

As indicated above 63 individual letters of objection have been received together with a petition of objection. The objections raised to the principle of the development largely relate to the loss of the Public House which is addressed above under the community facility heading. Further points are made regarding the applicant's ability to manage the pub successfully as well as suggestions that the decline of the Public House has been intentional. Personal opinion on the managerial qualities of the applicant are not material to the consideration of this application. The applicant has been requested to provide evidence relating to the decline of the business as well as his attempts at marketing the business as a going concern, all of which has been provided in line with the requirements of prevailing and emerging policy. No evidence has been submitted to the contrary or that discredits the applicants submissions. As such this matter is considered suitably addressed.

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Matters relating to visual amenity and highway safety are addressed in detail above. It is noted that one objector considered that the application should be presented to the Design Commission for Wales for full and further consideration and the author of the objection sought to arrange a Design Commission Review. The Design Commission For Wales (DCfW) however advised whilst the Commission is happy to take enquiries from members of the public and to assess whether their input would add value, they do not campaign on behalf of any party and carefully use the review service resources where it can add most value. It is not a mandatory requirement for the scheme to be presented to the DCfW.

Further points raised criticise the proposal for not making any provision for affordable units. However, the scheme has been amended to include four affordable units. This matter is again addressed in detail within the policy background above.

Education contributions are not required for residential developments below 10 dwellings

Finally with regard to the right of way that traverses the site, this is a private rather than public right of way and its diversion is a civil matter to be resolved between interested parties. There is a registered footpath Llanrhidian Lower 14 (LL14) that runs to the west of the application site. This footpath should not be obstructed at any time by building works, fencing or excavations unless an application for a Temporary Closure Order has been applied for at least six weeks in advance of the closure and an advisory note to this effect is recommended.

### Conclusion

In conclusion, it is considered that the proposed development is acceptable and complies with UDP Policies EV1, EV2, EV3, EV33, EV35, EV16, EV26, and HC3 and emerging LDP Policies. 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. Approval is recommended.

### **RECOMMENDATION**

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

\* The four dwellings on Plots 6-9 shall be affordable houses, all social rented (to be transferred to a RSL or the Council) provided at 42% ACG and be DQR compliant. The four affordable dwellings are to be fully constructed prior to construction works commencing on more than three of the market houses.

\* A Management and Monitoring fee of £702 (based on 20% of the planning application fee)

\* The Council's legal fees relating to the preparation of the S106 agreement



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### 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:  
  
1003 House Type B - Floor Plans (Plots 2 & 3), 1006 House Type A - Plot 1 Elevations, 1007 House Type B - Plot 2 Elevations, 1008 House Type B - Plot 3 Elevations, 1009 House Type A - Plot 4 Elevations, 1010 House Type A - Plot 5 ELEVATIONS , 1013 Garages - Double Garage Plots 4 & 5, 1014 Garages - Attached Double Garages Plots 1 & 2 , 1902 Cottage Style Housing - Key Views, received 14th September 2018.  
  
20172/DS1 Drainage Strategy Site Plan, received 17th September 2018. 1001 Rev A House Type A - Floor Plans (Plot 1), 1002 Rev A House Type A - Floor Plans (Plots 4 & 5), received 25th September 2018. 1004 Rev E House Type C - Floor Plans (Plots 6, 7, 8 & 9), 1011 Rev E House Type C - Plots 6, 7, 8 & 9 Elevations, 1101 Rev D Proposed Site Plan, 1901 Rev C CGI Site Plan Render, 1903 Rev C Rear Plots - Key Views, 1904 Rev C Street Scenes from the Main Road, received 21st November 2018. 1110 Rev A Location Plan, received 27th November 2018.  
  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.  
3 The 2.4m by 43m visibility splays shown serving the the two access points serving the proposed dwellings on Drwg No 1101 (Proposed Site Plan) shall be provided before any of the dwellings hereby approved are beneficially occupied and shall be maintained free of any obstruction exceeding 1.05m in height for as long as the development exists.  
Reason In the interest of highway safety.
- 4 No development shall commence until samples of the materials to be used in the construction of the external surfaces of the development hereby approved have been 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.
- 5 No development or site clearance shall take place until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of landscaping including species, spacings and height when planted of all new planting. The scheme shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

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

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.

- 6 The garages and car parking spaces shown on the approved plans shall be provided prior to the first beneficial use of the dwelling to which they relate. The garages and car parking spaces, shall be retained and made available for the parking of vehicles thereafter and shall be used solely for the benefit of the occupants of the dwelling to which they relate and their visitors and for no other purpose.

Reason: To ensure that the development is adequately served by off-road parking at all times, in the interests of highway safety.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall not apply.

Reason: In the interest of visual and residential amenity and to prevent inappropriate development on the site that may affect the receiving watercourse and create or exacerbate any existing flood risk.

- 8 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site (including the shared drives, turning areas and parking spaces) showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority.

Before these details are submitted, an assessment shall be carried out of the site potential for disposing of surface water by means of a sustainable drainage system (SuDS), and the results of the assessment provided to the Local Planning Authority. If the assessment indicates that SuDS can be utilised, then such a system should be used.

Where infiltration based SuDS are to be utilised, full details of any soakaways being proposed shall be provided. The submitted information shall include details of the size of the soakaways designed in strict accordance with BRE365 2016 and confirmation that they are not located within 10m of any watercourse/ditch.

The agreed drainage scheme shall be implemented before the dwellings hereby approved are occupied, unless otherwise agreed in writing by the Local Planning Authority. The drainage scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.

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

- 9 Details of any new external lighting to be provided within the site shall be submitted to and approved by the Local Planning Authority in writing before the development is commenced. Any lighting scheme to be provided within the site shall be implemented in accordance with the approved details.

Reason: In the interest of visual amenity and ecology interests.

- 10 No works of site clearance, demolition or construction shall take place in pursuance of this planning permission unless a license to disturb the bats within the existing Public House has been granted in accordance with the Conservation (Natural Habitats) Regulations 1994 and a copy of the license has been provided to the Local Planning Authority.

Reason: In the interest of protecting species listed under Schedule 2 and 4 of the Conservation (Natural Habitats) Regulation 1994.

- 11 Notwithstanding the drawings hereby approved, the flank wall of the proposed dwelling on Plot 8 shall be finished in natural stone, the details of which shall be first submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details thereafter.

Reason: In the interest of visual amenity.

- 12 Notwithstanding the drawings hereby approved, 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.

- 13 Notwithstanding the drawings hereby approved, before development works commence on site, details shall be submitted to and approved in writing by the Local Planning Authority of;

a) a privacy screen to be erected along the western edge of the balcony serving the dwelling on Plot 4; and

b) a privacy screen to be erected along the eastern edge of the balcony serving the dwelling on Plot 1.

The development shall thereafter be carried out in accordance with the approved details and the privacy screens shall remain in situ in accordance with the approved details at all times thereafter.

Reason: To protect the privacy of neighbouring/local occupiers.

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### Informatives

1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: EV1, EV2, EV3, EV15, EV26, EV33, EV34, EV35, HC3

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

3 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2017. 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 whether a bat is present at the time or not. 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 (0300 065 3000).

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

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

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

5 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.

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**Item 9 (Cont'd)**

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- 6 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)
  - 7 The applicant is advised that some public sewers and lateral drains may not be recorded DCWW maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times
  - 8 There is a registered footpath Llanrhidian Lower 14 (LL14) that runs to the west of the application site. The footpath should not be obstructed at any time by building works, fencing or excavations unless an application for a Temporary Closure Order has been applied for at least six weeks in advance of the closure.
-



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### Item 10 (Cont'd)

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#### 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 - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (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)

#### 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 - 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 - 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)

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**Item 10 (Cont'd)**

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UDP - EC3 - Established Industrial and Commercial Areas

Improvement and enhancement of the established industrial and commercial areas will be encouraged where appropriate through building enhancement, environmental improvement, infrastructure works, development opportunities and targeted business support. (City & County of Swansea Unitary Development Plan 2008)

UDP - HC11 - Higher Education Campus Development

Higher education campus development will be permitted subject to compliance with the defined set of criteria. (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 - HC19 - Tawe Riverside Park

The Tawe Riverside Park will be completed so as to enhance its ecology and appearance, improve its role as an attractive recreation area and complete the pedestrian and cycle network. (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 - AS4 - Public Access Routes

Accessibility - Creation and improvement of public rights of way. (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 - AS11 - Roads

Accessibility - Road construction and improvement at specified locations. (City & County of Swansea Unitary Development Plan 2008)



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**Item 10 (Cont'd)**

**Application Number:**

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<b>Site History App Number</b>	<b>Proposal</b>	<b>Status</b>	<b>Decision Date</b>
2018/2101/RES	Demolition of existing on-site building/structures and construction of purpose built student accommodation comprising of four blocks of between 5 - 6 stories (706 bed spaces in total) with ground coffee shop/cafe (Class A3) and Gymnasium (Class D2) together with ancillary communal uses including management/ laundry/ common room car and bicycle parking/servicing area, associated engineering, drainage, related infrastructure and landscaping works - Approval of Reserved Matters - details of Access, Appearance, Landscaping, Layout & Scale pursuant to Conditions 3, 6, 7, 8 & 10 of Outline Planning Permission 2016/1573 granted 22 May, 2018	PDE	
2018/2408/DOC	Purpose Built Student Development - Discharge of condition 31 (japanese knotweed) of planning permission 2016/1573 granted 22nd May 2018	PCO	
2018/2482/DOC	Discharge of condition 27 of planning permission 2016/1573 granted 22nd May 2018 (Arboricultural Method Statement)	REC	

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<b>Item 10 (Cont'd)</b>	<b>Application Number:</b>	<b>2018/2101/RES</b>
2016/1573	Demolition of existing on site building /structures and construction of purpose built student accommodation (up to 706 bedrooms) (Sui Generis) within an indicative access / layout of 5 blocks & scale parameters of 4 to 6 storeys with 4 No. ground floor commercial units of Block 1(A1/A2/A3 &B1) and 1 No. ground floor convenience retail store (A1) / 1 No. commercial unit (A1/A2/A3 & B1) of Block 2 together with ancillary communal uses including management / laundry / common room (D1 & D2 uses), car & bicycle parking/servicing area, associated engineering, drainage, related infrastructure and landscaping works (Outline Application - all matters reserved)	S106 22.05.2018
2015/1599	Residential development for 93 units - Discharge of conditions 7 (materials), 9 (road construction), 10 (travel plan), 11 (noise reduction scheme),16 and 19 (waste management & CMS) 20 (archaeological excavation) of outline planning ref:2008/1615 dated 4 Feb. 2015 and conditions 2 (temporary pedestrian access), 3 (greyfriars / apartment roof design), 4 (highway details) and 5 (lumley dormer design) of reserved matters ref:2015/0221 dated 14 July, 2015	NOBJ 01.04.2016

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### RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. No public responses were received.

**South Wales Police Designing Out Crime Officer** - my previous comments relating to the above proposed development are still relevant and which I would ask to be considered in respect of this planning application.

As stated in my report it is vitally important that the whole of the student site is protected by perimeter security as outlined in the reports, especially when one considers the location of this development and the vulnerability of the young students. The safety of the students is paramount.

The perimeter security can be in the form of railings rather than fencing so it is more aesthetically pleasing, as long as it meets Secured by Design standards and specifications.

**Dwr Cymru Welsh Water** - request that if you are minded to grant Planning Consent for the above development a condition is included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets in respect a point of connection on the public sewerage system being identified by a hydraulic modelling assessment. Thereafter the connection shall be made in accordance with the recommended connection option following the implementation of any necessary improvements to the sewerage system, as may be identified by the hydraulic modelling assessment.

**Natural Resources Wales** - We leave the discharge of the above conditions, to the discretion of your Authority.

**CADW** - Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments.

Our assessment of the application is given below.

GM481 White Rock Copper Works  
GM482 Foxhole River Staithes

This advice is given in response to reserved matters planning application for a mixed use development at the former Unigate Dairy, Morfa Road, Swansea. In response to the outline planning application we advised that:-

"The setting of the scheduled monument is primarily it's riverside location. The application area was originally industrial (although currently it is open) and will change to residential but this will not change the relationship of the monument with the river. Consequently, whilst the view from the monument will change this will not alter the significance of the scheduled monument and therefore the proposed development will no cause damage to the setting of scheduled monument. GM482"

The details given in the current reserved matters application does not alter this advice.

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### Council's Waste Team -

1. Insufficient wheel bin capacity to accommodate the waste & recycling produced by 706 students per fortnight to coincide with the current domestic collection schedule provided by Swansea Council.

British Standard BS5906:2005 estimates the weekly arisings of 70 litres per room per week. 706 bedrooms could therefore produce 49,420 litres of waste & recycling per week, the equivalent of 45 x 1100 litre wheel bins per week. To accommodate the waste and recycling on a fortnightly basis, the development would need 90 x 1100 litre wheel bins to comply with a fortnightly scheduled collection.

The wheel bin storage area is shown as 65 square metres. An 1100 litre wheel bin measures 1.25 square metres, so allowing for room to access bins and move them around within the storage area, we'd estimate that the refuse area would only accommodate only approximately 30 x 1100 bins.

2. No provision for a refuse/recycling 26 tonne vehicle to park close to the refuse compound to facilitate collections. There appears to be provision for car parking bays in front of the one set of double doors on the wheel bin compound.

Should these plans get approved, Swansea Council waste management would only consider undertaking collections if the wheel bins can be safely and practically be accessed with minimum distance between bin store and refuse/recycling vehicle. Ideally as we are being faced with an increasing number of these developments it may be necessary for the management agent to present the wheel bins outside on the kerbside for collection.

If the waste management strategy be applied such that the collections will be provided by a private waste collection company or a paid for service provided by Swansea Council on a weekly basis as required, then Swansea Council are not committing themselves to be the sole provider of a waste and recycling service.

**Highway Authority** - I cannot see any justification for the significant reduction in the car parking provision. The outline shown 100 car parking spaces which was in line with the SPG parking standards on PBSA. The reserved matters application only shows 32 spaces. Notwithstanding that the maximum reduction (if the sustainability appendix had been completed) would be a 30% reduction, which would still leave a requirement for 70 spaces.

Problems are currently being experienced in the private housing estate adjacent to the PBSA St Davids with indiscriminate parking. It is considered that at this site there are residential sites within a short walk that could suffer in a similar manner to Llais Tawe. It may be that the applicant considers that the site is similar in characteristics to the PBSA at site A1 (that was consented at Appeal). However at that site there are a number of pay and display car parks within a short walk that the Inspector deemed could accommodate any overspill parking. There is no such facility near Unigate site, as such the appeal decision is not relevant.

In its current state I would have to recommend that the application be refused on the grounds on inadequate parking within the curtilage being detrimental to highway safety. Leading to any increase in indiscriminate parking having a negative impact on the freeflow of traffic.

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### Urban Design and Conservation Team-

This reserved matters application for all matters reserved relates to the earlier outline application for this site that established the principle of student accommodation. The outline application included a placemaking framework that set principle of the site layout with active frontage onto Morfa Road and courtyard blocks onto the River Tawe with public access through the centre of the site to the future river walkway.

The scale of development is 5-6 storey buildings accommodating 706 student rooms which is welcomed as an 'urban scale' without being a dominant group of tall buildings.

The pair of linear blocks onto the Morfa Road frontage provide natural surveillance of the street whilst commercial ground floor space will create active frontages. The two courtyard blocks within the site should define private/ secure courtyards for student use (controlled gates are needed) whilst the external public realm is publically accessible. All blocks will have legible and welcoming entrances.

The main spine running west to east through the site provides a pedestrian link from Morfa Road to the future river path. To either side of this public link is active frontage created by ground floor student communal facilities. The Design and Access statement documents the testing of the public access through the site to the lower level alignment of the future river path. This has a level change of approximately 5.6m over a distance of approximately 20m. The testing indicates that an accessible ramp would be circa 144m long with numerous switch backs and this would not be a useable provision, so instead a platform lift is proposed to ensure access for all along with public realm terrace areas stepping down to the river frontage.

Given the public access through the site, the external cycle parking will need to be secure and covered - this can be ensured by condition.

The parking ratio has been reduced from the speculative outline scheme due to the experience of the student operator which demonstrates low levels of car ownership amongst students in the schemes and this allow a welcome improvement to the expanse and quality of the public realm.

Given the 5-6 storey scale of development and generous distances in excess of 10m from the boundaries it is not considered that this scheme will fetter future redevelopment of adjacent sites.

The elevations compromise a rain screen cladding system in grey to reflect Swansea metal history on the external elevations and a very vibrant colourful courtyard elevations taking inspiration from microscopic images of copper. The eastern part of the site is accentuated by roof features to communal dining areas overlooking the river corridor. The full height windows with aluminium frames were proposed at 0.9m width which was considered too narrow in terms of natural surveillance and internal quality; this has been amended to 1m wide following negotiations. The final materials and details can be controlled by condition.

The existing red brick building which was the office for the Hafod-Isaf Nickel and Cobalt Works includes a war memorial plaque above the main entrance. The outline application includes a condition requiring that this plaque is relocated to a new building within the site in an agreed location, ideally on the Morfa Road frontage. The demolition of this building can be mitigated by photographic recording to an agreed standard prior to commencement.

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The river corridor includes a number of industrial heritage features that are listed or scheduled. Cadw have been consulted and whilst the development would be visible from the adjacent Foxhall Staithes on the east bank of the Tawe there is no harm to the visual setting.

It is considered that the scheme fully accords with the outline placemaking framework and proposes a quality approach to the site. Therefore approval is recommended subject to conditions as follows:

- o Composite sample panel on site including cladding joints, reveals and fixings
- o Large scale drawn details of:
  - o Typical window in its opening
  - o Feature surround windows
  - o Commercial frontage
  - o Main entrance doors
  - o Courtyard entrance structures
  - o Parapet/ handrail
  - o Riverfront roof feature
  - o Retaining structures stepping down to river frontage
- o Detailed public realm drawings of public route through the site between Morfa Road and river frontage
- o Recording of Hafod-Isaf Nickel and Cobalt Works Office
- o Gating of courtyard accesses
- o Secure and covered cycle parking

### **APPRAISAL**

Outline Planning Permission for the demolition of existing buildings / structures on site and the erection of purpose built student accommodation (PBSA) buildings with ancillary uses (A1/A2/A3/B1/D1 and D2 use) at ground floor as well as the construction of a car parking / servicing area and associated engineering, drainage, related infrastructure and landscaping works on land at the former Unigate Dairy Site, Morfa Road, Swansea was granted on 22 May, 2018 (Ref: 2016/1573), and is subject to a Section 106 Planning Obligation.

The outline permission was granted with all matters reserved for subsequent approval, however, the application was supported by an indicative layout for the erection of a purpose built student accommodation (PBSA) comprising of 5 blocks providing a total of 706 bedrooms with the 5 apartment blocks ranging from 4, 5 & 6 storeys. Blocks 1 & 2 along the Morfa Road frontage would have incorporated 6 x retail units and ancillary communal facilities at ground floor level. Following completion of the Morfa Distributor Road, the vehicular access would be obtained off the mini-roundabout at the north-western corner of the site.

### **Current Proposal**

This application is for the approval of the reserved matters for the details of Access, Appearance, Landscaping, Layout & Scale pursuant to Conditions 3, 6, 7, 8 & 10 of Outline Planning Permission 2016/1573 granted 22 May, 2018 for the construction of purpose built student accommodation comprising of four blocks of between 5 - 6 stories (706 bed spaces in total) with ground floor coffee shop/cafe (Class A3) and Gymnasium (Class D2) together with ancillary communal uses including management/ laundry/ common room car and bicycle parking/servicing area, associated engineering, drainage, related infrastructure and landscaping works.

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The student accommodation would comprise a mix of apartments and suites, studio apartments and shared apartments each with en-suite bathroom and shared kitchen/ lounge facility (484 suites and 222 apartments -including 30 accessible bedrooms). The outline proposal indicated that the ground floors of Blocks 1 and 2 fronting Morfa Road would have incorporated a number of retail units. This current reserved matters proposal indicates a coffee shop / meeting hub (Block 1) and a gym (Block 2), and these communal commercial facilities will also be accessible to the general public. Additionally, within the ground floor of Block 3 it is proposed to provide a lounge / 'picture house' and a 'festival Zone' within Block 4. It is also proposed to provide two roof-top terraces overlooking the River Tawe.

The vehicular access will be obtained from the north-western corner of the site off Morfa Road, whilst a separate pedestrian access will be located centrally within the development. This will lead to a central landscaped boulevard which will provide a direct route towards the River Tawe. Blocks 3 and 4 will be designed around courtyards which will be accessed privately by the students. The scheme will provide 32 car parking spaces and 353 cycle storage facilities.

### The Site and its Surroundings

The application site measures 1.6 hectares in area and is located on the western banks of the Rive Tawe and occupies a central location within the Morfa Industrial Estate. The site has previously been developed ('brownfield') and comprises of the former Unigate Dairy site along with additional land but has been substantially cleared save for the former Dragon Arts and Learning Centre which fronts onto Morfa Road, which, it is understood, was constructed as the previous Nickel Works Office Building. There is some vegetation on parts of the site, mainly along a strip of land fronting the River Tawe, with smaller pockets of vegetation in the southwest part of the site and along the northern boundary.

### Outline Application

The outline approval was granted subject to a number of planning conditions including a number of pre-commencement including the requirements to submit details in respect of Ground Contamination, Remediation and Monitoring; Piling Operations; Foul and Surface Water Drainage including SUDS; Construction Method Statement; Historic Environment investigation; re-use of War Memorial Plaque; Highway Engineering details; Operational / Waste Management Plan; Arboricultural Method Statement; Landscape and Ecology; Japanese Knotweed and a Noise Impact and Mitigation Assessment. A number of the these requirements to discharge the relevant planning conditions have been submitted and are currently being assessed.

Additionally, the outline approval is subject to a Section 106 Planning Obligation which requires:

- o A £500,000 Highway infrastructure contribution (to be paid within 12 months of commencement of development) towards measures to improve the accessibility of the site in particular:
  - a) Towards the provision of a riverside shared use link along the River Tawe (for land outside the application site boundary but excluding the application site frontage);

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- b) Additional Infrastructure works to the existing Morfa Road / New Cut junction to provide a through route to The Strand for public transport access and to provide improved pedestrian crossing facilities; bus stop and CCTV coverage /lighting;
- o The provision (or diversion of existing) of adequate bus services for a period of five years between the site and both Swansea University campuses & the SA1 UWTSD campus prior to the first beneficial use of the development;

The completion of a Tenancy Agreement in respect of the control of car parking within the vicinity of the site

### **Material Planning Considerations**

The main material planning considerations for the proposed development are as follows:

- o Compliance with Development Plan Policy and Supplementary Planning Guidance;
- o Townscape and Visual Impact;
- o Community Safety;
- o Highways, traffic, car parking, access and pedestrian movements;
- o Waste;
- o Impact on archaeology and cultural heritage;
- o Impact on Ecology.

### **Compliance with Development Plan Policy and Supplementary Planning Guidance**

As indicated, the outline planning permission has established the principle of the PBSA at this location. In determining the outline approval, it was recognised that the proposed development would represent a significant regeneration of a brownfield site within the Tawe Riverside Corridor and will also make a contribution to the growing demand for Purpose Built Student Accommodation (PBSA) in Swansea. The redevelopment of the brownfield site would be consistent as a more sustainable form of development being promoted by National Planning Policy and through the Development Plan Policy in respect of such developments within the urban area. The site is outside the City Centre Core Action Area and UDP Policy HC11 in particular, favours the development of PBSA within appropriate City Centre sites, however, it was acknowledged that such developments can contribute towards achieving the Council's wider regeneration aims for this area.

Within the Swansea Local Development Plan, the Tawe Riverside Corridor and Hafod Morfa Copperworks are identified as a Strategic Development Area (SDA) - Policy SD L to provide new homes and opportunities for job creation and community investment at a strategic scale. Development proposals should accord with a number of Placemaking Principles and Development Requirements. These include providing a coherent design approach with development facing Morfa Road to ensure community safety as well as a strong sense of place, the provision of higher densities along the main street frontages and the promotion of active travel through legible, safe and accessible walking and cycling routes. Having regard to the extant planning permission, the development of this last phase of the student accommodation would largely accord with the aspirations of the emerging LDP Policy and its placemaking principles.



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The emerging policy within the Local Development Plan and the draft preparing Supplementary Planning Guidance (SPG) on Houses in Multiple Occupation and Purpose Built Student Accommodation (PBSA) is more specific in that they favour sustainable locations within the City Centre; however, neither of these documents is adopted policy and therefore carries no formal weight in the determination of this planning application. Nevertheless, in accordance with the draft SPG it was considered that the development of the PBSA proposals at this sustainable locations on the edge of the City Centre would be acceptable. In particular, the opening of the Morfa Distributor Road (MDR) will allow the regeneration of the Tawe River Corridor, and whilst there is currently no bus route along the MDR, the provision of a new circular public transport route linking the site to the City Centre and the various University campuses has been secured through the Section 106 Planning Obligation.

Additionally, as the application site is situated on the edge of the City Centre there were concerns about its accessibility and distance to the City Centre. It has been a long term aspiration of the Tawe Riverside Corridor Study to provide a continuous riverside walkway and cycling route. The provision of an accessible link to the Riverwalk along the application site frontage to the River Tawe will be a requirement of the development, and the Section 106 Planning Obligation requires a £500,000 contribution towards the physical infrastructure improvements between the application site and the City Centre to include enhancing the riverside shared use link on land adjacent to the site; highway junction improvements to the existing Morfa Road / New Cut Junction to provide a through route to the Strand for public transport access to provide improved pedestrian crossing facilities, provision of a bus stop immediately outside the application site; and local CCTV enhancement coverage on the MDR to enhance pedestrian safety.

### **Design Issues including Townscape and Visual Impact**

UDP Policy EV1 sets out the good design principles which all new development should accord with. The draft SPG in respect of design indicates that new PBSA development should be designed so it responds to its local context and wherever possible seeks to improve the built environment. The draft SPG acknowledges that PBSA proposals, by their nature, are often high density developments and this principle of high-density living would normally be supported provided they are carefully designed and integrated with surrounding areas.

Whilst the outline application reserved all matters for detailed approval, the indicative layout proposed a development ranging from 4 stories on the Morfa Road frontage to 5 / 6 stories on the river frontage. The scale of the buildings was not considered to represent a tall buildings in the context of the existing commercial and residential developments along the Morfa Road corridor. The 4-6 storey height fits with the regeneration objectives for the area and is supported and is not considered to trigger the 'tests' within the Tall Building SPG. The scale of this current reserved matters proposal for 5 - 6 storey buildings accommodating 706 student rooms, and whilst the detailed scheme proposes an additional storey height, it is considered to be an appropriate urban scale without being a dominant group of tall buildings.

The pair of linear blocks onto the Morfa Road frontage provide natural surveillance of the street whilst commercial ground floor space will create active frontages. The two courtyard blocks within the site will define private/ secure courtyards for student use (which will have controlled access gates for security) whilst the external public realm would be publically accessible and all blocks will have legible and welcoming entrances.

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The main spine running west to east through the site provides a pedestrian link from Morfa Road to the future river path. To either side of this public link is active frontage created by ground floor student communal facilities. The Design and Access Statement documents the testing of the public access through the site to the lower level alignment of the future river path. This has a level change of approximately 5.6m over a distance of approximately 20m. The testing indicates that an accessible ramp would be circa 144m long with numerous switch backs and this would not be a useable provision, so instead a platform lift is proposed to ensure access for all along with public realm terrace areas stepping down to the river frontage.

The parking ratio has been reduced from the speculative outline scheme due to the experience of the student operator which demonstrates low levels of car ownership amongst students in the schemes and this allows a welcome improvement to the expanse and quality of the public realm. Adequate provision for cycling parking will need to be provided and there is an existing condition within the outline approval to ensure this.

### Appearance

The submitted Design and Access Statement acknowledges that the site is located within the Lower Swansea Valley and makes reference to the copper industry and that the design philosophy is strongly influenced by this and by the Cadw Characterisation Study of the Lower Swansea Valley, and in this context has taken reference to the appearance of the development in terms of texture and colour. The elevations comprise a rain screen cladding system in grey to reflect Swansea metal history on the external elevations and a very vibrant colourful courtyard elevations taking inspiration from microscopic images of copper. The eastern part of the site is accentuated by roof features to communal dining areas overlooking the river corridor. The full height windows with aluminium frames were proposed at 0.9m width which was considered too narrow in terms of natural surveillance and internal quality; this has been amended to 1m wide following negotiations. The final materials and details can be controlled by condition. Overall, it is considered that the scheme fully accords with the outline placemaking framework and proposes a quality approach to the site.

### **Community Safety**

The draft SPG highlights that PBSA development should be designed to encourage the prevention of crime through thoughtful design, layout and lighting. The Council's adopted 'Planning for Community Safety' SPG (2012) provides guidance in increasing community safety and reducing crime and the fear of crime, in order the quality of life for future students. The Designing Out Crime (South Wales Police) has highlighted the need for the student development is built to meet Secured by Design standards and specifications, the provision of street lighting and CCTV coverage. Whilst it is not possible to provide a security fence around the whole development as this would prohibit public access to the waterfront, it has been confirmed that each block would act as a perimeter and will be secured internally with controlled access points only.

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### Highways, traffic, car parking, access and pedestrian movements

PPW aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys. UDP Policy AS1 of the UDP requires that new development associated with housing, employment, shopping, leisure and service provision is located in areas that are currently highly accessible by a range of transport modes, in particular public transport, walking and cycling.

Policy AS2 states that new development should be designed to:

- o promote the use of public transport and facilitate sustainable travel choices;
- o provide suitable facilities and an attractive environment for pedestrians, cyclists and other non-motorised modes of transport;
- o Allow for the safe, efficient and non-intrusive movement of vehicles, and
- o Comply with the principles of accessibility for all.

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. Whilst Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles.

In consideration of the outline application, there were concerns with the location of the site being outside of the City Centre Core Action Area and as such being remote from a lack of local facilities and amenities and lacking a connection to public transport routes. The Head of Transportation's view at that time was that the site was unsustainable and would not be supported from a highways viewpoint. Since then the completion of the Morfa Disbrutor Road (MDR) has been critical to allow the redevelopment opportunities along Morfa Road to occur and has been designed to boost regeneration of the Tawe Riverside Corridor and to reduce congestion and air quality problems on the A4067 Neath Road in the Hafod and improve walking and cycling links. The MDR provides a 3 metre shared use path along its length linking with and complementing the parallel riverside route which is expected to be delivered in its full extent in the coming years in accordance with the Tawe Riverside Corridor Strategy (TRCS) (2006). One of the key aspirations of the TRCS is to ensure the river corridor is fully integrated with the city centre and the Liberty Stadium and to achieve a continuous and pleasant public access along the banks of the River Tawe.

Consequently, a series of packages have been included in the Section 106 Planning Obligation that will help mitigate for the remote nature of the site and enhance its accessibility for all modes of transport, including physical infrastructure improvements between the application site and the City Centre including an enhanced riverside shared use link through the adjoining sites; infrastructure works to the existing Morfa Road/New Cut junction to provide a through route to the Strand for public transport access and to provide improved pedestrian crossing facilities; and public transport provision.

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### Car Parking

The Head of Transportation has indicated that the reserved matters has not submitted any justification for the significant reduction in the car parking provision. The indicative layout proposal submitted with the outline proposal proposed approx. 110 car parking spaces which was in line with the SPG parking standards on PBSA. Whereas the current reserved matters application only shows 32 spaces. The Head of Transportation has indicates that even if the maximum reduction under the sustainability appendix of the parking guidelines had been completed, this would still only equate to be a 30% reduction, which would still leave a requirement for 70 spaces. Therefore without a justification, a recommendation of refusal would be made on grounds of inadequate parking within the curtilage being detrimental to highway safety leading to any increase in indiscriminate parking having an negative impact on the free flow of traffic.

In response to these concerns the applicants have submitted a Car Parking Statement. The statement acknowledges that the Supplementary Planning Guidance - City and County of Swansea Parking Standards March 2012 indicate a provision of 99 spaces (based on 1 space per 25 beds for residents & 1 space per 10 beds for visitors). However, the SPG states at Section 9 - Notes relating to Residential parking standards for all Zones that:

- o For developments where clear evidence has been supplied that car ownership levels will be lower than normal, a more flexible approach to numbers of parking spaces may be taken. Acceptable evidence of this would be a contractual arrangement with tenants to secure low car ownership levels;
- o Low parking standards required for purpose built student accommodation will be based upon a condition requiring a legal tenancy agreement to prevent students parking on neighbouring streets within a 3 mile radius of the accommodation building, public transport facilities, and the provision of a travel plan.

In this respect, the completed Section 106 Planning Obligation incorporates a clause in respect of a restriction of on-site student car parking. This includes a clause that the owner covenants with the Council that the allocation of on-site parking spaces is restricted and that the Tenancy Agreement prohibits a student without an allocated parking space bringing a motorised vehicle to the site. The applicants indicate that parking demand on their student development sites throughout the UK is very low and in the event of a student was to park a car on a residential street; it would come to their attention and in such cases, action would be taken against the offending student which could result in the loss of tenancy.

Furthermore, it is highlighted that the applicants have held discussions with South Wales Transport with a new bus timetable proposed diverting a service along Morfa Road to serve the development, and a bus stop will be constructed immediately adjacent to the site as part of the Section 106 obligations. A Travel Plan will also be implemented. In conclusion, given the acceptance of the required condition restricting parking via a tenancy agreement, the proposed bus services and a Travel Plan, parking spaces will not be a high priority for the students who will occupy the accommodation; and the development will not create parking problems on the local highway network or for the local community. It is also highlighted that there are existing traffic regulation orders in place along the MDR prohibiting on-street parking.

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Additionally, the various Section 106 Planning Obligations measures are designed to make the site a more accessible and sustainable location thus reducing the need for car borne travel and therefore the reduced car parking provision at this location is considered appropriate.

### **Waste**

The Council's Commercial Waste & Recycling team have expressed concerns that the scheme will provide insufficient wheel bin capacity to accommodate the waste & recycling produced by 706 students per fortnight to coincide with the current domestic collection schedule provided by Swansea Council. In response to these concerns, the applicants have issued a Waste Statement which confirms that the preference of the 'True Student Living' operator is to have more frequent (rather than fortnightly) waste collections and will accommodate it via either a private waste collection company or a paid service provided by Swansea Council as required.

Additionally, with regards to the second point raised by Waste & Recycling Officer referring to an access and parking facilities for refuse/ recycling vehicle, the assumption during the design stage was that the refuse vehicle will be able to access the site and park as per a submitted sketch. The Vehicle will then be able to leave the site via the provided hammerhead turning bay located towards the south of site (also highlighted on the submitted sketch). This would allow the refuse vehicles to access and exit the site in forward gear, which is obviously a prerequisite in highway safety terms.

### **Cultural Heritage**

The western part of the site contains the surviving Hafod Nickel Works office (former Dragon Arts and Learning Centre), but may also contain evidence of features relating to the canal side in the early stages of the industrial development of this location. Above the entrance of the former Nickel Works office building there is a memorial to workers at the Nickel Works who were killed during the First World War. Whilst the red brick building of the former Dragon Arts and Learning Centre is considered to be of local interest, the building is not listed and therefore has no protection from demolition, however, it was considered at the outline stage that the war memorial plaque on this building should be retained and re-used within the development site and this is ensured through the condition under the outline approval. The submitted landscaping drawings indicate the incorporation of the plaque within the retaining / steps structure to the central plaza / riverfront access and this issue can be discussed as the scheme progresses.

### **Ecology**

The outline application was accompanied by a Preliminary Ecological Assessment which included undertaking a Phase 1 Habitat Survey. The conclusions of the Appraisal were that the site has limited ecological potential but the areas of scrubland along the river frontage could possibly have limited potential for breeding and foraging birds and also low potential for bats, otters and reptiles. The development works should be planned and timed to have the minimum impact on fauna species and if carried out the recommendations made within the Appraisal should ensure that there is no long term negative ecological impacts upon protected species.

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These include the protection of the scrub vegetation where possible, timing of clearance works outside the bird breeding season and through enhancement measures such as the inclusion of new bat and bird boxes. There are also areas of Japanese Knotweed within the scrub land and these will need to be removed accordingly.

The former Dragon Arts and Learning Centre building would be demolished as part of the proposals, and this had been excluded from the Ecological Assessment. There was the potential for protected species (such as bats) to be present and a condition was imposed to ensure that a habitat survey of the Dragon Arts Centre is undertaken prior to the submission of any subsequent Reserved Matters application. The application to discharge the Condition (30) has since been submitted and approved when it was concluded the building did not offer any ecological value.

### **Conclusion**

The proposed development would represent a significant regeneration of a brownfield site within the Tawe Riverside Corridor and aims to make a contribution to the growing demand for Purpose Built Student Accommodation (PBSA) in Swansea. The redevelopment of the brownfield site would be consistent as a more sustainable form of development being promoted by National Planning Policy and through the Development Plan Policy in respect of such developments within the urban area. Overall, the reserved matters for the details relating to the access, landscaping, appearance, layout and scale will represent an acceptable design approach and approval is recommended.

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. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **RECOMMENDATION:**

**APPROVE, subject to the following planning conditions:**

- 1 The development shall be carried out in accordance with the following approved plans and documents: ( 4501 A001 A SITE PLAN AS EXISTING; 4501 L001 A SITE LOCATION PLAN; 4501 SK101A SITE PLAN AS PROPOSED; 4501 SK102 A BLOCK 1 - GROUND LEVEL 1 PLANS; 4501 SK103A BLOCK 1 - TYPICAL AND ROOF PLANS; 4501 SK104A BLOCK 2 - GROUND LEVEL 1 PLANS; 4501 SK105 A BLOCK 2 - TYPICAL AND ROOF PLANS; 4501 SK106 A BLOCK 3 - GROUND FLOOR PLAN; 4501 SK107 A BLOCK 3 - LEVEL 1 PLAN; 4501 SK108 A BLOCK 3 - LEVEL 2 - 4 PLAN; 4501 SK109 A BLOCK 3 - LEVEL 5 PLAN; 4501 SK110 A BLOCK 4 - GROUND FLOOR PLAN; 4501 SK111 A BLOCK 4 - LEVEL 1 PLAN; 4501 SK112 A BLOCK 4 - LEVEL 2 - 4 PLAN; 4501 SK113 A BLOCK 4 - LEVEL 5 PLAN; 4501 SK114 A SECTIONS AA BB, 4501 SK115 A SECTION CC; 4501 SK116 A

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BLOCK 1 - ELEVATIONS; 4501 SK117 A BLOCK 2 - ELEVATIONS; 4501 SK118 A  
BLOCK 3 - EAST & SOUTH ELEVATIONS; 4501 SK119 A BLOCK 3 - WEST NORTH  
ELEVATIONS; 4501 SK120 A BLOCK 3 COURTYARD ELEVATIONS; 4501 SK121 A  
BLOCK 4 - EAST SOUTH ELEVATIONS; 4501 SK122 A BLOCK 4 - WEST NORTH  
ELEVATIONS; 4501 SK123 A BLOCK 4 - COURTYARD ELEVATIONS; 4501 SK124 A  
DETAILED ELEVATIONS; 4501 SK125 A 3D VISUALISATION ; 4501 SK126 A 3D  
VISUALISATION; 4501 SK127 A 3D VISUALISATION; 4501 SK128 A 3D  
VISUALISATION; GL0986 LANDSCAPE MANAGEMENT PLAN; GL0986 05  
SKETCH LANDSCAPE MASTERPLAN; GL0986 06 SOFT LANDSCAPE; GL0986 07  
HARD LANDSCAPE; GL0986 08 CENTRAL PLAZA SECTIONS - received on 27  
September, 2018.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 2 Notwithstanding the details shown on any approved plan, samples of all the external finishes and the precise pattern and distribution of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development. The development shall be implemented in accordance with the approved details. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works unless otherwise agreed by the Local Planning Authority.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 3 Prior to the commencement of the external works, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- o Typical window and door units within their openings including feature surround windows;
- o Details of the location, external design and finishes of all visible external ventilation;
- o Riverfront roof feature; ;
- o Courtyard entrance structures;
- o Commercial Shopfronts / Canopy details;
- o Parapet / handrail details

The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: [[UDP Policies EV1, EV2, EV3, EV4, EV6, EV34, EV35, EV36, EV38, EV40, EC3, HC2, HC11, HC17, HC19, AS1, AS2, AS4, AS6 & AS11]]
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#### UDP - EV9 - Development in Conservation Areas

Development within or adjacent to a Conservation Area will only be permitted if it would preserve or enhance the character and appearance of the Conservation Area or its setting. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - AS6 - Parking/Accessibility

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

#### UDP - HC6 - Flat Conversions

Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, 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)

### Site History

App Number	Proposal	Status	Decision Date
2018/2230/FUL	Change of use from a building in use as a care home to 8 no. self contained flats	PDE	
2018/2231/CAC	Demolition of two rear conservatories and a section of front wall (application for Conservation Area Consent)	WDN	14.11.2018
2010/0935	Installation of window to rear elevation	APP	29.07.2010
2009/1069	First floor rear extension and fenestration alterations and removal and reinstallation of flue vent.	APP	02.11.2009

### APPRAISAL

This application has been called to Committee for decision at the request of Councillor Irene Mann.

### 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. 52, 58 and garage to rear of 52 Eaton Crescent on 29th October 2018. A site notice was also posted in the vicinity of the site dated 30th October 2018.

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### Trees

The Authority Arboricultural Officer raised no objection.

### Urban Design and Conservation Team

Following the adopted review of the Ffynone & Uplands Conservation Area, the above application site now lies within the expanded boundary area of this designation. The application property lies within Character Area 9: South of Walter Road, Bryn-Y-Mor and Eaton Crescent which is described in further detail on page 31 of the Character Appraisal & Management Plan (CAMP) SPG document.

The above applications seek the conversion of an existing 25 bed nursing home into 8 flats. In order to facilitate this conversion the proposals seek the demolition of existing single storey conservatories to the rear of the building and the blocking up of 2 ground floor doors. No changes are proposed to the existing front boundary wall and access however it is proposed to remove a 250mm high step/wall between the building and the front boundary wall in order to provide a single flush level parking area behind the front boundary wall.

### Comments:

- o Regarding the removal of the conservatories to the rear, this element of the proposals would not have any visual impact upon the character and appearance of the conservation area as these are located within the rear private garden amenity space of the buildings. However this element of the proposals is welcomed to declutter the rear of the building itself.
- o Are any changes proposed to the front elevation of the building? No elevation drawings (either existing or proposed) have been submitted and as such no comments can be made regarding this elevation. However if any changes are proposed we will need to see these given that this is the most prominent, public street facing elevation. It is noted that the existing front windows are uPVC replacements which are not considered to be positive to the character of the building but these were introduced prior to the designation of Eaton Crescent within the expanded conservation area. However if there are to any changes to the front of the building then consideration should be given to replacing these windows with a more appropriate traditional style which better reflects the character of the building and wide streetscene.
- o The proposals to remove the 250mm wall within the front garden area appear to be to facilitate parking across more of the frontage of the buildings. Whilst this approach does not negatively impact upon the front boundary wall and access as these currently stand, the proposed change would create an single large and undifferentiated area of hardstanding which whilst being shown for 2 parking spaces could potentially allow parking for up to 4 vehicles. This number of cars would detrimentally impact upon the character of the building and the streetscene as well blurring the separation between the originally separate buildings at 54 & 56 Eaton Crescent. Some of the issues highlighted for this Character Area (are 9) within the CAMP SPG document include 'the need for the enhancement of some of the private front gardens or areas', however this proposed change would not be considered to be an enhancement and instead would be detrimental to the character and appearance of the conservation area.

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- o Given that the current frontage parking arrangement already allows for the parking of 2 spaces within the frontage without need for any physical changes, this arrangement should be utilised in its current form to preserve the character of the conservation area.

In summary the proposals to remove the conservatories and block up the ground floor side doors are considered acceptable however the changes to the front garden area to facilitate a large undifferentiated parking area across the frontage of the 2 buildings are not. Given that the existing arrangements already allow for the parking of 2 cars here, this current arrangement should be retained in situ to preserve the character of the building and wider conservation area.

### Re-consultation

The agent was made aware of the concerns of the Authority's Urban Design and Conservation Officer and supplied amended plans showing the retention of the front boundary wall. It was also stated that there were no external alterations proposed to the front elevation of the building. A re-consultation of all neighbours, objectors and consultees was made.

5 letters of objection were received following the re-consultation, which can be summarised:

- o Parking
- o Overdevelopment
- o Increase noise and disturbance
- o Overlooking
- o Lack of refuse and cycle storage
- o Lack of disabled access
- o Impact on conservation area
- o Absentee Landlord can lead to issues not being addressed
- o Impact on social cohesion of area

An objection petition has been received containing 52 signatures.

The comments on the petitions are as follows:

*"We the undersigned object to the above planning application on the following grounds:*

1. *It will affect the general amenity of the area, specifically parking, noise and rubbish.*
2. *The application is contrary to the aims of The Future Generations Act 2015 Planning Policy WALES 2015 (to promote and provide mixed tenure and sustainable communities)."*

### Highway Authority

A pre app was submitted to discuss the principle of the conversion to self contained flats. The highways comments stated that parking in accordance with the SPG would be required (thus eight in total). The plans indicate that only two spaces are available (that would be independently accessible) with a possible third that would block the other two spaces in. Whilst the parking standards allow a relaxation per flat due to being in a sustainable location the parking standards cannot drop below one per flat, hence eight spaces would be required.

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The on street parking situation is oversubscribed with more permits issued than there are spaces to park in. It is considered therefore that the introduction of eight new flats without the parking to mitigate for them would be detrimental to highway safety by virtue of indiscriminate parking would have a negative impact on the freeflow of both vehicles and pedestrians in and around the site.

Whilst there is a fall back position of Care home at the site the parking requirements for that use would be less and also the patterns would be different with an reduction in the overnight parking demand.

I recommend that the application be refused on the grounds that failure to provide sufficient parking for the eight flats would have a negative impact on highway safety, leading to an increase in indiscriminate parking to the detriment of the freeflow of traffic of vehicles, buses and pedestrians past the site.

*The agent advised that the three garages to the rear of the property would be available to the flats. However the Highway Officer did not agree that this would overcome the concerns above.*

### **Urban Design and Conservation Team**

The amended proposals retain the existing front garden area in situ and as such this addresses the previous concern with regards to the visual impact of parking on the host building as well as the wider conservation area.

The amended proposals now seek to retain the larger conservatory which is an existing structure and as such this is acceptable.

The proposed changes now include the removal of an external staircase as well as a small conservatory type lean-to extension to the rear of the building which are later additions to the building and not original features of this. The removal of these is therefore acceptable.

The other changes include the blocking up of 2 door entrances to the back part of the south side elevation. These changes are very minor and located in such a position so as these would not impact upon the publicly visible part of the property. These are therefore also acceptable.

In summary the amended plans address the previous concerns and are considered acceptable in both Design & Conservation terms.

### **Welsh Water**

The application appears to rely on existing sewer connections and no new connections are to be made with the public sewerage system. Nonetheless, for the avoidance of doubt we would be grateful if you could provide the developer with the following advisory note:

#### **Advisory Note**

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.

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Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

### **Description**

Full planning permission is sought for the change of use from a care home to 8 no. self-contained flats of No.54-56 Eaton Crescent, Uplands. The site currently contains two large semidetached properties that were likely originally constructed as two residential dwellings. The proposal includes some minor external alterations and the removal of a conservatory style extension to the rear. It is also relevant that the site is positioned within the Ffynone and Uplands Conservation Area.

### **Policy and Procedural Matters**

The Swansea UDP was 'time expired' on the 31st December 2016. In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption.

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This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018. On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, an emerging LDP policy that is considered to be a relevant material consideration is PS 2 'Placemaking and Place Management' which refers to the need for development to enhance the quality of places and spaces and should accord with relevant placemaking principles. Further to this policies HC1 'Historic and Cultural Environment', HC2 'Preservation or enhancement of Buildings and Features' and AS6 'Parking'. These policies are consistent with the aims of policies EV1, EV2, EV3, EV9, HC6 and AS6 of the UDP.

### **Issues**

The main issues for consideration with regard to this application relate to the acceptability of the use at this location in terms of its principle, visual amenity and impact upon the Conservation Area, residential amenity and highway safety having regard to policies EV1, EV2, EV3, EV9, HC6 and AS6 of the City and County of Swansea Unitary Development Plan 2008. There are, in this instance, considered to be no additional overriding considerations arising from the provisions of the Human Rights Act.

### **Principle of Development**

The site in question is situated in a primarily residential area and as such Policy HC6 of the Swansea UDP allows for the conversion of larger buildings such as this to self-contained units of accommodation subject to compliance with the identified set criteria.

The policy states: "proposals for the conversion of larger dwellings and vacant or underutilised commercial and industrial buildings to flats or other self-contained units of accommodation will be permitted subject to satisfaction of the following criteria:

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- (i) In the case of buildings with an employment use, it can be demonstrated that the current or previous use is no longer viable,
- (ii) There would be no significant adverse effect upon residential amenity by virtue of noise, nuisance and/or other disturbance,
- (iii) The development would not result in an over-intensive use of a dwelling or building,
- (iv) There would be no significant adverse effect on the external appearance of the property and the character of the locality,
- (v) There would be no significant adverse effect on local car parking and highway safety, and
- (vi) Appropriate refuse storage arrangements can be provided.

It general planning terms the proposed conversion of the building to private residential flats would be in-keeping with the residential nature of the street. The proposal does not preclude the letting of the flats to students, however this application does not include a HMO use. In terms of impact on the social cohesion of the area the residential use is considered to be consistent with neighbouring properties and therefore the principle of this form of a use at this location is acceptable. Consideration therefore needs to be made on the relevant material planning considerations.

### **Visual Amenity and Impact upon the Conservation Area**

In terms of visual impact the proposal will involve the removal of an existing lean-to conservatory style rear extension and some fenestration alterations. It is not considered that the removal of the conservatory would result in any unacceptable impacts. The conservatory lacks visibility from wider public vantages and is an incongruous extension to the original building. It is noted that the site falls within the Ffynone and Uplands Conservation Area, however the nature of the alterations are not considered to result in an undue harm on the character of the area and would preserve its character in that respect. As such the development will not result in an unacceptable impact on the visual amenities of the host building or the character and appearance of the area in compliance with the provisions of Policies EV1, EV9 and HC6 of the Swansea UDP.

### **Residential Amenity**

With regard to residential amenity it is not considered that the proposed alterations and extensions are of a sufficient scale to result in any unacceptable overbearing or overshadowing impacts. In regard to overlooking the majority of the habitable room windows to the proposed flats are currently serving existing habitable rooms to the nursing home. There is one exception insofar that the ground floor side elevation windows to 'Bedroom 2' of flat 56a is currently a bathroom rather than a habitable room. Whilst these windows would introduce some additional views, this is not considered to be in excess of the existing impact from the side elevation windows of the current kitchen and nurses offices on the ground floor.

Turning to the impact on residential amenities with regard to noise and disturbance it is not considered that the proposed change of use would result in the intensification of the property which would result in an unacceptable impact on neighbouring occupiers. It is noted that the conversion of the property to 8 separate flats could potentially result in an increase in the number of comings and goings at the site.

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However taking account of the existing use as a 25 bedroom care home and the potential noise generated from the residents, staff and visitors, it is not considered that the conversion would result in any excessive noise and disturbance over and above the existing situation.

In terms of the residential amenity of future occupants it is noted that whilst there is some external amenity space, individual flats do not benefit from dedicated private amenity spaces. However it is generally accepted that flats will often not be provided with external amenity areas and this in itself is not considered unacceptable. The Authority Design Guide 'Places to Live: Residential Design Guide' recommends that flats have a minimum internal floor area of 46m<sup>2</sup> for single bed flats and 59m<sup>2</sup> for 2 bed flats, to ensure that an acceptable standard of living accommodation is provided. The proposed flats all exceed the minimum space requirements and therefore can be considered to provide an acceptable level of accommodation.

It is noted that proposal does not include any information with regard to bin storage facilities for the flats. A condition will therefore be attached to any permission if granted for bin storage details to be agreed in writing and installed before beneficial use of the flats.

### **Highway Safety**

The Authority's Highways Officer has raised an objection to the proposal due to the lack of onsite parking provision.

The Parking Standards SPG sets out that when taking the proposed residential accommodation as flats then the requirement is one space per flat bedroom plus one space per five units for visitors. This equates to a demand for 15 car parking spaces and it is noted that space for only 5 cars can be contained within the site. In assessing the impact of the proposal regard is given to the extant lawful use of the building as a residential care home with 26 bedrooms, approximately 10 day time staff and 4 overnight staff. The SPG recommends that this facility would generate a need for approximately 12 car parking spaces for staff and visitors, for which only the 5 are provided. It is also noted that the proposal originally contained two additional spaces to the front garden. However this was rejected by the Authority's Conservation Officer on the basis that this would have a harmful impact on the visual character of the conservation area.

It is noted that the site lies within a sustainable location, close to essential services, facilities and public transport routes. However no provision is made for the storage of bikes on site although there is space for their storage to the rear of the site and their provision can be secured by a suitably worded condition.

On balance taking account of the sustainable location of the proposal and the fall-back position to re-open the care home the shortfall in the parking facilities is considered acceptable in this instance. It is therefore considered that the proposal would have an acceptable impact on the existing highway network and highway safety in compliance with the requirements of policies EV1, EV3 and AS6 of the UDP.



## Planning Committee – 4<sup>th</sup> December 2018

Item 11 (Cont'd)

Application Number:

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### Response to Objectors

The objections in regard to parking, highway safety, visual amenity, social cohesion, noise and disturbance and overlooking have been addressed in the above report. The issue raised in regard to the potential problems arising from an absentee landlord is not considered to be a material planning considerations whilst the issue raised in relation to disabled access would be covered through the Building Regulations process. The lack of details in regard to bin and bicycle storage is noted and these will be required by condition.

### Conclusion

Having regard to all material planning considerations including the Human Rights Act, the proposal is therefore considered to represent an acceptable form of development that accords with the criteria set out in Policies EV1, EV2, EV3, EV9, AS6 and HC6 of the City and County of Swansea Unitary Development Plan 2008. Accordingly, approval is recommended.

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.

### 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: CD/1066/01 REV A site locations & block plans, CD/1066/10 REV A proposed ground floor plan, CD/1066/11 REV A proposed first & attic floor plans, CD/1066/12 REV A proposed elevations 1, CD/1066/13 REV A proposed elevations 2, CD/1066/20 REV A existing & proposed plans of front access received on 9th November 2018.  
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Details of facilities for the secure and undercover storage of 14 cycles and storage of refuse shall be submitted to and approved in writing by the Local Planning Authority. The approved details 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 and general amenity.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 11 (Cont'd)**

**Application Number:**

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- 4 The two parking spaces to the front of the site and three parking spaces contained within the garages to the rear of the site shall be made available for the sole use of the occupants of the approved flats and shall remain available for their designated use for the lifetime of the approved development.  
Reason: In the interest of highway safety.

### **Informatives**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies EV1, EV2, EV3, EV9, AS6 and HC6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The 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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

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## Planning Committee – 4<sup>th</sup> December 2018

Item 12 (Cont'd)

Application Number:

2018/2290/S73

UDP - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (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 - AS3 - Public Rights of Way

Accessibility - Protection of public rights way. (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)

### Site History

#### App Number

2018/2290/S73

#### Proposal

Construction of a purpose built student accommodation building of six / seven storey block - 245 bedspaces with ancillary communal facilities and associated works - Application under Section 73 to vary condition 33 (Plans) of planning permission ref. 2007/2829 and 2008/1990 (following 2018/2015/NMA)

#### Status

PDE

#### Decision Date

## Planning Committee – 4<sup>th</sup> December 2018

Item 12 (Cont'd)	Application Number:	2018/2290/S73
2015/1293	Revised layout to phase 2 Student Accommodation (340 bedrooms) including 'handing' Block D and incorporating re-arrangement of management suite / plant room and external layout of courtyard comprising landscaping, circulation and site access, car parking and cycle provision, refuse stores and sub-station (reserved matters approval pursuant to the outline planning permission 2007/2829 granted on 19th December 2008)	APP 17.08.2015

### RESPONSE TO CONSULTATIONS

The application was advertised on site in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by display of site notices. No public responses have been received.

**Natural Resources Wales** - We have reviewed the planning application submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our Checklist. We therefore do not have any comment to make on the proposed variation of Condition 33.

**Welsh Water** - We have no comments to make on the application for variation of condition 33 on outline planning permission 2007/2829 subject to compliance with the requirements of drainage related conditions, namely details approved under condition 31 (Ref: 2016/1100), which shall be maintained on any new consent granted for the development.

**GGAT** - You will recall that we have commented previously in relation to earlier applications, due to the location of the development area in the Lower Swansea Valley Archaeologically Sensitive Area, and an identified archaeological resource dating from the 18th and 19th centuries and relating to the Cambrian Pottery, Swansea Canal, wharfs, dry docks and docks and other industrial activity, as well as the eastern area being the former course of the river Tawe. Archaeological evaluation and subsequent archaeological watching brief was undertaken under a Written Scheme of Investigation. These works identified remains of warehouses, and wasters and debris from the pottery, as well as walls of the docks. A depth of c4 to 5m of overburden was across the site. Subsequently, we recommended discharge of the condition relating to the archaeological resource in our letter of July 2016.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 12 (Cont'd)**

**Application Number:**

2018/2290/S73

Given our current information, only deep works would be likely to affect the buried archaeological resource. Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

### **CADW -**

Advice - Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments.

Our assessment of the application is given below:

GM012 Swansea Castle  
GM177 Bon y Maen Standing Stone  
GM315 Earthwork on Kilvey Hill  
GM371 Morris Castle  
GM392 Morfa Bridge and Quays  
GM441 Original Swansea Castle  
GM481 White Rock Copper Works  
GM482 Foxhole River Staithes  
GM483 Hafod Copper Works Musgrave Engine and Rolls  
GM484 Landore New Quay

The application is for a change to conditions allowing a change in the design of a student accommodation block in a development which has largely already been constructed. The proposed building may be visible from some of the scheduled monuments listed above but it will be seen in association with the neighbouring buildings which are of a similar size. Consequently it is our opinion that the proposed development will cause no more impact on the setting of any scheduled monument than the consented development.

**Highway Authority** - There are no highway objections to the proposal.

### **Urban Design and Conservation Team -**

This application uses the s73 process to propose an amended final block of student accommodation at the St David's site.

The principle of student accommodation and buildings of up to 10 stories has been established by earlier approvals.

This application relates to part of the Morfa Road frontage where a 5-6 storey student block (E) was approved, however it is understood the approved scheme cannot be building due to drainage easements and the current proposal is slightly amended footprint and architectural refinements.

The amended Morfa Road frontage follows the approved set back building line and with active frontage. The proposed amended building is up to 7 stories with the visual massing successfully reduced through the use of a two storey brickwork plinth and grey panel clad top floor, with the middle four floors finished in render to match the existing buildings. This links with the materials previous scheme and improves on the architectural treatment.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 12 (Cont'd)**

**Application Number:**

2018/2290/S73

The proposed scale of the amended steps down to 6 stories at the northern end adjacent to the boundary with the Pipe House Wharf site. There are no primary windows proposed overlooking this adjacent site. This Council depot is due to be sold for residential redevelopment but no proposals have been submitted and whilst the proposed scale close to the boundary is noted it is not considered to fetter the future development potential of the adjacent site. The scale also steps down to 6st in east adjacent to the existing houses on Rothwell Road which matches the previously approved scheme.

Therefore whilst the amended proposals for block E are slightly taller than the original approved, the massing and architectural treatments are welcomed and this is not considered to fetter the adjacent development potential or impact on the amenity of the existing homes to the east.

Approval is recommended.

### **APPRAISAL**

#### **Background**

Outline Planning Permission was granted on 19 December, 2008 following the completion of a Section 106 Agreement for a mixed use development comprising 967 student accommodation units within 1 no. part 6 storey, part 7 storey, part 8 storey part 10 storey block, incorporating ground floor retail unit (Class A1), and 1 no. part single storey part 6 storey block plus up to 349 residential units, freestanding café/restaurant (Class A3), bicycle storage, car parking, riverside walkway, reconfigured public open space, landscaping, highways and infrastructure works (outline).

The planning permission comprised a 'hybrid' outline planning application, whereby full details of siting, design, external appearance and means of access were provided and approved in respect of the purpose built student accommodation element of the scheme, (but excluded the details of the landscaping being reserved for subsequent submission - ref:2008/1990 granted 21 May, 2009) with the remainder of the site (comprising the residential development and the riverside walkway / open space) to be subject to a reserved matters submission.

A reserved matters submission has since been approved for Bellway (ref:2010/0844) for the residential component of the scheme and has been completed together with the riverside walkway and open space provision. The construction of the residential units effectively implemented the permission in accordance with the time limits imposed by Condition 6 of the outline permission.

Phase 1 of the student accommodation units consisting of Blocks A & B (totalling 382 bedrooms) were completed first after a revised Phase 1 layout was approved under ref: 2013/1016. Phase 2 of the development has also been completed following a revised layout approval under ref: 2015/1293 (340 bedrooms). The principal changes to the approved building have resulted from the proposed phasing programme so that the approved Block E (at the end of Block D) which fronts onto Morfa Road was intended to be constructed as the last phase of the development (Phase 3). This has resulted in 'handing' Block D to enable the staircase to be centrally located with the adjoining Block C. However, the developer is now unable to complete block D as originally envisaged due to the large culvert which runs through our site at this location.

## Planning Committee – 4<sup>th</sup> December 2018

**Item 12 (Cont'd)**

**Application Number:**

2018/2290/S73

The Section 106 Planning Obligations in respect of the student accommodation relating to the installation of the bus stop / student public transport provision, off-site highway infrastructure improvement contributions and air quality analyser have been discharged.

### **Proposed Development**

It is now intended to construct Phase 3 of the development as a Section 73 Application to build out the remaining units i.e. 245 units, resulting in a total development of 967 PBSA units as per the original approved development. As indicated above, the planning permission has been implemented and there remains in place an extant planning permission to allow the development of this last phase (Phase 3).

### **Description**

The current revised layout relates to the third and last phase of the student development and will accommodate 245 bedrooms. The approved layout of Block E consists of a detached 'T' shaped block of between 5 & 6 stories sited along the northern boundary of the development adjacent to the Council's Depot at Pipehouse Wharf. The consented scheme consisted of 176 units, and the difference of the additional 69 units has been accommodated within the additional stories added onto Phase 3 which is now a 6 / 7 storey building in order to compensate for the loss of the 7 storey block at the end of Block D due to the surface water culvert which runs through the site.

The vehicular access to the St Davids development from Morfa Road will be retained which serves the car parking area (12 spaces) and also the existing refuse store which will be unaffected by the current proposal and the proposed development will continue to use these facilities.

### **Policy Issues**

Policy EV1 of the Unitary Development Plan seeks to establish the principles of development to ensure new development shall accord with a defined set of criteria of good design and be appropriate to its local context in terms of scale, elevational treatment, materials and detailing and should not result in a significant detrimental impact on local amenity in terms of visual impact. Policy EV2 indicates that new development must have regard to the physical character and topography of the site and its surroundings by avoiding locations that would have a significant adverse impact on landscapes, open spaces and the general locality, including loss of visual amenity.

Policies EV3, AS2, AS5 and AS6 address accessibility and require developments to provide access and facilities for all, and provide satisfactory parking in accordance with Council adopted design standards.

Within the Swansea Local Development Plan, the Tawe Riverside Corridor and Hafod Morfa Copperworks are identified as a Strategic Development Area (SDA) - Policy SD L to provide new homes and opportunities for job creation and community investment at a strategic scale. Development proposals should accord with a number of Placemaking Principles and Development Requirements.



## Planning Committee – 4<sup>th</sup> December 2018

**Item 12 (Cont'd)**

**Application Number:**

2018/2290/S73

These include providing a coherent design approach with development facing Morfa Road to ensure community safety as well as a strong sense of place, the provision of higher densities along the main street frontages and the promotion of active travel through legible, safe and accessible walking and cycling routes. Having regard to the extant planning permission, the development of this last phase of the student accommodation would largely accord with the aspirations of the emerging LDP Policy and its placemaking principles.

### **Visual Amenity**

As indicated above, the principle of this development is established by the extant planning permission on the site. Whilst the approved development for Block E as part of the Morfa Road frontage consists of a 5-6 storey student block, the approved layout of Block D (Phase 2) cannot be completed due to the large surface water culvert which runs through the site in this location. This has resulted in the additional 69 units being accommodated within the additional storeys proposed within phase 3.

The current scheme indicates the Morfa Road frontage following the approved set back building line and with active frontage consisting of a ground floor social / study room being provided. The proposed amended building would be between 6 and 7 stories with the visual massing successfully reduced through the use of a two storey brickwork plinth and grey panel clad top floor, with the middle four floors finished in render to match the existing buildings. This links with the materials previous scheme and improves on the architectural treatment.

The proposed scale of the amended steps down to 6 stories at the northern end adjacent to the boundary with the Pipe House Wharf site. There are no primary windows proposed overlooking this adjacent site, and whilst the adjacent Council depot may be redeveloped in the near future, a planning application has yet to be submitted and whilst the proposed scale close to the boundary, it is not consider that this would prejudice the future development potential of the adjacent site.

Therefore whilst the amended proposals for block E are slightly taller than the original approved, the massing and architectural treatments are consider to be appropriate along the prominent Morfa Road frontage and in the context of the adjacent St Davids purpose built student accommodation.

### **Residential Amenity**

The adjacent Bellway residential development to the rear of St Davids has been completed and as indicated, the siting of Block E remains substantially unchanged from the approved development. The scale of the block steps down to 6 stories along the eastern elevation adjacent to the existing houses on Rothwell Road which matches the previously approved scheme and therefore will not have a greater impact on the amenity of the occupants of the existing homes than the approved scheme.

### **Access and Highway Safety**

The approved development for the 967 student accommodation units does not provide any specific on-site parking for students and in this respect the parking proposals remain unchanged.

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**Item 12 (Cont'd)**

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The St Davids student accommodation is subject to a Section 106 Agreement which incorporates a clause requiring the students to enter into a tenancy agreement containing an obligation not to keep or use a motorized vehicle to the site. The provided car parking spaces are largely intended for blue badge holders and visitors to the development (including parental drop-offs).

### **Conclusions**

In conclusion, having regard to all material considerations, including the Human Rights Act., the proposal would represent a satisfactory form of development which complies with the criteria of Policies EV1, EV2 and EV3 of the Unitary Development Plan and would have an acceptable impact on the residential and visual amenities of the area. Approval is therefore recommended.

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.

### **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:  
P001 Site Location Plan; P002 Level 0 Plan; P003 Level 1 Plan; P004 Level 2 Plan; P005 Level 3 Plan; P006 Level 4 Plan; P007 Level 5 Plan; P008 Level 6 Plan; P009 Roof Plan; P010 Elevation 1 and 2; P011 Elevations 3 and 4; P060 Aerial View From East; P061 View From North West; P062 Aerial View From West; P063 Long View From West; P064 View From North East; P065 View From South; P066 View From West - plans received 25th October, 2018).  
Reason: To define the extent of the permission granted.
- 3 Notwithstanding the details shown on any approved plan, samples of all the external finishes and the precise pattern and distribution of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development. The development shall be implemented in accordance with the approved details. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works unless otherwise agreed by the Local Planning Authority.  
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 – 4<sup>th</sup> December 2018

**Item 12 (Cont'd)**

**Application Number:**

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- 4 A car parking management scheme for the student accommodation shall be submitted to and approved by the Local Planning Authority and shall be implemented prior to the first occupation of any part of the development in accordance with the approved scheme.  
Reason: In the interests of highway and pedestrian safety.

### **Informatives**

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: [(UDP Policies EV1, EV2, EV3, EV4, AS1, AS2, AS3, AS5 & AS6).
-



## Planning Committee – 4<sup>th</sup> December 2018

### Item 13 (Cont'd)

Application Number:

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#### UDP - EV4 - Public Realm

New development will be assessed against its impact on the public realm. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV6 - Ancient Monuments & Protection of Archaeological Sites

Scheduled ancient monuments, their setting and other sites within the County Sites and Monuments Record will be protected, preserved and enhanced. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EV13 - Shopfronts

Proposals for new or renovated shopfronts, including security grilles, should be sympathetic to the character of the building, adjacent properties and the surrounding area. (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 - CC1 - City Centre Mixed Use Development

Within the City Centre, development of the following uses will be supported:-

- (i) Retailing and associated uses (Classes A1, A2, A3),
- (ii) Offices (B1),
- (iii) Hotels, residential institutions and housing (C1, C2, C3),
- (iv) Community and appropriate leisure uses (D1, D2, A3)
- (v) Marine related industry (B1, B2).

Subject to compliance with specified criteria. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - CC5 Creating and Attractive City Centre Environment

The design of all new development schemes will be required to make a positive contribution to enhancing the City Centre's environment. A program of improvements will be implemented and where appropriate, developer contributions will be sought towards this process. (City & County of Swansea Unitary Development Plan 2008)

#### UDP - EC4 - New Retail Development

All new retail development will be assessed against need and other specific criteria. (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 - HC6 - Flat Conversions

Proposals for the conversion of larger dwellings and vacant or under-utilised commercial and industrial buildings to flats or similar will be permitted subject to a set of defined criteria including the effect upon residential amenity; overintensive use of the dwelling or building, 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 – 4<sup>th</sup> December 2018

Item 13 (Cont'd)

Application Number:

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UDP - HC8 - Over the Shop Housing

The conversion of vacant or underused floorspace above commercial properties to residential use will be encouraged, subject to;

- i) Satisfactory design considerations,
- ii) Compatibility with nearby uses, and
- iii) Appropriate pedestrian/cycle access and parking arrangements.

(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)

### Site History

App Number	Proposal	Status	Decision Date
2018/2320/FUL	Conversion of existing property to a mixed-use development comprising ground floor retail / commercial (A1/ A2 / A3), first floor offices (B1), conversion of upper floor to residential with the construction of two additional stories creating a 6 storey building for residential providing a total of 52 no. residential units together with external car parking, bin storage and ancillary works	PDE	

### RESPONSE TO CONSULTATIONS

#### Pre-application consultation report (PAC)

The Wales Planning Act 2015 introduced the requirement in March, 2016 for applications for major development to be accompanied by a pre-application consultation report (PAC). The submitted PAC report has outlined the pre-application consultations undertaken including contacting interested parties and the provision of the information on a website.

#### Statutory Consultation

The planning application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by press notice and display of site notices. No response were received.

## Planning Committee – 4<sup>th</sup> December 2018

Item 13 (Cont'd)

Application Number:

2018/2320/FUL

### Pollution Control Team -

I have no objection to this application in principal however, due to the mixed retail/ commercial and residential use I would like the applicant to consider the following conditions.

- o Prior to the beneficial use commencing a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w + (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion. Reason: to protect the residential use against noise emanating from the commercial activity.
- o No beneficial use of the premises shall commence until a BS4142:2014 (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014. Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.
- o No development shall take place until a scheme, which specifies the provisions to be made for the control of ventilation and fume extraction has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.
- o No development shall take place until a scheme, which specifies the provisions to be made for the control of noise emanating from the front façades of the commercial units, has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.
- o No external loudspeakers shall be used on or around the premises. No performance of live entertainment or recorded music to be located outside the premises Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.
- o Hours of operation for the commercial units should be restricted to 07.00hrs - 23.00hrs Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.

### Natural Resources Wales -

Natural Resources Wales does not object to the above application, however have the following comments to make.

## Planning Committee – 4<sup>th</sup> December 2018

Item 13 (Cont'd)

Application Number:

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### Waste

Any waste produced during the proposed redevelopment and refurbishment must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care and Hazardous Waste Regulations.

### Ecology and Protected Species (Bats)

NRW note the submitted Building Inspection Report. Section 5 of the report states that no evidence of bats were identified. The report also considers the structure to be of negligible bat roosting potential, due to its construction and well lit urban location. We therefore have no further comments to make in relation to the above matter.

### Foul Water Drainage

We note from the information available that foul water flows are to be discharged to the main public sewer. This is our preferred means of foul water discharge and is considered to be the most sustainable. Nevertheless, we would recommend that you consult Dwr Cymru Welsh Water (DCWW) and ask them to confirm that there is sufficient hydraulic capacity within the sewer network at this location to accommodate the flows generated without causing pollution.

### **Dwr Cymru Welsh Water -**

#### Sewerage

Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee under the accompanying Pre-Application Consultation (PAC) Report. If you are minded to grant Planning Consent for the above development, we would request that the following condition is included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to 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.

#### Sewage Treatment

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

#### Water Supply

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

**Housing Enabling Officer** - this site falls within the Castle Ward, Central Sub Area, the Local Housing Market Assessment indicates a high need for affordable housing.

In line with the proposed LDP policy, I can confirm that we require 20% affordable housing onsite, DQR compliant flats. The affordable housing units should be transferred to the Council/RSL (to be agreed).

### **CADW-**

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments.



## Planning Committee – 4<sup>th</sup> December 2018

**Item 13 (Cont'd)**

**Application Number:**

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Our assessment of the application is given below:

Orchard House is located some 150m west-north-west of scheduled monument Original Swansea Castle (GM441) and some 210m northwest of scheduled monument Swansea Castle (GM012). However, intervening buildings block all views between the proposed development and scheduled monument GM441 and most views between the proposed development and scheduled monument GM012. One view that will be possible is between the proposed development and the top of the southern garderobe tower of scheduled monument Swansea Castle (GM012).

Scheduled monument GM012 consists of the remains of the 'New Castle', dating from the late 13th to early 14th century. The castle was built to command the Tawe Valley with significant views along the valley to the north and to Swansea Bay to the south, and also to control land access to the Gower Peninsula with significant views to the east along coastal plain, to the northwest along the Roman road to Loughor and to the west along the line of the present Gower Road. Another significant view is to Clifton Hill, which was known previously as Gibbet Hill. This was the location of the town gallows.

Orchard House is located in the view towards Clifton Hill (Gallows Hill) and the extra storeys will be visible in this significant view: However, it will not block the view and will be seen over the roof tops of existing buildings and with other tall buildings such as the Dragon Hotel in close proximity. Consequently, at worst, the proposed development will have a very low impact on the setting of scheduled monument Swansea Castle (GM012).

### **Council's Waste Officer**

The British Standard calculation for waste arisings from 32 x one bedroomed flats plus 20 x 2 bedroomed flats is 6,656 litres per week. To comply with Swansea Council fortnightly waste and recycling collections the development would require 12 x 1100 litre wheel bins split 64:36% for Recycling and Waste respectively.

The plans include wheel bin compound which accommodate 17 x 1100 litre bins. This only allows up to 5 x 1100 litre wheel bins for the numerous ground floor and first floor businesses. The businesses who currently have commercial waste contracts locate their wheel bins in the car park at the rear of the property, which won't be an option when the area is converted in to car park spaces.

All businesses have a duty of care to control their own waste and dispose of it via a licensed waste carrier. The exception would be if the developer/landlord was to include waste/ recycling management as part of a lease agreement. With space for only 5 x 1100 litre wheel bins for the numerous businesses, they would potentially need to enter into contracts with private waste contractors for multiple collections per week.

### **Highway Authority -**

The scheme was appraised under pre application reference 2018/0946/PRE and comments made then are still applicable now. The area is outside the City Centre hence parking should have been provided. As the development is a conversion with additional stories on top then there is not any capacity to provide more car parking over and above what is already at the site (accessed off Trinity Place).

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Under the CCS SCARF initiative there is a push to locate residential development in the city centre with access to local amenities and public transport, notwithstanding that there is only minimal car parking available and the parking does not meet the parking standards. The site will only be suitable for non car owners and the selling/renting pack should stress this point.

Given the CCS planning aspiration to provide affordable housing in accessible positions such as the city centre I do not wish to raise an objection, subject to conditions. We would recommend that no highway objections are raised to the proposal subject to:

1. Cycle storage being included within the site curtilage, at provision level of one stand per two bedrooms. This was stated at the pre-app but has not been included. This should be addressed in the absence of adequate car parking and in order to promote non car modes of transport.
2. 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.
3. Before the development hereby permitted is occupied arrangements shall be agreed in writing with the local planning authority and be put in place to ensure that no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the area.

### **APPRAISAL**

This prominent 4 storey building onto Kingsway Circle, turns the corner into Belle Vue Way and lies adjacent to the NCP multi-storey car park in Orchard Street. Orchard House was originally built as office space with retail on the ground floor, and currently a number of retail units at ground floor are vacant, the upper floors are largely vacant but have been used as ancillary office / storage in association with the ground floor commercial units. Overall the building has a rundown appearance and currently does not maximise the contribution to the activity/ vitality of the city centre. There is an existing vehicular access to the rear courtyard area via Trinity Place.

### **Description**

The proposed development would comprise of the following:

- o Retention and refurbishment of the existing ground and first floor units to provide new / retained retail and commercial units;
- o The conversion of the upper floors for residential accommodation (13 apartments per floor) with the construction of two additional floors to create a six storey building of 52 units with a mixture of one and two bedroom units;
- o Overcladding of existing façade;
- o Retention of existing rear car parking area to provide a 11 space car parking area and refuse storage with bicycle storage to be provided on each residential floor.

### **Material Planning Considerations**

The key material planning considerations in the determination of this planning application are set out as follows:

- o Principle of development having regard to Development Plan Policy and Supplementary Planning Guidance;
- o Townscape and Visual Impact;

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- o Residential Amenity;
- o Highways, traffic, car parking, access and pedestrian movements;
- o Affordable Housing
- o Archaeology and Cultural Heritage
- o Ecology
- o Waste Storage

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

### **Principle of development**

#### Swansea Unitary Development Plan

In terms of the location the site itself is contained within the 'City Centre Action Area', as specified within the UDP. In this respect the development of the site for mixed use residential and retail / commercial (A1/ A2 & A3 ) units is supported in principle by development plan policy.

Policy CC1 supports the development of the following uses within the city centre; retailing and associated uses, office, hotels, residential institutions and housing, community and appropriate leisure uses and marine related industry. This policy also supports the re-use of historic buildings and the redevelopment/enhancement of post war buildings will be encouraged and proposals will be considered against the following criteria: impact on existing uses or residential amenity, potential for noise, disturbance and pollution, traffic generation, access and parking, and in the case of retail development, the criteria specified in Policy EC4.

Policy CC5 requires all new development schemes to make a positive contribution to enhancing the City Centre's environment. A programme of improvements will be implemented and, where appropriate, developer contributions will be sought towards this process.

Policy HC8 encourages the conversion of vacant or underused floorspace above commercial properties to residential use subject to: satisfactory design considerations, compatibility with nearby uses, and appropriate pedestrian/cycle access and parking arrangements. Policy HC6 states that proposals for the conversion of larger dwellings and vacant or underutilised commercial and industrial buildings to flats or other self-contained units of accommodation will be permitted subject to satisfaction of a list of criteria.

Further consideration can be given to the remaining design criteria in the paragraphs below along with the requirements of UDP Policies EV1, EV2, EV3, EV4 and EV13 but subject to compliance with the above mentioned policies and guidance it is considered that the principle of development conforms to the Swansea UDP.

#### Local Development Plan

The Swansea UDP was 'time expired' on the 31st December 2016.

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In due course it will be replaced by the emerging Swansea Local Development Plan (LDP), adoption of which is anticipated to be in early 2019. Notwithstanding that the statutory starting point for decisions is the extant UDP (for the purposes of section 38(6) of the Planning Act), given the significant time period that has elapsed since the UDP was time expired it is appropriate to consider whether other material considerations indicate that determinations for individual planning proposals should be made otherwise than in accordance with the prevailing Plan. This includes consideration of key matters set out in national guidance, and the new policies and supporting evidence of the emerging LDP, which in some instances could potentially be decisive to determining a proposal.

Planning Policy Wales (PPW) at para. 4.2.4 emphasises that where certain development plan policies are considered outdated or superseded there is a presumption in favour of proposals in accordance with the key principles and policy objectives of sustainable development (as set out in PPW Sections 4.3-4.4), and that proposals should seek to maximise the contribution to meeting well-being objectives and goals emanating from the Well-being of Future Generations (Wales) Act. PPW clearly states that, in taking decisions on individual planning applications, it is the responsibility of the decision maker to judge whether proposals successfully accord with these principles and objectives, having reference to all available evidence.

At Section 2.14, PPW also makes clear that planning authorities should give development plan policies that are outdated or superseded decreasing weight in favour of more relevant material considerations in the determination of individual applications, which includes emerging LDP policies and underlying evidence. This approach ensures that decisions are based on policies that have been written with the objective of contributing to the achievement of sustainable development, and crucially set within an up to date national planning and regulatory context. PPW does not define 'outdated or superseded' and invites the decision maker to consider this on a per issue basis having regard to new evidence, changes in circumstances and in light of the sustainable development presumption. The examination of what is needed to deliver sustainable development manifestly occurs through developing an evidence base for the LDP, which is considered the appropriate review process anticipated by PPW. The weight to be attached to an emerging LDP does vary depend on the stage it has reached, however it is not a straightforward linear relationship that increases as the Plan progresses towards adoption. This reflects the fact that planning inspectors appointed to examine LDPs are required to consider the soundness of the whole plan, in the context of national policy and all other matters which are material to it. Consequently, policies could ultimately be amended or deleted from the plan even though they may not have been the subject of a representation at Deposit stage (or be retained despite generating substantial objection). Certainty regarding the content of the plan will only be achieved when the Inspector publishes the binding report.

In the case of Swansea's emerging LDP, the Plan is plainly at a very advanced stage. Whilst certainty regarding LDP content can only be achieved once the Inspector(s) publishes the binding report, PPW does not suggest that weight can only be placed on the Plan at this stage. In considering what weight should be given to the specific policies in the emerging LDP for particular proposals, the decision maker must carefully consider the underlying evidence and background that applies to the particular policies that are relevant to consideration of that scheme. Any objections made to the policies are also pertinent considerations. It is significant therefore that the programmed hearings for the Examination of the Swansea Local Development Plan (LDP) were concluded in September 2018 and that the consultation on the resulting 'Matters Arising Changes' (MACs) to the Deposit will conclude in mid-December 2018.

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On the basis of this timetable, the Examination Inspectors have confirmed to the Council their intention to submit the Inspectors Report on the LDP in early January 2019. The Swansea LDP is therefore clearly at such an advanced stage in the process, and there is now a degree of certainty as to large parts of the Plan's content. Given this, where appropriate significant material weight can therefore be applied to relevant LDP policies.

In the case of this particular proposal, there are a number of emerging LDP policies that are considered relevant material considerations. These include LDP Policy SDJ which is a site specific policy for Strategic Development within the Swansea Central Area setting out placemaking principles and development requirements. Whilst Policies RC1 - RC4 set out the appropriate development requirements and proposals for Swansea Central Area in terms of retail and leisure proposals and encouraging an appropriate mix of uses. Policy RC9 aims to retain retail uses within the Central Area in order to retain their vitality, viability and attractiveness, whilst RC12 seeks to retain significant new office development within the Central Area, which is the preferred location for office development. The proposed development will therefore continue to conform to the emerging LDP Policies.

### Swansea Central Area Regeneration Framework (SCARF)

The above site lies within the Swansea Central Area Regeneration Framework (SCARF) designation (February 2016). The Regeneration Framework presents a Masterplan which focuses on development opportunities in a Retail and Leisure Led Mixed Use area and identifies a future role and function for a range of Complementary Areas set within the context of a Vision for the 4 following broad areas:

- o Creating a Living, Working and Learning Area;
- o Developing a Retail Leisure Led Mixed Use Centre;
- o Connecting to the City Waterfront;
- o Creating a Green Artery.

The application site is located within the Swansea Central - Kingsway / Orchard Street Complementary Area where the key vision theme is living, working and learning with the potential to provide a new defined working, living and learning zone within a new business district. The Kingsway could become a more attractive location for employment and upper floor residential development. New mixed use development with active frontages at street level will be encouraged. The design principles encourage the addition of scale to existing buildings of at least four stories.

The proposed development would therefore conform to Development Plan Policy and Supplementary Planning Guidance for the area.

### **Townscape and Visual Impact**

Policy EV1 of the UDP requires new development to accord with 11 specified objectives of good design.

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There are a number of commercial units at ground floor which are currently vacant, and overall the building has a neglected appearance, and as such the building in its current form does not maximise the contribution to the activity/vitality of this part of the city centre and there is the opportunity to incorporate new retail/commercial uses into the ground and first floors of the building creating a more active frontage at street level, fitting in with the vision for the Kingsway area, as set out in the SCARF document, in terms of providing a new defined working, living and learning zone with a new business district.

It is proposed to provide a total of 52 residential units within the conversion of the upper floors, with the construction of two additional floors to create a six storey building of 52 units with a mixture of one and two bedrooms (13 apartments per floor) which will be affordable in tenure developed and operated by the RSL (Pobl).

The addition of the upper floors offers opportunity to create a distinctive modern building that positively contributes to the streetscape and becomes an effective terminating building. The proposed building is considered to be viewed as part of the street scene looking east along The Kingsway, and would provide a positive addition to the urban street scene. In terms of the scale of the development, the introduction of two additional storeys mean that the building will now effectively be six storeys high on the corner of The Kingsway and Orchard Street and will present a very prominent development at this location. The building would be viewed as part of the street scene looking east along The Kingsway and would provide a positive addition to the urban street scene. The Kingsway is located within the 'Consider Zone' within the Tall Buildings SPG, where a tall building may have a positive impact. The proposed building, with its increase in two floors, will create a six-storey building on the corner of The Kingsway and Orchard Street and will be a very prominent development at this location. The proposed building would be viewed as part of the street scene looking east along The Kingsway and would provide a positive addition to the urban street scene.

The appearance and materials used for the proposed development have been carefully considered as part of the pre-application discussions in order to ensure the development fits in and enhances/improves the existing street scene. The final design solution has been to recess only the upper floor as opposed to the two upper floors with the use of a darker colour to the top floor cladding which is considered to be the appropriate design.

The primary access to the residential floors is to be via Orchard Street, and there is also a secondary residential fire escape exit to the rear of the building. The principal residential entrance is located in a legible and welcoming location from the main public realm area to become part of the active frontage.

The proposals comply with the SCARF document by bringing vacant floor space back into use for homes and bringing vacant ground floor commercial space back into use as active frontage. The application building is a prominent building adjacent to one of the main green spaces proposed as part of the Kingsway public realm project. The residential entrance, centrally placed in the building frontage, is located in a legible and welcoming location onto the main public realm area to become part of the active frontage.

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The site is also well linked in an accessible manner to adjacent attractions and areas of public realm and the city centre shopping areas. The site is located on a bus route and has good access to the public transport network, with the Train Station and Quadrant bus and coach station all within walking distance. The site is also in close proximity the National Cycle Network. Accordingly it is considered that the proposal accords with the requirements of Policy EV3.

Policy EV4 of the UDP states that where development and ancillary features impact on the public realm designs should ensure that schemes integrate with areas to produce spaces that result in quality townscape and building frontages that actively engage with the public, that are "people friendly" in terms of perceived and actual safety levels, and provide attractive detail through the use of high-quality, durable materials. In this respect the main entrance to the residential accommodation is off Orchard Street, and along with the retail units to ground floor and level of glazing and active frontage to the road, it is considered that the proposal will provide for a good deal of natural surveillance at all times of the day. The proposal is considered in compliance with the provisions of UDP Policy EV4.

### **Impact on Residential Amenity**

In the first instance the principle of a mixed use development at this location is supported by development plan policy. The application site is located within the SCARF Swansea Central Area - Kingsway Appraisal Area where the key vision is City Living, Working and Learning. Residents therefore should realistically expect a level of activity akin to a mixed use urban area rather than a suburban location. It is not considered that the proposal would result in demonstrable unacceptable level of disturbance from this proposed residential use that would be considered so harmful in a mixed use urban area that would warrant a recommendation of refusal.

Consideration can also be given to Adopted SPG entitled 'Place to Live Residential Design Guide'. Whilst this guide is generally aimed at housing developments, it is relevant to this proposal in terms of high density city centre living considerations and the residential amenity tests.

The relevant requirements of the Residential Design Guide include:

- o Density and Mixed Uses - the design guide highlights the importance of maximising density in accessible locations. The site is well served by public transport, walkable to the city centre and a cycle ride to the various university areas and as such is located in a highly accessible location. Furthermore the scale, height and massing of the proposed development would not appear out of place at this location.
- o Community Safety - Legible and welcoming entrances - a key requirement for all forms of development is that the entrances are legible (easy to locate), and are safe and welcoming. This can be ensured by facing the entrances onto streets and public realm areas and also by emphasising the entrances as part of the architectural design. A new residential entrance will be introduced to the Orchard Street Kingsway Circle façade to give access to the residential apartments.

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- o Privacy and Amenity - The Design Guide also sets the requirement to avoid cramped living environments in high density developments and it is considered that the density is appropriate for city centre living. Additionally, the residential units will be constructed to DQR standard.

In terms of residential amenity, the residential design guide sets out tried and tested considerations to assess the impact on residential amenity of existing residents around the site. At this location within the city centre there are no adverse impacts on the residential amenity of any existing residential uses, or any adverse impacts on the surrounding business uses from the proposed residential use.

The Authority's Pollution Control Officer has raised no objection to this proposal subject to conditions being imposed to deal with sound insulation measures for habitable rooms, building services plant noise details, schemes of ventilation and fume extraction for the commercial units and control of amplified sound from the site. Such conditions would be reasonable in the interests of providing for an acceptable development. As such it is considered that the proposals are compliant with the requirements of UDP policies and the adopted residential design guide in relation to residential amenity impacts.

### Highways and car parking

Planning Policy Wales aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys.

Policy AS5 also requires development proposals to consider access requirements for pedestrians and cyclists. Policy AS6 states that parking provision to serve development will be assessed against adopted maximum parking standards to ensure that proposed schemes provide appropriate levels of parking for private cars and service vehicles. Account will also need to be taken of the need to provide facilities for the parking of motorcycles and cycles.

The application site is not located within the core city centre area but is within the central area where schemes designed to increase the residential provision will be considered on their merits with an appropriate relaxation of the parking standards permitted as judged necessary. Additionally, the parking guidelines allow for a relaxation of the parking standards which satisfy the sustainability within the guidelines. Moreover, as stated within the Swansea Central Area: Regeneration Framework (SCARF) under Section 5: Framework for Regeneration and Movement which seeks to promote sustainable transport by reducing car dependency and with regard to the central area car parking standards provide the following advice:

To facilitate new land uses and regeneration initiatives in the Central Area which align with the aims, objectives and proposals of the Regeneration Framework, such as the re-use of vacant upper floors and vacant underused buildings for residential use, a limited relaxation of car parking standards will be considered where appropriate and where there are no adverse effects on highway conditions.



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The site plan does make provision for 11 car parking spaces within the existing rear yard area with a secure cycle store on each floor of the residential apartments. The Head of Transportation acknowledges the policy aspiration to provide affordable housing in accessible positions within the city centre and as such no highway objections are raised, subject to conditions in respect of a Construction Method Statement to reduce the likelihood of obstruction of the highway / control construction traffic etc. and the provision of adequate cycle storage is included

On this basis, it is considered that the scheme complies with the aims and requirements of policies EV1, EV2, AS1, AS5, AS6 and the Adopted Supplementary Planning Guidance 'Parking Standards' in regard to the impact of the development upon highway safety in the area.

### **Planning Obligations - Affordable Housing**

The need for affordable housing is a material planning consideration and UDP Policy HC3 states that in areas where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an appropriate element of affordable housing on sites which are suitable in locational/ accessibility terms and where this is not ruled out by exceptional development costs. The Council's Planning Obligations Supplementary Planning Guidance (SPG) augments Policy HC3 and provides clarification on use, expectations and procedures and indicates that the Council will normally expect that 25 - 30% of all dwellings will be affordable housing.

Within the emerging LDP Affordable Housing Policy HC3 sets out the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability. Within Swansea Central there is an on-site requirement of 20% which has been calculated based on evidence from the Affordable Housing Viability Study and the housing need identified by the Local Housing Market Assessment.

This site falls within the Castle Ward, Central Sub Area, and the Local Housing Market Assessment indicates a high need for affordable housing. In line with the proposed LDP policy, the Council's Housing Enabling Officer has confirmed that there would be a 20% affordable housing requirement onsite, DQR complaint flats. The affordable housing units should be transferred to the Council/RSL (to be agreed) and would need to be secured through a Section 106 Planning Obligation.

### **Impact on Archaeology and Cultural Heritage**

Orchard House is located some 150m west-north-west of scheduled monument Original Swansea Castle (GM441) and some 210m northwest of scheduled monument Swansea Castle (GM012). However, intervening buildings block all views between the proposed development and scheduled monument GM441 and most views between the proposed development and scheduled monument GM012. Consequently, at worst, CADW have assessed that the proposed development will have a very low impact on the setting of scheduled Ancient Monument Swansea Castle (GM012).

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### Impact on Ecology

The application is supported by a Building Inspection Report undertaken by a suitably qualified Ecologist with particular regard to the likely presence of roosting bats and nesting birds.

The daytime inspection and data search undertaken at the Orchard House identified no evidence of roosting bats externally, and no records of bats at the structure (respectively). The Orchard House structure was in a relatively good condition with limited visible potential bat roosting features due to its brick and concrete construction with a flat roof. No evidence of roosting bats was identified externally and the structure was considered to be of negligible bat roosting potential due to its construction and well lit urban location. On this basis, it is concluded that the proposed development works will not require further surveys or a European Protected Species (EPS) derogation licence.

The flat roof of Orchard House was likely to be utilised by nesting Herring Gull and as such it is recommended that the renovation works are conducted outside the breeding bird season (March - September inclusive). However, if the works are to be conducted during this period it would be advisable to install deterrents during the winter months to dissuade nesting i.e. Peregrine alarms are utilised on the adjacent multi-storey car park. All nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended). As such the development will have no adverse impact upon ecology and NRW have accepted the conclusions of the Report.

### Waste Storage

Policy R16 states that proposals for major new developments will be required to incorporate adequate and effective waste management facilities. The supporting text states that when assessing proposals for major new developments, the provision of waste management facilities for the collection, recycling and other management of all waste likely to be generated must be included.

The ground floor layout provides three designated bin and recycling storage facilities within the rear courtyard which will serve the ground and first floor commercial units and also the residential units on the upper floors. The Refuse collection vehicles will be able to access the rear courtyard area from Trinity Street.

The Council's refuse team have questioned the amount of bin storage based on Swansea Council fortnightly domestic waste and recycling collections and highlighted that the ground floor businesses have commercial waste contracts and would potentially need to enter into contracts with private waste contractors for multiple collections per week. Therefore a suitable planning condition can be used to secure the full details of the storage and through a waste management scheme to prevent any potential adverse impacts upon visual amenity or the amenity of those living and working in the area.

### Conclusion

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").

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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.

The proposals include retaining the ground floor and first floor of the existing building as retail/commercial space, and includes the provision of 52 residential units on the storeys above. It is also proposed to add an additional two-storeys to the existing building, increasing its height from four to six storeys in total. With the introduction of an additional two storeys, it is considered that the building will have a positive impact within the area, responding positively to guidance contained within the Tall Buildings Strategy SPG.

The proposals respond positively to the SCARF document, by contributing towards an attractive, distinctive, mixed-use, higher density urban core. The site is situated in a highly sustainable location, being within walking distance of essential services and facilities, and public transport links, reducing the need for car ownership, thus minimizing travel by the private car. In addition, all 52 of the residential units will be of affordable tenure which can be secured through the Section 106 Planning Obligation. The proposal fully accords with both national and local policies and the proposals would bring a long term underused building back into beneficial use in accordance with the regeneration aims of the Swansea Central Area Regeneration Framework City Centre. Approval is therefore recommended.

### RECOMMENDATION

**It is recommended that the application be APPROVED, subject to the following conditions and subject to the Applicant entering into a Section 106 Obligation to provide 20% of the total number of residential units within the development as affordable housing.**

- 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:

2272-100-00, 01, 02, 03, 04 & 05 Existing Floor Plans & Elevation, 2272-100-50 Existing Site Plan; 2272-100-51 Site Location Plan;

2272-200-00\_Rev C Proposed Ground Floor Plan; 2272-200-01\_Rev B Proposed First Floor Plan; 2272-200-02\_Rev A Proposed Second Floor Plan; 2272-200-03\_Rev A Proposed Third Floor Plan; 2272-200-04\_Rev B Proposed Fourth Floor Plan; 2272-200-05\_Rev A Proposed Fifth Floor Plan; 2272-200-08\_Rev A Proposed Bin Store & M & E; 2272-200-10\_Rev B Proposed Full Elevation; 2272-200-11\_Rev B Proposed Elevations A, B & C; 2272-200-12 Proposed Elevations D, E, F, G & H; 2272-200-20\_Rev B Existing- Proposed Cross Sections; 2272-200-50\_Rev C Proposed Site Plan - plans received 29 October, 2018.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 3 Notwithstanding the details shown on any approved plan, samples of all the external finishes and the precise pattern and distribution of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the relevant part of the development. The development shall be implemented in accordance with the approved details. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works unless otherwise agreed by the Local Planning Authority.

Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

- 4 Prior to the commencement of the external works, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:

- o Typical window and door units within their openings;
- o Details of the location, external design and finishes of all visible external ventilation;
- o Corner and soffit details of the cladding materials including fixing details;
- o Rainwater goods;
- o Shopfronts / Canopy details;
- o Parapet details.

The development shall be carried out in accordance with the agreed details.

Reason: In the interests of visual amenity.

- 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. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- i) the parking of vehicles of site operatives and visitors;
- ii) loading and unloading of plant and materials;
- iii) storage of plant and materials used in constructing the development;
- iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during demolition and construction; and
- vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

Reason: To reduce the likelihood of obstruction of the highway, danger to road users, to conserve public health and local amenity, to ensure satisfactory standard of sustainable development and in order to ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area

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6 The development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with the details shown on drawing nos 2272-200 -02 Rev A, 2272-200 -03 Rev A, 2272-200-04 Rev B, and 2272-200-05 Rev A and the cycle storage shall be retained as approved at all times.  
Reason: In the interests of providing facilities for sustainable transport.

7 Prior to the beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority that adequately restricts the flow of sound energy through party walls and floors between the commercial and residential class uses within the development. The scheme supplied shall achieve a minimum DnT,w + (Ctr) of 50dB for the ceiling/floor between the commercial and residential uses and be verified by the appropriate testing methodology upon completion. The scheme shall be completed as approved before any part of the development hereby approved is brought into beneficial use and thereby retained in perpetuity.  
Reason:- To protect the proposed residential use against noise emanating from the commercial activity on the ground and first floors.

8 Prior to the beneficial occupation of any Class A3 unit not currently operating within the development, a method of ventilation and fume extraction shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.  
Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises.

9 No development shall commence until details of a method of ventilation and fume extraction for existing A3 units within the site has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.  
Reason: To prevent any nuisance from fumes and/or cooking odours to the occupiers of neighbouring premises.

10 Prior to occupation of any part of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:

All habitable rooms exposed to external road traffic noise in excess of 63 dBA Leq 16 hour (free field) during the day (07.00 to 23.00hrs) or 57 dBA Leq 8 hour (free field) at night (23.00 to 07.00 hours) shall be subject to sound insulation measures. These measures should ensure that all such rooms achieve an internal noise level of 35 dBA Leq 16 hour during the day and 30 dBA Leq 8 hour at night as set out in BS 8233:2014 Guidance on sound insulation and noise reduction for buildings.

The submitted scheme shall ensure that habitable rooms subject to sound insulation measures shall be provided with mechanical ventilation units so that future residents can keep their windows closed. No habitable room shall be occupied until the approved sound insulation and ventilation measures have been installed in that room.

Reason: To protect the proposed residential use against noise arising from the existing traffic use of the area.

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- 11 Prior to beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:
- o A BS4142:2014 (Methods for rating and assessing industrial and commercial sound) assessment has been carried out satisfying the local planning authority that the combined noise rating level of any external plant and/ or machinery installed at the subject premises does not exceed the daytime (07.00-23.00hrs) and night time (23.00-07.00hrs) background noise levels as set out in BS4142:2014.

Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area.

- 12 Prior to beneficial use of the development a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide the following:
- o A scheme, which specifies the provisions to be made for the control of noise emanating from the front façades of the commercial units, has been submitted to and approved by the Local Planning Authority. Such works that form part of the approved scheme shall be completed before the premises are occupied.

Reason: To ensure that the development hereby approved does not result in unacceptable levels of noise transmission to neighbouring premises and the surrounding area

- 13 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to 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.

- 14 Notwithstanding the details submitted, details of a Waste and Refuse Management Plan (to include recycling facilities) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter take place in accordance with the approved plans.
- Reason: To protect future resident's amenity and to ensure the management and movement of refuse within the site in the interests of site safety.

### Informatives

- 1 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: (EV1, EV2, EV3, EV4, EV6, EV13, EV40, CC1, CC5, EC4, HC3, HC6, HC8, AS5, AS6).

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2 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

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

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