

Planning Committee – 2nd March 2021

Item 1

Application Number:

2020/2419/RES

Ward:

Morrleston - Area 1

Location:

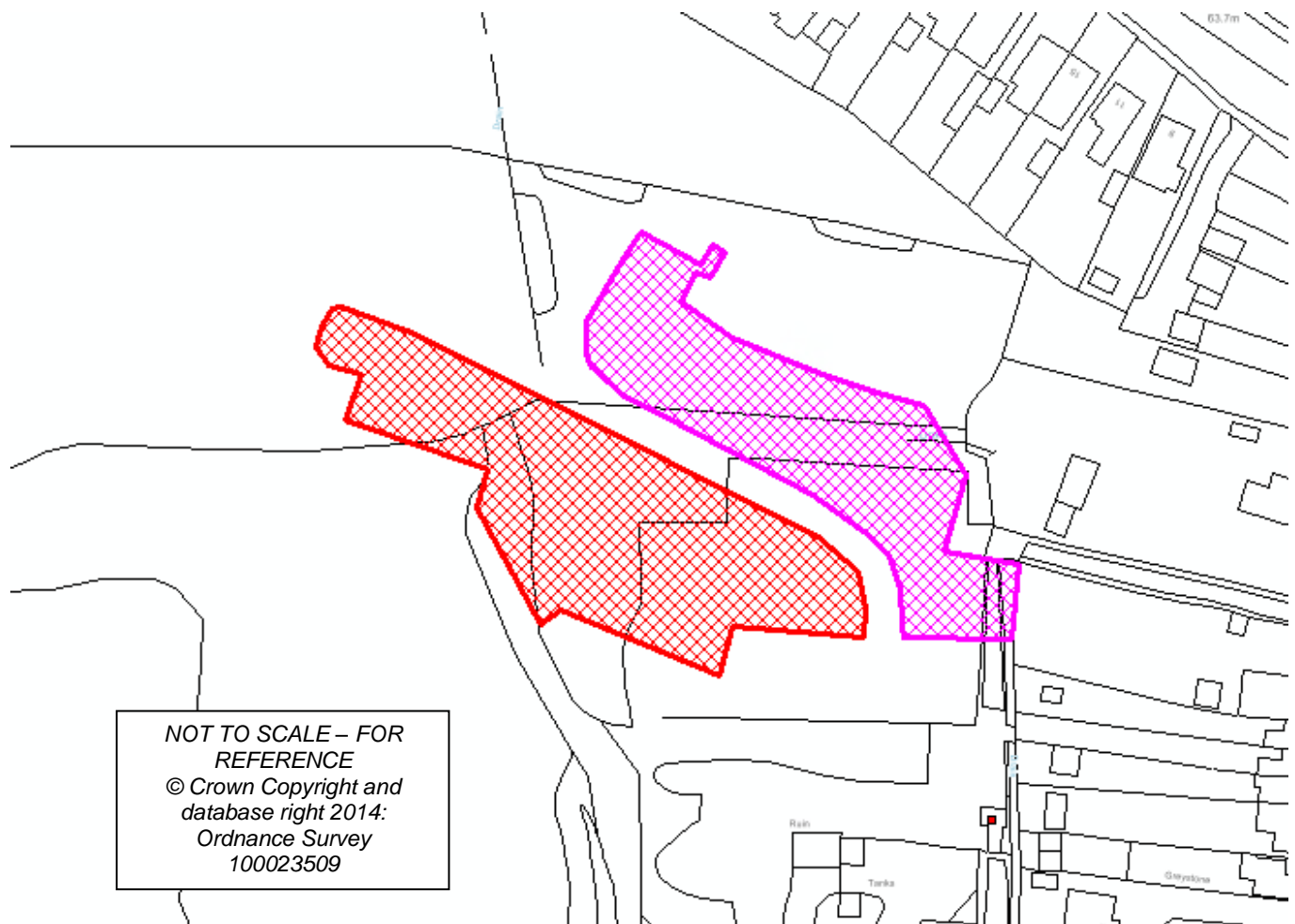
Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6EA

Proposal:

Construction of 13 dwellings and ancillary infrastructure (details of the appearance, landscaping, layout and scale pursuant to outline application 2014/0977 allowed on appeal on 11th January 2018)

Applicant:

Mr Tim Smale Edenstone Homes Ltd



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Site History App Number	Proposal	Status	Decision Date
2018/1147/PRE	PRE APP for reserved matter application pursuant to outline 2014/0977 for appearance, landscaping, layout and scale for 310 dwellings, public open space and ancillary infrastructure	PCO	
2018/1873/RES	Construction of 28 dwellings, public open space and ancillary infrastructure (first phase reserved matters application pursuant to outline application 2014/0977 relating to appearance, landscaping, layout and scale)	APP	06.12.2018
2018/2019/DOC	Discharge of conditions 7 (presence of gases) and 18 (landfill gases and leachate) of planning permission 2014/0977 granted 11th January 2018	APP	23.05.2019
2018/2317/DOC	Discharge of conditions 5 (A programme for the phasing of the development along with a phasing plan), 9 (The Environmental Management Plan) and 13 (Scheme and method statement for tree protection) of planning permission 2014/0977 granted 11th January 2018	APP	09.04.2019
2019/0219/DOC	Discharge of condition 8 (drainage) of planning permission 2014/0977 granted on appeal 11th January 2018	APP	12.06.2019

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2019/0220/DOC	Discharge of conditions 10 (confirmation from Natural Resources Wales that an application has been submitted for the definitive closure of site) and 11 (Construction Management Statement) of planning permission 2014/0977/FUL granted on appeal 11th January 2018	APP	10.06.2019
2019/0502/RES	Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018)	APP	12.12.2019
2019/1041/SCO	SCOPING OPINION for a new community hub and gym buildings	REC	
2019/1042/SCR	SCREENING OPINION for a new community hub and gym buildings	EIANR Q	05.07.2019
2019/1473/TPO	Removal of trees that are not suitable for retention, treatment of Japanese Knotweed, further survey work, preparation of groundwork and future development (TPO 654)	APP	08.08.2019
2019/1916/TPO	Removal of the areas identified in red on Plan 1 and 2 of self populated whips and trees covered by TPO 654	APP	24.09.2019
2019/2236/RES	Provision of open space and ancillary infrastructure within former quarry basin (details of access, appearance, landscaping, layout and scale pursuant to outline application 2014/0977 granted 11th January 2018)	APP	04.06.2020

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2019/2309/FUL	Construction of community hub in connection with the wider development approved under application ref. 2014/0977 for the cessation of landfill and other operations for development of circa 300 dwellings, public open space, associated highway and ancillary work	APP 04.02.2020
2020/0149/DOC	Discharge of conditions 2 (landscaping), 4 (external works) and 5 (bat and bird boxes) of planning permission 2019/0502/RES granted 12th December 2019 to enable progression of superstructure and occupation of dwellings	APP 26.03.2020
2020/2068/S73	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highways and ancillary works (outline) (Variation of condition 2 of planning permission 2014/0977 granted 11th January 2018 to allow for the submission of reserved matters applications to be extended by a further 2 years to 11 Jan 2023)	PCO
2020/2232/TPO	To lop 6 Oak trees and 1 Birch tree covered by TPO 654	APP 22.12.2020
2020/2419/RES	Construction of 13 dwellings and ancillary infrastructure (details of the appearance, landscaping, layout and scale pursuant to outline application 2014/0977 allowed on appeal on 11th January 2018)	PDE

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2020/2430/FUL	Two tandem parking spaces and additional landscaping	PCO	
2020/2559/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 3 (75 dwellings) and 4 (36 dwellings), open space and ancillary infrastructure	PCO	
2020/2588/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwelling, public open space, associated highway and ancillary works (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 5 (29 dwellings), open space and ancillary infrastructure	PCO	
2014/0977	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)	REF	15.06.2016
2003/0394	Siting of two detached portacabins and portable toilet block	WDN	11.11.2003

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Background

This application is being reported to Planning Committee as it is a reserved matters application and the outline application was accompanied by an Environmental Statement.

This is a reserved matters application in respect of the development of the former Cwmrhydyceirw quarry for housing. Outline planning permission was granted on appeal by the Welsh Ministers in January 2018 under planning ref: 2014/0977 for the following development:

"Proposed Cessation of Landfill and other Operations Enabled by Residential Development Circa 300 Dwellings, Public Open Space, Associated Highway and Ancillary Works (Outline)"

Housing on phases 1 and 2 have already been approved (2018/1873/RES and 2019/0502/RES respectively). Phase 2 provided for 12 dwellings within the area subject of this reserved matters application for a re-plan. In addition, a reserved matters application for the development of the quarry basin as an area of open space has also been approved (2019/2236/RES).

Phase 1 is nearing completion and phase 2 has also commenced. There are currently two further reserved matters application which are currently being considered for phases 3 & 4 (2020/2559/RES) and phase 5 (2020/2588/RES).

Particularly relevant to this reserved matters application is the submission of an associated full application (2020/2430/FUL) for:

"Two tandem parking spaces and associated landscaping"

The land to which the full application relates is outside, but adjacent to, the outline planning permission area and proposes two parking spaces for use by the occupiers of plots 129 and 130 within this reserved matters re-plan. As such this reserved matters application and the full application for the parking spaces must to be considered together.

Site Location

The application site is located on the northern and eastern side of the quarry basin. To the east are existing properties on Cwmrhydyceirw Road.

The land the subject of this application was previously made up of mature trees and hardstanding areas in the eastern portion of the site. The site has now been cleared.

A number of the trees have already been removed in order to facilitate the proposed development and these works have previously been the subject of discussions with the Council's tree officer.

Description of Development

The proposal is effectively a re-plan of the eastern portion of the approved phase 2 development. The re-plan will affect 12 previously approved plots and, if approved, will increase the number of dwellings within phase 2 by 1 dwelling.

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Planning Policy

Planning Policy Wales (10th Edition) 2018

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals. Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

Car Parking

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

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Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.¹⁴⁰ In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

Development in Sewered Areas

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long term maintenance, sewers should be built to Welsh Government standards and adopted. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and Natural Resources Wales may refuse to issue an environmental permit for private treatment in such circumstances. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

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Adopted Swansea Local Development Plan (2010-2025)

ER 2 Strategic Green Infrastructure Network - Green infrastructure will be provided through the protection and enhancement of existing green spaces that afford valuable ecosystem services. Development that compromises the integrity of such green spaces, and therefore that of the overall green infrastructure network, will not be permitted. Development will be required to take opportunities to maintain and enhance the extent, quality and connectivity of the County's multi-functional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 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.

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

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. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

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

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

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

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RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

RP 7 Land Instability - Development which would create, affect or might be affected by unstable or potentially unstable land will not be permitted where there would be a significant direct risk to life, human health, property, buildings and structures, or the natural heritage on the site or in its vicinity. Development will only be permitted on unstable or potentially unstable land where it is in line with policy principles. Development is not permitted within Graig Trewyddfa Slip area.

Supplementary Planning Guidance (SPG):

The following supplementary planning guidance (SPG) documents are considered to be relevant to the determination of this application:

- Places to Live - A Residential Design Guide
- City and County of Swansea Parking Standards
- The Protection of Trees on Development Sites

The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These documents are referenced in the amplification text of these Policies. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. The SPG documents were adopted by the Council prior to the LDP being formally adopted, and in due course the SPG documents will be subject to an updated public consultation and a re-adoption process. Notwithstanding this, it is considered appropriate to have regard to the content of the SPG given: it is fundamentally aligned to (and referenced as a supporting document within) the relevant LDP Policies and are considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

Consultations:

Local Highway Authority:

The principle of the residential use has been established through an appeal subject to conditions. Circa 300 units are proposed in total.

This element involves a re-plan of 13 units. The internal road layout will be done under agreement with the highway authority, in line with the rest of the site.

I recommend that no highway objections are raised to the proposal subject to permitted development rights being removed with respect to the garage.

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Placemaking and Heritage:

"There is a placemaking objection to this re-plan.

The gap in the approved layout between plots 130 and 131 was to facilitate pedestrian access to Cwmrhydyceirw Road as per the approved outline masterplan.

Closing this gap with a further house severs this active travel link contrary to PPW, LDP and adopted Residential Design Guide.

The re-plan also diminishes the GI provision on site by replacing the planting to rear of 124 with a parking area. This also detracts from the quality of the cul-de-sac area and will increase the parking dominance.

The drainage objection is also noted.

There are no issues with the proposed house types - these are already proposed.

Refusal is recommended".

Pollution Control:

"I refer the applicant to Condition 7 and 18 of application number 2014/0977, which are to be complied with, and if need be should also be added to this application".

Landscaping:

"The landscape plan appears to be on the right lines; however, the trees shown do not appear in the schedule. Confirmation of the species is required in an updated plan".

Ecology:

"I note the submission of the Ecology Update Note: Phases 3-6 by EDP. This now provides up-to-date ecological information from habitat and species surveys completed in October 2020. I also note that building B9 offers limited summer roosting opportunities for bats.

The Environmental Statement and the Environmental Management Plan documents remain extremely important in protecting the on-site habitats and species during each phase of the development, and details contained within these shall be adhered to at all times by site personnel.

I advise that should more than 2 years pass since the date of the latest surveys (Oct 2020), and if no development has begun, then we will require any future submission of reserve matters applications to be supported by further up-to-date information in relation to the ecology of the site, likely impacts of the proposals, and details of any proposed mitigation and/or compensation (as appropriate).

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The results of these further surveys, together with updated ES and EMS documents (as appropriate) shall be provided to the LPA as updated reports prior to any determination, to inform any new ecological constraints to the development.

Landscaping plan

I acknowledge submission of the Soltys Brewster Soft Landscaping Planting Plan Supplemental Area for Parc Ceirw Phase 2 (drawing ref: 1461302 - SBC - 00 - XX - DR - L - 405 Rev PL01). This details the proposed species to be planted. However, as with application 2020/2588/RES, it is disappointing not to have more native species included, and particularly native wildflower species of local/Welsh provenance to support pollinators. In addition, the use of diverse seed mixes/meadow mixes for lawns/ gardens would enhance the habitat for local birds and invertebrates. This combined will improve ecological connectivity across the site and with other nearby habitats. I would advise that as the submitted soft landscaping planting plan is indicative, then the above should be incorporated to enhance biodiversity, and an amended landscape plan be submitted with any further application".

Drainage:

"We have reviewed the submitted information and must OBJECT to the application.

All reserved matters applications submitted after the end of the Schedule 3, FWMA transition period must comply with the WG Statutory SuDS Standards, this application has not provided any details on how that compliance will be achieved. Accordingly the development has failed to demonstrate a satisfactory means of sustainable drainage as required by both Policy RP 4 and the Statutory SuDS Standards.

This will require a further change in layout, possibly density and bring in the requirement for mandatory adoption and commuted sums for the SuDS system".

Dwr Cymru Welsh Water:

"Further to our consultation response (Ref: PLA0041239) on the previous application for approval of reserved matters on Phase 2 of the development, comprising 125 dwellings (Ref: 2019/0502/RES), we offer no objection in principle to this latest consultation (Ref: 2020/2419/RES) which seeks an amendment to the design/layout of 13 dwellings subject to compliance with the requirements of condition 8 as discharged by way of approval 2019/0219/DOC".

Natural Resources Wales:

No substantive response received to date.

South Wales Police Designing Out Crime Officer:

"I am pleased with the site layout. All the vehicle parking bays are within curtilage and/or overlooked".

Other general comments received in relation to designing out crime within the development.

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Neighbour comments:

The application was advertised in the press and by site notice. No responses have been received to the public consultation.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the impacts of the development upon the character and appearance of the area, the impacts upon the residential amenity of existing and future occupiers, the impacts upon highway safety, ecology, drainage, land contamination and land stability 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

The principle of the development has been established by the appeal decision which granted outline planning permission. This application will therefore consider the acceptability or otherwise of the details submitted for the approval of reserved matters in respect of appearance, landscaping, layout and scale of the re-plan proposed within phase 2.

Visual Amenity

The area for the proposed re-plan is located at the north eastern end of the site and would affect plots on the northern and southern side of the main spine street that loops around the edge of the quarry basin.

Within this area the approved phase 2 layout included 12 two storey dwellings. If approved, the re-plan would result in 13 dwellings, including 6 x 2.5 storey dwellings.

The main change as a result of the proposed re-plan would be the provision of an additional dwelling on the northern side of the street as a result of a detached "Broughton" house type being replaced with a semi-detached "Ashford" housetype on the corner of the spine street. The provision of an additional parking area within the full planning application will free-up space on the northern side of the spine street.

The semi-detached house types on the northern side of the street are now proposed to change to a 4 bed "Tadlow" and 2 x 3 bed "Tetford" houses. On plot 131, at the bend in the spine street, the detached 3 bed "Burlington" would be replaced with a 4 bed "Shipston".

Also, as indicated above, an additional two tandem parking areas are indicated on the submission drawings to the north of plot 131 within an area outside of the original outline approval. On the southern side of the spine street the layout of plots are broadly remaining as approved but the house types are being changed to provide 2 x "Shipston" houses and 2 x Stanton houses all of which are 4 bed housetypes.

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The Placemaking and Heritage officer has reviewed the proposals and has objected on the basis the amended proposals, through the provision of the two tandem parking areas, would prevent access to the pedestrian link with Cwmrhdyceirw Road that was indicated on the outline masterplan. It is clear from the masterplan that a link was always anticipated in this area, however, the applicant does not own the stretch of land (a private driveway that is currently blocked off) that would link the site to Cwmrhdyceirw Road. On this basis it was accepted when phase 2 was being developed that it would not be possible to provide a practical link from the site to Cwmrhdyceirw Road and phase 2 was approved without a link in this area. On this basis, while a link would be desirable, as indicated on the masterplan, it is not deliverable. As such it is not considered an objection can now be sustained on the basis that no link is being proposed when there was no link provided within the approved reserved matters for phase 2.

The Placemaking and Heritage officer is also concerned that the revised proposals would diminish green infrastructure provision on site by replacing the planting at the rear of plot 124 with parking.

In response to this concern, while it is accepted that the proposal will reduce the green space in this area, the affected area is not in a prominent location on the main spine street plus a green area with tree planting will remain on the most prominent corner which will serve to soften the edge of the cul-de-sac. In broader terms the extension of the site into the area proposed for the tandem parking spaces will allow for additional greening within the development upon an area which is currently an area of wasteland between the site and the rear of existing properties on Cwmrhdyceirw Road. On this basis, it is considered that the proposal would result in a neutral impact upon the green infrastructure within the site.

Aside from the above concerns the Placemaking and Heritage officer has indicated that the house type amendments are acceptable. Street elevations have been provided together with a materials layout which serve to demonstrate that the street scene would continue to have an acceptable vibrant mix of dwelling types and materials including the use of brick, render and weather boarding. The overall design approach of the re-plan will fit comfortably within the approved development for phase 2. The corner unit of plot 124 will contain habitable windows in the side elevation, thus presenting an acceptable façade to the street on this prominent corner within the development. The soft landscaping proposals including trees within frontages will add further quality and greening within the development.

In summary, the overall layout and design approach for the re-plan reflects the principles set out within the masterplan at outline stage and the approved reserved matters for phase 2. The layout responds positively to the sites constraints and opportunities and accords with the principles of good design. On this basis it is considered that the proposed development would accord with LDP Policy PS2 and would broadly accord with the guidance contained within the SPG document 'Places to Live - A Residential Design Guide'.

Residential Amenity

As the layout proposed under this re-plan is very similar the approved phase 2 layout, the relationships and separation distances between the proposed dwellings remains similar. A 21m back to back separation is maintained between the rear elevations of plots 141 and 143.

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The garden depth of plot 141 is marginally below the standard 10m depth that would normally be expected to prevent significant overlooking and loss of privacy, however, in this instance, only a small portion of the garden of plot 143 would be affected to the rear of the car port. On this basis and in light of the relatively large garden available to the occupiers of plot 143, this relationship is considered to be acceptable.

The outlook for the occupiers of plots 128 and 129 would be somewhat compromised by the proximity of the side gable of the dwelling on plot 123, however, this relationship is similar to that approved previously albeit two plots would be affected whereas it was only plot 128 that was affected previously. Notwithstanding this, when factoring in the roof overhang of the dwellings, the back to side separation distance is likely to be in the region of 11.7m which is marginally below the 12m separation distance specified within the Residential Design Guide SPG. Given the marginal deviation from the minimum separation standards and in light of the fact that the affected plots are some 400mm above plot 123, and when factoring in that there would be no significant overshadowing of the affected gardens from the dwelling on plot 123, it is considered, on balance, that this relationship is acceptable.

Garden sizes for the re-plan are broadly similar to those previously approved and would accord with the SPG guidance which requires that usable private amenity space should be no smaller than the footprint of the dwellings they serve.

In light of the above it is considered the proposed re-plan would not result in any significant residential amenity impact upon the future occupiers of the development. In addition, satisfactory separation distance would be maintained with neighbouring existing properties on Cwmrhydyceirw Road such that the development would not result in any significant overbearing, overlooking or overshadowing impacts.

Access and Highway Safety

The road layout remains as previously approved under phase 2. The 4 bed dwellings would benefit from 3 parking spaces and the 3 bed dwellings would benefit from 2 parking spaces, as previously approved.

Highways have raised no objection to the proposals subject to permitted development rights being removed in respect of the garages i.e. for the car ports to be used for parking purposes only and for no other use. It is recommended a condition is included requiring the parking areas to be retained for parking purposes only in the interests of highway safety.

Parking for plots 129 and 130 would be within the area that is subject to consideration under the associated full application. As such a condition will be necessary to ensure that these plots are not constructed until planning permission has been granted for the parking spaces and that the dwellings shall not be occupied until those parking areas have been completed.

In light of the above it is considered that the proposed development would not result in any significant highway safety issues over and above the approved development for phase 2.

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Drainage

The Council's Drainage section have objected to the proposals on the basis that this reserved matters application must comply with Welsh Government statutory SuDS standards. The Drainage section have further indicated that alterations to the layout of the re-plan will be required in order to comply with SuDS standards.

In response to these concerns it is noted that surface water drainage would be dealt with via separate legislation through the SAB consent process. As such the objection from the Drainage section would not be a sustainable reason to withhold permission for this development.

DCWW have offered no objection subject to foul drainage being in compliance with the details approved under condition 8 under ref: 2019/0219/DOC. It is recommended a condition is imposed to confirm this requirement.

Landscape and Ecology

An Environmental Management Plan has been approved under condition 9 of the outline planning permission. This provides a site wide strategy for ecological mitigation, compensation and enhancement. The plan includes specific mitigation measures for bats, peregrine falcon, amphibians and reptiles.

Moreover details for bat and bird boxes within phase 2 have already been approved under application 2020/0149/DOC. The proposed re-plan would not affect these approved mitigation measures.

The Council's Ecologist has reviewed the proposals and has offered no objection to the re-plan subject to an amended landscaping scheme with more native species included and native wildflower species of local/Welsh provenance to support pollinators. In addition, the Council's Ecologist would prefer diverse seed mixes/meadow mixes for lawns/ gardens to enhance the habitat for local birds and invertebrates.

While these comments are noted, the landscaping proposals are very similar to those approved for phase 2 under application 2020/0149/DOC. As such it is not considered reasonable in this instance to request and amended landscaping scheme for this phase.

The Tree officer is broadly satisfied with the landscaping proposals and has offered no objection, but a query was raised in relation to the planting schedules. The tree officer's query has now been addressed as such the landscaping proposals are considered to be satisfactory.

Land Contamination

The outline planning permission includes conditions in respect of the requirements to address environmental and human health matters associated with the former landfill operations at the quarry, specifically relating to gas protection measures for the dwellings (condition 7), and for the monitoring of landfill gas and leachate (condition 18). The Council's Pollution Control section advised that the requirements of these conditions must be complied with.

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The developer has previously provided written confirmation to the local planning authority that an application has been submitted to Natural Resources Wales (NRW) for the definite closure of the landfill site and discussions are ongoing between the developer and NRW in this respect.

Affordable Housing

Phase 2 of the development includes all 15 affordable housing units within the Parc Ceirw site as required by the Section 106 unilateral undertaking.

The Council's housing department have previously indicated they are satisfied with the proposed unit sizes and the siting within the site. This proposed re-plan would not affect any of the proposed affordable housing units. On this basis the development would not conflict with LDP Policy H3.

Land Stability

The Environmental Statement submitted with the outline application was able to conclude that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development. When consulted on the original phase 2 scheme the Coal Authority raised no objection to the reserved matters submission. On this basis it is considered the proposed re-plan would not conflict with LDP Policy RP7.

Conclusion

This is a reserved matters proposal for a re-plan within the second phase of the approved outline development at the former Cwmrhydyceirw quarry. The proposal has been considered in light of the principles established for the development at the outline planning stage and having regard to the previous phase 2 approved reserved matters scheme. Overall the re-plan is considered to be acceptable in accordance with LDP Policies relating to matters regarding: design/layout; residential amenity; highway safety; drainage; land contamination; land stability; and ecology.

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

RECOMMENDATION

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents:

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Application Number:

2020/2419/RES

1000 (Proposed Site Layout - Phase 2 Replan)
1001 (Site Location Plan - Phase 2 Replan)
1002 (External Works Layout - Phase 2 Replan)
1003 (Materials Layout - Phase 2 Replan)
1004 (Storey Height Layout - Phase 2 Replan)
1006 (Parking Strategy Layout - Phase 2 Replan)
1007 (Refuse Strategy Layout - Phase 2 Replan)
1009 (Street Elevations - Phase 2 Replan)
1010 (Proposed Site Layout - Phase 2 Replan)
1100 (Single Car Port - Floor Plans & Elevations)
1200 REV B (House Type Ashford Contemporary Floor Plans)
1201 (House Type Ashford Contemporary Elevations)
1202 (House Type Shipston Contemporary Floor Plans)
1203 (House Type Shipston Contemporary Elevations)
1204 (House Type Stanton Contemporary Floor Plans)
1205 (House Type Stanton Contemporary Elevations)
1207 (House Type Tadlow Contemporary Elevations)
1209 (House Type Telford Contemporary Elevations)
20015-PH2B-SK100 Rev A (Phase 2B Replan Layout Amendment Planning Levels)
1461302-SBC-00-XX-DR-L-405-PL01 (Soft Landscape Planting Plan Supplementary Area), received 24th November 2020.
1206 Rev A (House Type Tadlow Contemporary Floor Plans)
1208 REV A (House Type Tetford Contemporary Floor Plans), received 27th November 2020.

Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

- 2 The landscaping scheme for the site shall be implemented in accordance with plan no. 1461302-SBC-00-XX-DR-L-405-PL01 (Soft Landscape Planting Plan Supplementary Area). All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the buildings or the completion of the development within phase 2, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value in accordance with LDP Policies PS2, ER9 and ER11.

- 3 Prior to the first beneficial occupation of any dwelling hereby approved the means of enclosing the boundaries of the individual curtilage of that dwelling shall be constructed in accordance with drawing no. 1002 (External Works Layout - Phase 2 Replan). The boundaries shall be retained as approved for the lifetime of the development.

Reason: To ensure the boundaries at the site are satisfactory in the interests of visual amenity and residential amenity in accordance with LDP Policy PS2.

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- 4 Prior to the first beneficial occupation of any dwelling hereby approved the foul water drainage system to serve each dwelling shall be constructed in accordance with the details approved under application 2019/0219/DOC.
Reason: To protect the integrity of the Public Sewerage System and to ensure that effective drainage facilities are provided for the proposed development and that no adverse impact occurs to the environment or the existing public sewerage in accordance with LDP Polices EU4, RP4 and RP5.
- 5 Notwithstanding the provisions of Schedule 2, Part 1, Classes A, D or E or Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (or any order revoking and re-enacting that order with or without modification), the on plot car parking spaces as indicated on plan no. 1000 (Proposed Site Layout Phase 2 Replan) shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be permanently retained as such and used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors for the primary purpose of parking of vehicles and for no other primary purpose.
Reason: To ensure adequate parking provision is provided and retained for each dwelling and to ensure that the parking spaces are not inhibited by permitted development in accordance with LDP Policies T5 and T6.
- 6 Prior to the commencement of development on plots 129 and 130 planning permission shall first be granted for parking areas to serve these dwellings in accordance with adopted standards. The approved parking spaces for plots 129 and 130 shall be provided prior to the first beneficial occupation of the dwelling that they serve and shall thereafter be permanently retained as such and used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors for the primary purpose of parking of vehicles and for no other primary purpose.
Reason: To ensure adequate parking provision is provided and retained for each dwelling in accordance with LDP Policies T5 and T6.
- 7 The external surfaces of the buildings shall be constructed of the materials specified on plan no. 1003 (Material Layout Phase 2 - Replan) and shall thereafter be retained as such for the lifetime of the development.
Reason: To ensure a proper standard of development and appearance in the interests of conserving the amenities and architectural character of the area.

Informatives

- 1 The development plan covering the City and County of Swansea is the Swansea Local Development Plan. The following policies were relevant to the consideration of the application: ER2, ER6, ER8, ER9, ER11, EU4, PS2, H3, T1, T2, T5, T6, RP1, RP4, RP5, RP6 and RP7.
- 2 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

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For further information please visit <https://www.swansea.gov.uk/streetnamingnumbering>
or contact the Council's Street Naming and Numbering Officer Tel: 01792 637127; email
snn@swansea.gov.uk

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Item 2

Application Number:

2020/2068/S73

Ward:

Morrison - Area 1

Location:

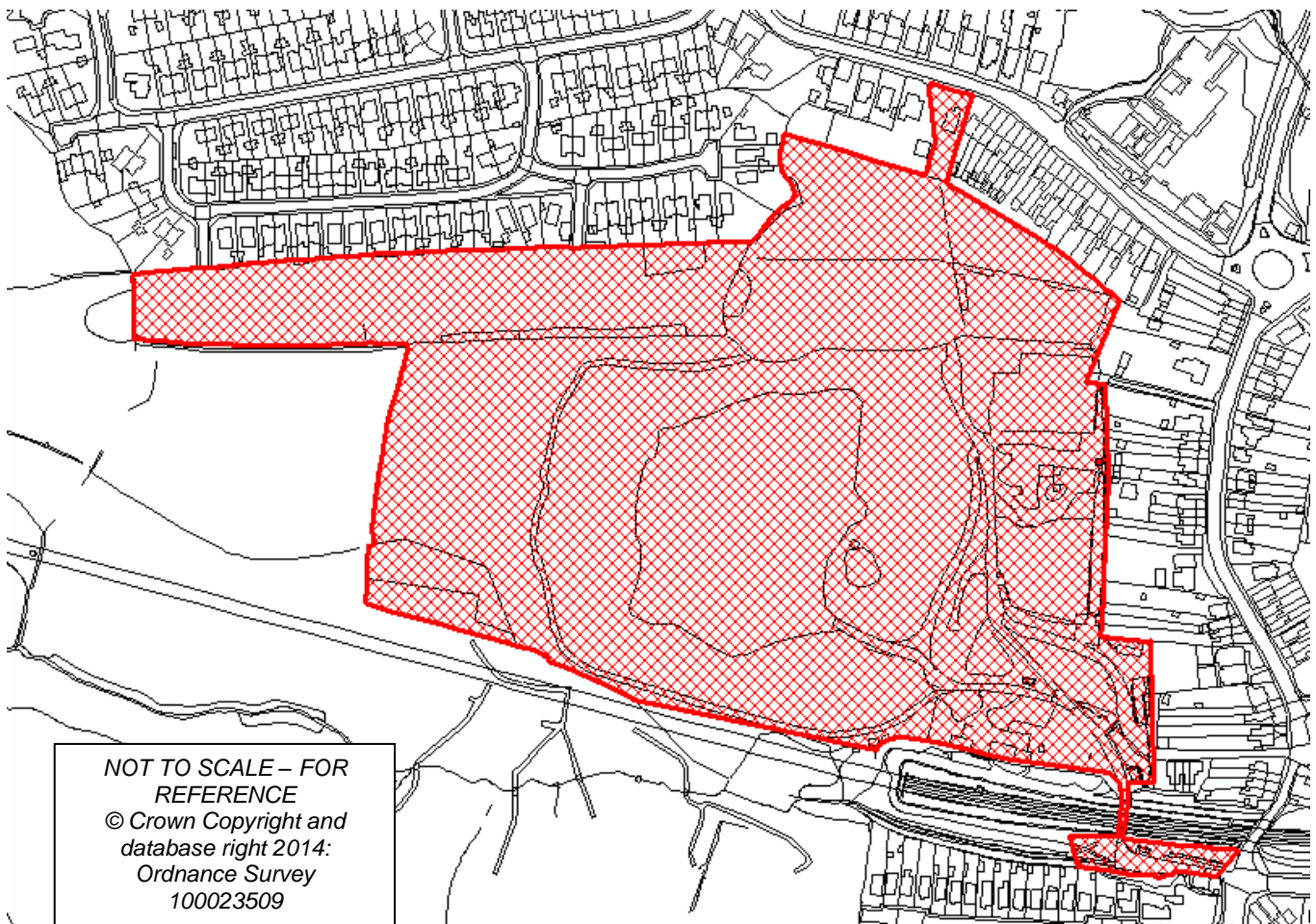
Cwmrhydyceirw Quarry Co Ltd, Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6LP

Proposal:

Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highways and ancillary works (outline) (Variation of condition 2 of planning permission 2014/0977 granted 11th January 2018 to allow for the submission of reserved matters applications to be extended by a further 2 years to 11 Jan 2023)

Applicant:

Mr Tim Smale Edenstone Group



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Item 2 (Cont'd)

Application Number:

2020/2068/S73

Background Information

Site History

App Number	Proposal	Status	Decision Date
2018/1147/PRE	PRE APP for reserved matter application pursuant to outline 2014/0977 for appearance, landscaping, layout and scale for 310 dwellings, public open space and ancillary infrastructure	PCO	
2018/1873/RES	Construction of 28 dwellings, public open space and ancillary infrastructure (first phase reserved matters application pursuant to outline application 2014/0977 relating to appearance, landscaping, layout and scale)	APP	06.12.2018
2018/2019/DOC	Discharge of conditions 7 (presence of gases) and 18 (landfill gases and leachate) of planning permission 2014/0977 granted 11th January 2018	APP	23.05.2019
2018/2317/DOC	Discharge of conditions 5 (A programme for the phasing of the development along with a phasing plan), 9 (The Environmental Management Plan) and 13 (Scheme and method statement for tree protection) of planning permission 2014/0977 granted 11th January 2018	APP	09.04.2019
2019/0219/DOC	Discharge of condition 8 (drainage) of planning permission 2014/0977 granted on appeal 11th January 2018	APP	12.06.2019

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Item 2 (Cont'd)		Application Number:	2020/2068/S73
2019/0220/DOC	Discharge of conditions 10 (confirmation from Natural Resources Wales that an application has been submitted for the definitive closure of site) and 11 (Construction Management Statement) of planning permission 2014/0977/FUL granted on appeal 11th January 2018	APP	10.06.2019
2019/0502/RES	Construction of 121 dwellings, open space and ancillary infrastructure, (details of appearance, landscaping, layout and scale of phase 2 development pursuant to outline application 2014/0977 granted 11th January 2018)	APP	12.12.2019
2019/1041/SCO	SCOPING OPINION for a new community hub and gym buildings	REC	
2019/1042/SCR	SCREENING OPINION for a new community hub and gym buildings	EIANR Q	05.07.2019
2019/1473/TPO	Removal of trees that are not suitable for retention, treatment of Japanese Knotweed, further survey work, preparation of groundwork and future development (TPO 654)	APP	08.08.2019
2019/1916/TPO	Removal of the areas identified in red on Plan 1 and 2 of self populated whips and trees covered by TPO 654	APP	24.09.2019
2019/2236/RES	Provision of open space and ancillary infrastructure within former quarry basin (details of access, appearance, landscaping, layout and scale pursuant to outline application 2014/0977 granted 11th January 2018)	APP	04.06.2020

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Item 2 (Cont'd)	Application Number:	2020/2068/S73	
2019/2309/FUL	Construction of community hub in connection with the wider development approved under application ref. 2014/0977 for the cessation of landfill and other operations for development of circa 300 dwellings, public open space, associated highway and ancillary work	APP	04.02.2020
2020/0149/DOC	Discharge of conditions 2 (landscaping), 4 (external works) and 5 (bat and bird boxes) of planning permission 2019/0502/RES granted 12th December 2019 to enable progression of superstructure and occupation of dwellings	APP	26.03.2020
2020/2068/S73	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highways and ancillary works (outline) (Variation of condition 2 of planning permission 2014/0977 granted 11th January 2018 to allow for the submission of reserved matters applications to be extended by a further 2 years to 11 Jan 2023)	PDE	
2020/2232/TPO	To lop 6 Oak trees and 1 Birch tree covered by TPO 654	APP	22.12.2020
2020/2419/RES	Construction of 13 dwellings and ancillary infrastructure (details of the appearance, landscaping, layout and scale pursuant to outline application 2014/0977 allowed on appeal on 11th January 2018)	PDE	

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Item 2 (Cont'd)	Application Number:	2020/2068/S73	
2020/2430/FUL	Two tandem parking spaces and additional landscaping	PCO	
2020/2559/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 3 (75 dwellings) and 4 (36 dwellings), open space and ancillary infrastructure	PCO	
2020/2588/RES	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwelling, public open space, associated highway and ancillary works (Details of appearance, landscaping, layout and scale pursuant to outline planning permission 2014/0977 granted on appeal 11th January 2018) for phases 5 (29 dwellings), open space and ancillary infrastructure	PCO	
2014/0977	Proposed cessation of landfill and other operations enabled by residential development circa 300 dwellings, public open space, associated highway and ancillary work (outline)	REF	15.06.2016
2003/0394	Siting of two detached portacabins and portable toilet block	WDN	11.11.2003

Background

This application is reported to Planning Committee as the original outline application was for circa 300 dwellings and was accompanied by an Environmental Statement.

Outline planning permission was granted on appeal by the Welsh Ministers in January 2018 under planning ref: 2014/0977 for the following development:

"Proposed Cessation of Landfill and other Operations Enabled by Residential Development Circa 300 Dwellings, Public Open Space, Associated Highway and Ancillary Works (Outline)"

The appeal was allowed subject to conditions and subject to a Section 106 Unilateral Undertaking requiring, amongst other matters, the following:

- Education contribution of £750,000 towards the cost of 3 new classrooms at Cwmrhydyceirw Primary School.
- School specific travel plan contribution of £30,000.
- Highway safety improvements on Maes Y Gwernen Road and Heol Maes Eglwys.
- The provision of 5% affordable housing comprising low cost home ownership units.
- The cessation of landfilling operations.

Housing on phases 1 and 2 have already been approved (2018/1873/RES and 2019/0502/RES respectively). In addition, a reserved matters application for the development of the quarry basin as an area of open space (Phase 6) has also been approved (2019/2236/RES).

Phase 1 is nearing completion and phase 2 has commenced. There are currently two further reserved matters application which are currently being considered for phases 3 & 4 (2020/2559/RES) and phase 5 (2020/2588/RES).

Site Location

The application site is the former Cwmrhydyceirw quarry which is currently being developed for housing by Edenstone Homes under the name of "Parc Ceirw". The site includes the quarry, an area of pasture land to the south of Brodorion Drive and Enfield Close (developed as phases 1&2), and a parcel of greenfield land that separates the quarry from properties on Maes Y Gwernen Road (developed as phase 2). The site is defined to the south by a railway line and the golf course.

Description of Development

This is a Section 73 application to extend the time period in which to submit reserved matters by a further two years.

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. T

Item 2 (Cont'd)

Application Number:

2020/2068/S73

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. The original planning permission will continue to subsist whatever the outcome of the application under section 73.

Planning Policy

Planning Policy Wales (10th Edition) 2018

Good Design Making Better Places

3.3 Good design is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surroundings area.

3.4 Design is an inclusive process, which can raise public aspirations, reinforce civic pride and create a sense of place and help shape its future. For those proposing new development, early engagement can help to secure public acceptance of new development. Meeting the objectives of good design should be the aim of all those involved in the development process and applied to all development proposals, at all scales.

Access and Inclusivity

3.5 Good design is inclusive design. Development proposals should place people at the heart of the design process, acknowledge diversity and difference, offer choice where a single design solution cannot accommodate all users, provide for flexibility in use and provide buildings and environments that are convenient and enjoyable to use for everyone.

3.6 Development proposals must address the issues of inclusivity and accessibility for all. This includes making provision to meet the needs of people with sensory, memory, learning and mobility impairments, older people and people with young children. There will often be wider benefits to be gained through the sensitive consideration of such provision, for example, whilst the presence of visual cues will be invaluable in assisting those with hearing loss to engage in a noisy environment, a navigable environment will benefit all. Good design can also encourage people to meet and interact with each other, helping to address issues surrounding loneliness. Good design must also involve the provision of measures that help to reduce the inequality of access to essential services, education and employment experienced by people without access to a car. Design measures and features should enable easy access to services by walking, cycling and public transport.

Environmental Sustainability

3.7 Good design promotes environmental sustainability and contributes to the achievement of the well-being goals.

Developments should seek to maximise energy efficiency and the efficient use of other resources (including land), maximise sustainable movement, minimise the use of non-renewable resources, encourage decarbonisation and prevent the generation of waste and pollution. An integrated and flexible approach to design, including early decisions regarding location, density, layout, built form, the choice of materials, the adaptability of buildings and site treatment will be an appropriate way of contributing to resilient development.

3.8 Good design can help to ensure high environmental quality. Landscape and green infrastructure considerations are an integral part of the design process. Integrating green infrastructure is not limited to focusing on landscape and ecology, rather, consideration should be given to all features of the natural environment and how these function together to contribute toward the quality of places. This embraces the principles of 'ecosystems services' and sustainable management of natural resources where multiple benefits solution become an integral part of good design. In a similar manner, addressing environmental risks can make a positive contribution to environmental protection and improvement, addressing land contamination, instability and flood risk and providing for biodiversity, climate protection, improved air quality, soundscape and water resources benefits.

Character

3.9 The special characteristics of an area should be central to the design of a development. The layout, form, scale and visual appearance of a proposed development and its relationship to its surroundings are important planning considerations. A clear rationale behind the design decisions made, based on site and context analysis, a strong vision, performance requirements and design principles, should be sought throughout the development process and expressed, when appropriate, in a design and access statement.

Community Safety

3.11 Local authorities are under a legal obligation to consider the need to prevent and reduce crime and disorder in all decisions that they take. Crime prevention and fear of crime are social considerations to which regard should be given in the preparation of development plans and taking planning decisions. The aim should be to produce safe environments that do not compromise on design quality in accordance with the cohesive communities well-being goal.

Movement

3.12 Good design is about avoiding the creation of car-based developments. It contributes to minimising the need to travel and reliance on the car, whilst maximising opportunities for people to make sustainable and healthy travel choices for their daily journeys. Achieving these objectives requires the selection of sites which can be made easily accessible by sustainable modes as well as incorporating appropriate, safe and sustainable links (including active travel networks) within and between developments using legal agreements where appropriate

Sustainable Transport

4.1.8 The Welsh Government is committed to reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport.

Delivering this objective will make an important contribution to decarbonisation, improving air quality, increasing physical activity, improving the health of the nation and realising the goals of the Well-being of Future Generations Act.

4.1.9 The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which:

- are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car;
- are designed in a way which integrates them with existing land uses and neighbourhoods; and
- make it possible for all short journeys within and beyond the development to be easily made by walking and cycling.

4.1.10 Development proposals must seek to maximise accessibility by walking, cycling and public transport, by prioritising the provision of appropriate on-site infrastructure and, where necessary, mitigating transport impacts through the provision of off-site measures, such as the development of active travel routes, bus priority infrastructure and financial support for public transport services.

4.1.11 It is Welsh Government policy to require the use of a sustainable transport hierarchy in relation to new development, which prioritises walking, cycling and public transport ahead of the private motor vehicles. The transport hierarchy recognises that Ultra Low Emission Vehicles also have an important role to play in the decarbonisation of transport, particularly in rural areas with limited public transport services.

4.1.12 The sustainable transport hierarchy should be used to reduce the need to travel, prevent car-dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.

4.1.13 The sustainable transport hierarchy must be a key principle in the preparation of development plans, including site allocations, and when considering and determining planning applications.

Car Parking

4.1.50 Car parking provision is a major influence on how people choose to travel and the pattern of development. Where and how cars are parked can in turn be a major factor in the quality of a place.

4.1.51 A design-led approach to the provision of car parking should be taken, which ensures an appropriate level of car parking is integrated in a way which does not dominate the development. Parking provision should be informed by the local context, including public transport accessibility, urban design principles and the objective of reducing reliance on the private car and supporting a modal shift to walking, cycling and public transport. Planning authorities must support schemes which keep parking levels down, especially off-street parking, when well designed. The needs of disabled people must be recognised and adequate parking provided for them.

4.1.52 Planning authorities must require good standards of car parking design, which do not allow vehicles to dominate the street or inconvenience people walking and cycling. Car parking should be overlooked by surrounding properties, to provide natural surveillance.

Sustainable Drainage Systems (SuDS) and Development

6.6.17 New developments of more than one dwelling or where the area covered by construction work equals or exceeds 100 square metres also require approval from the SuDS Approval Body (SAB) before construction can commence. Adoption and management arrangements, including a funding mechanism for maintenance of SuDS infrastructure and all drainage elements are to be agreed by the SAB as part of this approval. This will ensure that SuDS infrastructure is properly maintained and functions effectively for its design life.

6.6.18 The provision of SuDS must be considered as an integral part of the design of new development and considered at the earliest possible stage when formulating proposals for new development.¹⁴⁰ In guiding new development the planning system should at the very least ensure the incorporation of measures at an individual site scale, particularly in urban areas, in order to secure cumulative benefits over a wider area. A concerted effort of this nature will bring benefits over a whole catchment. At a development plan level, however, there will be considerable advantages associated with developing collaborative approaches which, drawing on evidence obtained through green infrastructure assessments, integrate SuDS as part of growth strategies for particular areas.

6.6.19 Development proposals should incorporate design for surface water management, based on principles which work with nature to facilitate the natural functioning of the water cycle, providing issues such as land contamination would not result in the mobilisation of contaminants which may have an impact over a wider area. Design for multiple benefits and green infrastructure should be secured wherever possible and as part of Green Infrastructure Assessments suitable approaches towards the provision of SuDS should be identified. It may, in some circumstances, be necessary for 'hard' infrastructure solutions to be preferred because of practical or archaeological considerations, but taking into account the role of water services in contributing to the quality of place, nature based solutions should be the preference.

Development in Sewered Areas

6.6.20 Development proposals in sewered areas must connect foul drainage to the main sewer, and it will be necessary for developers to demonstrate to planning authorities that their proposal site can connect to the nearest main sewer. To ensure consistency of design and facilitate long term maintenance, sewers should be built to Welsh Government standards and adopted. Lack of capacity or plans to improve capacity in the sewer is not a valid reason for a sewerage undertaker to refuse connection under Section 106 of the Water Industry Act 1991 and Natural Resources Wales may refuse to issue an environmental permit for private treatment in such circumstances. Developers need an adoption agreement in place before construction commences and should consult sewerage undertakers in the early stages of design and planning.

Development and Flood Risk

6.6.22 Climate change is likely to increase the risk of flooding as a result of sea-level rises, increased storminess and more intense rainfall. Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers. Surface water flooding will affect choice of location and the layout and design of schemes and these factors should be considered at an early stage in formulating development proposals.

Land Contamination

6.9.18 Planning authorities should take into account the nature, scale and extent of land contamination which may pose risks to health and the environment so as to ensure the site is capable of effective remediation and is suitable for its intended use. In doing so, development management decisions need to take into account:

- the potential hazard that contamination presents to the development itself, its occupants and the local environment; and
- the results of a specialist investigation and assessment by the developer to determine the contamination of the ground and to identify any remedial measures required to deal with any contamination.

Adopted Swansea Local Development Plan (2010-2025)

PS 2 Placemaking and Place Management - development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

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.

ER 8 Habitats and Species - Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where they meet specific criteria.

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. Development that could have an adverse effect on such networks and features will only be permitted where meet specific criteria are met.

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ER 11 Trees, Hedgerows and Development - Development that would adversely affect trees, woodlands and hedgerows of public amenity, natural/cultural heritage value, or that provide important ecosystem services will not normally be permitted. Ancient Woodland, Ancient Woodland Sites, Ancient and Veteran trees merit specific protection and development that would result in specified outcomes will not normally be permitted.

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

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

T 5 Design Principles for Transport Measures and Infrastructure - provides design criteria that the design of the new development, including supporting transport measures/infrastructure must adhere to.

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 adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate.

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

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

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. Water courses will be safeguarded through green corridors/riparian buffers. Development proposals that would have a significant adverse impact on biodiversity, fisheries, public access or water related recreation use of water resources, will not be permitted.

RP 5 Avoidance of Flood Risk - In order to avoid the risk of flooding, development will only be permitted in line with Policy principles.

RP6 Land Contamination - development proposals on land where there is a risk from actual or potential contamination or landfill gas will not be permitted unless it can be demonstrated that measures can be taken to satisfactorily overcome any significant risk to life, human health, property, controlled waters, or the natural and historic environment.

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Application Number:

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Supplementary Planning Guidance (SPG):

No supplementary planning guidance is considered to relevant to the consideration of this application.

Consultations:

Local Highway Authority:

"There are no highway objections to the extension of time to submit reserved matters".

Pollution Control:

"I have no comments to make".

Landscaping:

"No objection".

Ecology:

"I have no objection to extending the timeframe for the submission of the reserved matters.

However, the protected species and ecological surveys which supported the original application are now out of date, as per my comments re: 2019/2236/RES of 24/2/2020. Best practise guidelines state that surveys are only valid for 2 years.

Therefore, I advise that we require any future submission of reserve matters applications to be supported by up-to-date information in relation to the ecology of the site, likely impacts of the proposals, and details of any proposed mitigation and/or compensation (as appropriate)".

Housing:

"In response to the planning consultation relating to 2020/2068/S73, Cwmrhydyceirw Quarry Co Ltd, Western Terrace, I can confirm that Housing has no objection to the application to allow for the submission of reserved matters applications to be extended by a further 2 years subject to the affordable housing agreed under the current application being implemented".

Parks:

"At this point I have no further comment to make on the proposed development".

Education:

"As there is no change currently to the scheme and a S106 in place, education have no further comments to add provided the contributions secured within the S106 are delivered at the necessary trigger points".

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Natural Resources Wales:

"We have no objection to the proposed Variation of Condition 2; however, we wish to provide the following advice.

NRW note the submission of the following documents:

1. 'Edenstone Group - Cwmrhydyceirw Quarry, Cwmrhydyceirw, Swansea: Environmental Statement - Addendum', dated January 2021, by Geraint John Planning Ltd.
2. 'A summary update of the conclusions of Chapter 8 'Landfill Impact' of the Environmental Statement entitled 'Parc Ceirw, Cwmrhydyceirw, Morriston Proposed cessation of landfill and other operations enabled by residential development, public open space, associated highway and ancillary work. Environmental Statement: Main Document (Ref: EDE/CW/LBA/5657/01)', dated December 2020, by MJCA Limited.

Having, reviewed the above documents, we wish to make the following comments:

We note that Section 8.9 of the Environmental Statement Addendum; which, with respect to the landfill concludes: 'In summary, the conditions at the site with regards to landfill are considered to be stable and consistent with the conclusions and recommendations set out within the previously submitted Environmental Statement. Accordingly, the recommendations/conclusions of the ES remain appropriate and will continue to be implemented and monitored as detailed previously.'

We also note that the recommendations of the previously submitted Environmental Statement, which are provided in the Environmental Statement Addendum, and further summarised in the Summary Update (Document 2 above) should be continued to be applied, as these deal with the management of the landfill, including landfill gas, leachate and groundwater.

Therefore, as long as the landfill or its management (including structural integrity, gas, leachate, surface water, and groundwater) is not impacted by the development, and the landfill is managed in such a way to prevent harm or nuisance to the development and its residents, we would not object to the proposed variation of Condition 2, to allow more time for the development.

We also consider it prudent to again highlight to your Authority that the landfill has not entered definitive closure. In addition, we also wish to reiterate the point (made in previous responses) that whilst the risk of landfill gas migration is low, you Authority may wish to consider whether the buildings should be designed to limit any such risk.

In addition, we also wish to take the opportunity to repeat our previous comments, that the development phases must not interfere with, or prevent, the management and control of the former landfill's structural integrity, landfill leachate, landfill gas, and underlying groundwater. The approved management controls will be specified when the landfill site enters definitive closure.

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The management of the landfill site during its closure and aftercare is dealt with through the Environmental Permit. This sets our requirements for the management of leachate and groundwater and also the monitoring required to demonstrate that pollution is not occurring.

While the permitting regime will provide a level of environmental and human health protection/control, the EPR permitting regime in of itself, only provides protection when an operator is in existence. The risks and limitations of the EPR regime have previously been brought to your Authority's attention through NRW's consultation responses to the original application.

Finally, in relation to ecology and protected species we note the conclusions made in Chapter 7 of the Environmental Statement Addendum and the submission of the report titled; 'Parc Ceirw, Morriston, Swansea: Ecology Update Note: Phases 3-6 (Report Ref: 4664_r011a)', by EDP (undated).

We note that the report provides the details of the updated baseline investigations which were carried out during October 2020. We recommend that you should discuss the proposed variation of condition 2 with your Authority's Planning Ecologist to ensure that they are satisfied it will not impact upon any features or protected species.

In addition, we would also remind your Authority that the findings of any ecological and species surveys will remain valid for a period of 2 years from the date they were carried out. Should any phases of development have not commenced until after the 2 years has elapsed, then you should discuss the need for updated surveys, with your Authority's Nature Conservation team".

Network Rail:

"Network Rail have no objection to the variation of condition 2".

Welsh Government:

In accordance with Regulation 19 (Further information and evidence respecting environmental statements) of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, Welsh Government were notified of the submission of further information in relation to the Environmental Statement. No response has been received from Welsh Government.

Neighbour comments:

The application was advertised by site notices and by a press notice. No responses were received to the public consultation.

APPRAISAL

Main Issues

Section 73 of the 1990 Act provides that an application may be made for planning permission without complying with conditions applied to a previous permission.

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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.

The previous planning application was considered against Unitary Development Plan Policies whereas the current proposal will be considered against the Policies within the adopted Swansea Local Development Plan (LDP). In this respect, while not specifically allocated for housing within the LDP, the entire application site is white land within the urban area.

The planning permission is still extant, and clearly works have commenced on site. The principle of the cessation of landfilling operations and the development of the site for housing has now been established and does not conflict with LDP Policies. Therefore, the main issue for consideration is whether the requested extension of time to submit reserved matters would conflict with LDP Policies and whether there are any other material planning considerations that are relevant to the consideration of this application. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Discussion

When the application was originally considered it was accompanied by an Environmental Statement which covered issues principally in relation to the impacts of the former landfilling operations on the future housing and the impacts of the development upon ecology. During the consideration of the application the LPA worked closely with NRW, Council's Pollution Control Division and the Council's Ecologist to ensure that a satisfactory level of information was provided in order to fully assess the impacts of the development.

In relation to this application, upon request, the applicant has provided a "Addendum" to the Environmental Statement which provides a review and update of the matters considered within the original document.

In respect of ecological matters the key issues, when originally considered, were the impacts in relation to the designation of part of the site as a Site of Importance for Nature Conservation and the potential impacts upon any protected species at the site including bats, breeding birds (including Peregrine Falcon), and reptiles. A range of mitigation measures were proposed to address the potential impacts of the development upon the ecology of the area and these were formalised through the submission of an Environmental Management Plan (EMP) that was secured by a condition. The EMP has now been approved and the reserved matters phases are being assessed in relation to the requirements set out within the EMP. Moreover, the developer has, where necessary, provided ecological updates for the subsequent applications, including this application.

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In relation specifically to ecological matters, NRW and the Council's planning ecologist have offered no objection to this application. The Council's landscape officer has also not objected to the proposal. Clearly, as with all the reserved matters that have been submitted to date, it will be necessary for any further reserved matters applications to include up to date ecological information in order to fully assess the impacts of the proposals in this respect. However, on the basis of the information provided to date, it is not considered that the proposed extension of time to submit the reserved matters would result in any significant harmful ecological impacts. On this basis the proposal would not conflict with LDP Polices ER6, ER8, ER9 and ER11.

Through the passage of time since the appeal was allowed further operations have taken place on site in order to address the legacy of the former landfilling operations at the site. These works are ongoing and, for the most part, are covered by the environmental permitting regime administered by NRW. Any necessary mitigation measures in respect of addressing the potential impacts of landfill gas on the future occupiers, and impacts arising from leachate associated with the former landfill area and groundwater impacts were also dealt with through conditions within the outline planning permission. The LPA continues to discuss these matters with the developer as the development progresses. The landfill has now been capped, soil placement and final restoration of the capped area commenced in Spring 2020, but has been temporary suspended and is anticipated to re-commence in Spring 2021. Landfill gas at the site continues to be monitored through a series of boreholes and these will inform any necessary gas protection measures for the dwellings in future phases. The Addendum to the Environmental Statement reports that the results of the gas monitoring undertaken at the site between December 2013 and October 2020 are consistent with the conclusions presented in Environmental Statement that accompanied the outline planning application. The waste in the former landfill area is producing small quantities of landfill gas and the risk of gas migrating laterally from the former landfill area towards buildings or structures round the quarry including the newly consented built development is negligible.

NRW and the Council's Pollution Control Division have offered no objection to the proposal. NRW have pointed out that the development must be designed, implemented and managed in such a way that prevents harm or nuisance to the development and its residents. These requirements are secured through the conditions on the permission, the associated Section 106 Unilateral Undertaking, and through the permitting conditions. Should planning permission be granted for this Section 73 amendment, the conditions of the original permission and the terms of the S106 Unilateral Undertaking would be re-imposed and/or varied, where necessary, to take account of the changes to the scheme and the submission of further information since the original planning permission was granted on appeal. On this basis it is not considered that the proposed development would result in any unacceptable land contamination or landfill gas impacts and would therefore not conflict with LDP Policy RP4 or RP6.

In relation to Highway safety and drainage, matters relating to these aspects of the scheme were fully considered at the outline stage with the relevant and necessary conditions and requirements being attached to the appeal decision and Section 106 Unilateral Undertaking. These matters are also being considered further at the reserved matters stages. On this basis it is considered the proposal would not conflict with LDP Polices RP4, RP5, T1, T5 and T6.

At the appeal for the outline planning permission was granted on the basis that the development would provide 5% affordable housing provision on site as low cost home ownership.

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This was included within the S106 Unilateral Undertaking and the developer provided a viability assessment with the first reserved matters application which demonstrated that the development could not sustain any greater S106 contributions. The applicant has submitted a further viability appraisal with this application that compares the current position with the benchmark figures provided in the previous viability assessment. The updated assessment highlights that the current residual land value is lower now than in previous assessments. In light of the findings of previous viability appraisals on the site, and particularly having regard to the high abnormal cost on the site and the current uncertain economic climate in light of the pandemic, the conclusions of the viability assessment are considered to be valid and it is accepted that the S106 developer contributions and affordable housing should remain at the levels granted on appeal, subject to appropriate levels of indexation.

It should also be noted that the Council's Housing, Education and Parks departments have offered no objections to this application. Network Rail have also not objected to this application.

Other Matters

Under LDP Policies new residential developments of 100 homes or more require the provision of an energy assessment under Policy EU2 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. This requirement was not included within the original outline consent and it is considered it would not now be reasonable to require such an assessment in light of the fact that three phases covering a significant portion of the site have already been granted reserved matters approval and a further two reserved matters application for the remaining phases are currently under consideration with the LPA and will be reported to the Planning Committee in due course.

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 are necessary to ensure adequate education provision, the provision of affordable housing (low cost home ownership), ensure highway safety and the cessation of the landfilling operation);
- 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 the aforementioned contributions for the development of this site).

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Conclusion

This is a Section 73 application to extend the time period in which to submit reserved matters for a further two years. The LDP has been adopted since the original outline application was granted, after reviewing the further environmental information and viability information provided by the applicant, it is not considered that the proposed time extension would fundamentally conflict with LDP Policies. There are considered to be no other material planning considerations that would weigh against the approval of this application.

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

Recommendation

Approve, subject to the conditions indicated below and the modification of the Section 106 Unilateral Undertaking or the signing of a new Section 106 agreement to secure the obligations within the original Section 106 Unilateral Undertaking, subject to any necessary modifications having regard to any information already provided by the applicant.

If the section 106 agreement is not signed within 3 months of the date of the Committee resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the basis that the proposal would fail to accord with LDP Policies H3 (On-site Affordable Housing), SI6 (Provision of New Openspace) and T1 (Transport Measures and Infrastructure).

- 1 Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
Reason: The application, in outline form, does not give sufficient detail for consideration of these matters at this time.
- 2 Any application for approval of the reserved matters shall be made to the Local Planning Authority not later than two years from the date of this permission.
Reason: Required to be imposed pursuant to Section 92 (2) of the Town and Country Planning Act 1990.
- 3 The development (in relation to access) shall be carried out in accordance with the following approved plans and documents: PA01 - Site Boundary, W131130/A/10 Rev A..
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.

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- 4 The development shall be carried out in accordance with the phasing programme approved under discharge of condition application 2018/2317/DOC.
Reason: To ensure the timely delivery of development and supporting infrastructure in the interests of good planning.
- 5 Notwithstanding the details indicated in the application, all reserved matters applications shall be accompanied by details of existing and proposed levels for the development. Development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory form of development in the interests of visual amenity and residential amenity.
- 6 The scheme to investigate and monitor the site for the presence of gases (including landfill gases, vapours from contaminated land sites, and naturally occurring methane and carbon dioxide) being shall be implemented in accordance with the details approved under discharge of condition application 2018/2019/DOC.

In the event that gases are being generated within the site outside of the development areas for phases 1 and 2, the proposed details of appropriate gas protection measures to ensure the safe and inoffensive dispersal or management of gases and to prevent lateral migration of gases into or from land surrounding the application site shall be submitted to and approved in writing by the local planning authority.

All required gas protection measures shall be implemented as approved and appropriately verified before occupation of any part of the development which has been permitted and the approved protection measures shall be retained until such time as the local planning authority agrees in writing that the measures are no longer required. A copy of the verification certificate should be submitted to the local planning authority prior to the first beneficial use of the development hereby permitted.

Reason: In the interests of protecting human health and property within the development.

- 7 The strategic site wide foul, surface and land drainage strategy, based on sustainable drainage principles, shall be implemented in accordance with the details approved under discharge of condition application 2019/0219/DOC or alternatively in accordance with phased drainage operations to be agreed in writing by the Local Planning Authority.
Reason: To prevent hydraulic overloading of the public sewerage system and pollution of the water environment.
- 8 The development shall at all times be implemented in accordance with the approved details and timescales set out within the Environmental Management Plan approved under discharge of condition application 2018/2317/DOC.
Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to ecology, pollution, contamination, water resources.
- 9 The application submitted to Natural Resources Wales for the definitive closure of the landfill site made under application reference PAN-004085 (Permit reference: EPR/TP3835LV) shall not be withdrawn without first notifying the local planning authority in writing.
Reason: To ensure the site is definitively closed in the interests of the health and safety of the future occupiers of the development.

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- 10 The development shall at all times be implemented in accordance with the Construction Method Statement and accompanying details approved under discharge of condition application 2019/0220/DOC.
Reason: To ensure the site is developed in a sensitive manner that respects the surrounding environment with regards to environmental pollution, contamination, and highway safety.
- 11 Any further details of the reserved matters set out in condition 1 shall be accompanied by an arboricultural impact assessment, a tree protection scheme and method statement, which shall include trees to be retained ("Retained Trees") and shall address the impacts raised in the arboricultural impact assessment. No development or other operations shall take place other than in complete accordance with the approved tree protection scheme which shall be retained for the duration of the construction works within that phase.
Reason: In the interests of protecting trees of value within and around the site.
- 12 Prior to first occupation of any dwelling within the Environmental Permit boundary (as defined on Plan No. EDE/CW/06-14/17856 (Figure 8.2 of the Environmental Statement) a scheme to restrict public access to essential infrastructure comprising gas monitoring equipment, gas venting equipment and lagoon pumping equipment, shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out and thereafter retained in accordance with the approved details and timescales.
Reason: To ensure essential gas monitoring and groundwater pumping infrastructure is adequately protected from vandalism or accidental damage.
- 13 No Retained Trees as shown on any landscaping scheme approved as part of the reserved matters application, shall be cut down, uprooted, destroyed, pruned, cut or damaged during the construction phase other than in accordance with the approved detailed plans and particulars, without the prior written approval of the Local Planning Authority. If any Retained Trees are cut down, uprooted, destroyed or die during the construction phase a replacement tree shall be planted at a similar location and that tree shall be of a size and species as specified in writing by the Local Planning Authority.
Reason: To ensure any Retained Trees that are removed are replaced in a satisfactory manner.
- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first beneficial occupation of the building(s) or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of maintaining a suitable scheme of landscaping to protect the visual amenity of the area, to maintain the special qualities of the landscape and habitats through the protection, creation and enhancement of links between sites and their protection for amenity, landscape and biodiversity value.
- 15 Prior to the commencement of construction of any unit sited within 30 metres of the Llangyfelach Railway Tunnel (to the south) details of the construction method for the dwellings shall be submitted to and approved in writing by the local planning authority. Works shall be carried out in accordance with the approved construction method.
Reason: To ensure the development would not pose a risk to the stability of the railway tunnel, in the interests of health and safety.

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- 16 The measures for the control, management and monitoring of landfill gas and leachate generated in the existing landfill site shall be carried out in accordance with the detail approved under discharge of condition application 2018/2019/DOC.
Reason: In the interests of protecting human health, ground water, and property within the development, and to protect the railway tunnel from leachate and landfill gas.

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: PS2, ER6, ER8, ER9, ER11, T1, T5, T6, EU4, RP4, RP5, RP6.
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Item 3

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2020/2544/FUL

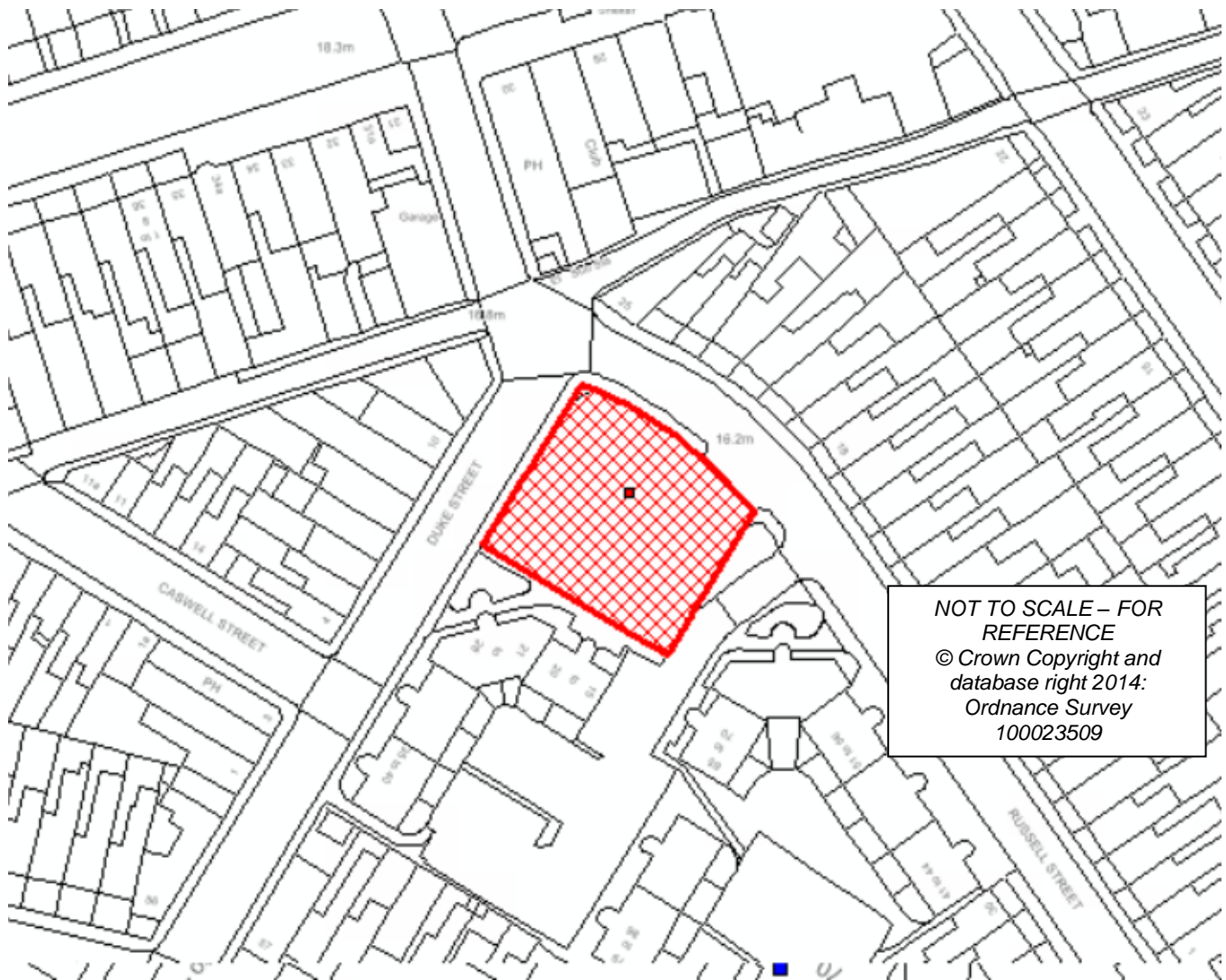
Ward:

Castle - Bay Area

Location: Site Of Former Russell House , 31 Russell Street, Swansea, SA1 4HR

Proposal: Construction of 21 residential apartments in 1 no. five storey block with access, parking and associated works

Applicant: Pobl Group



Background Information

Policies

LDP - T1 - Transport Measures and Infrastructure

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

LDP - PS1 - Sustainable Places

Sustainable Places - the delivery of new homes, jobs, infrastructure and community facilities must comply with the plan's sustainable settlement strategy which; directs development to the most sustainable locations within defined settlement boundaries of the urban area and Key villages; requires compliance with Sustainable Housing Strategy (PS 3) and Sustainable Employment Strategy (PS 4); safeguards Green Wedges; and resists development in the open Countryside.

LDP - PS2 - Placemaking and Place Management

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

LDP - RP2 - Noise Pollution

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

LDP - RP3 - Air and Light Pollution

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

LDP - ER2 - Strategic Green Infrastructure Network

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

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LDP - RP4 - Water Pollution and the Protection of Water Resources

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

LDP - RP10 - Sustainable Waste Management for New Development

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.

LDP - SI1 - Health and Wellbeing

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

LDP - ER9 - Ecological Networks and Features of Importance for Biodiversity

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

LDP - T2 - Active Travel

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

LDP - T6 - Parking

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

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

LDP - EU4 - Public Utilities and New Development

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

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

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LDP - PS3 -Sustainable Housing Strategy

Sustainable Housing Strategy - the Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

Site History

App Number	Proposal	Status	Decision Date
2019/2062/S73	Demolition of existing office building and replacement with 18 no. flats with associated parking and works, amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall (variation of Condition 1 of planning permission 2014/1334 granted 18th December 2014 to extend the period of time in which to commence works by a further 5 years)	APP	24.10.2019
2020/2544/FUL	Construction of 21 residential apartments in 1 no. five storey block with access, parking and associated works	PDE	
2014/1512/DOC	Discharge of condition 11 of planning permission 2014/0800 dated 28th August, 2014	NOBJ	29.04.2016

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2014/1334	Demolition of existing office building and replacement with 18 no. flats with associated parking and works, amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall	APP	18.12.2014
2014/0804	Demolition of building (application for the Prior Notification of Proposed Demolition)	PGRA NT	24.06.2014
2014/0800	Variation of conditions 6, 12 and 13 of planning permission 2011/1310 dated 26th February, 2012 to allow for demolition of the building to commence.	APP	20.08.2014
2011/1310	Demolition of existing office building and replacement with 18 no. flats with associated parking and works	APP	29.02.2012

Procedural

This application is reported to Planning Committee as it is a Major Development and meets the threshold set out in the Council's Constitution.

Introduction

The proposed development is for the construction of 21 residential apartments in 1 five storey block with access, parking and associated works. All of the 21 flats are proposed to be 'affordable housing' managed by Pobl Group.

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Background Planning History

2011/1310	Demolition of existing office building and replacement with 18 no. flats with associated parking and works Approved 29/02/2012
2014/0800	Variations of conditions 6, 12 and 13 of planning permission 2011/1310 dated 26/02/12 to allow for the demolition of the building to commence. Approved 20/08/2014
2014/0804	Demolition of building (application for the Prior Notification of Proposed Demolition. Prior Approval Granted 24/06/2014
2014/1334	Demolition of existing office building and replacement with 18 no. flats with associated parking and works, amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall. Approved 18/12/2014
2014/1512/DOC	Discharge of condition 11 of planning permission 2014/0800. No objection 29/04/2016
2019/2062/S73	Demolition of existing office building and replacement with 18 no. flats with associated parking and works, amendment to planning permission 2011/1310 granted 29/02/2012 involving alternative treatment to the rear gallery access balustrading, individual apartment treatments to the rear gallery access balustrading, individual apartment entry doors, stair enclosure and the car park perimeter wall (variation of Condition 1 of planning permission 2014/1334 granted 18th December 2014 to extend the period of time in which to commence works by a further 5 years). Approved 24th October 2019

Application Site and Surroundings

The application site was previously occupied by a substantial 3 storey (plus basement) vacant office building with a car park to the rear of the building, that dated from the 1960s with brick end walls and glass curtain walling to the front and rear. The building had a flat roof punctuated with a full storey lift over-run and plant room. The building has subsequently been demolished and the site has been cleared ready for re-development under planning permission 2011/1310, amended application 2014/1334 and the latest permission to extend the period of time to commence development ref: 2019/2062/S73 granted 24th October 2019.

The application site is located at the junction of Russell Street and Duke Street, approximately 55m south of Walter Road, which contains a mixture of terraced 3-4 storey developments comprising shops, offices, bars and residential accommodation. The site is located approximately 150m north of St Helens Road; a mixture of shops, bars, restaurants and offices within two, three and four storey buildings.

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The existing site is effectively an 'island' with 2 frontages (north & east) facing the public highways, the south elevation adjacent to the vehicular access to Brunswick court, and the rear (west) facing the pedestrian route running adjacent to the rear boundary wall of the car park which separates the site from the adjacent flats at Brunswick Court.

Opposite the site (to the east) on Russell Street, is a terrace of traditional 2 storey houses (the majority of which have a 2nd floor within the roof space). To the south & west are 3 and 4 storey buildings at Brunswick Court, which are in use as flats. To the north is the roadway leading to Walter Road.

The surrounding area is characterised by high density residential dwellings ranging from 2-3 storey traditional terraced houses and 3-4 storey blocks of flats, along with a number of local shops, a dentist surgery, a doctor surgery, pubs and offices nearby. The site itself (along with the site of the existing Brunswick Court flats) was formally occupied as a timber yard & saw mill in the late 19th and early 20th centuries, and then in the mid-late 20th century as a bus depot. The office building that previously occupied the site was constructed in the 1960's and the adjacent Brunswick Court was constructed in the 1990's.

The proximity of application site to both St Helens Road and Walter Road, is also within walking distance of local amenities and the City Centre, and also provides sustainable transport links to the City Centre, the bus station and the Train Station, for local and national rail travel, including Carmarthen to the west and Cardiff and London to the east. A regular bus route served by the First Bus Company also runs along both St Helens Road and Walter Road and there are good cycle linkages in the vicinity of the site.

The site is cleared brownfield land following the demolition of Russell House. There is a change of levels within the site and due to the topography of the site the ground floor is in part lower than the ground level of the adjoining streets (the previous office building accommodated a basement floor). This edge of centre location provides an opportunity to revitalise the site, and bring activity and vitality to the streetscene whilst providing good quality housing in a highly sustainable location.

Response to Consultations

Public Response- The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through a press notice for a major application and the display of a notice at the site dated 4th January 2021 and neighbour consultation letters. **THREE LETTERS OF OBJECTION** to original consultation received which are summarised as follows:

1. 5 Storey is simply too big for the area.
2. The flats already at neighbouring Brunswick Court are already falling into disrepair.
3. The buildings surrounding this proposed block will be dwarfed by this imposing series of flats.
4. The design does not in anyway match the general aesthetic of the area
5. Not enough parking for these flats in an already densely populated area.
6. Our objections to the proposal in 2011 are still relevant today and the height is still an issue.

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7. The height is out of proportion to the terraces surrounding it and to the flats in Brunswick Court.
8. Inadequate parking provision, the provision in the 2011 application was inadequate and the new proposal is even worse.
9. The number of residential units has been increased and the plans do not even allow one parking space per unit.
10. We experience a daily battle to secure a parking place near our homes.
11. 21 flats means even more parking problems.

Second site notice dated 11th February 2021 (4 notices posted around the site) - Amended Elevations. **ONE ADDITIONAL OBJECTION LETTER** received summarised as follows:

1. I live opposite the proposed development and am very concerned about the size of the building.
2. It is higher than the office block that was on the site.
3. It will tower over the surrounding houses and my house will be in shadow.
4. It will change the look of the area
5. I objected to the 2011 application because of the height of the building and the lack of parking.
6. I have the same objections to this new application.
7. This new application has increased the number of flats from 18 to 21 which will make the parking situation even more difficult.

PAC

Additionally, the proposed development was subject to a Pre-application Consultation. The submitted PAC report has outlined the pre-application consultations undertaken.

Comments from other consultees were as follows:

Head of Environmental Management (Pollution Control):-

No objection - Please add conditions in respect of Land Contamination and Informatives are recommended in respect of construction noise, smoke/burning of materials, dust control, lighting.

Site Characterisation

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

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

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

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The reports shall be submitted individually.

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

Phase 1 report: Desk Top Study

this shall:

- o Provide information as to site history, setting, current and proposed use.
- o Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- o Identify if further investigation or remediation is required.
- o In the event that the Local Planning Authority is then of the opinion that further investigation/ information is required the applicant shall submit a detailed site investigation [Phase 2] report to the Local Planning Authority, viz:

Phase 2: Detailed Investigation

this shall:

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

Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

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

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

Phase 3: Remediation Strategy Options Appraisal

this shall:

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

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

Imported Soils

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 material 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.

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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 with in writing by the LPA.

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

Imported Aggregates

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 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 with in writing by the LPA.

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

Verification/Validation of Remediation Works

Prior to the occupation of any residential unit a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include the 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 include any plan [a "long term monitoring and maintenance plan"] for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

Unforeseen Contamination

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

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

Council's Drainage Engineer:-

The development proposal has been identified as requiring SuDS Approval Body consent irrespective of any other permissions given under Schedule 3, Flood and Water Management Act 2010.

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Additional Drainage Strategy & Design Statement, Drainage Calculations, Soakaway Testing and Draintech Report - 23rd December 2020.

Conceptual drawings of your proposals must be provided. Drawings need to identify the areas where and what proposed SuDs features will be implemented.

The Council's Waste & Recycling Officer Comments:-

The plans are satisfactory in terms of the capacity allowed for wheel bins. The Caretaker/Management will be responsible for placing the bins out for collection at the roadside.

Highway Authority:-

2020/2544/FUL | Construction of 21 residential apartments in 1 no. five storey block with access, parking and associated works | Site Of Former Russell House 31 Russell Street Swansea SA1 4HR

The scheme was preceded by a pre-app reference 2020/1705/PRE and a PAC was submitted to the Highway Authority which was received by Highways DC on 1/12/20 and responded to on 10/12/20 following discussions with Asbri Planning.

Most of the extensive comments made during both those processes have been actioned.

Amended plans have been received on 8th February (swept paths and revised front elevation) and also on 11th February (details confirming extent and overhang of proposed cladding), confirming that the footway is being encroached, albeit at a high level.

ul Background:

The principle of residential use at the site has been established under 2011/1310 and 2014/1334 and 2019/2062/s73 for 18 flats over four floors (not 21 as the design and access statement references)

The site is currently empty and surrounded by hoardings.

Proposals

The development proposals are for 21 apartments and associated works.

A parking layout has been submitted showing 17 parking spaces to serve the 21 flats. The parking provision therefore falls below one space per flat. Even in sustainable locations such as this, the parking levels should not drop below one per flat. The parking levels are considered to be unacceptable notwithstanding that the site is located in a sustainable location with access to local amenities with access to and any overspill onto the surrounding streets is likely to have a detrimental impact on highway safety due to an increase in indiscriminate parking.

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Access:

The proposed form of vehicular access is to be located directly off Russell Street via a simple priority junction.

With regard to the access it should be demonstrated that adequate junction visibility can be provided, Visibility splays will need to be in line with those set out in Manual for Streets and be commensurate with the road speed limits. The splays as submitted would not be achievable given the on street parking that takes place on Russell Street. Notwithstanding that, it is noted that the access is existing and was previously used in connection with the commercial use, and it is also the access as shown on the previously consented scheme. On that basis the access at that location is accepted.

The existing access is wider than that proposed so some reinstatement will be required, plus there is another redundant access on the junction of Russell Street with Duke Street that needs reinstating in the interest of passing pedestrians. A Section 278 will be required to be entered into with the Highways Authority to undertake those works. Given that the substructure works are taking place on the highway boundary it will be a requirement to resurface the footways on both the Duke Street and Russell Street boundaries. The construction process will involve excavating the building foundations on the highway boundary, there will therefore be an implication on the integrity and condition of the footway.

Internal layout:

It appears that the ramp is 4.7m width and the parking spaces are to the correct size albeit that I have already commented that the parking levels are below standard.

The disabled spaces have been amended and are now drawn to standard with a 1.2m hatched strip on three of the four sides, making them Equalities Act and CCS standard compliant.

The ramp gradient indicated at 1:12 to 1:20 is acceptable.

Swept paths have now been submitted (8TH February) to show that cars can turn within the site, enter the parking spaces and access/egress in a forward gear, albeit that the tracks are very tight and on the boundary of other car parking spaces/structural elements in some instances. Speeds will be slow and as such it is not considered that given the movements are internal, and off the highway, then they are unacceptable.

It was noted that the proposed cladding appeared to overhang the highway but the exact details were unclear. A sketch has been received (11/2/21) prepared by the architect BBA showing an overhang of 175mm of the cladding over the adjacent adopted footway. A permanent oversail licence will therefore be required to indemnify the Council against any failure of the overhanging element of the structure.

Car Parking:

Car Parking has been advised to be provided in accordance with the adopted supplementary planning guidance. The parking requirements are clearly set out in the SPG at one per bedroom, not dropping below one per unit. 17 spaces for 21 units does not meet the SPG.

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However following full consideration of the scheme and the parking shortfall in context of a sustainably located site, the section 106 contribution, and the inclusion of cycle storage then it is not considered that refusal of the scheme solely on highway grounds could be supported in an appeal situation, despite concerns. On that basis and in this instance, the Highway Authority will not object.

Cycle parking

The cycle storage is located in two places, one at the rear of the blue badge parking spaces (the hatching should allow for some usable access), and secondly accessed off the ramp that leads off Russell Street. Whilst neither are particularly conveniently located there are no significant highway safety issues arising.

Waste storage

Previously advice was given regarding the size of the bin store being unrealistically small. CCS Waste management has now been consulted for their comments on this planning application. Subject to their acceptance of the proposals then I do not consider that any highway safety issue will arise from the storage/collection of waste.

Section 106 Contributions to Local Improvements:

Given the shortfall in parking and much being made with regard to the sustainable nature of the site and access to local amenities then the scheme has been assessed with regard to the criteria for requesting Section 106 contributions to enhance non car modes of transport. Under LDP policy T6 there is justification for a request for £15,000 to put towards the delivery of a designated cycle track on Walter Road which will act as an Active Travel Route. £15,000 is well within the within the limits that could be sought. It therefore is considered to be a reasonable and directly relatable request to enhance sustainable transport.

Conclusion

Whilst the scheme does not fully deliver car parking in accordance with the car parking SPG it is considered that that alone is not sufficient to justify a refusal that could be sustained at an appeal situation. In addition the precedent has already been set for residential at the site for 18 units. It is also noted that the applicant (Pobl) usually utilizes less car parking spaces than standard residential. Although there are no formal additional reductions arising over and above the sustainability calculation which has already been undertaken, resulting in the need for 21 spaces.

The cladding overhang will require a separate oversail licence from the Highway Authority and that can be secured by condition.

Recommendations

On balance the scheme is not considered to give rise to any significant highway safety concerns.

I recommend that no highway objections are raised to the proposed development subject to;

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1. The applicant entering into a Section 278 agreement with the Highways Authority to reinstate the existing drop kerbs where appropriate, (partially on the site access, and at the junction of Duke Street with Russell Street) and also to resurface the footways on the site boundaries of Duke Street and Russell Street. The works to be completed prior to beneficial occupation of any of the development.
2. No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during demolition and construction; and
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works.

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

3. Under policy T6, the developer entering into a Section 106 Agreement with the LPA to provide a sum of £15,000 as a contribution towards a dedicated cycle route on Walters Road as part of an Active Travel Route.
4. I recommend therefore that if consent is granted, that the applicant be required to submit a Travel Plan for approval within 12 months of consent and that the Travel Plan be implemented prior to the beneficial use of the building commencing.
5. The Developer must contact the Highway Management Group, City and County of Swansea, Guildhall, Swansea, SA1 4PE before carrying out any work, to obtain the necessary oversail licence under Section 177 of the Highways Act.

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

The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, Swansea SA1 4PE before carrying out any work . Please email networkmanagement@swansea.gov.uk with regard to the Section 278 and also with regard to the oversail licence.

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Placemaking and Heritage Team:-

Previous planning permission 2011/1310 was granted for 18no. affordable flats in a 4 storey block with basement and a subsequent application 2014/1334 was approved for amendments to this consent.

The following advice is provided on the compliance with the design and placemaking policies of the LDP, specifically policy PS 2 (Placemaking) and the Residential Design Guide SPG which is underpinned by the proactive placemaking planning approach.

Comments:

The application site forms a prominent corner plot with elevations fronting onto Russell Street and Duke Street. Whilst located outside the city centre, the site occupies a sustainable location and the principle for residential development has previously been established. There is scope to revitalise the site, and bring activity and vitality to the streetscene whilst providing good quality affordable homes in a sustainable location.

The site fronts onto Russell Street and includes the main entrance to the building and a good level of engagement with the streetscene. The main entrance to the building could be better articulated, a slight recess maybe? Additional access to the building is achieved directly off the rear parking area. However the relationship with Duke Street is very poor presenting a substantial length of blank wall interrupted only by a bin store door and high level window serving this. There is a complete lack of active frontage and this element needs further consideration. Can the bin store be relocated and ground floor residential accommodation extend to this frontage to provide 'eyes on the street'? Additionally, refinements are required to the upper floors, with either additional windows added to this elevation and/or the proposed window serving the living room elongated? (The same approach should be taken to the side elevation fronting Brunswick Court). Is the 2m(?) boundary wall required for the entire Duke Street elevation?

In terms of the scale and massing of the proposal, comparison elevation drawings have been provided that demonstrate that the overall height difference between the proposal and previously approved scheme is marginal. Most notably the approved scheme comprised an 'L' shaped building which turned the corner stepping down from 4 storeys fronting Russell Street to 3 storeys fronting Duke Street. The proposal is now made up of a single 5 storey block fronting Russell Street. Whilst it would be preferential to explore reconfiguring the building to break it into smaller components, the schemes viability makes this very difficult. However, in order for a single, 5 storey block to be supported some refinements will need to be made in terms of fenestration/elevational detailing.

The fenestration treatment needs refinement with the front elevation displaying a lack of alignment and clumsy appearance, especially the relationship between ground floor and floors above, which lacks any uniformity. Additionally, refinement to the roof level fenestration is required. The fenestration lacks rhythm which the previous scheme successfully incorporated to conform with the repetitive patterns of the terraces windows in the surrounding vicinity.

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The approved scheme included generous full height windows along with oriel windows to the front elevation which provided depth and visual interest. This detail has been replaced with the addition of some elements of projection including Juliette balconies, an approach which is welcomed however not all flats benefit from a Juliette balcony and a significant proportion of the windows are now much smaller and have lost the more elegant vertical proportions. Is there a reason why the projecting features including Juliette balconies have not been replicated for all flats? Broadly speaking, all flats should have access to private amenity space, and balconies should be incorporated - is this possible?, or at the very least each flat should have a Juliette balcony. Amendments are required to address this.

In addition, the smaller, boxy windows should be elongated to provide full height windows, enhancing the vertical proportions to this prominent elevation. This would be mutually beneficial in terms of visual appearance and also in terms of amenity. Significantly, the building is orientated in a northwards direction and a large number of the proposed flats are single aspect (previously approved scheme included dual aspect flats), and therefore all window openings should be as generous as possible to ensure the receipt of sufficient natural light.

Certain elements from the following two schemes (images taken from google) should be considered i) the Former Pantycelin Hotel, Oystermouth Road which effectively breaks up the massing of the block by including full height set-backs/projections over first-third floors which assists in splitting the massing into several vertical components. Juliette balconies and generous vertical windows are also included; and ii) the Leonard Charles redevelopment which incorporates full height glazing and elements of projection, again which help to break up the massing of the block.

In terms of materiality, the proposal broadly follows the contemporary material palette previously used, albeit is an alternative arrangement. The use of brick is welcomed, although the brick element should be lowered to ground floor only to be read as a single storey plinth which anchors the building. The use of grey cladding and render is also acceptable as the mixture of material/textures helps break up the overall massing into smaller components.

In terms of the roof, this is largely in line with what was previously approved, and is sufficiently set back from the Russell Street elevation. The rainscreen cladding, to the Duke Street elevation however terminates in an odd configuration which needs refinement. Maybe the side elevation to Duke Street is finished in brick only, or possibly a reduction in cladding as this just adds bulk to the building?

In summary, the principle of a residential development of broadly this scale and massing has already been established in earlier consents. However whilst the previous scheme was broken down into components, the proposal is now for a single 5 storey block, which in order to be acceptable in design terms requires refinements, as addressed in detail above. Amendments are therefore required before this can be supported.

Final Placemaking and Heritage Team comments:-

The final plans submitted for consideration now include refinements to the front elevation, including the improved alignment, rhythm and verticality of the fenestration, inclusion of additional full height glazing/Juliette balconies, along with the colour and material palette changes, which are supported.

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The suggested amendments to the Duke Street elevation have been taken on board and additional windows assist in breaking up the massing, add interest and also provide natural surveillance.

The scheme has been amended to make further refinements and the front elevation projecting bay features are now uniform, each spanning three floors. The side elevation windows have been adjusted pulling the second cill down to align with the slot windows.

The proposal is now supported subject to conditions to cover the following:

- i) Large scale drawings of keys aspects such as
- ii) Eaves/roof edges and interface with walling material below
- iii) Window openings - various designs/materials
- iv) Entrance opening

Composite sample to be constructed on site showing materials and junctions between the (2 stage condition where)

- i) a drawing of the materials/junctions going into the sample is provided and
- ii) once constructed a site visit will be undertaken to agree

Precise details of the location, extend, design and finish of all visible external ventilations to be submitted to and approved.

On the basis of the above amendments, and subject to conditions, there is no further comment from a Placemaking perspective.

APPRAISAL

Consideration of planning merits

The main issues for consideration with regard to this application relate to:

- o Compliance with prevailing Development Plan policy and Supplementary Planning Guidance;
- o The impact of the proposal on the character and appearance of the street scene and the wider area;
- o Impact on residential amenity and the Well-being of Future Generations (Wales) Act 2015
- o Highway Safety

There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Development Plan Policy and Supplementary Planning Guidance

National Planning Guidance The Well-being of Future Generations (Wales) Act 2015 places a duty (including Welsh Ministers) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory purpose for the planning system in Wales for statutory bodies carrying out a planning function to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Act) Wales 2015.

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Paragraph 4.2.2 states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-taker in taking decisions on individual planning applications.

In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, Paragraph 4.2.4 states that a plan-led approach is the most effective way to secure sustainable development through the planning system and states there is a presumption in favour of development in accordance with the development plan for the area unless material considerations indicate otherwise.

Para 4.9.1 indicates the preference for the re-use of land of previously developed (or brownfield) land should, wherever possible, be used in preference to greenfield sites and that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. Paragraph 4.9.2 adds that many previously developed sites in built-up areas may be considered suitable for development because their re-use will promote sustainability objectives. This includes sites:

- o in and around existing settlements where there is vacant or under-used land, commercial property or housing;
- o in suburban areas close to public transport nodes which might support more intensive use for housing or mixed use;
- o which secure land for urban extensions, and;
- o which facilitate the regeneration of existing communities.

Development should be located having regard towards securing a sustainable settlement pattern, on previously developed land and at locations for higher density development at hubs and interchanges and close to route corridors where accessibility on foot and by bicycle and public transport is good. New development should minimise the need to travel and increase accessibility by modes other than the private car. Wherever possible, developments should be located at major public transport nodes or interchanges. Higher density development should be encouraged near public transport nodes and corridors well served by public transport.

Swansea Local Development Plan ('LDP')

In the case of this particular proposal, the following LDP policies are relevant:

PS 1: Sustainable Places

PS 2: Placemaking and Place Management

PS 3: Sustainable Housing Strategy

RP 2: Noise Pollution

RP 3 :Air and Light Pollution

RP 4: Water Pollution and the Protection of Water Resources

RP10: Sustainable Waste Management for New Development

SI 1 : Health and Wellbeing

SI 8 : Community Safety

IO 1 : Supporting Infrastructure

ER 1: Climate Change

ER 2: Strategic Green Infrastructure Network

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ER 9: Ecological Networks and Features of Importance for Biodiversity

T1 : Transport Measures and Infrastructure

T2 : Active Travel

T6: : Parking

EU4 : Public Utilities and New Development

Supplementary Planning Guidance (SPG):

- o Places to Live - Residential Design Guide (Adopted January 2014)
- o Parking Standards (Adopted March 2012)
- o Planning Obligations (Adopted March 2010)
- o Planning for Community Safety (Adopted December 2012)
- o Swansea Central Area: Regenerating our City for Wildlife and Wellbeing Green Infrastructure Strategy - Draft

The above SPG's provide further information and guidance to support and clarify the policies described in the Appraisal below.

Planning Policy Considerations

Townscape and visual impact

The principle of residential use for this site has been clearly established with the granting of planning permission 2011/1310 (2014/1334 and 2019/2062/S73) for the demolition of existing office building and replacement with 18 no. flats with associated parking and works - Approved 29th February 2012.

This location forms a prime opportunity to revitalise the site, and provide much needed sustainable, good quality affordable residential accommodation on this edge of city centre site.

The site is allocated as a housing commitment in the adopted Local Development Plan given the extant planning permission.

Approved Scheme - 2011/1310, 2014/1334 and 2019/2062/S73

The approved scheme proposes a contemporary designed building of 4 storeys in height with a further basement/lower ground level with an L shaped footprint including a rear projection to the side / rear adjacent to Duke Street. The rear of the building included a stair, lift core and walkways to each of the flats which would be enclosed with glazed panels, louvers and vertical fins. Overall the approved development is for 5 floors made up of the following:

1. Basement level/lower ground floor level would contain 20 car parking spaces, cycle store, a plant / equipment room and a bin store room for recyclables and residual waste.
2. The ground floor level would contain 4 flats (2 x 2 beds & 2 x 1 beds) & the main entrance
3. The first floor level would contain 5 flats (3 x 2 beds & 2 x 1 beds)
4. The second floor level would contain 5 flats (3 x 2 beds & 2 x 1 beds)
5. The third floor level would contain 4 flats (1 x 2 bed & 3 x 1 beds)

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This planning permission is LIVE and can still be implemented subject to discharge of any conditions.

Current Scheme

In terms of the scale and massing of the proposal, comparison elevation drawings have been provided that demonstrate that the overall height difference between the current proposal and previously approved scheme is marginal. Due to the topography of the site the ground floor is in part lower than the pavement level of Russell Street and Duke Street.

1. Lower ground floor level would contain 2 one bedroom flats, plant room and utilities.
2. First floor would contain 5 one bedroom flats
3. Second floor would contain 5 one bedroom flats
4. Third floor would contain 5 one bedroom flats
5. Fourth floor would contain 4 flats (3 two bedroom flats and 1 one bedroom flat)

The Design and Access Statement submitted in support of this application points out that the fundamental difference between the extant planning permission and this current proposal is the housing mix proposed. Whilst the number of flats has increased to 21 in the current scheme from 18 flats as approved in the previous scheme, the overall number of bedrooms has been reduced as the number of 2 bedroom flats has been reduced from 9 x 2 bed flats to 3 x 2 bed flats in the current scheme.

Approved Scheme = 18 flats - 27 bedrooms (9 x 2 bed flats and 9 x 1 bed flats)

Current Scheme = 21 flats - 24 bedrooms (3 x 2 bed flats and 18 x 1 bed flats)

Following on from officer advice provided during the course of this application, the scheme has been amended and the fenestration detailing refined to ensure that good quality residential units are provided with high quality design.

In consultation with the Placemaking and Heritage Team, the final plans submitted for consideration now include refinements to the front elevation, including the improved alignment, rhythm and verticality of the fenestration, inclusion of additional full height glazing/Juliette balconies, along with the colour and material palette changes, which are supported. The suggested amendments to the Duke Street elevation have been taken on board and additional windows assist in breaking up the massing, add interest and also provide natural surveillance.

Pedestrian entrance to the flats is provided directly off Russell Street, which is, legible and generally well overlooked as set out in the Residential Design Guide SPG. The front elevation is set back to provide some defensible space between the ground floor flats fronting onto Russell Street.

There is no strong local vernacular at this location and the scale and massing of the proposed building is considered acceptable, with the overall height being the same height as the scheme approved under the extant planning application 2011/1032 (and 2019/2062/S73 to extend the time to commence development).

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Due to the site levels the ground floor accommodation is set down below the street level and the elevations now comprise a degree of verticality and the refinements to the front elevation projecting bay features are now uniform, each spanning three floors, which assists in breaking up the expansive façade.

The siting and relationship with the adjoining buildings would ensure that there are no overshadowing or overbearing impacts from the new build.

In summary and having regard to the approved scheme, comparison elevation drawings have been provided that demonstrate that the overall height difference between this current proposal and the previously approved scheme is marginal fronting onto Russell Street. It is considered that this proposal would provide a contemporary modern building providing much needed affordable residential units on this edge of city centre site, in a sustainable location close to all local amenities. Subject to conditions to require samples of external finishes including windows and doors, and details of typical window/door units within their opening, together with details of location/design of all visible external ventilation and rainwater goods, the proposal accords with Policies PS1 and PS2 of the Swansea Local Development Plan.

Residential Amenity

In the first instance, the principle of residential development at this location is supported by development plan policy and has a current live planning permission for a residential block of 18 flats approved on this site. This is a densely populated residential area on the edge of the City Centre and future residents should realistically expect a level of activity akin to a mixed use urban area rather than a suburban location.

Turning to the impact of the proposal on the amenity of future residents and the occupiers of existing residential uses within the immediate vicinity, Russell Street is located on the edge of the city centre and residents living within a city centre location will be exposed to relatively high levels of ambient noise, predominantly from traffic but also from late night pedestrian activity due to the application site being located off St Helens Road and Walter Road, which are main routes in/out of the City Centre. St Helens Road in particular, is a busy mixed use local centre with many late night restaurants and shopping facilities. There are also public houses within close proximity to the site on Walter Road and Duke Street. With this in mind, residents who live in close proximity to commercial premises cannot reasonably expect the same level of peace and quiet as people living in a wholly residential area.

Therefore, it is not considered that the proposal would give rise to any harmful impact of the living conditions of future residents or any neighbouring residents through noise and disturbance that would be considered so harmful to warrant a recommendation of refusal on these issues alone.

Well-being of Future Generations Act (2015)

7 Well Being goals:

"A healthier Wales - A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood."

Cramped living conditions are detrimental to mental well-being and as such the duty of the LPA/LA to meet this goal which is a requirement of the Act.

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Having regard to the proposed layout of the apartments, the aim of the LDP Policies and the adopted Residential Design Guide, are to create a quality public realm and building design combined with quality internal living environments to create homes that are good to look at and live in.

In terms of space standards, the residential design guide sets out tried and tested space standards that are a valid reference for all developments, including conversions. A one bedroom self-contained flat requires a floor space of 46m² and a two bedroom self-contained flat requires a floor space of 59m². In this proposal, the flats all have separate bedrooms and a living room/kitchen and achieve or exceed the minimum floor space. Each flat has natural light for every habitable room. The rear flats overlook the car parking area. The front elevation faces onto Russell Street. There are additional windows in the side elevations, however the siting relationship and separation distances with the adjoining residential units, ensures that there is no demonstrable overlooking or loss of privacy impacts. In this respect, the habitable room windows do not give rise to any overlooking or loss of privacy impacts, to either the future residents or the occupiers of the adjoining residential uses. A centrally located communal access is directly from Russell Street which leads to all floors. Furthermore a stairs leading from the central entrance a platform lift is also provided.

In conclusion, the proposal is considered to provide satisfactory and acceptable living conditions for future occupants in respect of internal space and privacy, and will not cause any undue impact upon the residential amenity of existing neighbours, in accordance with development plan policy.

Refuse/Recycling and Cycle Storage

LDP Policy RP 10 requires new development 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. Separate refuse storage is indicated to the rear of the property. Management arrangements will be in place to ensure that refuse and recycling is placed in an accessible location to ensure that collections can be made by Refuse collection vehicles from the roadside. The Councils Waste Management team has been consulted on this proposal and it has been demonstrated that sufficient provision is made for refuse and recycling storage and that management procedures will ensure that refuse can be collected from the roadside.

Sufficient cycle storage is indicated in dedicated storage areas with access for all residents to cater for alternative sustainable modes of transport.

Highway Safety and car parking

Planning Policy Wales aims to reduce the need to travel, especially by private car, by locating development where there is good access by public transport, walking and cycling. It also supports the locating of development near other related uses to encourage multi-purpose trips and reduce the length of journeys.

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Each site will be treated on its merit, however there will be instances where assessed parking demand cannot be met onsite and for such circumstances there is provision within adopted parking standards to require developer contributions towards Transportation initiatives to enhance alternative modes of transport or off-site parking provision. This approach would require the applicant to enter into a Section 106 Agreement.

The Head of Transportation and Engineering has provided full comments on the current proposal and following full consideration of the scheme and the parking shortfall in context of a sustainably located site, a section 106 contribution is required for local Improvements as set out below.

Section 106 Contributions to Local Improvements:

Given the shortfall in parking and much being made with regard to the sustainable nature of the site and access to local amenities then the scheme has been assessed with regard to the criteria for requesting Section 106 contributions to enhance non car modes of transport. Under LDP policy T6 there is justification for a request for £15,000 to put towards the delivery of a designated cycle track on Walter Road which will act as an Active Travel Route. £15,000 is well within the within the limits that could be sought. It therefore is considered to be a reasonable and directly relatable request to enhance sustainable transport.

In conclusion, the Highway Authority considers that whilst the scheme does not fully deliver car parking in accordance with the car parking SPG it is considered that, the shortfall in parking alone is not sufficient to justify a refusal that could be sustained at an appeal situation. In addition the precedent has already been set for residential use at the site for 18 units. It is also noted that the applicant (Pobl) usually utilises less car parking spaces than standard residential. Although there are no formal additional reductions arising over and above the sustainability calculation which has already been undertaken, resulting in the need for 21 spaces.

With the S106 contribution, and the inclusion of cycle storage and the sustainable location of the site, it is not considered that refusal of the scheme solely on highway grounds could be supported in an appeal situation. On that basis and in this instance, the Highway Authority does not object to this current proposal.

In light of the comments received from the Highway Authority, consideration has been given to the requirements of LDP Policy T2 and The Community Infrastructure Levy Regulations (2010) which came into effect in 2010. Regulation 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;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

In this instance the Highway Authority request of a S106 highway contribution of £15k is considered reasonable and necessary, as this will provide an upgrade to cycle provision in the vicinity which will cater for residents of the development and is related in scale and kind to the development.

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Conditions have further been requested by the Highway Authority to request the applicant enters into the Section 278 agreement, request a construction method statement, travel plan and request that the developer makes contact to obtain an oversail licence. The majority of the matters raised are matters which are best dealt with under Highways legislation and necessary conditions are to be imposed to make the development acceptable from a planning perspective.

In light of the above analysis and subject to a S106 agreement to secure the improvements to the cycle links on Walter Road, and necessary planning conditions, it is considered that the scheme complies with the aims and requirements of policies T6 and T2 in regard to the impact of the development upon highway safety in the area.

Affordable Housing

Proposals that include residential development on sites within settlement limits with capacity for 5 or more residential units should ordinarily provide for affordable housing on site in accordance with the requirements of Policy H 3.

The application site is within the Central Area and that requirement would extend to 20%.

This development proposes 100% affordable housing onsite, social rented tenure, the Housing Service have given strategic support for this scheme for Welsh Government grant through the Programme Development Plan. For the purposes of the Section 106 this site should be conditioned to the LDP policy target of 20% albeit that this scheme provides betterment in this instance.

Ecological Enhancement

A condition is recommended to secure the provision of bat/bird boxes within or on the walls of the development in accordance with details to be submitted to and approved in writing. The developer is also asked to consider whether a green roof can be incorporated into the building design.

Drainage

It has been identified that this scheme will require SAB approval for a sustainable urban drainage system and this is a matter that would be controlled under the SAB legislation.

Response to public consultation

The objections raised by local residents have been noted. In relation to the approved scheme, matters relating to the overall layout, siting, design & height of the building, were carefully considered under planning permission Ref: 2011/2014 which was approved. The commencement time was extended under the subsequent applications. As such, there is a live planning permission for a residential block of 18 flats at this application site.

Matters relating to the size, design & height of the building, in this current application and the impacts upon residential amenity and highways & parking, are addressed in the above paragraphs.

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Conclusion

The principle of re-developing this brownfield site for residential development is supported by both Planning Policy Wales and Local Development Plan policies at both the national and local level. The site is ideally located within a sustainable and accessible location with proximity to a wide range of services and public transport facilities. There is a current extant planning permission at this site for residential development. The provision of the residential flats at this sustainable location on the edge of the City Centre, would make a contribution of delivering additional affordable housing by supporting sustainable transport and shifting modes of transport from the private car as advocated within Planning Policy Wales, along with supporting the Council's regeneration aspirations for the City as a whole.

Overall, it is considered that the proposal is an acceptable form of development that will have no significant detrimental impact on visual amenities of the street scene or the wider area and would result in no demonstrable harmful impact on residential amenity, over and above the scheme previously approved. Subject to a S106 agreement to enhance non car modes of transport within the immediate area and to secure the provision of at least 20% affordable housing for the future, the proposal is considered in accordance with local development plan policy. Approval is therefore recommended.

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

RECOMMENDATION

APPROVE, subject to the applicant entering into a Section 106 Planning Obligation in respect of;

1. **Contribution of £15,000 to fund non car modes of transport to be put towards the delivery of a designated cycle track on Walter Road which will act as an Active Travel Route (prior to the development being brought into use).**
2. **The site to maintain 20% Affordable Housing Provision.**
2. **Management/Monitoring Fee of £300, based on 2% of the value of the obligations (to be paid when the S106 agreement is signed)**
3. **The Council's Legal fees relating to the preparation of the S106 Agreement (to be paid when the S106 agreement is signed)**

If the Section 106 Obligation is not completed within 3 months of the foregoing resolution then delegated powers be given to the Head of Planning and City Regeneration to exercise discretion to refuse the application on the grounds of non-compliance with Policies PS2, PS3, I01, H3, T1, T2 and T6 of the Swansea Local Development Plan (2010-2025).

and subject to the following conditions

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- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
 - 2 BBA.816.P.02A: Proposed Site location plan, block & site plan, BBA.816.P.10A: Proposed Ground Floor Plan, BBA.816.P.11A: Proposed First Floor Plan, BBA.816.P.12A: Proposed Second Floor Plan, BBA.816.P.13A: Proposed Third Floor Plan, BBA.816.P.14A: Proposed Fourth Floor Plan, BBA.816.P.15A: Proposed Roof Plan, BBA.816.P.16: Proposed Elevations, BBA.816.P.16A: Proposed Elevations, received on 16th February 2021, 816.P.21: Proposed Section DD, 816.P.22: Proposed Section E10A, received on 10th December 2020, P2 Vehicle Track, received on 8th February 2021.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
 - 3 Prior to the commencement of any external works to the superstructure of the development, details at an appropriate scale of the following shall be submitted to and approved in writing by the Local Planning Authority:
 - Typical bedroom and lounge window opening units including any external balustrade;
 - Main entrance door within its opening;
 - A sectional elevation indicating the juxtaposition of various facing materials and how typical junctions are to be detailed.
 - Roof edges and corners to any cladding systems
 - Details of the rear boundary wall and details of the front boundary wall treatment to Russell Street, including details of any railings.
 - Details of the location/design of all visible external ventilation and rainwater goods
 - Details of ramp and handrails, any entry gates
- The development shall be carried out in accordance with the approved details.
- Reason: In order to provide for an acceptable finish to the development in the interest of visual amenity in the surrounding area.
- 4 Samples of all external finishes together with their precise pattern and distribution on the development shall be submitted to and approved by the Local Planning Authority in writing prior to the commencement (excluding demolition, excavation, site preparation and enabling works) of the relevant part of the development. Composite sample panels shall be erected on site and the approved sample panel shall be retained on site for the duration of the works. The development shall be completed in accordance with the approved details.
Reason: In the interests of visual amenity.
 - 5 The car parking area shall be laid out in accordance with the approved plans prior to the first beneficial occupation of the development hereby approved and shall be retained for parking purposes in connection with the development only thereafter.
Reason: To ensure adequate parking provision on site.

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- 6 Within 12 months from the date of this permission, a Travel Plan shall be submitted to and agreed in writing by the local planning authority. The agreed Travel Plan must be implemented prior to the beneficial use of the building commencing. The development shall be completed in accordance with details shown within the Travel Plan and all residents of the scheme shall be provided with the Travel Plan welcome pack on first occupation of the flats.
Reason: In the interests of promoting sustainable forms of transport to and from the site
- 7 Prior to the commencement of development, a scheme of Ecological Enhancement Measures (in the form of a combination of bat and bird boxes) to be provided within or on the walls of the building, with consideration of a green roof, shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided prior to the first beneficial occupation of any of the flats hereby approved and shall be retained as such in perpetuity.
Reason: In the interests of biodiversity and to provide Ecological Enhancement Measures on site.
- 8 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in Russell Street and Duke Street or the surrounding streets at any time.
Reason: In the interests of highway safety and sustainability.
- 9 The cycle parking area shall be laid out in accordance with the approved plans prior to beneficial occupation of the development hereby approved and shall be retained for cycle parking purposes for the residents of the flats in perpetuity.
Reason: To ensure adequate cycle parking provision on site
- 10 The refuse/recycling storage area shall be laid out in accordance with the approved plans prior to the beneficial occupation of the development hereby approved and shall be retained for waste/recycling storage in perpetuity.
Reason: to ensure adequate refuse/recycling storage areas on site
- 11 Prior to the commencement of development, the developer shall submit a phased scheme, comprising three progressively more detailed reports, detailing measures to be undertaken in order to investigate the presence of land contamination, including relevant gas, vapour and, where appropriate, radiation related risks, at the proposed site.

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

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

The reports shall be submitted individually.

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

Phase 1 report: Desk Top Study

this shall:

Provide information as to site history, setting, current and proposed use.

Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.

Identify if further investigation or remediation is required.

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

Phase 2: Detailed Investigation

this shall:

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

Provide for a more detailed investigation [Human Health Risk Assessment] of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

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

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

Phase 3: Remediation Strategy Options Appraisal

this shall:

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

Phase 3: Validation/verification Report

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

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

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- 12 Prior to the commencement of development, 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 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 with in writing by the LPA.

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

- 13 Prior to the occupation of any residential unit a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include the 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 include any plan [a "long term monitoring and maintenance plan"] for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

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

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

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, PS3, RP2, RP3 RP4, RP10, SI1, SI8, IO1, ER1, ER2 ER9, T1 T2, T6, EU4.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Note: All off-site highway works are subject to an agreement under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement will be prepared by the City and County of Swansea. In certain circumstances there may be an option for the developer to prepare the scheme design and detail, for approval by the City and County of Swansea. However, this will be the exception rather than the rule. All design and implementation will be at the expense of the developer.

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The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, Swansea SA1 4PE before carrying out any work . Please email networkmanagement@swansea.gov.uk with regard to the Section 278 and also with regard to the oversail licence.

4 Birds may be present in the 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 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).

6 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.

7 **Development Low Risk Area - Standing Advice**

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

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority
