

PLANNING COMMITTEE – 2ND JULY 2019

Item 1 (Cont'd)	Application Number:	2019/0911/S73
2012/1113	Residential development comprising 22 detached dwellings with detached garages, 2 pairs of semi-detached dwellings and 4 linked dwellings with additional off-street parking along Brynafon Road(details of the access, appearance, landscaping, layout and scale pursuant to outline permission 2005/2355 granted 23rd April 2010)	APP 28.11.2012

Background

This application is being reported to Planning Committee as the development exceeds the threshold for the number of dwellings.

Outline planning permission was granted for a residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road subject to conditions and a S106 agreement in March 2010 (ref: 2005/2355). The land is in the ownership of the Welsh Government and the Council. Following the outline approval, a Reserved Matters application for 30 dwellings was approved in November 2012 (ref: 2012/1113). This development has subsequently been constructed and the outline permission has therefore been implemented.

However, the time limit to submit Reserved Matter applications for the remainder of the site has now past and the applicant cannot seek to submit such applications unless this condition is amended.

Several of the S106 contributions have already been paid as the development was commenced. These include contributions towards off-site affordable housing provision, highway improvements within the vicinity of the site and the provision of an equipped play area. The contribution provided for highway improvements sought to cover works that had already been undertaken by the Council prior to the original application being determined by the Council and therefore wasn't necessary in planning terms. The original applicant is seeking the refund of this sum as part of any S106 agreement attached to this application.

It should be noted that this is a Section 73 application to vary/ remove conditions regarding the time limit for submission and to amend the masterplan for the site. Section 73 of the Act provides for applications to be made for planning permission to develop land without complying with conditions previously imposed on a planning permission i.e. to vary or remove a condition. The local planning authority can grant such permission unconditionally or subject to different conditions, or they can refuse the application if they decide the original condition(s) should continue.

For information, an application was also granted in outline for development of land to the north of the site in March 2014 (A01/0132) at the former Honeybee Nursery site. This has been developed pursuant to a Reserved Matters application (2014/1954) that was approved in March 2015. Both of these sites formed part of the Brynafon Road Design Statement and Masterplan.

The application site has an area of approximately 7ha. 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 150 dwellings and 5 hectares. 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 covers an area of approx. 7 hectares (including the development at the southern end of the site) and lies to the north of Brynafon Road and to the west of Gower View Road on the edge of the settlement area of Penyrheol and Loughor. A substantial part of the site is used as agricultural grazing land with the site boundaries well defined by established hedgerows incorporating a number of mature trees. The land slopes from east to west providing for views over the Loughor estuary to the west.

To the north, the site abuts the rear gardens of recently constructed residences built by Persimmon Homes on Heol Y Creyr Bach and Heol Y Pibydd. A small stream flows along the northern property line between the site and the adjacent dwellings. To the east, rear gardens of dwellings on Gower View Road and Fernhill Road abut the site, and include an informal access to a garage that runs along part of the eastern boundary.

A new access (Heol Y Creyr Bach) was created from Gower View Road to provide access to the Former Honeybee Nursery site to the north of the application site. This access runs through the site and would provide the northern access to the application site. An improved equipped play area has also been provided in close proximity to this access from S106 money from the development of this site.

In addition, a new access has been created in the south to serve the development to the south (Min Yr Aber and Ffordd y Coegylfinir) from Brynafon Road. This development was laid out with future development in mind with two access points internally from the existing development.

Description of Development

This is a S73 application to vary/ remove conditions attached to outline planning permission 2005/2355. The permission has been implemented but cannot be progressed as conditions requiring the submission of Reserved Matters have now elapsed.

This application seeks to amend Conditions 1, 3 and 4 of the outline permission.

1. Unless otherwise agreed by the Local Planning Authority, the proposed residential development of the site shall be carried out in accordance with the guidance contained within the Design Statement and Masterplan submitted with this application.

Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy and Guidance.

3. Detailed plans and drawings with respect to the matters reserved in condition (02) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

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

4. The development to which this permission relates shall be begun either before the expiration of 5 years from the date of this outline permission, or before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

The applicant has submitted a new masterplan for the site and a Design and Access Statement explaining the design rationale that has been taken to update the original Design Statement and Masterplan. Outline parameters for the buildings on site have also been submitted as these were not required at the time of the original application but are now required by statute. These are as follows:

Height: 5m to 13m
Width: 4m to 12m
Length: 8m to 15m

These cover a range of 2 and 3 storey terraced, semi-detached and detached dwellings and bungalows. A community centre is also proposed at the centre of the development with a maximum floor area of 285m².

Community Building:
Height: 6.5m to 13m
Width: 5m to 15m
Length: 25m to 35m

In addition, the application has been supported by an Arboricultural Impact Assessment, an Archaeological Desk Based Assessment, Drainage Strategy, Preliminary Ecological Appraisal, Protected Species Surveys and Welsh Language Impact Assessment.

Planning Policy

Adopted Swansea Local Development Plan (2010-2025)

PS 1: Sustainable Places – the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy.

PS 2: Placemaking and Place Management – development must enhance the quality of places and spaces and shall accord with relevant placemaking principles.

IO 1: Supporting Infrastructure - development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

IO 2: Employment and Training Opportunities - developers are required to maximise added benefits from the development in relation to the creation of training and job opportunities in line with the Council's Beyond Bricks and Mortar Policy.

HC 1: Historic and Cultural Environment - the County's distinctive historic and cultural environment will be preserved or enhanced by complying with set criteria.

HC 3: Development in the Welsh Language Sensitive Area – Proposals within the Language Sensitive Area (defined on the Proposals Map) will safeguard and promote the Welsh language throughout the County by complying with the Policy principles.

H 1: Non-Strategic Housing Sites – land is allocated within and on the edge of established settlements at 42 Non-Strategic Sites for the delivery of 10 or more new homes.

H 3: Affordable Housing – sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

SI 1: Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

SI 2: Providing and Safeguarding Community Facilities - new community facilities must be accessible by Active Travel and public transport, and be conveniently located in relation to other facilities and services wherever possible; and development that would adversely affect or lead to the loss of facilities will not be permitted unless they satisfy specific criteria.

SI 3: Education Facilities - Where residential development generates a requirement for school places, developers will be required to either: provide land and/or premises for new schools or make financial contributions towards providing new or improved school facilities. Proposals for the development of new primary and secondary education must comply with specific criteria.

SI 5: Protection of Open Space – development will not be permitted on areas of open space unless it complies with specific criteria.

SI 6: Provision of New Open Space –Open space provision will be sought for all residential development proposals in accordance with the policy principles, and in accordance with relevant criteria relating to design and landscaping principles. The quantity, quality and location of the open space contribution required will be determined against the most recent Open Space Assessment and Open Space Strategy.

SI 8: Community Safety - development must be designed to promote safe and secure communities and minimise the opportunity for crime.

ER 1: Climate Change – Development proposals will be expected to take account of the effects of climate change, adapt to its impacts, and to ensure resilience.

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ER 2: Strategic Green Infrastructure Network - development will be required to maintain or enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network.

ER 6: 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.

ER 8: Habitats and Species - development proposals should not have a significant adverse effect on the continued viability of habitats and species, including those identified as priorities in the UK or Swansea Local Biodiversity Action Plan unless it meets specific criteria.

ER 9: 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 which enables the dispersal and functioning of protected and priority species.

ER 11: Trees 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.

T 1: Transport Measures and Infrastructure - development must be supported by appropriate transport measures and infrastructure, and development that would have an unacceptable impact on the safe and efficient operation of the transport network will not be permitted.

T 2: Active Travel - Development must enhance walking and cycling access either by incorporation within the site, and/or making financial contributions towards the delivery offsite of specific measures.

T 5: Design Principles for Transport Measures and Infrastructure – provides design criteria that all transport measures/ infrastructure must adhere to.

T 6: 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 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.

T 7: 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.

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EU 2: Renewable and Low Carbon Energy 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. Residential developments on sites where there is capacity for 100 homes or more, and non-residential developments with a total floorspace of 1000 sq m or more, 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.

EU 4: Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

RP 1: Safeguarding Public Health and Natural Resources - development that would result in significant risk to: life; human health and wellbeing; property; controlled waters; or the natural and historic environment, will not be permitted.

RP 2: 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 future occupants.

RP 3: Air or 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 future occupants.

RP 4: 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.

RP 5: Avoidance of Flood Risk – new development will be expected to be located away from unnecessary risk.

RP 8: Sustainable Waste Management for New Development - 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.

Appendix 3 of the LDP provides for the following Allocated Site requirements and Informatives:

Site Ref & Name	H1.31 - Land off Brynafon Road and Gower View Road, Penyrheol
SHPZ	GNW
Education	Off-site financial contributions under s106 to existing Primary and Secondary schools in the catchment area, in accordance with Policy SI 3 Education.
Green Infrastructure Network	Provide green infrastructure network throughout the site in accordance with Policy ER 2.

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Open Space	Provision of open space accordance with the FiT guidance set out in Six Acre Standard Document, Policy SI 6 Provision of New Open Space, Council's Open Space Assessment and Open Space Strategy.	
Biodiversity Measures and Environmental Enhancements	Biodiversity and environmental enhancements in accordance with relevant LDP Policies, which may include the requirement to submit and agree ecological management plans. (Policy ER 9: Ecological Networks and Features of Importance for Biodiversity, RP 1: Safeguarding Public Health and Natural Resources, RP 2: Noise Pollution, RP 3: Air and Light Pollution, RP 4: Water Pollution and the Protection of Water Resources). RP 6: Land Contamination, RP 7: Land Instability.	
Social Infrastructure	Provision in accordance with Policy SI 2.	
Transport	PROW: Connections and improvements will be sought to the following PROWs which are onsite or adjacent to the site: LC18 and LC96 Development Principles: • Highway access for development off Gower View Road and Ffordd y Coegylfinir. • Development to back onto existing dwellings on south and eastern boundaries.	
DCWW WWTW	Llanant WwTW:	Reinforcement works required.
	DCWW HMA Foul Water:	No
	DCWW HMA Clean Water:	No
	Compensatory Surface Water Removal:	No
Flood Risk	No	
Welsh Language Action Plan	Yes	
SINCS	No	
Other Informatives	Placemaking: Existing hedge boundaries to west and North to be retained and incorporated into public realm areas. Open Space: Existing equipped playground within site to be upgraded as part of the development with good pedestrian and cycle links to this.	

Neighbour comments:

The development was advertised on site with five site notices (on Min Yr Aber, 3 on Gower View Road and Heol Y Creyr Bach) on 1st May 2019.

10 residents have written in to object to the application and their comments are summarised below:

- * More houses in front of children's playground would diminish the area – only green space available to the children and it is well-used
- * Increased traffic on a road system already struggling to cope would result in increased pollution – Brynafon Road is very busy
- * The roads of Min Yr Aber and Ffordd y Coegylfinir are very narrow (4.5m) and numerous Council employees have said the system in place is not sufficient to accommodate further development
- * Parking is already an issue in this small estate as people park on pavements – will be exacerbated

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- * No traffic calming measures on the route from Gower View Road to Min Yr Aber – would be used as a rat run
- * Min Yr Aber road is only 4.5m in width which is significantly deficient to deal with increased traffic flow resulting in safety issues notwithstanding the additional access requirements of the nearby nursing home
- * Increased traffic would result in increased chances of accidents and fatalities
- * Significant increase in traffic at spur of Ffordd y Coegylfinir and the private road serving 5, 7, 9, 11 and 13 Min Yr Aber a danger to pedestrians and residents
- * Junction of Frampton Road and Brynafon Road is always congested as this is where the convenience store is located
- * Vehicles parked on Brynafon Road make it hard to pass at certain times of the day – road narrows on approach to Min Yr Aber and is congested due to staff/ visitor parking for the nursing home
- * Transport statement fails to take into account upcoming developments in the area such as Parc y Werin School
- * 600 houses built in Gorseinon in the last decade with zero improvements to infrastructure – junction 47 of the M4 is increased
- * Further developments proposed at Parc Mawr and Bryngwyn Fields
- * Local GP struggling with population increases
- * Should build on the land by ASDA or land designated as a cemetery
- * Solicitors advised there were no plans to build on the grassed area at the front of the Llys Meredith estate
- * Reducing amenity to a social housing community
- * Area is already crowded and a new school would be needed
- * Gower View Road is already a rat run for the use of unlicensed motor vehicles
- * Safety concerns given that Min Yr Aber is built directly on to the pavement/ road – risk to children's safety
- * People park on double yellow lines (with blue badges) and on the pavement
- * Inadequate space for parking for those using the park
- * Access to Llys Meredith would become more dangerous
- * The proposals provide for a disproportionate type and mix of proposals which won't contribute to a well balanced housing mix
- * More houses are not needed
- * Safety issue due to bend on Gower View Road and location of park – green space should stay connected to the park
- * Loss of view from rear of properties on Gower View Road
- * Concern over impact on other birds in the area – could be reduced if 20+ houses are lost

Cllr Stevens:

"I understand this S73 application is only to extend the time period for a planning application that had previously been granted on the 23rd April 2010 (before either myself or my ward colleague were members of the Council).

However, I must raise initial concerns on the revised documents. Especially the grassed area in front of the play facilities, going from the illustrative layout document (I understand can be subject to change) the intention seems to be that the benches and zip line will be relocated/removed (It will not be the latter), this would not be welcome by myself, my ward colleague or the wider community.

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We have worked extremely hard alongside Parks and our Primary School to have this area put back to grass and become usable green space, to have this taken away from the residents of Penyrheol would be a travesty and not something we would stand idly by and allow to happen. This area has changed significantly from when the original submission was passed at planning committee in 2010.

While the greenspace provision within the application would be welcome, I do not see why the development has to cram in the additional housing at the entrance of Llys Meredith, alongside Gowerview Road.

If this area was always earmarked for housing since the original application then why were we allowed to carry on with improvements to bring it back to a usable green space alongside our revamped play area. We have also recently obtained grant funding to place a notice board at this location and have an agreement from housing that we can do so.

Once again, I will reiterate, this area has changed significantly in the last two years, and the proposed highway is near the existing play facilities which raise safety concerns. I suggest that a revised illustrative layout is submitted.

We would be happy to enter into a dialogue to ensure that this space is protected, ample play space is given and the concerns of the wider community are taken on board.”

Further Comments:

“I would like to point your attention to how the area looked pre and post 2017 (considering it was conveniently omitted from the Design and Access statement).

This shows how far we have come in transforming this area into a usable green space for our residents and we cannot stress enough how much work has gone into doing so. Also, Gorseinon Town Council obtained grant funding for a notice board to be placed at this location but due to this application, we have had to put it on hold until we find a location.”

Further Comments:

“We welcome the relocation of the Zipwire and benches (of course we would still prefer a larger green space in front of the play area if possible).

Item 3.1 of the D & A statement states essential project parameters are to construct a minimum of 130 new mixed tenure homes (with 150 highly desirable), yet the proposal is for 165 (10% more than “highly desirable”), in our opinion, there is scope to keep the green area in front of the play area.

The loss of this space totals almost 0.3 hectares. While there is provision granted within the development there are no accurate sizes given and policy states it must be better or least equivalent. We believe that the amenity space in front of the play area cannot be included with the green provision that has already been proposed within the development. For example, if the current amenity area in front of the play area is Y and the total green allocated space within the development is X then you must still include X within the development plus the addition of Y.

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This does not seem the case because there are green corridors included within the original planning application from 2010 (Brynafon Road Masterplan) and given the change of use of this area since 2017 it seems sensible to keep this space as amenity.

Further to this, given the lack of indoor communal facilities in Penyrheol it would be a welcome addition to have a small community centre included. The local Town/Community Council (or other community groups) could be consulted on taking over maintenance should this prove to be a barrier.

We must note that the parking provision for the play area is welcomed and would like to see it enhanced with traffic calming measures (road tables/plateaux).

Should these concerns be taken on board we would be happy to remove our objection.

TAN 16

Item 3.8 states - Sometimes, the retention and enhancement of facilities may best be achieved through the redevelopment or rehabilitation of a small part of a site, particularly where this would be related to playing field use, for example the provision of changing facilities, which would not adversely affect the quantity or quality of remaining pitches, or their use. Some forms of development, for example housing, may affect the use of remaining playing areas, and the possible benefits offered by such development should be weighed against the possible effects on open space, which may occur.

Item 3.9 states - In some circumstances better, or at least equivalent, alternative provision can be made available. This means that the replacement land or facilities should be equivalent to, or better than, that taken in terms of its capacity to provide for the area's needs. It will usually, but not necessarily, relate to its size, characteristics, location and accessibility. Such provision should be made available for use as soon as possible, if necessary linked to a planning agreement and to any planning permission which may be granted for the development or use of the playing field to be lost. Consideration should be given to the proximity and nature of any replacement site or facilities to the communities affected, particularly where these are deprived or disadvantaged, to their accessibility to the community as a whole, and to disabled people.

Item 3.12 states - Open space, particularly that with a significant amenity, nature conservation or recreational value should be protected. Local planning authorities should identify these areas in the development plan and establish criteria against which sites should be assessed if development pressures arise. It is important that urban vacant and underused land is not unnecessarily protected from development where the land is not of significant amenity, nature conservation or recreational value, as it may potentially relieve development pressures in more sustainable locations.

Policy SI 5 of the LDP states - will not be permitted on areas of open space unless:

- i. It would not cause or exacerbate a deficiency of open space provision in accordance with the most recent Open Space Assessment; or
 - ii. The substantive majority of existing 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

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- iii. The development can provide appropriate open space provision, that delivers a wider community benefit and is provided in a suitable alternative location; or
- iv. A satisfactory financial contribution to compensatory provision is provided towards an acceptable alternative facility.

Cllr Curtice:

"I echo the comments made by my ward colleague. I seem to recall back in 2010 the original intention was to have the play facilities installed in the centre of the development. I believe s106 funds were reallocated in approx. 2016 to improve the existing facility instead.

Since then, however, there have been significant improvements to the area around the play facility to ensure residents have ample public green space to enjoy. The entry shown on the illustrative layout will seek to undermine all we have done to improve this area. We had further plans to set up a friends group to seek out grant funding to build a small community centre near this location, and while there is green space provision provided within site, there is no mention of a community use pavilion, something that Penyrheol desperately needs.

Unless alternative plans are provided and take into account our comments, and comments of the wider community then I see no reason not to object to the proposal.

Gorseinon Town Council:

"The Town Council has no objection to extending the time period for the submission of reserved matters but does object to the revised layout which indicates residential development on the green open space in front of the newly created Gower View play area and zip wire opened in 2018. Town Councillors supported the objections submitted by Penyrheol County Members Andrew Stevens and Jan Curtice in not wanting to see any development on this entrance area/ play area. In view of the size of the proposed housing scheme, it was also felt a financial contribution via S106 agreement should be made towards an additional play area within the housing site, traffic calming measures along Gower View Road and a financial contribution towards a new community centre in Penyrheol itself. Members also commented on the drainage problems that have been experienced in the development of the adjoining Persimmon site, for existing residents, and hoped these would not be repeated."

Consultations:

Placemaking and Heritage:

"With regards to the revised illustrative layout (following amendments to the proposed play area arrangement) I have the following comments which are related to the highlighted areas on the enclosed plan:

1. Questions are raised as to nature and rationale behind the southern entrance space given that this is a relatively large highway junction space connecting 3 branching streets. With this in mind will this end up becoming a roundabout type space?
2. Given these questions with regards to the nature of the space as well as the fact that the long views from the existing highway to the south still terminate at the deflected dwelling the bottom of the tree lined avenue due to this space being offset from the central vista then questions are also raised as to the effectiveness of this space in providing a good/strong termination of this vista and thus sense of arrival and identity to this section of the scheme.

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3. If the long view eastwards from the southern entrance space is proposed to terminate at the side elevation of the dwelling here then this dwelling will need to 'turn the corner' successfully with the side elevation being suitably active and interesting in terms of providing a good level of fenestration and detailing as well as ensuring a balanced pattern of fenestration.
4. Due to the orientation of dwellings in this location there is a relatively long section of side and rear boundary treatment here and as such questions are raised as to the nature of this inactive stretch in terms of its visual quality? It is recommended that this be a suitably robust boundary with further planting proposed to help visually soften and improve this. Furthermore it is noted that there is a triangular section of land to the southern side of the west facing dwelling and as such what is this for, is this associated with the dwelling or left over land?
5. Similarly there is an even longer stretch of side boundary in this location. It is noted that the gardens in this location are relatively generous and as such is there scope to turn the proposed 'backland' plots closest to the street so that these front the street whilst also providing the required access to the remaining backland plot?
6. In terms of the proposed central open space area the south eastern area of this appears somewhat fragmented and unresolved in terms of the connections across this to the blocks to the east and south of this.
7. The row of parking to the eastern side of the central open space lies opposite a T-junction as well as just to the north of 3 way junction and as such this is likely to cause highways conflicts and therefore be unacceptable to the Highways department.
8. The proposed focal (community) building adjacent to the central space will be highly visible on all sides, providing frontage onto both the highways and green space. As such this building will need careful consideration to ensure that this presents a good level of active frontage and design quality to all its elevations. As such consideration should be given as to the best layout/arrangement in order to minimise any potential dead zones in the elevations (e.g. 'back of house'/plant areas etc.).
9. The approach of providing a tree terminating the view to the north eastern corner of the central open space area is acceptable in principle, however the current plan shows this very close to and blocking view of the focal building behind. This presents a somewhat confused character to this space in terms of the tight spacing for the tree which diminishes this as a feature and in terms of raising questions as to whether it is intended to block the view of the central 'focal' building? Given these questions further consideration should be given to the intended character of this south facing vista and the amount of appropriate spacing between the tree and the building.
10. The row of dwelling which make up the north eastern face of this block is set further back from the street (assumed to be as a result of the required buffer to the play area), however this result a fragmentation of this block which creates an incongruous relationship character with the street in comparison to the remainder of the scheme and furthermore creates an awkward visual relationship between the southernmost of these dwellings and the easternmost dwelling of the entire block. In addition to this it is noted that there is a left over area of land between the northernmost of the dwellings in the aforementioned row and the westernmost of the dwelling of the north facing row of the wider block. Further consideration should therefore be given to the layout arrangement for this block to address these issues.
11. What is the rationale behind this set back area?

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12. The dwelling in this location currently faces south onto the aforementioned set back area, however as this would form part of the existing streetscene along Gower View Road this dwelling should be re-orientated to face eastwards in order to match and enhance the layout character of this existing context and better integrate the scheme into the wider pattern of development.

Highways:

“No objection subject to conditions.

This application concerns an extension of time for the submission of reserved matters on outline consent 2005/2355 granted in April 2010.

The 2010 permission was subject to a planning condition for a single looped vehicle access from Gower View Road. This application site is in accordance with the condition, with access to this portion of the site via a priority junction off Heol Y Creyr Bach and extension of Ffordd Y Coegylfinir.

The original outline application was accompanied by a Transport Statement which assessed the capacity of the access junctions. This Transport Statement contained future year analysis for 2018 (year of development +10), as is standard practice.

Following discussions with the applicant it was agreed that given the time which has elapsed since the original application, and that we are beyond the future year analysis; that a refreshed Transport Statement should be produced to accompany this section 73 application.

Trip rates have been calculated based on 165 dwellings with a 70/30 split of affordable and market units, this results in a unfettered vehicular trips of 66 two way in the AM peak and 78 two way trips in the PM peak.

The traffic model of the Frampton Road / Brynafon Road junction has been updated and scenarios modelled for the base year 2019, and 2029 scenarios including the development traffic.

The model has been verified and is correct, outputs show a worst case (2029 + dev) ratio of flow to capacity of 0.55. This equates to 45% spare capacity within the junction.

Section 106

The 2010 permission contained a requirement to fund the addition of pedestrian crossing points at the Frampton Road / Alexandra Road traffic signals, this was undertaken as part of the Road Safety Grant funding in the period between the original submission in 2005, and the permission being granted in 2010.

Also included were off site works to provide a crossing on Frampton Road near Penyrheol school, this was undertaken as part of a Safe Routes to Schools scheme.

Signalisation of the Frampton Road / Pen Cae Crwn Road junction, which the Highway Authority would now not wish to undertake.

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The provision of a bus stop on Gower View Road, which should be included as a requirement of this permission.

A crossing on Frampton Road near the junction of Brynafon Road has been funded via s106 on the Northern portion of the site.

Recommendation

I recommend no objections to the proposals subject to:

1. Alterations to the existing public highway will be constructed via a Section 278 agreement with the Local Highway Authority.
2. 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 private management and Maintenance Company has been established.
3. Prior to any works commencing 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 adhered to at all times unless otherwise agreed by the LPA.”

Further Comments:

“The original Transport Statement was based on a 70/30 split of affordable housing vs market housing, this Technical Note assesses the likely level of trip generation for a 15/85 split. The total number of potential dwellings remains the same at 165.

The change to the type of accommodation will result in a change in the trip rate, this has been assessed using the Trics database. The selection criteria have been checked and are thought to be correct.

This results in an additional 17 vehicles movements during the AM peak hour and 13 in the PM peak, this will not result in any material change to the operation of the access junctions or surrounding network.

I am content that the change in dwelling type will not alter the recommendations previously submitted.”

Ecology:

“Outcome of Ecological Investigation

Relevant documents received and reviewed:

Preliminary Ecological Assessment, TACP, Aug 2016

Protected Species Surveys, Hawkeswood Ecology, Nov 2017

Further protected species surveys, Hawkeswood Ecology, June 2019

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Following a telephone discussion with Eric Hawkeswood on 22/5/19 and receipt of the updated protected species surveys report (June 2019), the subsequent ecological comments apply:

Bats

The reports highlighted that the site boundaries are used by commuting and foraging bats. A possible roost exists in housing to the east of the site. It is noted that dark routes/corridors are proposed to allow bats to continue to cross the Site and access the northern and western boundaries, maintaining connectivity to other nearby habitats and to roosts in the adjacent housing. The recommendations made in section 8 of the June 2019 report (sections 8.2-8.7) must be adhered to, thereby ensuring this connectivity.

Condition:

Pre-construction/site clearance checks for bats and nesting birds in buildings due for demolition must be undertaken.

Condition:

As new bat roosts may establish during the interim period, an updated detailed inspection of trees (identified in the 2019 report), is required to be undertaken immediately prior to felling. If roosts are confirmed within any of the trees subject to impacts by the proposals, then it will be necessary to obtain a mitigation (development) licence from NRW prior to works commencing, with sufficient replacement roosting habitat provided as mitigation.

Condition:

If there is potential for bats roosting within the site trees, a precautionary soft felling methodology is required to be adopted. This work must be undertaken by a suitably qualified arboricultural contractor with experience of working with bats, with the advice/under supervision of a NRW bat licence holder.

Please also include the following informative:

Please note that 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 (as amended). 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).

Breeding/nesting birds

Please include following informative:

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

- 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)

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Condition:

No clearance of trees, hedgerows, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to early September inclusive. (as per 8.8 of 2019 report)

Condition:

Pre-commencement checks for active nests will be required prior to any vegetation clearance occurring during the main bird breeding season, with appropriate buffers marked out around active nests or nests under construction, until all eggs have hatched and chicks fledged. (as per 8.8 of 2019 report).

Hedgehog

Records show that there is the potential for hedgehogs to be present in the area, with records existing from within 150m of 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.

Condition:

All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species) 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 wildlife each morning before starting construction activities.

Condition:

In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points (as per 8.15 of the 2019 report). See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>

Dormouse

Please include the following informative:

Dormice are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Consequently, it is an offence to intentionally or recklessly kill a dormouse, disturb a dormouse whilst it is occupying a resting place or breeding site.

Condition

Pre-commencement Site Check

As there may be suitable habitat on site, the following procedure is essential. Immediately prior to the commencement of any pre-construction/enabling works onsite, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine any significant changes to those habitats supported by the site with respect to dormouse. The purpose of the site walkover is to determine whether any further, species-specific working methodologies or a Dormouse Mitigation Strategy document will be required. The survey results and proposed mitigation must be submitted to the LPA for approval prior to construction.

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Reason:

To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.

Reptiles

The 2017 survey highlighted a small population of slow worm and grass snake recorded on the site, with the northern hedgerow being particularly important for these species. The updated 2019 surveys also recorded a low population of slow worm and grass snake.

Please include the following informative:

Reptiles may be present. 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).

Condition:

Pre-construction checks for any reptile species are required to be undertaken.

Condition:

Any vegetation clearance must be undertaken avoiding the main hibernation period (October-March).

Condition:

A Reptile Translocation/Mitigation Strategy is required (as per sections 8.9-8.12 of the report) to be submitted to the LPA for approval. This methodology must be adhered to.

Reason:

To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.

Trees

Efforts should be made to retain trees within the development. Details are required of what trees will be lost or retained.

Condition:

The important north and western site boundaries along with as much of the scrub woodland area at the east of the Site as possible should be retained (as per section 8.3 of the 2017 report). These areas must be protected during construction works. These measures will help retain areas of the Site important for commuting and foraging bats.

Hedgerows

As hedgerows are a priority habitat, efforts should be made to retain and enhance these within the development, particularly on the northern and western boundaries, as outlined in the surveys. Retained hedgerows should be buffered from surrounding development, and not incorporated into domestic boundaries. Protection of the hedgerows and adjacent areas must be agreed with the LPA and established prior to any works commencing.

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Condition

A Hedgerow Management Plan is required to be submitted to the LPA for approval, detailing measures/methodology for the retention, enhancement and creation of the hedgerow resource.

INNS

As Japanese knotweed is present on site, an updated pre-construction INNS survey is required together with an INNS strategy for the site. A method statement for removal of any INNS must be submitted for agreement with the LPA (as per 8.14 of the 2019 report).

Condition:

Notwithstanding the details contained within the submitted Ecological Report, if, prior to the commencement of development any Invasive Non-Native Species (INNS) listed within Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) are identified on the site, no further development shall take place until a method statement for the removal of the INNS has been submitted to and approved in writing by the LPA. The scheme shall be implemented in accordance with the approved method statement.

Reason: In the interests of the ecology and amenity of the area.

Protected sites

The development site is approximately 370 metres from the Burry Inlet and Loughor Estuary SSSI. I would therefore draw your attention to the Council LDP policy and in particular to:

ER 6 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 relating to need and impact mitigation/compensation.

As assessment must be undertaken of possible impacts of the proposed development on the SSSI, together with proposed mitigation measures – see also CEMP paragraph. This must be submitted to the LPA with any application.

Ecological Management Plan

An Ecological Management Plan for the entire site is required to be submitted to the LPA for approval. This site-specific document must outline processes and instructions to manage the site, and its operations, in such a way so as to protect and enhance the biodiversity and ecology of the site, and surrounding area. The works and other measures forming part of the plan shall be carried out in accordance with it.

Condition:

The Ecological Management Plan must be placed as a condition on any planning permission granted.

Condition:

An Ecological Clerk of Works must be appointed for the duration of the works (as per 8.1 of the 2017 report).

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Reason:

To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.

Lighting strategy

A sensitive 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.

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

Condition:

The lighting strategy must be placed as a condition on any planning permission granted and must be agreed with the LPA.

Landscaping

A Landscape and Planting Scheme strategy is required to be submitted to the LPA for approval, outlining native (species of local provenance) tree, hedgerow, wildflower and scrub planting and a plan for aftercare. The use of native species of local or at least Welsh provenance and species of known benefit to wildlife in any soft landscaping scheme associated with the development is essential, together with use of diverse seed mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates. This will improve ecological connectivity across the site and with other nearby habitats. As per the 2019 survey report, landscaping should include areas of fruit bearing scrub, trees and open areas to form a mosaic of habitats that will provide suitable foraging habitat for the protected species on Site.

Condition:

The Landscape and Planting Scheme must be placed as a condition on any planning permission granted.

Construction Environmental Management Plan (CEMP)

The Construction and Environmental Management Plan (CEMP) documents the systems and controls to be adopted to minimise any adverse environmental effects during construction. The CEMP must be adopted by all Contractors and Sub-contractors working on the development to ensure a consistent and coordinated approach to construction management and to manage environmental impacts.

A detailed CEMP is required to be submitted to the LPA for approval and must outline all necessary pollution prevention measures relating to nearby water bodies, (particularly regarding the Carmarthen Bay and Estuaries SAC and Burry Inlet SPA, and the Burry Inlet and Loughor SSSI), for the construction and operational phase of the development.

Condition:

No development approved by this permission shall be commenced until a CEMP detailing all necessary pollution prevention measures for the construction and operational phase of the development is submitted to and approved in writing by the Local Planning Authority. The details of the PPMS shall be implemented as approved.

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Reason

Prevent pollution of controlled waters and the wider environment.

Green Infrastructure

LDP Policy ER 2 requires that in order to be acceptable, development must not compromise the integrity of the green infrastructure system. This means that where a development proposal will result in loss in green infrastructure and consequently a loss in ecosystem service provision, mitigation and compensation measures will be required. The LDP policy now requires that compensatory measures should maintain and enhance the green infrastructure network. The policy criteria set out the type of measures that could be incorporated into a development scheme to achieve this.

The submission of drawing reference edp4783_d031a (9/5/19) GI Strategy is acknowledged. However, many features are associated with SUDS, and no comprehensive survey of the sites' green infrastructure provision has been provided.

Condition:

In order to effectively implement LDP Policy ER 2, a green infrastructure assessment is required to be submitted to the LPA. This must be placed as a condition on any planning permission granted.

Ecological enhancement

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3 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, The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). Under this Duty, development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity.

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 brash/log piles to provide habitats for reptiles, amphibians and other species would also be desirable, together with hedgehog friendly fencing.

Section 8.16 of the 2019 report has recommended that integral bat and bird boxes will be used in the new construction. Bat tubes will be located on building near the northern and western boundaries and bird boxes, in particular swift and house sparrow boxes on a number of houses throughout the development.

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Condition:

Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted on architectural drawings and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Reason:

To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.”

A Habitat Regulations Assessment is required for this application, the details of which will be reported verbally at Planning Committee.

Trees:

“No objection.

The trees around the site appear to be incorporated within the layout with suitable separation between trees and proposed dwellings.

The detailed application will show any conflicts that can be designed out or mitigated at that stage.”

Drainage:

“We have no concerns with the extension of time application; depending on the timing of submission of any reserved matters application this will be dealt with under either Condition 15 or Schedule 3, Flood and Water Management Act 2010.”

Education:

“Review of the effect on Catchment Schools of Proposed Development: -

1. Planning Application: 2019/0911/S73 - Land West of Gower View Road & North of Brynafon Road, Penyrheol, Swansea. Residential development of (165 mixed use tenure dwellings comprising of 13 x 1 bed flats, 10 x 1 bed apartments, 66 x 2 bed dwellings, 37 x 3 bed dwellings, 25 x 4 bed dwellings & the remaining 14 dwellings will be a mixture of 2+ bed dwellings. 142 dwellings used in the SPG calculation only for 2+ beds and above), incorporating public open space and new access roads from Gower View Road and Brynafon Road (Outline).

2. Catchment Schools, capacity and projected capacity

2.1. The development is in the Penyrheol Ward, and the catchment schools are:

	Catchment schools	Number of unfilled places January 2019	%
English Medium Primary	Penyrheol Primary	79	25.90%

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English Medium Secondary	Penyrheol Comprehensive	104	10.67%
Welsh Medium Primary	Y.G.G. Pontybrenin	5	1.00%
Welsh Medium Secondary	Y.G. Gwyr	104	9.73%

3. Demountables – It should be noted that there are currently 1 x double demountable in Penyrheol Comprehensive, 3 x double demountables in Y.G.G. Pontybrenin and 1 x single, 3 x double demountables in Y.G. Gwyr.

4. SPG Pupil Generation:

Penyrheol Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
WM 12.9%			12.90%		87.10%	
Primary	44.02	£456,575.44	6	£62,232.00	38	£404,508.00
Secondary	31.24	£495,091.52	4	£63,392.00	27	£427,896.00
Post 16 provision	5.68	£96,633.84	1	£17,013.00	5	£85,065.00
Total		£1,048,300.80		£142,637.00		£917,469.00

5. Existing Commitments

School	Pupil numbers	PA – Description
Penyrheol Primary		
	2	Rollalong Site, Gorseinon
Penyrheol Primary Cumulative Total	2	
Penyrheol Comprehensive		
	3	Land at Ffordd yr Afon
	6	Land at Heol Pentre Bach,
	1	Rollalong Site, Gorseinon
Penyrheol Comprehensive Cumulative Total	10	
Y.G.G. Pontybrenin		
	6	Beilli Glas, Glebe Road, Loughor
	3	Former Walkers Crisp Factory
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	66	Land North of Garden Village
	1	Land off The Croft, Castle Street, Loughor

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Y.G.G. Pontybrenin Cumulative Total	79	
Y.G. Gwyr		
	4	Beilli Glas, Glebe Road, Loughor
	3	Former Cefn Gorwydd Colliery,
	2	Former Walkers Crisp Factory
	1	Land at Ffordd yr Afon
	2	Land at Heol Pentre Bach,
	1	Land Off Summerland Lane, Newton
	4	Land South of Glebe Road,
	1	Land South of Pen y Dre,
	5	Land to North of Bryn-y-Mor Rd
	1	Land to rear of 188 St Teilo St., Pontarddulais
	2	Land off Lon Masarn, Cefn Coed Hospital
	1	Land at The Yard, Cambrian Place, Pontarddulais
	1	Land off The Croft, Castle Street., Loughor
Y.G. Gwyr Cumulative Total	28	

6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Penyrheol Primary	315	97.65
Penyrheol Comprehensive	1430	314.6
Y.G.G. Pontybrenin	% of above and other developments	
Y.G. Gwyr	% of above and other developments	

7. Position of capacity:

7.1 Primary:

7.1.1. English-medium: the English medium primary (Penyrheol) currently has 25.90% surplus capacity.

7.1.2. Welsh-medium: the Welsh medium primary (Y.G.G. Pontybrenin) currently has 1.00% surplus capacity.

7.2. Secondary:

7.2.1. English–medium: the English medium secondary (Penyrheol Comprehensive) currently has 10.67% surplus capacity.

7.2.2. Welsh-medium: the Welsh medium secondary (Y.G. Gwyr) currently has 9.73% surplus capacity.

8. Requested Contribution: whilst there was previously no agreed education contribution, the following is now requested due to the implications of this development and the schools capacities at this current time.

8.1. There is no request for a developer's contribution towards Education in respect of the English medium primary school (Penyrheol Primary). The CIL regulations do not support any contribution as there are spaces available at the school.

8.2. There is no request for a developer's contribution towards Education in respect of the English medium secondary school (Penyrheol Comprehensive). The CIL regulations do not support any contribution as there are spaces available at the school.

8.3. There is a request for a developer's contribution towards Education in respect of the Welsh medium primary school (Y.G.G. Pontybrenin) of £62,232 due to the limited capacity at the school and existing commitments.

8.4 There is currently no request for developers contributions towards the Welsh medium secondary school (Y.G. Gwyr)."

Housing:

LDP Policy H3 Affordable Housing sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability. The most recently published Local Housing Market Assessment 2013 (updated 2015) identifies an affordable housing requirement of 7,400 dwellings across the County, with the Greater North West zone having the highest requirement for growth over the LDP period with a need for affordable housing.

In this case the application is in the Greater North West Strategic Housing Policy Zone where the target is for a minimum of 15% of the total number of dwellings provided on site to be affordable homes. This scheme is being supported by the Housing Service and Welsh Government with grant funding through the Programme Development Plan, this site proposes a higher % of affordable housing than the H3 Policy target, but for the purposes of the Section 106 it should be conditioned to have a minimum of 15% onsite.

The LDP affordable housing target supply of affordable homes for the term of the plan is 3,310, indicating a shortfall in the number of affordable housing required as demonstrated by the Local Housing Market Assessment, therefore this higher % of affordable housing on this site is welcomed. This site is proposing a mix of market and affordable housing for rent and sale, making housing accessible for all, creating a sustainable community.

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The affordable housing must be built to DQR standards and should be a mix of property sizes and affordable tenure (social rented and intermediate tenure). The housing should be integrated into the overall development and should not be obviously segregated through location, layout or design.

Parks:

“With regard to the above mentioned Planning Application, having looked at the attached documents of the proposed development, I wish to make you aware of the following observations which I wish to be taken into consideration:

* Public Open Space - A large area of open space is proposed within the site, if we are required to adopt any POS/trees a commuted sum will be required from the developer for any future maintenance.

* Outdoor Play – The addition of play provision in this area is acceptable to the Parks Service, we would however require further details of the design and layout of the proposed facility and details of the supplying manufacturer prior to approval. In principle we have no issues with adopting any Play facility (if that is what the developer proposes) providing an appropriate Section 106 contribution is received.

* An access road to the development is proposed to be created through the POS and adjacent to the play facility on Gower View Road/Heol Y Creyr Bach, we have reservations on this proposal due to the play item (Zip Wire) and picnic benches that are currently located on this area.”

Further Comments:

“The Parks service are happy with the developer’s proposal to re-locate the Zip Wire and 2 picnic tables at the rear of the existing play area (as discussed at our meeting on 15th May with the developer), the cost of relocation to be met by the developer.”

Natural Resources Wales (NRW):

“Whilst we have no objection in principle to the time extension for this application, we refer you to our comments on ecology below.

Ecology

Protected Species

We note that the application seeks to vary conditions 1, 3 and 4 of planning permission 2005/2355 to extend the submission time for these conditions.

The extension of time application has been supported by the submission of the ‘Preliminary Ecological Appraisal’ by TACP, dated August 2016 and following the results of that report, the submission of ‘Protected Species Surveys – Land at Gwynfaen Farm, Gorseinon’ by Hawkeswood Ecology, dated November 2017.

The Hawkeswood Ecology report rules out the use of the site by Dormice, in agreement with your Local Authority’s Ecologist, however notes that bats are commuting and foraging over the site. The report notes the presence of areas of mature woodland, scrub and hedgerows along with individual trees on site, and confirms that although the TACP report recommended tree roost inspections in section 6.1, these were not able to be carried out in 2017. Section 6.4 of the 2017 report states that “At this time there are no specific proposals for the Site, but it is expected to be utilised for residential development”.

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Section 6.12 notes that a detailed tree roost survey should be undertaken once outline or detailed plans are available showing which trees are likely to be lost or retained. This is further supported in section 8 under the Recommendations section. It is therefore concluded that an assessment of the potential for bats roosting in any trees on site has not been provided in support of this application at this stage, and we are therefore not currently able to provide any advice on bats at the site.

We therefore recommend that you seek the advice of your in-house ecologist to determine if there is a reasonable likelihood of any European Protected Species (EPS) being present within the application site. If so, in accordance with Technical Advice Note 5: Nature Conservation and Planning (paragraph 6.2.2) updated ecological surveys may be required.

Any survey updates deemed required for the site should be carried out by appropriately licensed ecologists, following best practice guidelines. Please consult us again if any survey undertaken finds that EPS are present at the site and you require further advice from us.

Proposed Scheme Masterplan

The 2017 report also makes several recommendations to be taken forward on any proposed design at the site relating to; the retention of scrub, hedgerow and woodland areas, to continue to allow bats to forage and commute on site; the provision of dark corridors and artificial lighting considerations from both street and house lighting; and fencing barrier provisions between gardens and retained hedgerows to reduce lighting and fly tipping.

An 'Illustrative Layout' (dated 15 April 2019) and 'Concept Masterplan' (dated 10 April 2019, both by edp, have been provided in support of the application. The recommendations made in the 2017 report do not appear to have been taken onboard as part of the site's design, with large areas of woodland removed to facilitate the development, limited boundary retention, and hedgerows being removed. We recommend that your Authority's Ecologist is firstly consulted over the acceptability of the plans for the site in relation to the 2017 report recommendations, and with reference to planning condition 9 of planning permission 2005/2355.

In addition to this, the original planning report refers to one of NRW's legacy bodies' comments (Countryside Council for Wales) which noted that the original ecological report indicated that otters were using the corridor along the stream which functions as a link between favourable habitats or feeding areas. Whilst we do not know which ecological report this refers to; the advice was that the stream corridor should be retained within the scheme. The Masterplan shows a small area of retained boundary near the stream however it is unclear how much riparian buffer has been provided here. We therefore recommend that this is also discussed and agreed with your Authority's Ecologist and refer you to our advice on consideration of further EPS surveys required as above.

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>).

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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 (DCWW):

“Dwr Cymru Welsh Water (DCWW) were consulted on the original application (Ref: 2005/2355), for a residential development, and by response (Ref: 2005/HCON/28601) recommended conditions and advisory notes including reference to a point of connection into the public sewerage system.

Notwithstanding this, our response also advised that the existing water supply network would require off-site reinforcement works to ensure the proposed development site could be served by an adequate water supply. We acknowledge that the application was granted outline planning permission, subject to conditions requiring a foul drainage scheme (No. 14) and surface water regulation system (No. 15), and subsequently approval of reserved matters (Ref: 2012/1113) for 22 dwellings.

As part of this latest consultation, we acknowledge that the application (Ref: 2019/0911/S73) seeks variation of conditions 1, 3 and 4 on permission 2005/2355 to enable an extension of time for the submission of reserved matters on the remaining site area. In principle, we offer no objection subject to conditions 14 and 15 being maintained on any new consent granted for the development. Nonetheless, having regard to our comments (Ref: 2005/HCON/28601) on the original application, we remind that offsite reinforcement works are required to the existing water supply network.

Accordingly, if you are minded to grant Planning Consent for the above development, we respectfully request that the following Condition and Advisory Notes are also included within the new consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No development shall take place until a potable water scheme to serve the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any building. Thereafter, the agreed scheme shall be constructed in full and remain in perpetuity.

Reason: To ensure the site is served by a suitable potable water supply.

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).

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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.

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."

Glamorgan Gwent Archaeological Trust (GGAT):

"The supporting documentation includes an archaeological desk-based assessment; prepared by Archaeology Wales (dated April 2018, reference 1674). This has gathered information from appropriate sources relating to the application area, and a surrounding study area. No archaeological features or sites were known within the development area, and no new sites were identified during the assessment process. The assessment concludes that there are no designated, and no non-designated, historic assets that would be adversely affected by the proposed development.

The assessment process and the report meet current professional standards. We concur with the results, and in this case do not recommend any further archaeological mitigation."

CADW:

"Thank you for your letter of 29 April 2019 inviting our comments on the consultation submitted for the above mentioned proposal. Having carefully considered the information provided, our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected. We therefore have no comments to make on the proposed development."

Police Designing Out Crime Officer:

"I am pleased with the site layout. All the footpaths are to the front of the properties and are safe as they are overlooked and the vehicle parking bays are within curtilage and/or overlooked.

Entry onto the estate must be restricted to the designated routes. Defensible space using symbolic barriers e.g. pillars, rumble strip, or a change of road surface, i.e. colour or texture, should be built into the design to encourage a feeling of territoriality amongst users especially at the entrances to the development.

There should be a change of surface, i.e. colour or texture to identify public areas from private or semi-private areas e.g. the footpaths from the driveways/front gardens. Preferably front boundaries would be identified by low walls and gates.

Play areas must be located where they are afforded good natural surveillance from residents to provide protection for the young children using the areas (as per drawings). This reduces the risk for the area being targeted for anti-social behaviour when not in use."

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Additional design advice made regarding the following: landscaping and planting; side and rear boundaries; vehicle parking; play areas/ green spaces; garden sheds; bin stores; bicycle stores; security lighting; drainpipes; public utilities; blank walls; garage; door security; window security; access control; intruder alarm system; and identification of properties. See full comments on application page.

APPRAISAL

This is a S73 application to vary/ remove conditions 1, 3 and 4 of planning permission 2005/2355 for a residential development incorporating public open space and new access roads from Gower View Road and Brynafon Road relating to the time for the submission of Reserved Matters, compliance with the approved Design and Masterplan documents and timescale for implementing the development.

The majority of the site is allocated for housing under Policy H1 (H1.31 with an indicative threshold of 225 units) and the remainder of the site is white land in the Adopted Swansea Local Development Plan.

Main Issues

Section 73 of the 1990 Act provides that application may be made for planning permission without complying with conditions applied to a previous permission. It is stated that local authorities may decide whether to grant permission subject to differing conditions, remove the conditions altogether or refuse to alter conditions. Thus it is possible to apply for conditions to be struck out, or for their modification or relaxation. The section makes it clear that in considering such an application a local planning authority may only consider the “question of the conditions”. However, in terms of decision making a S73 application should be treated just like any other application, and due regard paid to the development plan and other material considerations.

Any new planning permission should include all the previous conditions (where necessary) to avoid the possibility of the new permission being interpreted as having no conditions other than those applied to vary. It may also be necessary to update the conditions attached to the original permission.

The main issues to consider in the determination of this application relate to the principle of the use, the placemaking approach adopted, ecology, drainage and impact on highway safety, having regard to the prevailing provisions of the relevant LDP 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

Residents have commented that they were advised that there were no plans to build on the grassed area in front of the play area and more houses would diminish the area as this is the only green area available for children and is well-used.

The site has previously had outline planning permission in 2010 and was previously allocated for housing in the Unitary Development Plan but since the previous application was determined, the UDP has been replaced with the Adopted Swansea Local Development Plan (LDP).

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Part of the site (the WG owned land to the west) is allocated for housing within the Adopted LDP (Policy H1. 31) with an indicative capacity of 225 dwellings. The principle of residential development on this section of land is acceptable. The proposal has introduced a community centre use within the site which is welcomed as it would provide a community focal point and a resource for residents of the existing community and future residents of this development. Local residents, along with the Town Council, have stated that a community centre is needed in the local community. This would be limited to 285m² by condition and the parameters for the building are considered acceptable.

However, the adjacent Council owned land is white land within the LDP and the principle of residential development in a residential area such as this is therefore considered acceptable subject to meeting the criteria of the relevant planning policies.

Protection of and Provision of Open Space

LDP policy SI 5 seeks to protect existing open space whilst policy SI 6 seeks to ensure new development has sufficient open space provided for future residents of the development and both policies reference the Open Space Assessment. The Council owned part of the site was identified as a park and garden within the Open Space Assessment prepared to support the LDP and the park was indicated to be in a poor condition at that time. The remainder of the site is not identified within the Assessment.

Whilst the local Councillors welcome the relocation of the zip wire, they consider that the loss of the amenity space in front of the playground should also be compensated for. The Councillors consider that 0.3Ha of space would be lost but this does not include the aforementioned overgrown area to the south of the play area (rear of properties on Gower View Road). The Councillors reference TAN 16: Sport, Recreation and Open Space (2009) which supplements Planning Policy Wales and LDP Policy SI 5.

It is unclear why the Council owned section of land was designated as a park/ garden in the Open Space Assessment as the vast majority of the area is overgrown in the main based on photographic evidence (between 2008-2011 at the time of the survey). The site had a mown section to the play area but was inaccessible apart from this. In addition, the site received planning permission for residential development in April 2010. Notwithstanding this, the site was identified as Accessible Natural Greenspace (ANGS) in the assessment and will be considered as such.

At the current time, the northern part of the site is used as informal open space and local residents use the site for amenity purposes. SI 5 states development on open space would not be permitted 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 existing 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. Where this can't be achieved, a satisfactory financial contribution would be sought to ensure compensatory provision is provided towards an acceptable alternative facility. The protection of open spaces (formal and informal) is also identified in PPW 10 (4.5.3 and 4.5.5) and Policy SI 5 provides a criterion based policy to consider this.

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It should be recognised that in terms of formal play provision, the existing park would be retained in situ and the existing zip wire would be relocated to the opposite side of the play area to facilitate the access to the site as per the amended Concept Plan which is discussed further in the following section. A parking area and amenity area with benches is also shown on the opposite side of the area. It should be noted that the park itself was upgraded with S106 money from this development itself, albeit that the park was intended to be created in a central location within the development. The proposed amendment to the formal equipped play provision is considered acceptable and the same facilities would be retained in almost the exact same location thereby not causing or exacerbating a deficiency in the area.

With regards to informal open space, Policy SI 5 refers to the Open Space Assessment that supports the LDP. This document identifies that the loss of parts of this area (not all of it as a section of woodland would remain in the southern half of the site itself along with the park / amenity area) may decrease accessibility for some residents to ANGS. However, as a Ward, there is significant overprovision of ANGS, 21.5Ha, although this is predominantly located in the north of the site. Therefore, it is considered that the deficiency in access to open space would be marginally exacerbated (criterion i). In addition, the substantive majority of the open space (as defined in the Open Space Assessment) would not be retained, but the functional use of the area would not be significantly affected.

Notwithstanding this, the development would create several additional formal and informal areas of open space that is considered to provide a wider community benefit than that of the existing open space. The existing open space area provides a couple of benches in front of the play area and a condition of any consent could require these facilities (along with the zip wire) to be relocated in a timely manner. Whilst the northern section of the open space has been improved and is now being maintained to provide an attractive open space, the southern half is not useable open space and has been taken over by poor quality vegetation and scrub. 1.75Ha of open space would be provided within the site overall which is considered appropriate, would deliver a wider community benefit by providing higher quality areas of open space at various locations within the site and in suitable alternative locations (a maximum of approximately 150m from the edge of the existing spaces). The proposal would include a Local Equipped Play Area, a central green area that would function as a LAP and provide a quantum of open space above that recommended in total by Fields in Trust which is 3.4ha per 1,000 population. Whilst no formal parks/ gardens would be provided, sufficient natural and semi-natural greenspace and amenity space would be provided. The Parks Officer has raised no objections to the proposal but has stated that commuted sums would be required for the Council to take on maintenance of the areas of open space.

One resident has commented that safety is an issue due to a bend on Gower View Road and the location of the park as vehicles speed around the corner, but the indicative layout indicates that the amenity area in front of the park would be relocated further away from this corner which would reduce the potential for this conflict. The resident states that the green space should remain connected to the park and this would be secured by condition.

The proposed development would provide a central area of open space along with informal space along the edge of the development for informal use and to provide links to the adjacent PROWs with public links through the site, green streets and a smaller area of open space in the south. The proposal is therefore considered to comply with policies SI 5 and SI 6 of the LDP.

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Placemaking Approach

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.

The original Design Statement and Masterplan split the site into 3 distinct elements, Site A (in WG ownership), Site B (in private ownership – known as Llys Meredith) and Site C (in Council ownership). Site B has already been developed in its entirety. Site A is the area included within allocation H1.31 and Site C is white land in the LDP – these are the sites subject of this application. The residential design strategy for site A indicated between 150 and 200 units with the strategy for Site C indicating between 40 and 70 units. The indicative capacity within the application site as a whole was therefore between 190 and 270 units. 30 dwellings have already been constructed on site.

The indicative capacity in the LDP indicates 225 dwellings on part of the site, however this was considered before the SuDS legislation was introduced. The Local Councillors have indicated that a reduction in numbers of units would allow additional open space to be retained. Whilst this is the case, it is considered above that the impact on the open space within the area is acceptable in the first instance and the proposed development strikes an appropriate balance between the number of units on site to ensure the efficient use of land whilst providing a development that fits in with its surroundings. The proposal provides for approximately 165 units. When considered with the existing units on site, this provides a total towards the lower end of that envisioned within the Design Statement and Masterplan, however it should be noted that legislation changes has had an impact on the masterplan through the requirement for SAB (SuDS Approval Body) approval requiring on-site storage and attenuation.

In terms of similarities with the original masterplan, the previous application proposed two main accesses with one located off Brynafon Road in the south and one proposed off Gower View Road with the latter access provided for the Persimmon development to the north (Heol y Creyr Bach leading to Heol Pibydd and Heol y Rhofiad). The previous development proposed a central green space/ play area within the development to replace the existing play area which had fallen into disrepair until it was recently upgraded and the development proposed an outward facing edge to the east with the retention of the boundary trees along this side.

The Local Members have objected to the proposals on the basis that the play area (which comprises a recently upgraded equipped play area enclosed in fencing, a zip line and several benches in front) would be partially lost as a result of indicative layout with the removal of the zip line and benches. The issue in terms of the quantum of open space lost/ provided as a result of this development is addressed in the section above. However, the revised layout also needs to be considered in terms of the location of the play provision.

The Councillors also query why more dwellings need to be crammed in at the entrance to the site given that they have worked hard with the Parks department and local schools to bring this area back into a useable green space. These concerns are echoed by the Community Council.

The current situation is clearly regrettable. The original park was in a state of disrepair in a location that was not overlooked and did not encourage children/ parents to utilise it.

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In addition, as the Councillors note, the park was intended to be relocated into the centre of this development site as part of the proposal but a contribution was provided as part of the previous S106 agreement instead. In addition, the northern part of the site (Site B in the masterplan) has been developed and created an access route in close proximity to the park and the developer was obligated to provide a new access spur to serve this development, which ran to the east of the existing park (where the zip line has been installed), but this has not been provided.

However, the S106 contribution for the new play area provided by the applicant as part of this development has been used to upgrade the existing equipped play area, provide a zip line and seating area and potentially frustrate the same development as originally envisioned. The development could not progress in accordance with the original masterplan at the current time and there would be issues for the northern part of the site in terms of layout if the approved access is not utilised for this development bringing the road in close proximity to existing residences on Gower View Road and resulting in an awkward arrangement around the park.

The concerns of the Councillors, Community Council and residents in terms of the loss of the play facility are noted but as outlined above, the equipment would be relocated and it is important that the zip line and equipped play area are not split up as they provide an attractive facility given their co-located nature. Discussions have been held with the applicant and the Parks department and the applicant has advised that they intend to relocate the zip line to the opposite side of the park at their expense and provide a seating area as well. It is considered that the revised layout offers an acceptable compromise that ensures the facility that appears to be well utilised by the local community to be retained in a similar form to the existing situation and does not impact significantly on the development layout as proposed in the masterplan. The Design and Access Statement, Concept Masterplan and indicative layout have been updated to show this revised arrangement which is considered acceptable in principle. The Parks Officer is agreeable to the proposals in terms of the revised location of the facility.

The Council's Placemaking and Heritage Officer has reviewed the proposals and raises no objections with the proposed concept masterplan but considers that the southern key nodal space needs to be refined further as the indicative masterplan would not provide for an appropriate gateway to the site and this could be considered further as part of any subsequent reserved matters application. Similarly, the Officer has raised several minor issues with regards to the indicative layout but this has been submitted for indicative purposes and any detailed layout would be subject to a subsequent reserved matters application in any event. These comments have been provided to the applicant so that they can consider them prior to submitting any subsequent application should permission be forthcoming.

The proposed development is predominantly residential in nature but a community use has been proposed at the centre of the site and comments have been received that there is a need for a community facility such as this. A use such as this is considered acceptable in a residential area. The indicative layout is appropriate for a site such as this and there are connections back to the existing area providing for alternate routes and links in to the existing community and PROW network to the west. Different approaches are proposed with regards to the streets within the development which would have different characters and provide various legible routes through the site. The site has several different areas of open space that are well overlooked and provide different functions with a key space located adjacent to the proposed community centre in the centre of the site.

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The existing play area would also be overlooked which is important to ensure it does not attract crime and anti-social behaviour.

The Police Designing Out Crime Officer has advised that he is pleased with the indicative site layout. All the footpaths are to the front of the properties and are safe as they are overlooked and the vehicle parking bays are within curtilage and/or overlooked. The play areas would be afforded good natural surveillance from residents to provide protection for the young children using the areas and this reduces the risk for the area being targeted for anti-social behaviour when not in use. Comments about designing in a feeling of territoriality amongst users and changing surfacing materials would be considered as part of any reserved matters application.

The proposed concept masterplan differs from the originally approved plan in that the density is towards the lower end of the anticipated density but this has been led by the need to provide green infrastructure and SuDS into the layout which appear to have been incorporated in an acceptable manner. The concept adopted was to provide a more organic rural development rather than a straightforward suburban extension and take advantage of the opportunities available in terms of views overlooking the estuary and provide a central green space that would provide open space and an informal meeting area. As the S73 would renew an outline application, the building parameters are now required as part of the submission. These indicate a range of 2 and 3 storey units, bungalows and the community building as well on site which are considered acceptable in principle subject to detailed design considerations that would be considered as part of a subsequent reserved matters application.

The proposed parameters, layout and design is therefore considered acceptable and it is considered that Condition 3 can be updated to refer to the submitted Concept Plan and Design and Access Statement.

Neighbouring/ Residential Amenity

RP2 and RP3 seek to protect residents from noise pollution and air and light pollution respectively.

In general terms, it is considered that a residential use of this site is acceptable in terms of land use and as the proposal is in outline, detailed matters regarding the relationship between properties would be considered at a later date if this application is approved. There are existing properties to the east that back on to Gower View Road and properties on Brynafon Road and Cobham Close as well as the dwellings that formed part of the masterplan to the north and south (the latter located within the site). Lower density dwellings are located around the edges to provide a softer edge between the development and the adjacent countryside.

The indicative layout and concept masterplan show that the planting buffer between the site to the north and the application site would be retained and the higher density properties are located within the centre of the site. Careful consideration will be required to ensure a sympathetic relationship between new properties and existing dwellings in certain location (such as adjacent to the bungalows on Clos Cwrt y Carne) but this is a matter for a subsequent stage.

The proposed development would require the revised positioning of the zip wire from one side of the play area to the other, which would be closer to properties on Heol Yr Creyr Bach.

However, whilst this is marginally closer than the playground, existing trees between the site and the adjacent properties would be maintained and it is not considered that the revised zip wire location would significantly increase noise and disturbance to existing residents given the location of the adjacent play area. In light of the above, it is not considered that the proposal would have a detrimental impact on noise or air quality that would be significant enough to warrant a refusal on this basis and the proposals are considered acceptable in terms of their impact on surrounding properties.

Highway Safety/ Parking/ Movement

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. Policy T2 promotes Active Travel, T5 provides further design principles and T6 relates to parking. Concerns have been raised by several residents about parking provision, increased traffic (including construction traffic and buses) on a narrow street and the resultant impact this would have on safety, especially for children.

Residents of Min Yr Aber and Ffordd y Coegylfinir have objected as the entrance to the estate is too narrow (4.5m) as are the roads within the estate and there are existing parking problem in the street along with Brynafon Road. The access is also in close proximity to a private entrance spur that would result in increased danger to residents. Concerns are also raised about the increase in traffic on the road system in general and concerns over access to Llys Meredith (Site B) to the north.

The applicant submitted a Transport Statement with the original application which identified several works that were required to be undertaken as part of the development and were secured as part of the S106 agreement. The applicant has subsequently updated the Transport Statement to reflect current highway circumstances.

Whilst concerns have been raised about the entrance to the site, the site entrance and roadway was designed to be 5.5m wide with 2m pavements on either side in anticipation of the future development of the site. This road width is considered acceptable to serve the development proposed as is the layout/ relationship with the private drive opposite the spur on to Ffordd y Coegylfinir. Similarly, the access on the northern end of the site off Gower View Road (Heol Y Creyr Bach) was designed to accommodate both the Llys Meredith development and the development of this site. Addition comments raised query the Transport Statement as they consider it fails to take into account upcoming developments, problems at the M4 and 600 houses have been built in the area in the past decade without any improvements to infrastructure. This last comment is clearly inaccurate as infrastructure improvements were undertaken as identified in the Highways Authority comments above and provided for by some of the developments listed, where they were reasonably required, to accommodate that development.

The Highways Authority offers no objection to the proposals subject to conditions. The application has been accompanied by a Transport Statement which assesses the capacity at junctions and considers background growth in the assessment as well (to account for other developments). Trips rates have been based on 165 dwellings with a 70/30 split of affordable and market dwellings resulting in a 66 vehicle two way flow in the AM peak and 78 two way trips in the PM peak.

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The traffic model for Frampton Road/ Brynafon Road indicates there is 45% spare capacity within the junction.

Notwithstanding the likely split of affordable/ market dwellings on the site, the applicant also submitted a Technical Note on trip generation to address the secured planning policy position of 15% of the dwellings being affordable and 85% being market dwellings as this is the worst case scenario in terms of traffic generation. The Highways Authority has considered this assessment and advised that this would result in an additional 17 vehicles movements during the AM peak hour and 13 in the PM peak, which would not result in any material change to the operation of the access junctions or surrounding network or change the recommendations previously submitted.

The Highways Authority notes that the highway improvement works for which a contribution was sought were undertaken as part of Road Safety Grant funding. This contribution is requested to be returned on the basis that it should not have been requested in the first instance as the works had already been undertaken. The remainder of the works were envisioned to be undertaken as part of the S278 works agreed in the S106 agreement but several items have already been undertaken and signalisation of Frampton Road is no longer required. As a result of the above, condition 18 of the original consent is no longer required. The remainder of the works (the bus stop provision) should therefore be undertaken as part of this development as it is still necessary. Whilst the Highways Authority has requested a Construction Traffic Management plan, a Construction Environment Management Plan would be requested instead which would incorporate traffic elements.

The proposed concept plan also indicates that links would be provided from the site through to the adjacent public rights of way to provide access from the development to the adjacent footpath network which is encouraged. Parking details and active travel within the site would be considered further at a subsequent reserved matters stage and a travel plan would be conditioned. The proposals are therefore considered acceptable in terms of access, highway safety and parking provision in relation to LDP policy subject to conditions which would address the concerns raised by residents.

Concerns that the roads are being used as a rat run for unlicensed vehicles, parking of vehicles on double yellow lines, no parking for the play facility and the properties being built directly on to the pavement have been given limited weight in the determination of the application as the former two are police issues and the latter two are not considered to significantly impact on safety of residents and the play area is a local facility that is intended to serve the immediate locality given its scale and walking / cycling is to be encouraged. Notwithstanding this, an element of parking could be provided as part of a subsequent reserved matters application.

Ecology/ Trees/ Landscape

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

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The tree survey submitted with the application indicates that there are 23 individual trees and 9 groups/ areas of trees located on the site, of which none are Category A trees, 20 are category B trees (moderate/ desirable for retention) with 11 category C trees (low / optional for retention) and 1 category U (poor / unsuitable for retention). Whilst no Arboricultural Impact Assessment has been submitted, the report concludes that the site has the potential for development whilst retaining trees of value. The majority of the trees are located around the edge of the site whilst the trees within the site are identified as category C trees. The Council's Landscape Officer (Arboriculture) has no objections to the proposals and has stated that the trees around the site appear to be incorporated within the layout with suitable separation between trees and proposed dwellings. The detailed application would show any conflicts that can be designed out or mitigated at that stage.

The applicant has submitted a preliminary ecological appraisal, protected species surveys and further protected species surveys as well. NRW has advised that detailed tree roost surveys should be undertaken once detailed plans have been provided and these comments are echoed by the Council's Ecologist. NRW raise concerns that the recommendations of the report do not follow through into the layout of the proposal with regards to the removal of woodland, limited boundary retention and provision of dark corridors for example. One resident has queried the impact of the development on birds rather than just bats but the Protected Species Survey considered birds on site.

These comments were relayed to the applicant who sought to amend the concept masterplan and indicative site layout to address these concerns, whilst providing updated comments on protected species. The Council's Ecologist has reviewed the proposal and has no objections in principle with the indicative layout but has provided comments on several species including bats, breeding birds, hedgehog, dormouse and reptiles. NRW has no further comments.

The Further Protected Species Survey provides a list of recommendations and a condition would be attached to any grant of consent to ensure the recommendations outlined in 8.1 to 8.8 of the report are adhered to as any development progresses. A reptile translocation/ mitigation strategy is also considered to be necessary given that reptiles were found on site. In addition, recommendations are made to provide ecological enhancements such as integral bird and bat boxes on the properties along with bat tubes and to the inclusion of a mosaic of habitats for scrub and open areas to mitigate for habitat loss in the landscaping scheme. These would be covered by condition as would a landscape management plan. The details of boundary enclosures has also been conditioned which can ensure that provision is made for hedgehogs in the site where relevant.

The development site is approximately 370 metres from the Burry Inlet and Loughor Estuary SSSI and the Ecologist has recommended that a CEMP is attached to any grant of consent to confirm pollution prevention measures for the construction phase are submitted to and approved in writing prior to the further development of the site. It is not considered reasonable or necessary for the CEMP to cover the operational phase of development. A site specific Habitat Regulation Assessment will be undertaken by the Ecologist, the results of which will be reported verbally at Planning Committee but no significant issues are anticipated given that the LDP (as a whole) was subject to a HRA which indicated no adverse effects alone or in-combination.

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Several of the conditions requested by the Ecologist are included in the recommended conditions. However, it is not considered reasonable or necessary to attach conditions requiring trenches to be covered or fenced overnight but an advice note to this effect would be attached. Similarly, no dormouse were found on site and it is therefore not considered reasonable or necessary to require further checks to be undertaken pre-commencement or to require an Ecological Management Plan for the site.

The Ecologist also notes that Japanese Knotweed is present on site and an Invasive Non-Native Species strategy would be required as a condition of any consent.

The proposals are therefore considered to be acceptable in terms of their impact on ecology, trees and the landscape subject to the conditions referenced above.

Affordable Housing

A resident has stated that the development provides for a disproportionate type and mix of proposals which won't contribute to a well-balanced housing mix whilst another has stated that the play area would be lost to facilitate a social housing community. The development would provide an equal mix of social rented, intermediate and market dwellings located within the site and would be clustered throughout the site.

The original S106 agreement included provision for 15% of the dwellings on site to be affordable. An off-site contribution (equivalent to 5%) was also provided towards off-site affordable housing which amounted to £868,610 which has subsequently been paid to the Council and subsequently paid to various RSL's to secure provision of affordable housing on other schemes.

The LDP seeks to provide an element of affordable housing in all developments of over 5 dwellings such as this one and the LDP indicates that a minimum of 15% affordable housing should be provided on site. This is in line with the previous requirement to provide affordable housing on site. The Housing Officer has advised that the most recently published Local Housing Market Assessment 2013 (updated 2015) identifies an affordable housing requirement of 7,400 dwellings across the County, with the Greater North West zone having the highest requirement for growth over the LDP period with a need for affordable housing (the zone in which the site is located).

Notwithstanding this, the application indicates that approximately 2/3rds of the units would be affordable and this tenure is to be split with intermediate products providing an opportunity for Low Cost Home Ownership and other schemes to enable residents to purchase properties and staircase to full ownership over time. Whilst this tenure split is over that indicated in the LDP, there is no policy reason to require a higher percentage and doing so could impact on developer funding opportunities.

The LDP affordable housing target supply of affordable homes for the term of the plan is 3,310, indicating a shortfall in the number of affordable housing required as demonstrated by the Local Housing Market Assessment, therefore the higher percentage of affordable housing on this site is welcomed. This site is proposing a mix of market and affordable housing for rent and sale, making housing accessible for all, creating a sustainable community. The Housing Officer supports the proposal and has advised that the Affordable Housing provision should be built to DQR standards and should include a mix of property sizes and tenure.

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The housing should be integrated into the overall development and should not be obviously segregated through location, layout or design. The housing mix would be secured by condition and the applicant has also requested a Mortgagee-In-Possession clause be inserted into the S106 agreement which would relate solely to the social rented units secured and has been agreed as part of other S106 agreements.

On balance, it is considered that the proposals would offer a variety of tenures (private, intermediate and social rented) that would lead to a balanced and mixed community. It must also be remembered that the off-site contribution equivalent to 5% has already been provided. It should also be noted that the development to the north of the site is predominantly market housing (81 of 95 dwellings) and the development of 30 dwellings to the south is also predominantly market housing (26 of 30). When considered across the area subject to the original masterplan, the overall level of affordable housing would fall to 44% providing further support for the provision of increased affordable housing on site.

The proposal is therefore considered to provide significant benefits in terms of affordable housing provision within the area to meet a large demand although there is no planning reason to control this over and above the 15% stated.

Education

One resident has stated that the area is already crowded and a new school would be needed for the development. The Council's Education Officer has advised that a contribution is only sought towards Education in respect of the Welsh medium primary school (Y.G.G. Pontybrenin) of £62,232 due to the limited capacity at the school and existing commitments. There is sufficient capacity in the other catchment schools to accommodate this development.

The Education Officer has advised that there is currently space for 5 pupils in this school, the proposed development would generate 6 pupils for Welsh medium and other developments have already taken up this spare capacity. However, one of the sites at Glebe Road (ref: 2013/0617) provided a contribution to Welsh medium schools to cater for their development. Another site (Walkers Crisps) has not progressed and there is no permission in place. Land at Heol Pentre Bach has been completed and therefore any pupils associated with this development would already be in the school and whilst the strategic site at Garden Village may result in a demand for Welsh medium schools, the Council considered that it was preferable to pool contributions as part of the Strategic Site application to provide for a primary school on site. On this basis, it is not considered reasonable to request a further contribution for these pupils. No application has been received for Ffordd yr Afon. Therefore, it is not considered that there is sufficient justification to require 2 of the 6 spaces created as a result of this development.

As such, there is considered to be justification for the provision of a contribution towards 2 places to increase capacity at YGG Pontybrenin WM primary school (£20,744) that would be secured via S106.

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Green Infrastructure

Policy ER 2 states that Green Infrastructure should 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.

The Council's Ecologist has requested a Green Infrastructure Assessment, as the submitted assessment focusses predominantly on SuDS and is not comprehensive. The applicant has submitted a Green Infrastructure Assessment which includes the central village green that would act as an informal open space with integrated SuDS function, incidental landscaping around the edge and within the site that provides greening, biodiversity benefits, shade and visual interest, a "Rainscape" street with integrated SuDS, perimeter park to provide semi natural greenspace and a buffer to the open countryside, SuDS attenuation area on the western boundary providing visual interest and opportunities for biodiversity enhancement and retained woodland protected and enhanced through improved management. This plan has been informed by the SuDS strategy, the ecological appraisal and the tree surveys and is considered sufficient to ensure that green infrastructure would be provided and protected as part of the development.

Whilst agricultural fields and trees would be lost, there is significant scope to provide and create interconnected areas of green infrastructure and fill gaps in the existing infrastructure. The inclusion of features within the landscape strategy would provide various benefits and the outdoor recreational space could improve health and wellbeing of children and encourage active and passive recreation which are positive aspects of the development. Therefore, it is considered that the loss of green infrastructure on site would be mitigated acceptably with a range of different options to be incorporated into the development that could be secured by condition.

Climate Change and Renewable/ Low Carbon Technology

Policy ER 1 seeks to mitigate the effects of climate change. RP 5 also seeks to avoid flood risk. In this instance, the site is not located within a flood area and the drainage strategy would adequately mitigate for flooding subject to detailed design. Policy EU 2 requires consideration of renewable and low carbon technologies.

Firstly, the drainage strategy includes SuDS features to an above ground attenuation feature along the western boundary of the site. The Council's Drainage Officer has raised no objections subject to detailed drainage design. No issues of flooding are raised subject to incorporation of a drainage condition and/ or the requirement for SuDS approval.

The applicant has also submitted a Draft Energy Statement outlining the measures to be taken with passive design and energy efficiency measures to provide the cornerstone to the energy demand and CO2 emission reduction. Air source heat pumps are proposed for the individual dwellings which could provide a 30% reduction in CO2 along with on-site renewable technologies such as Solar PV arrays. Overall, it is considered that the development could achieve up to 50% reduction in CO2 emissions beyond the Building Regulations baseline. This outlines the various design responses to these issues and is considered acceptable in terms of climate change resilience.

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Drainage

Policies RP 3 and RP 4 relate to water pollution, the protection of water resources and the avoidance of flood risk. Policy EU 4 states that development will be permitted where the utility infrastructure is adequate to meet the needs of the development.

The application seeks to provide a series of swales and ponds to provide above ground storage and attenuation within the area of open space to the west (when required). At present, the majority of the site drains at a greenfield rate with the exception of the play area. The Council's Drainage Officer has advised that they have no objection to the proposals which would be subject to either SAB approval (under Schedule 3, Flood and Water Management Act 2010) or would be dealt with under Condition 15. The requirement for SAB approval applies to all applications submitted after 7th January 2019 and it is considered that irrespective of when a reserved matters application is submitted, the proposal would require SAB approval. Notwithstanding this, a condition would be attached to any grant of consent to ensure the surface water drainage details would be controlled and considered further.

In terms of foul drainage, the proposal flows to Llannant WWTW. Dwr Cymru Welsh Water (DCWW) were consulted on the original application (Ref: 2005/2355), for a residential development, and by response (Ref: 2005/HCON/28601) recommended conditions and advisory notes including reference to a point of connection into the public sewerage system. Notwithstanding this, their response also advised that the existing water supply network would require off-site reinforcement works to ensure the proposed development site could be served by an adequate water supply.

In principle, DCWW offer no objection subject to conditions 14 and 15 being maintained on any new consent granted for the development. Nonetheless, DCWW wish to remind the applicant that offsite reinforcement works are required to the existing water supply network. They have also requested a condition requiring a scheme for the potable water supply to be submitted to and approved in writing prior to the commencement of development. This request is considered necessary and reasonable.

Subject to the above conditions, the proposals are considered acceptable in terms of their impact on drainage.

Archaeology / Heritage

The Archaeological Desk Based Assessment submitted with the application indicates that no specific sites of archaeological interest have been identified within the bounds of the proposed development area. The archaeological potential of the site is considered to be relatively low, with some potential for possible post-medieval coal mining activity identified in the general area. In addition, no Scheduled Ancient Monument would be directly affected by the proposed development. No mitigation measures are therefore proposed.

GGAT has advised that the assessment concludes that there are no designated, and no non-designated, historic assets that would be adversely affected by the proposed development. The assessment process and the report meet current professional standards and they do not recommend any further archaeological mitigation for this proposal.

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CADW has advised that there are no scheduled monuments or registered historic parks and gardens that would be affected and they have no comments to make.

Welsh Language

The applicant has submitted a Welsh Language Action Plan as the site is located within the Welsh Language Sensitive Area. 15% of the population of Penyrheol were able to speak Welsh (11.4% across Swansea). The Action Plan would result in the introduction of 384 new residents and evidence from adjacent developments suggests that those dwellings for sale on the open market would attract a higher percentage of purchasers from the local area. Affordable housing residents would be drawn from those seeking affordable housing in the local area, assessed against a prescribed set of criteria. Whilst no negative impacts are identified, additional mitigation measures would include:

- * Promotion of Welsh education among children and adults in the area such as proximity of Welsh schools in sales promotions
- * Strong advertising / marketing in the local area
- * Bilingual sales/ marketing to be made available on request.

The applicant has also indicated that an Addendum to the Action Plan would be submitted as part of any future reserved matters application. A condition would be attached to any grant of consent to require the development to accord with the recommendations set out in the Action Plan.

Employment and Training Opportunities

Policy IO 2 seeks to provide training opportunities to maximise added benefits in line with the Council's Beyond Bricks and Mortar (BBM) policy. The applicant has indicated that Coastal and Pobl would include specific targeted recruitment and training clauses within the build contract which would specify that the contractor must provide certain numbers of paid and unpaid opportunities on the site, along with educational visits etc. This scheme could incorporate the Council's BBM and a condition would be attached to any grant of consent requiring details of employment and training opportunities to be submitted to and approved by the Council.

Other Issues

Residents have stated that the development should proceed on land by ASDA or the land designated as a cemetery. As noted above, the land in question is partly allocated for housing and the Authority has to consider the proposal as submitted on its merits which are set out above. Concerns have also been raised with regards to GP facilities in the area due to population increases. The site is identified for considerably more dwellings in the LDP than has been proposed and despite resident concerns, there is no evidence of insufficient utility and local service infrastructure capacity within the area and this issue has not arisen through the LDP process so it has been given limited weight in the determination of this application.

Comments that more houses aren't needed and concerns over loss of views have been given very limited weight in the determination of this application as the LDP identifies a demand for additional housing over the plan period (and allocates part of the site for housing).

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Any views to be lost are private views as there is not considered to be a private right to a view and the impact on the character of the area is considered acceptable. Sustainable waste storage would be considered as part of any subsequent reserved matters application.

Whilst the applicant has specifically sought to vary conditions 1, 3 and 4 of the outline planning permission, it would also be necessary to amend the wording of the remainder of the conditions to refer to this permission (given that 30 of the dwellings have already been constructed). A condition requiring a road safety audit would also be removed as the works themselves are no longer required.

Planning Obligations:

The original S106 agreement for this development provided for the following:

- i. The provision of an equipped play area and an appropriate commuted sum for the future maintenance of the new play area.
- ii. Commuted sums for the future maintenance of all areas of public open space.
- iii. An agreed contribution towards the cost of the necessary upgrade of the traffic signal installation and associated works at the junction of Frampton Road/Alexandra Road/Borough Road/Bryn Road.
- iv. All off-site roadworks which shall include:
 - i) a pelican crossing being installed on Frampton Road, the precise location and type of crossing being subject of further agreement;
 - ii) a new bus stop, shelter and associated works being provided on Gower View Road adjacent to the new site access;
 - iii) a traffic signal junction being installed at the junction of Pencaecrwn Road/Frampton;
 - iv) traffic and pedestrian safety measures being implemented in accordance with details to be submitted and agreed and shall include: speed indicator displays; a lay-by for speed camera vehicles; and Traffic Regulation Orders near the school
- v. Affordable Housing in particular a contribution of 15% intermediate housing and 5% off-site contribution to be paid on 50% beneficial occupation of the first phase (these details will need to be finalized as part of the Section 106 Planning Obligation).

A commuted sum for the play area has already been provided. Commuted sums for the on-going maintenance of this facility and the open space within the site would be retained as part of a deed of variation (i. and ii. above). The contribution for highway works (iii. above being circa £40,000) was paid but the works had been undertaken by the Council prior to the agreement being signed. Therefore, the contribution did not meet the relevant tests and should be returned to the developer. The off-site roadworks have been partially undertaken/ revised as a result of what is considered necessary to accommodate this development and would be retained in any agreement, although these works would be converted to a sum of money to enable the Highways Authority to undertake these works. The off-site Affordable Housing contribution has already been paid and used by the Council. The on-site contribution towards affordable housing would be increased as noted above.

The Planning Obligations associated with this development include:

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- * Provision of a minimum of 15% affordable housing units on site to DQR – to be all to be disposed of via a RSL with a MIP clause included
- * Commuted sums for the maintenance of the play area and open space within the development
- * Education contribution of £20,744 towards YGG Pontybrenin
- * Highway improvement works comprising:
 - o A new bus stop, shelter and associated works being provided on Gower View Road adjacent to the new site access (to be secured via S278 agreement or sum provided to cover cost of works)

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

- a) Necessary to make the development acceptable in planning terms; (the obligations of the Section 106 Agreement are necessary to ensure that an adequate sum is provided towards the maintenance of open space, education, improve highway safety and to provide affordable housing on site)
- b) Directly related to the development; (the obligations of the Section 106 Agreement are directly related to the development)

and

- c) Fairly and reasonably related in scale and kind to the development (the obligations as set out in the Section 106 Agreement, both in terms of scale and kind of obligations being required, are fair and reasonable to ensure a contribution towards the maintenance of public open space, education, highway improvements and the provision of affordable housing).

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 light of the above, it is considered that the proposal to amend condition 1 (compliance with Design Statement and Masterplan) should be amended to refer to compliance with the Design and Access Statement and Concept Plan. In addition, condition 3 (submission of reserved matters within 3 years) should be amended to provide for a further 3 year period to submit the reserved matters. Condition 4 (time period to commence development) is now superfluous as the development has already commenced and therefore it should be removed.

In conclusion, and having regards to all material planning considerations, including the Human Rights Act, on balance, the proposal is considered an acceptable form of development at this location that would not unduly impact upon the visual amenities of the area, the residential amenities of surrounding properties, ecology or highway safety.

RECOMMENDATION

APPROVE, subject to the conditions indicated below and the applicant entering into a Deed of Variation to the Section 106 Planning Obligation in respect of the contributions listed above;

- 1 The proposed residential development of the site, with the exception of the 30 dwellings already constructed pursuant to reserved matters application 2012/1113, shall be carried out in accordance with the guidance contained within the Gwynfaen Design and Access Statement dated 29th May 2019, Concept Plan (Drawing No. edp4783_d022a), Green Infrastructure Strategy (Drawing No. edp4783_d031b) and Draft Energy Statement Revision 2 dated 14th May 2019 submitted with this application.
Reason: To ensure that the site is comprehensively developed to a high standard of sustainable urban design in accordance with National and Local Planning Policy and Guidance.
- 2 Approval of the details of the siting, design and external appearance of the buildings and the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority in writing before any further development is commenced over and above that approved as part of reserved matters application 2012/1113.
Reason: To ensure that the development is carried out in an orderly and satisfactory manner.
- 3 Detailed plans and drawings with respect to the matters reserved in condition (02) shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act, 1990 and to ensure that the development is determined within a reasonable period.
- 4 A programme of phasing of the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of any further works on the site that were not permitted by reserved matters application 2012/1113. The development shall be completed and brought into beneficial use in accordance with the details approved under Condition 2, or otherwise agreed by the Local Planning Authority or required by the conditions of the permission and the approved phasing programme.
Reason: To ensure that the development is completed in accordance with the plans and scheme of phasing approved by the City and County of Swansea, and so avoid any detriment to amenity or public safety by works remaining uncompleted.
- 5 Samples of all external finishes shall be submitted to and approved in writing by the Local Planning Authority before any further development is commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113. The development shall thereafter be completed in accordance with the approved scheme.
Reason: In the interests of visual amenity.
- 6 The details to be submitted in accordance with Condition 2 shall include details of the levels of the dwellings, roads and footpaths in relation to the adjoining land and highways together with any changes proposed in the levels of the site shall be submitted to and approved by the Local Planning Authority in writing.

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Reason: To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, and the amenities of adjoining occupiers.

- 7 No further dwelling unit in the development, with the exception of the 30 dwellings already constructed under reserved matters application 2012/1113, shall be occupied until details of all the means of enclosing the boundaries of the site and the individual curtilage of all dwellings have been submitted to and approved in writing by the Local Planning Authority, with consideration given to future hedgehog access. The approved means of enclosure shall be completed in accordance with a programme to be included as part of the details to be submitted to and approved by the Local Planning Authority.
Reason: In the interests of visual amenity and general amenity.
- 8 A landscaping scheme for the site, excluding the application site area for reserved matters application 2012/1113, shall be submitted as part of the reserved matters, and shall retain the existing trees and hedgerows around the site unless otherwise approved in writing by the Local Planning Authority. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. The landscaping scheme shall provide for a mosaic of habitats for scrub and open areas as outlined in 8.17 of the Further Protected Species Survey. The approved scheme shall be carried out within 12 months from the completion or occupation of the development, whichever is sooner, excluding the occupation of the 30 dwellings pursuant to reserved matters application 2012/1113. Any trees, shrubs or plant material which are part of the scheme, which die, become seriously damaged or diseased within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
Reason: In the interests of the visual amenity of the site as a whole, and to accord with Section 197 of the Town and Country Planning Act 1990.
- 9 The proposed areas of open space within the application site should be landscaped in accordance with a Landscape Management Plan, the details of which shall be submitted to and approved in writing by the Local Planning Authority prior to first beneficial occupation of the 31st dwelling on site.
Reason: To ensure the protection and maintenance of the landscaped areas.
- 10 Engineering details of the internal road layout and footways shall be submitted to and approved in writing by the Local Planning Authority prior to the first beneficial occupation of the 31st dwelling and shall be constructed in accordance with the approved details.
Reason: To allow the proper consideration of all details in the interests of highway and pedestrian safety.
- 11 No dwelling unit within the development, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until the adoptable roads linking that unit to the existing adopted road network have been constructed to base course level and provided with street lighting in accordance with details to be submitted to and approved in writing by the Local Planning Authority.
Reason: To ensure that the development is completed in accordance with the plans approved by the Council, and so avoid any detriment to amenity or public safety by works remaining uncompleted.

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- 12 Prior to the first beneficial occupation of the 31st dwelling hereby approved, a Travel Plan that includes measures to reduce reliance on the private car 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: In the interests of sustainability and to prevent unacceptable highway congestion.
- 13 No dwelling, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until a foul drainage scheme has been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The approved scheme must ensure that the foul drainage from all individual dwellings is connected to the main foul public sewerage system.
Reason: To ensure that a satisfactory comprehensive means of foul drainage is achieved in order to prevent the hydraulic overloading of the public sewerage system.
- 14 No dwelling, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until a scheme for the provision and implementation of a surface water regulation system has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented prior to the construction of any impermeable surfaces draining to the system.
Reason: To prevent pollution of the water environment.
- 15 The development shall include a proportion of affordable homes. No further development on the site, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be commenced without the prior agreement of the Local Planning Authority of a scheme, including mix of tenure, siting and the timing of construction, for the provision of the affordable housing obligations. The affordable housing shall be provided in accordance with the approved scheme.
Reason: In order to provide an element of affordable housing within the proposed development.
- 16 Vehicular access shall be obtained via a looped distributor road with access through Gower View Road and Brynafon Road as indicated in the Gwynfaen Design and Access Statement and Concept Masterplan (any access to Cobham Close shall be restricted to a pedestrian and cycleway link only along that cul-de-sac).
Reason: In the interests of highway and pedestrian safety and in order to provide an accessible and permeable development.
- 17 Prior to the first beneficial occupation of the 31st dwelling, full details of the proposed arrangements for future management and maintenance of the proposed streets within the development shall be submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.
Reason: In the interests of highway safety and to ensure that the highways within the development are maintained appropriately thereafter.

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- 18 No further dwellings, other than the 30 dwellings already constructed pursuant to reserved matters application 2012/1311, shall be occupied until a potable water supply has been implemented in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate that the existing water supply network can suitably accommodate the proposed development site. If necessary a scheme to reinforce the existing public water supply network in order to accommodate the site shall be delivered prior to the occupation of any further dwelling. Thereafter, the approved scheme shall be constructed in full.
Reason: To ensure the site is served by a suitable potable water supply.
- 19 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 any further work on site, excluding the 30 dwellings constructed pursuant to reserved matters permission 2012/1311.
Reason: In the interests of the ecology and amenity of the area.
- 20 Prior to the removal of the zip wire or benches between the playground and Gower View Road, full details and a timetable for the relocation of this equipment shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be undertaken in accordance with the approved timetable.
Reason: To ensure that the existing play equipment and amenity area is relocated in a timely manner.
- 21 The works hereby approved, with the exception of the 30 dwellings approved pursuant to reserved matters approval 2012/1311, shall be undertaken in accordance with the recommendations set out in Paragraphs 5.4 and 5.5 of the Welsh Language Action Plan dated April 2019 and any subsequent recommendations made in the subsequent Addendum.
Reason: To ensure the impact of the development on the Welsh language is suitably mitigated and the Welsh language is promoted in promotion material.
- 22 The works hereby approved, with the exception of the 30 dwellings approved pursuant to reserved matters approval 2012/1311, shall be undertaken in accordance with the recommendations set out in Paragraphs 8.1 to 8.8 of the Further Protected Species Surveys dated June 2019 (ref: HE/49/2018) prepared by Hawkeswood Ecology.
Reason: To ensure ecological mitigation is provided in accordance with best practice during the course of the works.
- 23 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113, until a scheme for ecological enhancement measures to include bird and bat boxes/ bricks has been submitted to and approved in writing by the Local Planning Authority along with details of the timeframe for their implementation. The development shall thereafter be undertaken in accordance with the approved details.
Reason: To ensure a net ecological gain is provided as part of this development.

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- 24 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113, until a Reptile Translocation/ Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority along with details of the timeframe for their implementation. The development shall thereafter be undertaken in accordance with the approved details.
Reason: To identify and ensure the survival and protection of important species and those protected by legislation that could be adversely affected by the development.
- 25 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113, until a scheme for local employment and training opportunities as part of the construction phase of the development 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 provide training and employment opportunities to local residents and facilitating a wider distribution of economic benefit whilst supporting sustainable communities.
- 26 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/1113, until a Construction Environment 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;
 - vii) sensitive lighting measures to retained habitats on site;
 - viii) all pollution prevention measures relating to nearby waterbodies (particularly regarding the Carmarthen Bay and Estuaries SAC and Burry Inlet SPA, and the Burry Inlet and Loughor SSS) and
 - ix) 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, protect controlled waters and protected species, 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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- 27 No further development shall be commenced, excluding the 30 dwellings already constructed under the reserved matters application 2012/11113, until a scheme for a sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the operational phase of the development, has been submitted to, and approved in writing by the Local Planning Authority. The strategy shall outline measures to reduce the impacts of lighting on bats and other nocturnal species and shall detail measures to ensure that dark corridors remain post development. The development shall thereafter be undertaken in accordance with the approved details.
Reason: To ensure dark corridors are provided post development so that protected species using the site for foraging and commuting purposes can continue to do so.
- 28 The proposed community building shall be limited to a maximum of 285m² floorspace and shall only be used for use class D1 purposes.
Reason: For the avoidance of doubt as to the details hereby permitted.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: PS1, PS2, IO1, IO2, HC1, HC3, H1, H3, SI1, SI2, SI3, SI5, SI 6, SI8, ER1, ER2, ER6, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU2, EU4, RP1, RP2, RP3, RP4, RP5 and RP8.
- 2 The applicant is advised to consider the comments of the Council's Ecologist which are included in full in the Officers Report and in particular:
1. All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters and other species) 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 wildlife each morning before starting construction activities.
 2. In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground, or suitably sized gaps 13 x 13 cm should be left at strategic points (as per 8.15 of the 2019 report). See <https://www.hedgehogstreet.org/hedgehog-friendly-fencing/>
 3. Dormice are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. Consequently, it is an offence to intentionally or recklessly kill a dormouse, disturb a dormouse whilst it is occupying a resting place or breeding site. As there may be suitable habitat on site, the following procedure is essential. Immediately prior to the commencement of any pre-construction/enabling works onsite, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine any significant changes to those habitats supported by the site with respect to dormouse. The purpose of the site walkover is to determine whether any further, species-specific working methodologies or a Dormouse Mitigation Strategy document will be required.

4. Reptiles may be present. 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).

5. The important north and western site boundaries along with as much of the scrub woodland area at the east of the Site as possible should be retained (as per section 8.3 of the 2017 report). These areas must be protected during construction works. These measures will help retain areas of the Site important for commuting and foraging bats.

- 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 The Highways Authority has advised the following:

1. All works on the existing highway are subject to an agreement under section 278 of the Highways Act 1980. All design and implementation will be at the expense of the developer.

2. The applicant is advised that in order to discharge condition 17 the LPA requires a copy of the constitution and details of a Private Maintenance and Management Company confirming funding, management and maintenance regimes.

The applicant must contact the Highway Management Group, Swansea Council, Guildhall offices C/O Civic Centre, Swansea SA13SN before carrying out any work. Please email networkmanagement@swansea.gov.uk.

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- 6 The applicant is advised to consider the full comments of the Police Designing Out Crime Officer which are available in full on the application page on the Council's website: www.swansea.gov.uk/planningsearch
- 7 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.

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.