

Electoral Division:  
Upper Loughor

**Report of the Head of Planning & City Regeneration**

**Planning Committee – 5 November 2019**

**Planning Application Ref: 2019/1906/106**

**Residential development comprising of up to 92 dwellings with associated access, drainage and public open space  
Land South Of Glebe Road, Loughor, Swansea**

**1.0 Purpose of the Report**

- 1.1 To see authorisation to modify the Section 106 Agreement made pursuant to S106 of the Town and Country Planning Act 1990 (as amended) that relates to the outline planning permission granted for the residential development of land South of Glebe Road (outline planning permission 2013/0617 refers).
- 1.2 The request has been submitted under S106A(1)(a) of the Town and Country Planning Act 1990 (as amended)
- 1.3 The applicant has sought the inclusion of a Mortgagee in Possession (MIP) Clause pertaining to the social rented units referred to in the S106 agreement, as this provides Registered Social Landlords (RSL) with greater options to finance developments

**2.0 Background / Planning History**

- 2.1 Outline planning application (2013/0617) was granted on the 30<sup>th</sup> October 2017 for residential development comprising of up to 92 dwellings with associated access, drainage and public open space on the site. This outline planning permission is subject to a S106 agreement. The S106 agreement (along with other contributions) secured the provision of 15% of the proposed dwellings as being social rented affordable dwellings.
- 2.2 Reserved Matters application (2018/0930/RES) - relating to the 2013/0617 outline planning permission - was approved on the 5<sup>th</sup> September 2018. This reserved matters application only provided details of the proposed access serving the proposed development.
- 2.3 Reserved Matters application (2018/1537/RES) - relating to the 2013/0617 outline planning permission - was granted on the 6<sup>th</sup> December 2018. This reserved matters application provided details of access, appearance, landscaping, layout and scale.
- 2.4 A copy of the Committee report pertaining to 2013/0617 planning application is attached as Appendix A.

### **3.0 Consultation**

3.1 The Local Ward Member and the Housing Officer were consulted on this application to vary the s106

3.2 The Council's Housing Officer has commented as follows:

"I can confirm that the Housing Service agree with the modification of the Section 106 agreement relating to outline planning permission 2013/0617 to include a Mortgage in Possession clause on the social rented units only."

### **4.0 Main Issues**

4.1 On an application for modification by agreement pursuant to section 106A(1)(a) of the 1990 Act the Courts have considered the matters that a Council must have regard to (see R(Bachelor Enterprises Ltd) v North Dorset District Council [2003] EWHC 3006 and in R(Millgate Development Ltd) v Wokingham DC [2011] EWCA Civ 1062).

The Council has to ask itself:

- a. Does the existing planning obligation still serve a useful planning purpose?;
- b. If it does and modification is proposed, then the question is whether that planning purpose could be equally served by the proposed modification?
- c. If it would, then the Council should agree to the modification;
- d. If it would not then the Council should refuse the application to modify.

4.2 Any decision by the Council to agree to a modification of the S106 agreement could be the subject of a challenge via Judicial Review. However the decision cannot be appealed.

4.3 The Outline Planning Permission granted consent for residential development comprising of up to 92 dwellings, of which 15% were social rented affordable housing, which equates to 14 affordable houses.

4.4 The applicant has requested that a Mortgagee in Possession (MIP) Clause is inserted into the S106 agreement for the affordable houses. These are clauses that allow a (commercial) lender who has repossessed the property to operate free of restrictions which are placed upon individual properties. Essentially, a MIP occurs when a borrower defaults on their repayments and the lender subsequently takes possession of, and sells, the property.

4.5 In the first instance, it should be noted that repossessions are a relatively rare event and that the RSL who owned the affordable houses would need to become insolvent before this would come into effect.

4.6 In addition, the MIP Clause would state that the MIP mechanism can only operate freely (and unencumbered by the affordable housing restriction) after a 3 month period. These clauses were previously resisted by Local

Planning Authorities as there is a chance, albeit very small, that the affordable housing unit(s) could be lost permanently.

- 4.7 Since the financial crisis, and tighter lending requirements, lenders are increasingly looking at S106 agreements to ensure that there is provision to recoup their money in the event of default. RSLs have discussed this issue directly with the Welsh Government. Welsh who have indicated their support for this approach. Welsh Government have advised that they would likely intervene if an RSL faced financial difficulties, in order to avoid the loss of affordable housing stock. This 3 month period is considered sufficient time to resolve the issue and is reasonable.

## **5.0 Recommendation**

- 5.1 It is recommended that:

**Members authorise the modification of the S106 agreement (planning obligation) to provide a MIP clause for the affordable houses to be provided within the proposed development**

## **Background Papers**

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

The following documents were used in the preparation of this report:  
Application file, together with the files and documents referred to in the background information section of the appended Development Management committee report.

**Contact Officer:** Lucy Kelly

**Extension No:** 5163

**Date of Production:** October 2019

**Document Name:** Glebe Road  
106 report

## **Appendices:**

**Appendix A** – 2013/0617 Committee Report

## **Appendix A – 2013/0617 Committee Report**

Electoral Division:  
Loughor

### **Report of the Head of Planning & City Regeneration**

**To Planning Committee – 5<sup>th</sup> September 2017**

**Planning Application Ref: 2013/0617**

**Residential development Residential development comprising up to 92 dwellings with associated access, (outline)  
Land South of Glebe Road, Loughor**

#### **1.0 Background**

1.1 The application was reported to Planning Committee on the 10<sup>th</sup> November 2015 with a recommendation that planning permission be approved subject to conditions and subject to the applicant entering into a S106 Planning Obligation to provide:

- 19 units of affordable housing on the site;
- an education contribution of £100, 000
- a highways contribution of £92,100;
- Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;

Members also resolved that a S106 management and monitoring fee shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).

1.2 It was resolved to provide 19 units of affordable housing on the site (with the units being provided at 42% ACG, social rented tenure and pepper potted throughout the site. The AH should include a range of DQR compliant house types. The design and specification of the affordable units should be of equivalent quality to those used in the Open Market Units.

1.3 A copy of the report to the Planning Committee and Action Sheet of the 10<sup>th</sup> November 2015 is attached as Appendix A.

1.4 Since the committee resolution to approve the proposal subject to conditions and signing of S106 Legal Agreement, the Council received notification from the applicants' advisors of the challenges of meeting the affordable housing commitment detailed within the draft S106 while safeguarding the viability of the scheme.

- 1.5 on this basis a report to the Planning Committee on the 4<sup>th</sup> April 2017 recommended that planning permission be approved subject to the applicant entering into a S106 Planning Obligation to Provide:
- 15% of affordable housing on the site; comprising a 50/50 mix of 2 and 3 bedroom properties provided at 42% ACG
  - an education contribution of £100, 000
  - a highways contribution of £92,100;
  - Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;
  - Monitoring fees shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).
- 1.6 The recommendation was accepted (subject to the first bullet point of paragraph being amended as set out below) and application APPROVED subject to a S106 agreement.
- 15% of affordable housing on the site; comprising a 50/50 mix of 2 and 3 bedroom properties provided at 42% ACG, of social rented tenure and DQR compliant. The design and specification of the AH should be of equivalent quality to those used in the Open Market Units.
- 1.7 A copy of the report to the Planning Committee and Action Sheet of the 4<sup>th</sup> April 2017 is attached as Appendix B.
- 1.8 Since the committee resolution to approve subject to conditions and with the revised terms to the S106, the Council has received notification from the applicants' legal advisors that a small portion of the application site as edged red within the planning application does not fall with the applicants' ownership thus causing extreme difficulties in finalising the S106.
- 1.9 on this basis, a revised red line plan has been submitted omitting the land in question, which is a small area some 35m long and some 25m deep situated some 85m south of the junction of the existing footpath located along the western site boundary with Glebe Road.
- 1.10 as the revision effectively reduces the site area; the application description has been amended to refer to residential development of "up to" 92 dwellings, in the event that the loss of this area compromises the ability of the site to comfortably accommodate 92 units.
- 1.11 The current proposed amendment has been advertised on site and no response received.

## **2.0 Conclusion**

2.1 My original report to Planning Committee on the 10<sup>th</sup> November 2015, and subsequent report dated 4<sup>th</sup> April 2017 recommended approval of the application, and the revised viability studies and resultant revised Affordable Housing provision within the site. This current revision does not compromise or prejudice all other issues relating to visual impact, impact upon residential amenity and highway safety standards as considered and addressed in detail in my report to Planning Committee on the 10<sup>th</sup> November 2105. The complexities of finalising a legal agreement which currently requires signatures from several parties is fully acknowledged and approval of this revision will ensure the completion of the S106 Agreement can be expedited and is therefore justified such that there is no reason to change this recommendation.

## **3.0 Recommendation**

3.1 The application be approved subject to the applicant entering into a S106 Planning Obligation to provide:

- 15% of affordable housing on the site; comprising a 50/50 mix of 2 and 3 bedroom properties provided at 42% ACG, of social rented tenure and DQR compliant. The design and specification of the AH should be of equivalent quality to those used in the Open Market Units
- an education contribution of £100, 000
- a highways contribution of £92,100;
- Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;
- Monitoring fees shall be paid in accordance with the requirements of the Council's adopted SPG entitled "Planning Obligations" (2010).

And in accordance with the conditions set out in the original committee report below.

ITEM

APPLICATION NO. 2013/0617

WARD: Upper Loughor  
Area 2

**Location:** Land south of Glebe Road, Loughor, Swansea

**Proposal:** Residential development comprising 92 dwellings with associated access, drainage and public open space (outline)

**Applicant:** Trustees of T J Thomas

### **BACKGROUND INFORMATION**

#### **POLICIES**

<b>Policy</b>	<b>Policy Description</b>
Policy AS1	Accessibility - Criteria for assessing location of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS2	Accessibility - Criteria for assessing design and layout of new development. (City & County of Swansea Unitary Development Plan 2008)
Policy AS6	Provision of car parking in accordance with adopted standards. (City & County of Swansea Unitary Development Plan 2008)
Policy EV1	New development shall accord with a defined set of criteria of good design. (City & County of Swansea Unitary Development Plan 2008).
Policy EV2	The siting of new development shall give preference to the use of previously developed land and have regard to the physical character and topography of the site and its surroundings. (City & County of Swansea Unitary Development Plan 2008).
Policy EV3	Proposals for new development and alterations to and change of use of existing buildings will be required to meet defined standards of access. (City & County of Swansea Unitary Development Plan 2008)
Policy EV33	Planning permission will normally only be granted where development can be served by the public mains sewer or, where this system is inadequate, satisfactory improvements can be provided prior to the development becoming operational. (City & County of Swansea Unitary Development Plan 2008)

Policy EV34	Development proposals that may impact upon the water environment will only be permitted where it can be demonstrated that they would not pose a significant risk to the quality and or quantity of controlled waters. (City & County of Swansea Unitary Development Plan 2008)
Policy EV35	Development that would have an adverse impact on the water environment due to: i) Additional surface water run off leading to a significant risk of flooding on site or an increase in flood risk elsewhere; and/or, ii) A reduction in the quality of surface water run-off. Will only be permitted where it can be demonstrated that appropriate alleviating measures can be implemented. (City & County of Swansea Unitary Development Plan 2008)
Policy HC1	Allocation of housing sites for 10 or more dwellings. (City & County of Swansea Unitary Development Plan 2008)
Policy HC3	Provision of affordable housing in areas where a demonstrable lack of affordable housing exists. (City & County of Swansea Unitary Development Plan 2008)
Policy HC17	The Council will negotiate with developers to secure improvements to infrastructure, services, and community facilities; and to mitigate against deleterious effects of the development and to secure other social economic or environmental investment to meet identified needs, via Section 106 of the Act. (City & County of Swansea Unitary Development Plan 2008)
Policy HC24	Provision of public open space within new residential developments. (City & County of Swansea Unitary Development Plan 2008)

## **SITE HISTORY**

<b>App No.</b>	<b>Proposal</b>
2015/0088	Two storey side extension and single storey rear extension Decision: Refuse Decision Date: 16/03/2015

## **Response to consultations**

The application was advertised on site and in the local press. 5 letters of objection were received which can be summarised as follows:

- As a result of its role in the 140-5 religious revival and association with the evangelist Evan Roberts, Moriah Chapel is an internationally important centre of pilgrimage for tens of thousands of visitors, for this reason there is concern over the impact of the proposed development on parking in the vicinity.



- The proposal is likely to result in reduced parking opportunity in the vicinity, leading to a poor visitor experience, fewer tourists and less income for the local economy.
- Moriah Chapel is widely used and often attracts large numbers of visitors. All visitors currently park along Glebe Road.
- Coaches often visit – stopping outside the chapel
- It is imperative that the Christian Heritage of the area is safeguarded.
- The proposal will have a significantly harmful effect on the local environment
- The proposal does not comply with one of the key principles of ‘planning for nature conservation’ in that development should provide a net benefit for biodiversity conservation with no significant loss of habitat or population of species ( TAN 5)
- The submitted Planning Statement “did not highlight any specific wildlife rarity or exception, but the existence of many hedgerows with intermittent trees add biodiversity value to the site and these have been integrated into the development so that over time they will increase their environmental benefits” – these two statements are considered untrue and misleading
- The development site supports a significant number of birds
- Bats are present on the development site
- The detailed aboricultural report shows the rural nature of this site with an abundance of trees, hedges and wildlife.
- The state of nature report 2013 provides stark warning that far more species are declining than increasing in the UK and if this residential development of 92 houses is permitted then the City and County of Swansea will be contributing to this decline.
- The proposal will disturb the tranquillity currently afforded by this Greenfield site to the detriment of nearby residents.

**Llwchwr Town Council** – No Objection

**Glamorgan Gwent Archaeological Trust** – No Objection subject to standard condition.

**Dwr Cymru/Welsh Water** – No Objection subject to standard conditions and advisory notes.

**Natural Resource Wales** – No Objection subject to standard conditions and advisory notes.

**The Coal Authority** – No Objection subject to standard condition

**Head of Environmental Management and Protection** – No Objection subject to standard conditions

**Head of Transportation and Engineering** -

1.1 This proposal is for the erection of up to 92 dwellings on land south of Glebe Road, Loughor. This is one of 3 sites that have been considered in Transport Assessments for developments along the Glebe Road/Loughor Road corridor. Each of the sites has included the impact of all others so that the combined impact of traffic from all 3 sites can be properly assessed.

1.2 The site has a frontage to Glebe Road of approximately 50m opposite the Moriah Chapel and it is intended to provide a mini roundabout at the access junction which will assist in keeping vehicle speeds low along that section of the highway.

## 2 Traffic Impact

2.1 Whilst this proposal is for up to 92 dwellings, the transport assessment has assumed to test the impact of up to 120 dwellings. This indicates a traffic generation of 13 arrivals and 50 departures in the am peak with 45 arrivals and 24 departures in the pm peak. The impact of this number of movements has then been assessed at a number of key junctions along the Loughor Road corridor.

2.2 The junctions assessed include;

### Site Access

Loughor Road/Belgrave Road  
Loughor Road/West Street

These are the junctions where impact is considered to be highest especially when combined with the other development sites on the corridor.

2.3 All junctions are shown to operate within their theoretical capacity. There are indications that the ratio to flow capacity at Belgrave Road and West Street junctions will approach 0.9 and therefore some queuing will take place. This concurs with the assessments submitted on the other development sites.

## 3 Site Access

3.1 Access would be from Glebe Road opposite Moriah Chapel. Road realignment is indicated and a mini roundabout installed. The realignment of the road to accommodate the necessary geometry for a mini roundabout would result in spare road space outside the chapel. Part of the road works therefore will include a bus layby that will accommodate the dropping off and picking up of church goers. The application is in outline form and therefore detailed design will be required. However indicative plans show that this scenario can be accommodated.

3.2 An indicative layout plan also indicates a possible internal road layout and whilst some minor amendment would be necessary, the proposal to serve the indicated number of dwellings is feasible.

## 4 Accessibility

4.1 There are footways along Glebe Road and Loughor Road that adequately serve the development. In addition there are two public footpaths present. Footpath LC39 runs along the western boundary of the development and LC 40 which runs through the site. LC 40 will need to be rerouted to follow the internal road alignment. Both footpaths connect to Culfor Road.

4.2 Bridleway LC 38 traverses east/west to the south of the site joining Culfor Road with Waun Road. The bridleway emerges opposite a proposed footpath from the Cae Duke development.

4.3 The National Cycle Network Route 4 utilises Culfor Road and is within reasonable distance of the site.

4.4 There is a 30 min frequency bus service past the site.

## 5 Road Safety

5.1 The allocated development sites on Glebe Road/Loughor Road have been required to contribute to a range of road safety enhancements in the area. These were identified as requirements under the safer routes in the community scheme and included, traffic calming, a pedestrian crossing and TROs in the wider area. The school drop off facility was a separate issue required to enable improvement to traffic flow along the Loughor Road corridor. This development could generate traffic movements along Waun Road which is in need of traffic calming and there needs to be better linkage with the public rights of way through and adjacent to the site. To that end, the developer is offering a contribution of up to £92,000 and this sum should be apportioned appropriately towards the range of works identified in mitigation of the additional traffic being generated.

5.2 The site access works, which includes the provision of a mini roundabout and bus layby I consider to be a separate issue and a consequence of providing access to the site. These works therefore will require full funding by the development in addition to the indicated contribution towards safer routes in the community.

## 6 Conclusions and Recommendation

6.1 The impact of the development traffic when added to existing and proposed traffic flows in the area is shown to be able to be accommodated on the surrounding highway network. Access improvements will be of general benefit to through traffic and potentially improve highway safety. Highway safety improvements in the area will ensure that development traffic does not have an adverse affect on identified issues and to that end a developer contribution towards mitigating the effects of additional development traffic is recommended.

6.2 I recommend no highway objection subject to the following;

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

ii. The site shall not be brought into beneficial use until a contribution towards local road safety enhancements has been made. This will require a sum of £92,000 to be deposited with the City and County of Swansea Council secured through a Section 106 Agreement.

iii. The site shall not be brought into beneficial use until the access works, including a mini roundabout and associated lay-by have been completed in accordance with engineering details to be submitted and approved.

iv. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

#### Management and Maintenance of Estate Streets - Note

The applicant is advised that to discharge this condition, the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

v. All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.

Note: The Developer must contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to [mark.jones@swansea.gov.uk](mailto:mark.jones@swansea.gov.uk) , tel. no. 01792 636091.

## **Appraisal**

### **Introduction**

Outline planning permission is sought for the construction of 92 residential units. Although the application is in outline form with all matters reserved, some significant supporting information has been submitted relating to amount of development, layout, access and landscaping arrangements.

The application is supported further by:

- Extended Phase 1 Habitat Survey
- Aboricultural Survey and Hedgerow Assessment
- Aboricultural Implications Assessment
- Transport Assessment
- Drainage Strategy

## **Site and Surroundings**

The site is located centrally within the urban settlement of Loughor and is accessed via one vehicle access point from Glebe Road. The northern site boundary backs onto houses and a petrol station, the western boundary is heavily wooded and runs along a public footpath, the eastern boundary abuts an area of open land and the southern boundary adjoins an area of green wedge. The application site extends to five fields, four of which benefit from a land allocation for housing development, the fifth is not allocated and lies within the adjoining green wedge and will be used to provide an attenuation pond and wetland habitat for the development.

Capel Moriah, the adjacent School building and the railings, are all Grade II listed with separate records (LB 479/479/480) and face Glebe Road directly opposite the site. They are constructed of local pennant stone with slate roofs and are largely unaltered and provide a heritage anchor to an area otherwise lacking in features of interest. Much of the significance of these buildings lies in the connection to Evan Roberts and the Welsh Revival in the early 1900's, and for this reason the Chapel attracts many visitors.

The general built character of the area is of irregular suburban blocks with dwellings fronting the street but with some instances of internal road and cul-de-sacs. The variety of block forms coupled with the difference in architectural styles found in the locality suggests an area which has grown incrementally in phases over time. This is further supported by the variety of housing types which range from traditional stone fronted Victorian terraces and public buildings through to larger, more recent house types incorporating modern suburban features such as shallow pitched or hipped roofs with overhangs and integrated garages.

The 3.81 ha site is irregular in shape and falls steadily downwards in a southerly direction providing vistas out from the site to the hillsides on the opposite side of the estuary. As the land slopes down from Loughor, it meets the railway line and A484 bypass at the bottom of the valley where the Afon Lliw River flows out to the Loughor Estuary to the west.

The patchwork of fields which make up the site is defined by well-established trees and hedgerows which are in themselves a significant constraint. A group Tree Preservation Order has been placed on a number of hedgerows and trees that cross the site.

A former mine shaft sits in the North West corner of the site and no development is intended within this area.

The site is allocated as a housing site under Policy HC1 (105) of the City & County of Swansea Unitary Development Plan 2008 (UDP) and although this land allocation

extends to an adjoining additional enclosure, this is in separate ownership and the owners have no immediate inclination to bring the site forward for development. Notwithstanding this, the application site forms the majority of the land allocation.

## **The Proposal**

The proposal seeks a residential development of up to 92 dwellings and associated infrastructure. It is acknowledged that the proposal are largely indicative due to the application being in outline form, however, it is considered that any consent issued should inform any future development that the design concept contained within the information submitted with this application should inform any detailed application. A suitably worded informative will be used to communicate this.

The application site layout includes 90 dwelling comprising a mix of 6 different house types. The scale parameters range from 7m – 10m in length; 5m -10m in width and 7m – 10.5m in height.

## **Main Issues**

The main issues for consideration with regard to this application relate to the acceptability of residential development at this greenfield site in terms of the impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, impact of the development on access, parking, highway safety and impacts upon environmental interests having regard to the provisions of the policies of the City and County of Swansea Unitary Development Plan 2008 (UDP). There are in this instance no additional overriding issues for consideration under the provisions of the Human Rights Act.

## **Principle of Development**

The site forms part of an allocated housing site within the current UDP under Policy HC1 (Housing Sites) (105) 'Land South of Glebe Road, Loughor Road' where the potential for 110 homes is indicated. This site represents approximately 3.8ha of the wider allocation and with up to 92 homes being proposed, it has a density of approximately 24 homes per hectare.

It is allocated within the Greater North West Swansea housing policy zone. The amplification to the policy confirms that it is not necessary to phase the release of Greenfield land given the relatively low levels of release proposed. These Greenfield sites (including this site) are all within this housing policy zone where there would otherwise be a housing land shortage due to the lack of available alternative sites within existing settlements. Having regard to Policy HC1, the principle of residential development on this Greenfield site is acceptable and in accordance with the UDP housing strategy.

It is noted however that the scheme does not include the whole of the housing allocation site HC1 (105) as it excludes a smaller area of land to the east of the allocation. However it is noted that within the proposed layout, provision is made for future access to this land.

## Visual Amenity and Urban Design

The submitted design proposals show the scheme in its wider context which helps to show its relationship to the existing settlement pattern. The site currently comprises open fields lying to and accessed from the southern side of Glebe Road, behind existing properties and with very limited connections in other directions. Given these constraints the scheme integrates as well as possible into the existing community to the north. Given the limited connectivity of the site, it is well served by local facilities (within 175m distance) including 2 pubs, a chapel and petrol station with some local shop facilities. In addition to this there are a number of facilities within half a mile of the proposed site entrance which include Tre Uchaf Primary Scholl as well as a large green space for recreation nearby, Loughor RFC, Gower College Swansea (Gorseinon Campus) and Penuel Chapel. Further afield both Pontybrenin Primary School and Ysgol Gynradd Gymraeg Pontybrenin (Welsh Medium) are located less than a mile from the site. Public transport is within a short walk of the site entrance. It is also intended to provide a pocket park within the scheme for residents' use. Given the limited connections around the site boundaries, as well as the proximity to local facilities, the approach of a single vehicular access point to connect to the existing community is considered acceptable.

The site layout plan presents a scheme which has a mixture of house types and sizes, as well as varying plot sizes, which is a welcomed approach to a housing scheme of this size, as it helps create a mixed community with a good range of housing options as well as visual interest with an increase legibility and sense of place. The area around the site entrance to the north presents a higher density than the remainder of the scheme as a result of the use of terraced dwellings in this location. This succeeds in maximising access to the local facilities and allows for lower density detached houses on the edges which aids integration with the surrounding landscape. Some terraces are present elsewhere within the site but are generally short in nature. The remainder of the site appears suburban in scale and layout with detached or semi-detached properties in plots of varying sizes. Overall the proposal represents a scheme which incorporates a mixture of dwellings types and densities which helps create small character areas. Although the scheme is wholly residential, the proximity of the site entrance to a number of established local facilities offsets this.

The indicative layout scheme provides a hierarchy of streets with a main access street running through the scheme, supplemented by minor and shared streets coming off this to serve smaller groups of dwellings. The winding nature of the streets within the scheme respond to the natural/suburban location on the edge of the settlement abutting the countryside, and also aids in reducing traffic speeds whilst providing interest and legibility to the scheme. The proposed shared space areas around the linear green neighbourhood (a landscaped area of retained trees and hedgerows within the site) will also help to reduce traffic speeds and create a more pedestrian friendly environment. The building layout is well structured with perimeter blocks and dwelling fronting the streets. Also plots 1 and 13 address Glebe Road at the site access creating a gateway to the site and positive relationship to the established street scene.

Overall the scheme provides well defined streets and spaces as a result of the structure of the building layout providing a visually interesting townscape. Generally

views along the street are terminated well at the front elevation of houses, a notable exception to this however, is the initial view into the site from the entrance at Glebe Road which terminates at a row of parking spaces. However, this area is acknowledged as the connecting access point to the future development land to the east. The layout of the scheme appears to be well considered and the proposal presents good definition between the public and private realm with natural surveillance overlooking most publicly accessible areas.

There are no details of the facing materials of the dwellings, but this could draw on a wide palette. Given the proximity of the site entrance to the listed chapel opposite as well as the adjacent pennant stone pub, the character of these buildings will be significant in terms of stitching the character and appearance of the scheme to the wider area. It will therefore be important to ensure a high quality approach at the site entrance, possibly utilising natural stone in order to respond to the setting of the listed chapel.

Overall the indicative scheme is a well thought out response to the site location and its constraints and displays many good principles of urban design, and as such it is considered that the proposed indicative design and layout of the estate is acceptable and complies with the provisions of Policy EV1 and EV2 of the UDP.

### **Residential Amenity**

On the basis that this is an outline application with all matters reserved, the true impact of the proposal on individual households can only be assessed at reserved matters stage. However, some consideration is given below to the indicative layout scheme provided. However, when the reserved matters application is submitted, this issue can be addressed in detail at that stage.

With regard to the amenity of existing residents along Glebe Road, the closest property within the indicative scheme would be Plot 33, however this achieves a separation distance in excess of 40m from the rear of 101 Glebe Road. Whilst Plot 32 is situated closer to the site boundary, it is neighboured by the commercial petrol filling station/garage and as such residential amenity is not a consideration.

In terms of the residential amenities of the future occupiers of the development, overall the proposed garden size for most plots are sufficient for the size of the proposed dwellings, with more generous gardens provided to the larger dwellings in the southern part of the site and less significant gardens for the smaller dwellings to the north around the site entrance. It is in this northern area that some of the plots fall marginally below minimum separation distances

Having regard to the above, it is considered that the proposed development would not result in any significant impacts on the amenities of existing residents in Glebe Road and would not raise adverse impacts in respect of the residential amenities of the future occupiers of the proposed development. The proposal would therefore be in accordance with Policy EV1 of the UDP.



## Highways Impacts

The following self-explanatory comments have been made by the Head of Transportation and Engineering

### 1 Background

This proposal is for the erection of up to 92 dwellings on land south of Glebe Road, Loughor. This is one of 3 sites that have been considered in Transport assessments for developments along the Glebe Road/Loughor Road corridor. Each of the sites has included the impact of all others so that the combined impact of traffic from all 3 sites can be properly assessed.

The site has a frontage to Glebe Road of approximately 50m opposite the Moriah Chapel and it is intended to provide a mini roundabout at the access junction which will assist in keeping vehicle speeds low along that section of the highway.

### 2 Traffic Impact

Whilst this proposal is for up to 92 dwellings, the transport assessment has assumed to test the impact of up to 120 dwellings. This indicates a traffic generation of 13 arrivals and 50 departures in the am peak with 45 arrivals and 24 departures in the pm peak. The impact of this number of movements has then been assessed at a number of key junctions along the Loughor Road corridor.

The junctions assessed include;

- Site Access
- Loughor Road/Belgrave Road
- Loughor Road/West Street

These are the junctions where impact is considered to be highest especially when combined with the other development sites on the corridor.

All junctions are shown to operate within their theoretical capacity. There are indications that the ratio to flow capacity at Belgrave Road and West Street junctions will approach 0.9 and therefore some queuing will take place. This concurs with the assessments submitted on the other development sites.

### 3 Site Access

Access would be from Glebe Road opposite Moriah Chapel. Road realignment is indicated and a mini roundabout installed. The realignment of the road to accommodate the necessary geometry for a mini roundabout would result in spare road space outside the chapel. Part of the road works therefore will include a bus layby that will accommodate the dropping off and picking up of church goers. The application is in outline form and therefore detailed design will be required. However indicative plans show that this scenario can be accommodated.

An indicative layout plan also indicates a possible internal road layout and whilst some minor amendment would be necessary, the proposal to serve the indicated number of dwellings is feasible.

#### 4 Accessibility

There are footways along Glebe Road and Loughor Road that adequately serve the development. In addition there are two public footpaths present. Footpath LC39 runs along the western boundary of the development and LC 40 which runs through the site. LC 40 will need to be rerouted to follow the internal road alignment. Both footpaths connect to Culfor Road.

Bridleway LC 38 traverses east/west to the south of the site joining Culfor Road with Waun Road. The bridleway emerges opposite a proposed footpath from the Cae Duke development.

The National Cycle Network Route 4 utilises Culfor Road and is within reasonable distance of the site.

There is a 30 min frequency bus service past the site.

#### 5 Road Safety

The allocated development sites on Glebe Road/Loughor Road have been required to contribute to a range of road safety enhancements in the area. These were identified as requirements under the safer routes in the community scheme and included, traffic calming, a pedestrian crossing and TROs in the wider area. The school drop off facility was a separate issue required to enable improvement to traffic flow along the Loughor Road corridor. This development could generate traffic movements along Waun Road which is in need of traffic calming and there needs to be better linkage with the public rights of way through and adjacent to the site. To that end, the developer is offering a contribution of up to £92,000 and this sum should be apportioned appropriately towards the range of works identified in mitigation of the additional traffic being generated.

The site access works, which includes the provision of a mini roundabout and bus layby I consider to be a separate issue and a consequence of providing access to the site. These works therefore will require full funding by the development in addition to the indicated contribution towards safer routes in the community.

#### 6 Conclusions and Recommendation

The impact of the development traffic when added to existing and proposed traffic flows in the area is shown to be able to be accommodated on the surrounding highway network. Access improvements will be of general benefit to through traffic and potentially improve highway safety. Highway safety improvements in the area

will ensure that development traffic does not have an adverse effect on identified issues and to that end a developer contribution towards mitigating the effects of additional development traffic is recommended.

I recommend no highway objection subject to the following;

- i. Prior to any works commencing on the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved traffic management plan shall be implemented and adhered to at all times unless otherwise agreed by the Local Planning Authority.
- ii. The site shall not be brought into beneficial use until a contribution towards local road safety enhancements has been made. This will require a sum of £92,000 to be deposited with the City and County of Swansea Council secured through a Section 106 Agreement.
- iii. The site shall not be brought into beneficial use until the access works, including a mini roundabout and associated lay-by have been completed in accordance with engineering details to be submitted and approved.
- iv. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. [The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established].

#### **Management and Maintenance of Estate Streets – Note**

The applicant is advised that to discharge this condition, the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes.

- v. All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.

Note: The Developer must contact the Highway Management Group , The City and **County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN** before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to, tel. no. 01792 636091.

#### **Affordable Housing**

UDP Policy HC3 (Affordable Housing) highlights that where a demonstrable lack of affordable housing exists, the Council will seek to negotiate the inclusion of an

appropriate element of affordable housing on suitable sites. The evidence base for this need is the Local Housing Market Assessment which assessed the dynamics of the housing market in Swansea and underpins the Council's Housing Strategy. The affordable housing provisions has been subject to extensive negotiations which has resulted in a total of 19 affordable housing units being agreed equating to 20% provision rather than the 30% advocated within adopted Policy and SPG. However, there are a number of unknown costs associated with this development site. As host to a disused mineshaft there is an inevitable degree of grouting going to be required on the site which is currently unquantified but is estimated to be a minimum of £350,000. This figure is considered to offset the slightly exaggerated land value of £1,493,579,000 and the estimated cost per dwelling of sprinkler systems (likely to be a mandatory requirement on all new dwellings from 2016 onwards) of £3,075.00 per unit (£282,000 total). Having regard to this, on balance the provision of 20% affordable housing is considered acceptable and can be secured by a S106 planning obligation.

## **Education**

The Director of Education has requested a financial contribution. The following schools are within the catchment of the application site:

English Medium Primary – Tre Uchaf Primary  
English Medium Secondary - Penyrheol Comprehensive  
Welsh Medium Primary - YGG Pontybrenin  
Welsh Medium Secondary - Ysgol Gyfun Gwyr .

The development will generate the following pupils with the associated cost:

Primary – 28.52 (£295,810)  
Secondary – 20.24 (£320,764)

In January 2013, the surplus capacity at Tre Uchaf Primary was 59 with the projection figures for September 2019 being 59 also. However the Welsh Medium primary school YGG Pontybrenin is already over capacity with the projection figures for September 2019 indicating an overcapacity of 65.

In terms of secondary education English medium Penyrheol Comprehensive currently has capacity and the projection figures up to 2019 indicate a surplus capacity of 122. However, YG Y Gwyr has a 2019 projection figure of 168 overcapacity. On this basis a request of £295,810 has been made towards YGG Pontybrenin and £320,764 towards YG Y Gwyr.

The applicant has however contested these figures, based on there being sufficient English medium places and only a shortfall of Welsh medium places, and therefore the contribution should be linked to the anticipated number of Welsh Medium places required. The draft 'Welsh in Education Strategic Plan 2014-17' issued in December 2013 cites the Welsh Medium percentage in the City growing from 10.5% in 2013 to 16.4% in 2019 (year 6 pupils) or staying around the 14% level for Year 2 pupils. It is therefore argued that a fair and reasonable related contribution would be in the order of:

**92 dwellings x 0.31 primary aged children x 14% requiring Welsh Medium Places x £10,372 = £41,413.**

A similar argument is applied in terms of secondary education, namely that the contribution should only apply to the likely proportion of children that will require Welsh medium provision. The draft 'Welsh in Education Strategic Plan 2014-17' cites Welsh medium percentages in the City growing from 9.45% in 2013 to 13.4% in 2019 (year 9 pupils) . Therefore it is argued that a fair and reasonable contribution would be in the order of:

**92 dwellings x 0.22 secondary aged children x 13.4% requiring Welsh medium places x £15,848 = £42,982.**

The Director of Education has been provided with the above figures for consideration but to date has provided no response or comment. The applicant's rationale that it cannot be accepted that 100% of pupil generated by the proposal will require Welsh medium education is considered reasonable and the estimated figures for Welsh medium education take-up in the City are based on sound Welsh Government Guidance. On this basis, the applicant's suggested contribution of £100, 000.00 is considered acceptable and can be secured by a S106 planning obligation.

### **Open Space / Play Space Provision**

UDP Policy HC24 (Play Areas / Public Open Space) requires new housing developments where the level and nature of open space provision in the locality is inadequate, to: make provision for open space within or near to the development or: to contribute towards the provision or improvement of existing off-site facilities.

A request was received from the Parks Department requesting a contribution of £75,000 towards capital construction costs for the upgrading and increasing the size and items of play equipment at Childrens Corner, Loughor Road and Parc William, west of Loughor Road.

In justifying requests for Section 106 Obligations, the Authority is required to have regard to the following tests:

- Necessary to make the development acceptable in planning terms,
- Directly related to the development and
- Fairly and reasonably related in scale and kind to the development

Welsh Office Circular 13/97 (Planning Obligations) also advises that "developers may reasonably be expected to pay for or contribute to the cost of infrastructure which would not have been necessary but for their development. The effect of such infrastructure investment may be to confer some wider benefit but payments should be directly related in scale to the benefit which the proposed development will derive from the facilities to be provided. Developers should not be expected to pay for facilities which are needed solely in order to resolve existing deficiencies".

To meet the aforementioned tests, the facility needs to be accessible to young families from the proposed development. It is considered that upgrading existing play facilities mores than 1km distant from the site would not achieve this. Additionally, the scheme

includes two designated play areas as well as significant green corridors/neighbourhood greens. The adopted residential Design Guide seeks to ensure that the starting point for public spaces and play areas is an on-site provision within 5 minutes' walk or 400m from homes, which this scheme provides. As such the request for £75,000 towards improving existing facilities within the wider community is considered unjustified.

The play and open space provision within the application site is considered to be acceptable and complies with the provisions of Policy HC24 of the UDP.

## **Ecological Issues**

The applicant has submitted an extended Phase 1 Habitat Survey which highlights that the trees and hedgerows have an intrinsic interest in a local context and are likely to function as important sources of shelter and corridors for both bats and birds. Additionally the site provides appropriate habitat for terrestrial mammals. The Council's Ecologist has confirmed that the loss of a number of the trees and hedgerows within the site is acceptable as long as measures are taken to mitigation for this loss. As such it is considered appropriate to recommend conditions ensuring habitat species enhancement, the retention and protection of trees, and that hedgerows are not removed as part of the scheme. It is considered that the recommendations in section 6 of the ecological report should be followed.

## **Trees**

Due to the presence of a number of TPO trees on the site, the proposed indicative site layout incorporates a number of areas of existing vegetation to be retained. These areas relate to historic field boundaries and are well integrated into the scheme and provide character and a level of maturity to the scheme. Retained trees and hedgerows help to create 'green corridors' for ecology, provide structure to the development and highlight and create focal areas for open space. These retained features also help to soften views of the development from the wider countryside to the south. The retention of individual trees hedgerows as well as the existing vegetation covering the mineshaft provides good opportunities for biodiversity which helps to partially offset the impact of the development.

The submitted Arboricultural Survey and Hedgerow Assessment provides clear and accurate details regarding the quality, condition and constraints of the trees and hedgerows. Further to this, the Arboricultural Implication Assessment provides a detailed impact assessment of the trees and hedgerows.

Overall the proposal provides adequate space for many of the trees and hedgerows on this site and many of the high quality trees are retained, an example of which is the high quality native oak tree retained as part of the "Pocket Park." It is considered that the proposal is acceptable in arboricultural terms subject to the inclusion of the planning conditions and informatives.

## **Coal Mining Issues**

The Coal Authority considers that the content and conclusions of the submitted Mining and Contamination Assessment are accurate and recommend that a planning condition should be imposed requiring that further intrusive investigation works be undertaken, to confirm shallow coal mining condition within the southern part of the site prior to commencement of development. Subject to this, the Coal Authority has no objection to the proposed development.

### **Archaeological Issues**

Glamorgan Gwent Archaeological Trust have confirmed that they have no objection to the positive determination of this application, provided a condition be attached to any consent granted requiring the applicant to commission an archaeologist to conduct a watching brief during ground works, as there is still the potential to encounter as yet unrecorded remains of Roman date.

### **Drainage**

This development will separate surface water and land drainage from foul water, so the only drainage impact on the existing sewerage drainage system to Llannant WWTW will be a foul connection. Surface water will be managed and the proposal includes for an attenuation pond in the adjoining enclosure

Dwr Cymru Welsh Water has not objected to this scheme. Whilst Natural Resources Wales raised concerns last autumn regarding the impact of new residential development on the water quality of the estuary, there is no conclusive evidence that supports this view, and the application will discharge between manhole numbers SS57987001 and SS57985101 located in Glebe Road, which ultimate discharges via Llannant WWTW, which is unaffected by the ongoing issues surrounding water quality and surface water discharge in the area. In any event, as indicated above, foul and surface water discharges will be separated.

The arrangements for surface water drainage have been submitted and have been considered by the Council's Drainage Officer and NRW. Surface water from the roofs, hard surfaces and roads will be discharged via an attenuation pond and reed bed system at Greenfield rates.

The details provided are considered to be satisfactory in principle, but it is considered necessary to secure further details of the drainage arrangements via conditions, prior to the commencement of development on site, to ensure there is no potential future harm to the water environment of the estuary or the amenities of existing and future residents.

The current application if approved will be subject to planning conditions controlling drainage, including the use of SUDs. On this basis, there is no known evidence to justify refusal on drainage grounds. Subject to further control by conditions, it is considered that the drainage arrangements for this scheme are acceptable and can meet the overarching aims of sustainable development in this area, and satisfy the provisions of Policies EV33, EV34, and EV35 of the UDP.

### **Other Material Considerations**

The concerns raised by third parties are summarised above and have been addressed within the above appraisal. This includes reference to the current status of this Greenfield site, its acceptability for development and impacts upon the highway access, parking and public safety concerns relating to traffic, all of which are considered in the Highways section above. The indicative design and layout considerations have been carefully assessed and amendments have been made to the indicative scheme to ensure that the design and layout would be acceptable. The impact on trees, local wildlife and ecology has been properly assessed by NRW, the Council's Ecologist and the Council's Arboricultural Officer and subject to conditions are considered to be satisfactory in this respect.

Additionally, the site is crossed by a Public Right of Way, the initial part of which currently runs through a narrow un-lit alleyway. As part of the scheme, it is proposed to realign the public footpath which is considered acceptable in principle however, upon planning approval a formal submission to obtain both temporary and permanent diversion will be necessary.

## **Conclusion**

The proposal is for residential development of up to 92 dwellings on a site allocated for housing in the UDP. The proposal is considered to be acceptable in terms of its impacts on the character and appearance of the area, impacts on residential amenity and impacts on access, parking and highway safety.

The indicative layout and design of the development will create a distinctive development that has had regard to the hedgerows bounding the site and will enable land not previously accessible to the public to be used as open space / informal recreation, and will provide connections to the wider sections of the allocated housing site.

The drainage proposals have been considered in the above report including the foul connections and the hydraulic capacity issues, as well as the land / surface water drainage issues.

## **RECOMMENDATION**

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

- 19 units of affordable housing on the site;
- an education contribution of £100, 000
- a highways contribution of £92,100;
- Management plans for the future maintenance and management of the attenuation ponds and the maintenance, management and public access to the public open space and the play areas;

## **CONDITIONS**



1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: To ensure that the development is carried out in an orderly and satisfactory manner.

2 Detailed plans and drawings with respect to the matters reserved in condition 01 shall be submitted for approval by the Local Planning Authority not later than the expiration of three years from the date of this permission.

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

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

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

4 The development shall be carried out in accordance with the following approved plans and documents: Drwg No 1107-TP01 Rev A - Existing Site Plan, received 1st May 2013.

Reason: To define the extent of the permission granted.

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

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

6 Notwithstanding the Mining and Contamination Assessment (Ref 10986/PB/12) submitted in support of this planning application, before development works commence on site, a more detailed investigation of the contamination within the site shall be conducted and the results of this (in the form of a Phase 2: Detailed Investigation Assessment Report) shall be submitted to and approved in writing by the Local Planning Authority.

This Phase 2 Assessment shall;

a. Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater

b. Provide for a more detailed investigation (Human Health Risk Assessment) of the site in order to confirm the presence or absence of those potentially significant

source-pathway-receptor pollutant linkages identified in the originally submitted Mining and Contamination Assessment.

Note; where any substance should be encountered that may affect any controlled waters the applicant, or representative, must contact the Environment Agency in order to agree any further investigations required.

In the event that the need for remediation is identified, the applicant/developer shall submit a subsequent detailed report (Phase 3 - Remediation Strategy Options Appraisal) to the Local Planning Authority for its written approval before development works commence on site.

This Phase 3: Remediation Strategy Options Appraisal shall indicate all measures to be taken to reduce the environmental and human health risks identified in the Mining and Contamination Assessment and Phase 2 Assessment, to an acceptable level, in a managed and documented manner, to best practice and current technical guidance.

The agreed remediation measures shall be implemented in full.

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

- 7 Prior to the occupation of any residential unit, a verification report demonstrating completion of the works set out in the approved remediation strategy required by Condition 6 and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long term monitoring and maintenance plan') for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and the reporting of this to the Local Planning Authority.

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

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

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

- 9 Any topsoil (natural or manufactured), or subsoil to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only materials approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with the relevant Code of Practice and

Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed in writing by the Local Planning Authority.

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

- 10 Any aggregate (other than virgin quarry stone) or recycled aggregate material to be imported shall be assessed for chemical or other potential contaminants in accordance with a scheme of investigation to be submitted to and approved in writing by the Local Planning Authority in advance of its importation. Only material approved by the Local Planning Authority shall be imported. All measures specified in the approved scheme shall be undertaken in accordance with relevant Code of Practice and Guidance Notes. Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported material is free from contamination and shall be undertaken in accordance with a scheme agreed in writing with the Local Planning Authority.

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

- 11 Prior to the commencement of demolition/construction works on the application site (including all access roads) a Construction Pollution Management Plan (CPMP) should be submitted to and approved in writing by the LPA. The CPMP is to include the following:

- a) Demolition/Construction programme and timetable
- b) Detailed site plans to include indications of temporary site offices/ compounds, materials storage areas, proposed compounds, delivery and parking areas etc
- c) Traffic scheme (access and egress) in respect of all demolition/construction related vehicles;
- d) An assessment of construction traffic generation and management in so far as public roads are affected, including provisions to keep all public roads free from mud and silt;
- e) Proposed working hours;
- f) Principal Contractor details, which will include a nominated contact for complaints;
- g) Details of all on site lighting (including mitigation measures) having regard to best practicable means (BPM);
- h) Details of on site dust mitigation measures having regard to BPM;
- i) Details of on site noise mitigation measures having regard to BPM;
- j) Details of waste management arrangements (including any proposed crushing/screening operations); and
- k) Notification of whether a Control of Pollution Act 1974 (Section 61) Notice is to be served by Principle Contractor on Local Authority.
- l) A community and stakeholder liaison process.

Note: items g - j inclusive need to take particular account of the potential for statutory nuisance from site related activities [see Informatives].

Reason: To ensure minimal nuisance impact on local residents/businesses from construction activity.

- 12 Prior to the beneficial occupation of any building the appropriate basic Radon protective measures shall be installed and appropriate validation reports provided to the Local Planning Authority.

Reason: In the interests of ground stability and safety.

- 13 Prior to commencement of works on site, further intrusive investigation works shall be undertaken to confirm shallow coal mining conditions within the southern part of the site. In the event that the site investigation confirms the need for remedial works to treat any areas of shallow mine workings and/or any other mitigation measures to ensure the safety and stability of the proposed development, any such works should be undertaken prior to commencement of any works on site.

Reason: In the interests of ground stability and safety.

- 14 No development including demolition works shall commence on site until a scheme for the retention and protection of trees of British Standard 5837:2012 - Trees in relation to design, demolition and construction has been submitted to and approved in writing by the Local Planning Authority. This shall include full details on all works that impact on the original ground conditions within the root protection areas, as detailed in BS5837:2012 and in particular details of protective fencing, ground protection and construction method, required tree surgery operations, service trenching positions and any changes in ground level within the root protection areas of all retained trees. No development shall take place except in complete accordance with the approved scheme, and the works required by that scheme are in place. All protective fencing, ground protection etc shall be retained intact for the full duration of the construction phase of the development hereby approved, and shall only be removed, or altered in that time with the prior written approval of the Local Planning Authority.

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

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

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

- 16 No retained trees shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner with 5 years from the date of the first occupation of any building for its permitted use, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority.

Reason: To ensure as possible that the landscaping scheme is fully effective.

- 17 If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such a size and species and planted at such a time as may be specified in writing by the Local Planning Authority.  
Reason: To ensure as far as is possible that the landscaping scheme is fully effective and in accordance.
- 18 No development shall commence until the developer has prepared a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage will be dealt with and this has been approved in writing by the Local Planning Authority. This scheme shall include details of sustainable drainage system (SuDS) for surface water drainage and/or details of any connections to a surface water drainage network. The development shall not be brought into beneficial use until the works have been completed in accordance with the approved drainage scheme, and this scheme shall be retained and maintained as approved unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that a satisfactory comprehensive means of drainage is achieved and that no adverse impact occurs to the environment or the existing public sewerage system and to minimise surface water run-off.
- 19 Prior to the commencement of any development, a scheme relating to the maintenance of the surface water system shall be submitted and agreed in writing with the Local Planning Authority. The surface water system shall be maintained in accordance with the agreed scheme thereafter.  
Reason: To ensure the satisfactory long-term operation to prevent the increased risk of flooding.
- 20 Only foul water from the development site shall be allowed to discharge to the public sewerage system and this discharge shall be made between manhole reference numbers SS57987001 and SS57985101 located in Glebe Road as indicated on the extract of the Sewerage Network Plan (attached to this decision notice).  
Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 21 Land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.  
Reason: To prevent hydraulic overload of the public sewerage system and pollution of the environment.
- 22 The development shall be carried out in accordance with the recommendations contained within Section 6 of the approved Extended Phase 1 Habitat Survey Report by Middlemarch Environmental received on the 30th July 2013.  
Reason: In the interest of protecting the ecology of the site and surrounding area.
- 23 Any open excavations during construction phase shall either be covered or fitted with ramps to prevent any terrestrial mammals that may be present from becoming

trapped in open excavations. Details of any ramps or covers to be used shall be submitted to and approved in writing by the Local Planning Authority prior to their use on site.

Reason: In the interest of protecting the ecology of the site and surrounding area.

- 24 Before the development hereby permitted is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) together with any changes proposed in the levels of the site shall be submitted to and agreed by the Local Planning Authority in writing.

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.

- 25 No part of the development hereby permitted shall be occupied until street lighting has been installed in accordance with a detailed scheme to be agreed with the Local Planning Authority.

Reason: To ensure a convenient and safe form of development.

- 26 No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the Local Planning Authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and maintenance company has been established.

Reason: In the interest of highway safety.

## **INFORMATIVES**

- 1 The reserved matters application shall have regard to the urban design principles, development strategy and structural landscaping principles of the development, as set out in the information submitted in support of this application.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The development plan covering the City and County of Swansea is the City and County of Swansea Unitary Development Plan. The following policies were relevant to the consideration of the application: Policies AS1, AS2, AS6, EV1, EV2, EV3, EV33, EV34, EV35, HC1, HC3, HC17 and HC24 of the Swansea Unitary Development Plan 2008.
- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the

breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal.

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

- 5 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest in use or being built
  - Take or destroy an egg of any wild birdCare should be taken when working on buildings particularly during the bird nesting season March-August.
- 6 It is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
  - Kill, injure or take any wild bird
  - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
  - Take or destroy an egg of any wild birdYou are advised that any clearance of trees, shrubs, scrub (including gorse and bramble) or empty buildings should not be undertaken during the bird nesting season, 1st March - 31st August and that such action may result in an offence being committed.
- 7 Care should be taken during development, and should anything be uncovered likely to be associated with mining, this should be reported to the Coal Authority.
- 8 Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Water Resources Act 1991. The Environment Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings. The Environment Agency has no knowledge of flooding in this vicinity. However, you are also advised to consult with your Engineers Department, who may hold records/additional information, prior to the granting of planning consent.
- 9 The Environment Agency and the Local Authority have permissive powers to maintain watercourses depending on the watercourse's definition as "Main River" or "Ordinary Watercourse". The responsibility for general maintenance of the river and its banks rests with the riparian owner. Any bankside trees or vegetation within 3 metres of the watercourse should be protected from development in order to promote conservation and preserve visual amenity.
- 10 Site operators should ensure that there is no possibility of contaminated water entering and polluting surface or underground waters.

- 11 Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste must be licensed waste carriers.
- 12 The activity of importing waste into the site for use as, for example hardcore, must re-registered by the Environment Agency Wales as an exempt activity under the Management Licensing Regulations 1994.
- 13 Under the terms of the Water Resources Act 1991 and the Land Drainage Byelaws, the prior written consent of the Environment Agency is required for any proposed works or structures in, under over or within 7 metres of the top of a main river i.e. Nant-y-Fendrod & Nant Bran.
- 14 Any culverting of a watercourse requires the prior written approval of the Local Authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991.
- 15 The applicant or his contractor should follow the advice given in BS 3998 (2010) 'Recommendations for Tree Work'.
- 16 The developer is advised to contact Dwr Cymru (Welsh Water) Telephone Swansea 772200 Ext. 2562 with regard to adequacy of water supply and position of water distribution mains in the area.
- 17 To protect the integrity of the Public Sewerage System, foul water and surface water discharges shall be drained separately from the site.
- 18 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no detriment to the environment, no surface water shall be allowed to connect (either directly or indirectly) to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
- 19 To prevent hydraulic overload of the public sewerage system and pollution of the environment, land drainage run-off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
- 20 If connection is required to the public sewerage system, the developer is advised to contact Dwr Cymru Welsh Water's Developer Services on 0800 917 2652.
- 21 The developer is advised that the Welsh Government are planning to introduce new legislation that will make it mandatory for all developers who wish to connect to the public sewerage to obtain an adoption agreement for their sewerage with Dwr Cymru Welsh Water (DCWW) (Mandatory Build Standards). Further information on the Mandatory Build Standards can be found on the Developer Services Section, DCWW at [www.dwrcymru.com](http://www.dwrcymru.com) or on the Welsh Government's website [www.wales.gov.uk](http://www.wales.gov.uk).



- 22 The developer is advised that some public sewers and lateral drains may not be recorded on Dwr Cymru Welsh Water's (DCWW) maps or 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. DCWW advise that the applicant contacts their Operations Contact Centre on 0800 085 3968 to establish the location and status of the sewer. Under the Water Industry Act 1991 DCWW has rights of access to its apparatus at all times.
- 23 All internal roads, footpaths and public areas shall be laid out and constructed to Highway Authority standards and Specification.
- 24 The developer is advised that the Council's Highways Dept will require a Construction Traffic Management Plan prior to construction works commencing on site. The developer must therefore contact the Highway Management Group , The City and County of Swansea , Penllergaer Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact the Senior Engineer (Development) , e-mails to mark.jones@swansea.gov.uk , tel. no. 01792 636091.
- 25 Under the Flood and Water Management Act 2010 the City and County of Swansea is now classed as the Lead Local Authority (LLFA) and as part of this role is responsible for the regulation of works affecting ordinary watercourses. Our prior written consent for any works affecting a watercourse may be required irrespective of any other permission given and we encourage early engagement to avoid any issues.
- 26 It is an offence under the Town and Country Planning Act 1990 to:  
Cut down, uproot, top, lop, wilfully destroy or wilfully damage a tree protected by a Tree Preservation Order.  
Wilful damage to a protected tree includes damage to its surrounding rooting area by; excavation work, storage of materials or machinery, parking of vehicles, deposit of soil or rubble, disposal of liquids, or the mixing of cement.
- 27 The following restrictions should be applied to all works of demolition/construction carried out on the development site: All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Monday to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays. The Local Authority has the power to impose the specified hours by service of an enforcement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.
- 28 No burning of any material to be undertaken on site. The Local Authority has the power to enforce this requirement by service of an abatement notice. Any breaches of the conditions attached to such a notice will lead to formal action against the person(s) named on said notice.