

Planning Committee – 8 June 2021

Item 1

Application Number:

2021/0826/FUL

Ward:

Cwmbwrla - Area 1

Location: 20 Brynhyfyd Street, Brynhyfyd, Swansea, SA5 9LP

Proposal: Change of use from a dwellinghouse (Class C3) to a children's home (Class C2)

Applicant: Mr Simon Bujega Bespoke Care Group Ltd



NOT TO SCALE – FOR
REFERENCE
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Ordnance Survey
100023509

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Background Information

Site History

No relevant site history.

Procedural Matters

This application has been called-in to Committee for decision by Ward Councillors Peter Black and Chris Holley and has met the threshold for call-in as set out in the Council's Constitution.

An amended site location plan and block plan (received 19th May) has been submitted during the course of the application indicating the dwelling and associated amenity space.

Site Location

The application property is an end of terrace two storey dwelling located at No. 20 Brynhyfryd Street, Brynhyfryd, at its junction with Eaton Road. There is a small garden area at the rear of the property, which is also accessed via a side gate on Eaton Road. There is an area of open land at the rear of the property which extends across the rear of existing properties along Brynhyfryd Street, although this does not form part of this planning application. There is no dedicated off street parking associated with the application property and parking in the vicinity is on street. There are time limited/resident permit parking restrictions immediately outside the application property.

Description of Development

Planning permission is sought for the change of use from a dwellinghouse (C3) to a children's home (C2).

The proposal will see the existing 4 bedroom property amended to provide a 3 bedroom property, with the 4th bedroom turned into an office. The downstairs layout, comprising front and rear living spaces, shower room and kitchen/dining area will remain as existing

The applicant has provided information on the care company and how the premises would be operated and managed. The company intends to provide a care/work-based setting for young people to succeed in life. The young people in their homes work Monday to Friday (provided via the company's dedicated training school/programme) and have 24-hour support from staff. There will always be a minimum of 2 support staff (maximum of 3) there 24 hours a day, 365 days a year. There would be a maximum of three children cared for at the premises aged between 15 and 19 years old.

The application has been submitted by the applicant on the basis that the proposed use would be a C2 (residential institution) use. The Town and Country Planning (Use Classes) Order 1987 (as amended) states specifically that the element of "care" which is necessary to satisfy inclusion in the class "includes the personal care of children".

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Planning Policy

The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

Policy 9 - Policy 9 - Resilient Ecological Networks and Green Infrastructure

Planning Policy Wales (11th Edition) 2021

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

Paragraph 1.2 explains that the primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well functioning planning system is fundamental for sustainable development and achieving sustainable places.

Paragraph 3.3 states that 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.

Paragraph 3.4 notes that 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.

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.

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

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

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

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

Supplementary Planning Guidance (SPG)

The supplementary planning guidance document 'City and County of Swansea Parking Standards' is also relevant to the determination of this application.

This SPG provides information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. The document is referenced in the amplification text of these Policies. The SPG has been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the document. The SPG document was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG 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 provides useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

Consultation

Social Services - General concern regarding the number of children's homes being opened in Swansea, which places additional pressures on key services including specialist health services, police and education. Would prefer a location with more internal and external space in a quieter area. In relation to this particular application, this is a provider known to us and used from time-to-time which provides a degree of confidence.

Local Highway Authority- This application concerns the conversion of a C3 dwelling house to C3 for use as a children's home.

As with the majority of houses in the area, the property has no off street parking, Brynhyfyd Street has TROs, 1 hours limited waiting, residents permit holders exempt. The area to the side of the house on Eaton Crescent is unrestricted.

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Considering the Swansea Parking SPG, the current use as a 3 bedroom dwelling in this location would generate demand for a maximum of 3 parking spaces (1 per bedroom, up to 3). The proposed change of use is considered slightly differently in that the parking demand is driven by the number of staff, and potential visitors. In this case, 1 space per resident staff, 1 space per non-resident staff, and 1 space per 4 bedrooms for visitors.

Here the applicant has confirmed that there will be a maximum of 3 staff at any one time, and as such the parking requirements for the existing and proposed uses are the same, in addition staff would not be eligible to apply for a residents permit, current RP policy limits this strictly to residents.

Highways therefore has no objection to the proposals

Neighbour Comments

Item 3 (Cont'd)

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The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) through the display of a notice at the site dated 12th April 2021 and neighbour consultation letters.

A PETITION OF OBJECTION with 33 signatures together with 14 Letters of Objection were received, the main points of which are summarised below; the full comments received are available to view on the online planning application file via the public website.

Letters of Objection:

- This planning application is not suited to this family orientated residential area; with families, elderly residents and schools in close proximity;
- Noise disturbance and additional comings and goings impacting on neighbouring properties;
- Increased car parking demand, in a restricted parking area, and double yellow lines outside the property;
- Negative impact on property prices;
- Potential increase in anti-social behaviour and trouble this development could bring to the area; anti-social behaviour a growing issue in area;
- The owner of the house does not own any of the surrounding garden/land and presumably plans to take adverse possession of this for the financial benefit of the commercial company;
- What is the wider land to be used for - this could have a noise disturbance and lack of privacy for adjoining properties/gardens;
- There has been loss of boundary and privacy due to the property owner cutting down trees between the property and Freeman Street; Freeman Street is located at a higher level, and can see into neighbouring properties, where it was not before. Due to raised nature of Freeman Street, a fence would not be realistically high enough to solve this.

Petition of Objection:

We are opposed to this planning application due to severe loss of amenity to many surrounding residents in the following ways;

Parking:

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- There is simply not enough parking to accommodate the proposed use;
- Brynhyfyrd Street is residents only parking, with 1 hour for visitors; double yellow lines outside the property and for most of the opposite side of the road; there is a primary school at the top of the street, and parking situation is often chaotic and dangerous at pick up/drop off times;
- There are residents in the area who are disabled, elderly, lone female, night shift workers who should not be denied parking safely near their home for a commercial property;
- The 'free' spaces on Eaton Road etc where the staff etc maybe expecting to park area used by residents of Brynhyfyrd Street and the surrounding area who hold residents permit, but are not able to park in the street they have permits for;
- The garage directly opposite the property was refused planning permission for conversion to a small business for parking reasons -parking is much worse now.
- Use of land:
- The property directly adjoins 10 other properties on 3 sides and Eaton Road on the other. The owner of the house does not own any of the surrounding garden/land and presumably plans to take adverse possession of this for the financial benefit of the commercial company;
- What is the land which runs behind several properties on Brynhyfyrd Street to be used for; if it is to be built on or used to accommodate training programmes then this would have a severe noise impact/lack of privacy on adjoining properties and the wider area;
- there has been a loss of boundary and privacy by severe thinning of a treeline between the property and Freeman Street which is on a higher level. It is now possible to see across into the back gardens where it was not before. Due to raised levels, a fence would not be realistically high enough to solve this.

In addition to the above, and following the consultation process, the applicant has submitted the following Supporting Statement:

Applicant Statement:

I would just like to clarify what we do and to put the neighbours minds at rest.

The children we are dealing with in our homes are between the ages of 15-19yrs old males.

However, we are not your stereotypical Children's home. There is a massive stigma around children's homes which goes back thirty years or more but I would just like to squash that stigma straight away as it's not the case anymore. Especially with ours.

We are a heavily regulated service and have to abide by extremely strict rules to be registered with the Care Inspectorate Wales, which is the governing body for care homes.

The young people we look after will be working away from the property in the days at our purpose built training centre in Llansamlet or on site with various construction companies. After work or work based training in the days the young people will be going to the gym, football or rugby training etc just like any other child of that age would be doing. We are employed as corporate parents for these young people which deserve a chance of a decent future just like any other child. This is what we are trying to achieve.

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The Young people are always supervised on a 1:1 ratio for 24 hours a day so there will be no problems regarding the stereotypical gangs, antisocial behaviour or crime etc. You would probably not even realise they were there to be honest. Which is something neighbours from our other children's homes say.

I totally understand the thought of a children's home on your street might be daunting, but I can assure you that you will have no trouble from them our or staff.

Please just remember these children just want a fair shot at life and the service we offer is their way to obtain that.

APPRAISAL

Main Issues

The main issues are the principle of the change of use of the building within this residential area, the impact of the development upon the character and appearance of the area, the impact upon the residential amenity of neighbouring occupiers and the impact of the development upon highway safety having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The application site is located within a mainly residential area within an urban setting. The proposed use would be residential in nature and would therefore be in keeping with the uses of surrounding properties.

The comments received from the Council's Social Services have been carefully noted. However,, such issues are controlled through separate legislation and the planning application process can only consider material planning matters in relation to the proposed land use. The proposed use would be regulated by Care Inspectorate Wales. Whilst the main concern appears to be the oversupply of places, Planning Policy Wales is clear that it is not the function of the planning system to interfere with or inhibit competition between users of and investors in land (1.19). The planning system should not be used to secure objectives which are more appropriately achieved under other legislation (1.21).

On this basis the principle of the proposed development is considered to be acceptable and the development would not fundamentally conflict with LDP Policies nor national planning guidance set out within Planning Policy Wales.

Visual Impact

No external alterations are proposed and such the development would not result in any harmful impacts upon the physical character of the property. This planning application relates solely to the use of the building and associated amenity space, and not the area of land that extends to the rear of properties along Brynhyfryd Street.

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Therefore, given that no external alterations are proposed and the principle of the development is considered acceptable, the proposal raises no concerns with regards to the impact of the development on the character and appearance of the property. In this respect the proposed development would not conflict with LDP Policy PS2.

Residential Amenity

The application site is located in the Brynhyfryd area, where the built form of terraced streets are predominantly residential in nature. The proposed use as a Class C2 use remains residential in nature, but with an element of care.

With regard to residential amenity, it is not considered that the proposed change of use would result in any harmful impacts in regard to increased overlooking, overbearing or overshadowing over and above the existing lawful use of the premises as a dwelling.

Concerns have been raised by third parties that the proposal would not be appropriate in this area, which is defined by small terraces occupied by family households. In terms of potential noise and disturbance to neighbouring properties from the proposed use, it is not considered the coming and goings of residents, staff and visitors would result in any material harm in terms of noise and disturbance to neighbouring occupiers significantly over and above the use of the premises as a three bedroom dwelling house. However, in order to ensure that there would be no significant amenity impacts to neighbouring properties, it is considered necessary to impose a condition to restrict the number of residents that could occupy the premises to 3 residents. This reflects the modest accommodation at the property, the required support staff and the fact that the property is located within a small terrace. A greater number of residents at the premises would, it is considered, have the potential to result in greater comings and goings and associated disturbance that would potentially have a disruptive impact upon existing properties in the terrace given the dense nature of the living environment and the need for additional support staff as well.

In light of the above, and subject to a condition to restrict the number of residents that may occupy the property, it is not considered that the proposed development would result in any significant impacts to the living conditions of neighbouring occupiers and would therefore not conflict with LDP Policy PS2.

Access & Highway Safety

Concerns have been raised by third parties in relation to the potential impacts of the development upon parking demand in the area. In response to this concern, the proposal must be considered against the 'City and County of Swansea Car Parking Standard' supplementary planning guidance (SPG). As with the majority of houses in the area, the property has no off street parking, Brynhyfryd Street has Traffic Regulation Orders (TROs), 1 hours limited waiting, residents permit holders exempt. The area to the side of the house on Eaton Crescent is unrestricted.

Considering the Swansea Parking SPG, the current use as a dwelling in this location would generate demand for a maximum of 3 parking spaces (1 per bedroom, up to 3).

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The proposed change of use is considered slightly differently in that the parking demand is driven by the number of staff, and potential visitors. In this case, 1 space per resident staff, 1 space per non-resident staff, and 1 space per 4 bedrooms for visitors.

Here the applicant has confirmed that there will be a maximum of 3 staff at any one time, and as such the parking requirements for the existing and proposed uses are the same. In addition staff would not be eligible to apply for a residents permit, current Resident Permit policy limits this strictly to residents. As an end of terrace property, there is an area of unrestricted parking along the side elevation which could provide convenient parking. It is therefore not considered that the proposed development would result in any significant increase in on street parking in the area and would not therefore result in any material increase in highway safety impacts over and above the existing lawful use of the property. The application property is located within a sustainable location within easy walking distance to local shops, bus routes and the City Centre.

On this basis, and in the absence of any objection from the Local Highway Authority, it is not considered that the scheme will introduce harm such that refusal could be recommended on highways grounds. The proposed development would not therefore conflict with LDP Policy T6. It is however considered prudent to include a condition requiring details of cycle storage facilities that would better enforce the strategy of providing for lower car provision on such sites to encourage and shift transport modes as encouraged by Planning Policy Wales.

Refuse/Recycling and Cycle Storage

There is external amenity space to the rear within the rear courtyard, which can also provide space to accommodate cycle storage and bin storage. An appropriate condition can ensure that this is provided and retained in perpetuity.

Ecological Enhancement

It is recognised that this is an existing dwellinghouse within the urban area, with little opportunity to provide for Green Infrastructure of any meaningful scale. However, there is an opportunity to provide ecological enhancement and a condition is recommended to secure the provision of a combination of bat/bird boxes and/or sparrow terraces within or on the walls of the development in accordance with details to be submitted to and approved in writing, to comply with the provisions of LDP Policy ER9.

Other Matters

Concerns raised by third parties in relation to: the development being inappropriately located; impacts from noise and disturbance; and increased parking demand, have been addressed within the above report.

Concern relating to the potential for harm to families and children from the occupiers of the proposed development are noted, however, the behaviour of residents would depend on the circumstances of the individual children and the supervision and care they receive. The applicant has provided assurances that the properties and their residents would be well managed. These are matters that are outside of planning controls in any event. Furthermore, no evidence has been submitted to suggest that the proposed use would result in any increase in anti-social behaviour in the area.

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On this basis, it is considered that the concerns in relation to the potential anti-social behaviour of the future residents are not well founded and this concern is accordingly afforded little weight in the determination of this application.

In relation to concerns expressed by third parties regarding the impact of the development on property prices in the area, it is not the role of the planning system to balance whether a land owner or occupier would gain a financial benefit or financial disadvantage as a result of a planning decision. The planning system considers whether a proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest. In this instance it has been concluded that the proposal would not unacceptably affect the amenities of neighbours, as such the concern that the proposal would adversely affect property prices is afforded little weight.

Concerns have been raised regarding the cutting of back of trees on land outside the application site, potential use of wider land and associated impact on privacy. As this is land outside the application site, and the trees are not covered by any TPO designations, this is not a matter that can be considered as part of this application. Any future breach of control would undoubtedly be brought to the attention of the Authority and investigated.

Whilst many object to the introduction of a Children's home (Class C2) to this residential area, it must be remembered that a Class C2 use is a residential home with an element of care, albeit that the occupants are not related to one another. A Class C2 use could also be occupied as a small scale assisted living residential use by adults that need an element of care.

Planning permission is only concerned with the land use and does not discriminate against the end user. There is other legislation and registration requirements that the developer would need to comply with, which more properly considers the suitability of the property for the intended use, the location and the registration of the use. This would be required in order to operate as a residential children's home and is controlled through separate legislation.

The comments received from the Council's Social Services have been carefully noted. However, as stated above, such issues are controlled through separate legislation and the planning application process can only consider material planning matters in relation to the proposed land use.

In respect of education/school places it is noted in this instance, the intended occupant's age range is 15-19 years old; the applicant indicates that daytime training opportunities/work placements would be provided. The CIL Regulations introduced statutory restrictions on the use of S106 agreements. The main restrictions are that a planning obligation must be:

- o Necessary to make the development acceptable in planning terms - Having regard to all material planning considerations, it is not considered that S106 contributions are required to make the development acceptable in planning terms;
- o Directly related to the development - This is an existing house which could be occupied by a family with school age children. The requirement for school places is not directly related to the development. Children may not attend the local catchment school for various reasons, including and given age range in this instance 15-19) that they are already in work based training/placements.

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- o Fairly and reasonably related in scale and kind to the development - This is an existing house and there is no significant new build. The development relates only to the change of use of this dwelling. It is not considered that a S106 contribution to fund school places can be fairly and reasonably related to this small scale development particularly where there are unfilled school places in the catchment area and this development will not place undue strain on education services.

Conclusion

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

Recommendation

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990
- 2 The development shall be carried out in accordance with the following approved plans and documents:
03 proposed floor plan received 29th March 2021; 2110-01A site location plan; 2100-04B block plan received 19th May 2021.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans
- 3 The development hereby approved shall not be occupied by more than 3 residents receiving care and their carers.
Reason: To ensure that the development would not result in any significant impacts upon the amenity of neighbouring occupiers by way of increased comings and goings and associated noise and disturbance in accordance with Policy PS2 of the adopted Swansea Local Development Plan (2010-2025).
- 4 Prior to the first beneficial use commencing, details showing the provision of a refuse/recycling storage area and a covered and secure cycle storage for a minimum of 3 bicycles within the rear amenity area, shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details prior to the first beneficial use commencing and retained as such for the lifetime of the development.
Reason: In the interests of residential amenity and to encourage sustainable alternative modes of transport.

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- 5 Prior to the first beneficial use commencing, full details of a scheme of Ecological Enhancement Measures within the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall thereafter be provided prior to the first beneficial occupation of the development hereby approved and shall be retained as such for the lifetime of the development.
Reason: In the interests of biodiversity and to provide Ecological Enhancement Measures in accordance with Policy ER9 of the adopted Swansea Local Development Plan (2010-2025).

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policy 01; Policy 02.

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, T2 and T6.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The Ecological Enhancement Measures referred to under Condition 5 could comprise of the following:
- bird and/or bat box; native planting; reptile hibernacula etc.
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Item 2

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2021/0961/S73

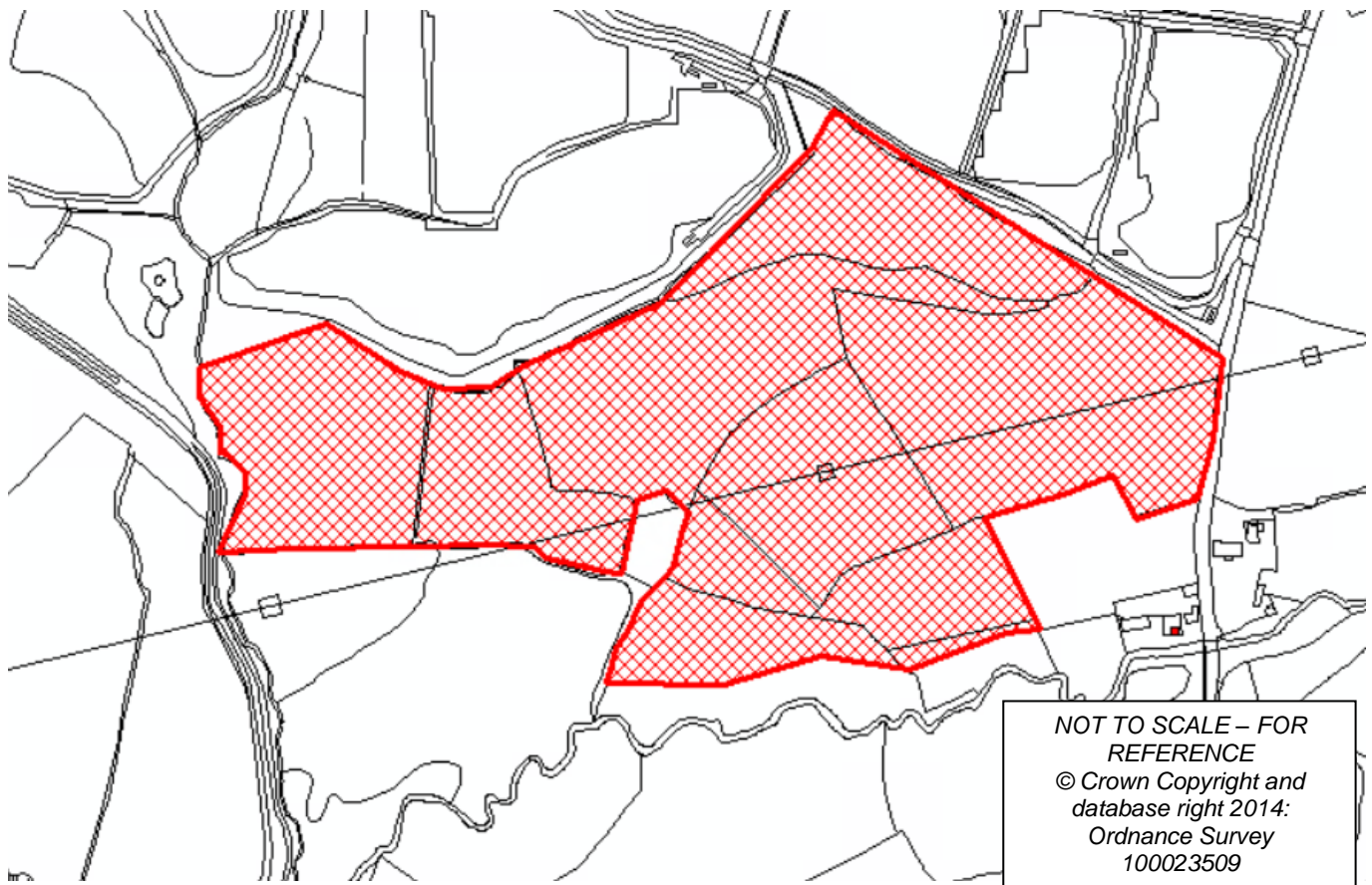
Ward:

Mawr - Area 1

Location: Felin Wen Farm , Rhydypany Road, Morryston, Swansea, SA6 6NX

Proposal: Installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works (amendment to condition 2 of planning permission 2020/0257/FUL granted 11th August 2020) to allow for alterations to internal access track and transplanting of hedgerows

Applicant: Ms Claudia Dietz PS Renewables



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Application Number:

2021/0961/S73

Background Information

Site History

App Number	Proposal	Status	Decision Date
2020/0257/FUL	Installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works	APP	11.08.2020
2020/1884/DOC	Discharge of conditions 5 (Construction Environmental Management Plan), 6 (scheme for the structural protection of the water main), 7 (Construction Traffic Management Plan), 8 (dilapidation surveys on the adopted highway), 9 (Site Waste Management Plan), 14 (scheme of external lighting) and 16 (external colour and facing materials of the buildings) of planning permission 2020/0257/FUL approved 11th August 2020	APP	17.11.2020
2020/2077/DOC	Discharge of conditions 3 (Historic Environment Mitigation) and 4 (Landscape and Ecological Management Plan (LEMP)) of planning permission 2020/0257/FUL granted 11th August 2020	APP	11.12.2020

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2020/2115/NMA	Non -Material Amendment to Planning Permission 2020/0257FUL granted 11th August 2020 allow reduction in PV panels up to 20,000 photovoltaic panels, 3 inverter stations, a single control building, 2 substation buildings, a meter room and associated works and reduction in length of access track within site to 800m.	APP 24.11.2020
2021/1059/NMA	Installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works (Non Material Amendment to planning permission 2020/0257/FUL granted 11th August 2020) to allow for an increase in size of the customer substation building	APP 17.05.2021

Background

This application is being reported to Planning Committee as the site area exceeds the development threshold of 2 hectares.

Planning permission for the installation of a 9MW solar park comprising up to 25,000 photovoltaic panels, 9 inverter/transformer cabins, a single control building and associated works was granted on the 11th August 2020, 2020/0257/FUL refers.

A Non-Material Amendment application (Ref. 2020/2115/NMA) to planning permission 2020/0257FUL to allow 'reduction in PV panels up to 20,000 photovoltaic panels, 3 inverter stations, a single control building, 2 substation buildings, a meter room and associated works and reduction in length of access track within site to 800m' was approved on 26th November 2020.

Details relating to all pre-commencement conditions i.e.03, 04, 05, 06, 07, 08, 09, 14 and 16 of the full planning permission 2020/0257/FUL have been agreed.

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Site Location

The proposed site lies approximately 1.9 km from Clydach, Pant-Iassau is approximately 650 m to the south with Felindre 2.4 km to the north west. There are a small number of scattered houses in the vicinity of the site. The closest of these is Felin-Wen-Court located approximately 60m to the south east, with Cefn Betingau farm complex 100m to the north, Pen-y-fedw about 250 m north east, Maes-eglwys Farm, approximately 330m south west and Llyn-Y-Fan approximately 500m to the north.

No public footpaths or bridleways cross the site or pass near to it. The site is not located within any national or international ecological or landscape designation and is predominantly open agricultural land with hedgerow / tree boundaries. The nearest ecological designated site is located approximately 2.3 km to the west. This is the Nant Y Crimp Site of Special Scientific Interest (SSSI).

Construction traffic accessing the site would approach from the M4, onto the Heol Maes Eglwys Road and along the Rhydybandy Road, before turning off onto the existing farm access into the site.

Description of Development

Full planning permission is sought for an amendment to the previous planning permission granted for the installation of a solar photovoltaic (PV) array on land at Felin Wen Farm, Rhydybandy Road, Morriston, Swansea. The amendment relates to a reduction in the internal access tracks by approximately 20m, its relocation next to the overhead lines and to facilitate the re-positioned access track, it is proposed to create new gaps in the hedgerow and fill in the existing gaps by way of carefully transplanting the hedgerow sections which are to be removed. The transplanted hedgerow sections will be checked and monitored and any parts of these hedgerows that are not thriving will be replaced by native species in line with the details contained in the approved Landscape Management Plan.

The amendments are proposed following a review of National Grid requirements where some health & safety concerns were identified with the access track running below the 400 KV national infrastructure overhead line.

The National Development Framework: Future Wales - the National Plan 2040

Future Wales sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs. Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

Policy 1 - Where Wales Will Grow

Policy 2 - Shaping Urban Growth and Regeneration - Strategic Placemaking

Policy 9 - Resilient Ecological Networks and Green Infrastructure

Policy 17 – Renewable and Low Carbon Energy and Associated Infrastructure

Planning Policy Wales (11th Edition) 2021

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.

Planning Policy Wales (11th Edition) 2021

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.

The Best and Most Versatile Agricultural Land

3.54 Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system(ALC)15 is the best and most versatile, and should be conserved as a finite resource for the future.

3.55 When considering the search sequence and in development plan policies and development management decisions considerable weight should be given to protecting such land from development, because of its special importance. Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations. If land in grades 1, 2 or 3a does need to be developed, and there is a choice between sites of different grades, development should be directed to land of the lowest grade.

Energy

5.7.1 The planning system plays a key role in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The transition to a low carbon economy not only brings opportunities for clean growth and quality jobs, but also has wider benefits of enhanced places to live and work, with clean air and water and improved health outcomes.

5.7.2 The Environment Act sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors. The budgets will set limits on the total amount of greenhouse gas emissions emitted in Wales over a 5 year period to serve as stepping stones and ensure progress is made towards the 2050 target.

5.7.3 Climate change is a global challenge, with impacts felt at the local level presenting a significant risk to people, property, infrastructure and natural resources. We need to plan for these impacts, reducing the vulnerability of our natural resources and build an environment which can adapt to climate change. The planning system plays a significant role in managing this risk. Development allowed today will be around for decades to come. The most important decision the planning system makes is to ensure the right developments are built in the right places.

5.7.4 The Welsh Government is committed to delivering the outcomes set out in Energy Wales:

A Low Carbon Transition. Our priorities are:

- reducing the amount of energy we use in Wales;
- reducing our reliance on energy generated from fossil fuels; and
- actively managing the transition to a low carbon economy.

5.7.5 These priorities contribute to reducing carbon emissions, as part of our approach to decarbonisation, whilst enhancing the economic, social, environmental and cultural well-being of the people and communities of Wales, in order to achieve a better quality of life for our own and future generations. This means taking precautionary action to prevent Wales being 'locked in' to further fossil fuel extraction and high carbon development. The planning system should facilitate delivery of both this and Welsh, UK and European targets on renewable energy.

5.7.7 The planning system should secure an appropriate mix of energy provision, which maximises benefits to our economy and communities whilst minimising potential environmental and social impacts. This forms part of the Welsh Government's aim to secure the strongest economic development policies, to underpin growth and prosperity in Wales, recognising the importance of decarbonisation and the sustainable use of natural resources, both as an economic driver and a commitment to sustainable development.

5.7.8 The benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. The continued extraction of fossil fuels will hinder progress towards achieving overall commitments to tackling climate change. The planning system should:

- integrate development with the provision of additional electricity grid network infrastructure;
- optimise energy storage;
- facilitate the integration of sustainable building design principles in new development;
- optimise the location of new developments to allow for efficient use of resources;
- maximise renewable and low carbon energy generation;
- maximise the use of local energy sources, such as district heating networks;
- minimise the carbon impact of other energy generation; and
- move away from the extraction of energy minerals, the burning of which is carbon intensive.

Renewable Energy Targets

5.7.16 The Welsh Government has set targets for the generation of renewable energy:

- for Wales to generate 70% of its electricity consumption from renewable energy by 2030;
- for one Gigawatt of renewable electricity capacity in Wales to be locally owned by 2030; and
- for new renewable energy projects to have at least an element of local ownership by 2020.

5.7.17 The planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings.

5.7.18 To assist in the achievement of these targets, local authorities must take an active, leadership approach at the local or regional level, by identifying challenging, but achievable targets for renewable energy in development plans. In order to identify a measurable target, which can be assessed and monitored, it should be expressed as an absolute energy installed capacity figure. This should be calculated from the resource potential of the area and should not relate to a local need for energy.

5.7.19 Planning authorities should consider the renewable energy resource they have available in their areas when formulating their renewable energy target, informed by an appropriate evidence base, and use the full range of policy options available, including developing spatial policies in their development plans. Targets must not be seen as maximum limits, but rather used as a tool to maximise available resource, and where proposals exceed the target they should not be refused.

Renewable and Low Carbon Energy

5.9.1 Planning authorities should facilitate all forms of renewable and low carbon energy development. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.

5.9.2 Planning authorities must develop an evidence base to inform the development of renewable and low carbon energy policies. Planning authorities should:

- take into account the contribution their area can make towards the reduction of carbon emission and increasing renewable and low carbon energy production;
- recognise that approaches for the deployment of renewable and low carbon energy technologies will vary;
- identify the accessible and deliverable renewable energy resource potential for their area, including heat, and consider the likely utilisation of this resource over the plan period;
- assess the social, economic, environmental and cultural impacts and opportunities arising from renewable and low carbon energy development;
- take into account the cumulative impact of renewable and low carbon energy development and their associated infrastructure, for example grid connections;
- identify criteria for determining applications for sites based on their installed capacity;
- engage with the renewable energy development industry and consider the deliverability of schemes;
- take into account issues associated with grid connection (see Grid Infrastructure section) and the transportation network; and
- consider local and strategic priorities for renewable energy.

Locational Policies for Renewable and Low Carbon Energy Development

5.9.9 Outside identified areas, planning applications for renewable and low carbon energy developments should be determined based on the merits of the individual proposal. The local need for a particular scheme is not a material consideration, as energy generation is of national significance and there is a recognised need to optimise renewable and low carbon energy generation. Planning authorities should seek to ensure their area's renewable and low carbon energy potential is achieved and have policies with the criteria against which planning applications outside of identified areas will be determined.

Development Management and Renewable and Low Carbon Energy

5.9.16 In determining applications for the range of renewable and low carbon energy technologies, planning authorities should take into account:

- the contribution a proposal will make to meeting identified Welsh, UK and European targets;
- the contribution to cutting greenhouse gas emissions; and
- the wider environmental, social and economic benefits and opportunities from renewable and low carbon energy development.

5.9.17 Planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of our overall approach to tackling climate change and increasing energy security. In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets.

5.9.18 Planning authorities should also identify and require suitable ways to avoid, mitigate or compensate adverse impacts of renewable and low carbon energy development. The construction, operation, decommissioning, remediation and aftercare of proposals should take into account:

- the need to minimise impacts on local communities, such as from noise and air pollution, to safeguard quality of life for existing and future generations;
- the impact on the natural and historic environment;
- cumulative impact;
- the capacity of, and effects on the transportation network;
- grid connection issues where renewable (electricity) energy developments are proposed; and
- the impacts of climate change on the location, design, build and operation of renewable and low carbon energy development. In doing so, consider whether measures to adapt to climate change impacts give rise to additional impacts.

5.9.19 Prior to an application being submitted, developers for renewable and low carbon energy developments should, wherever possible, consider how to avoid, or otherwise minimise, adverse impacts through careful consideration of location, scale, design and other measures.

Integrating Green Infrastructure and Development

6.2.4 Green infrastructure plays a fundamental role in shaping places and our sense of wellbeing, and are intrinsic to the quality of the spaces we live, work and play in. The planning system should protect and enhance green infrastructure assets and networks because of these multi-functional roles. The protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision alongside the need to meet society's wider social and economic objectives and the needs of local communities. The multiple benefits that resilient ecosystems and green infrastructure offer to society, including the economic and social contribution they make to local areas, should be taken into account when balancing and improving these needs.

6.2.5 The quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design. With careful planning and design, green infrastructure can embed the benefits of biodiversity and ecosystem services into new development and places, helping to overcome the potential for conflicting objectives, and contributing towards health and well-being outcomes. There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents. Landscaping, green roofs, grass verges, sustainable urban drainage and gardens are examples of individual measures that can have wider cumulative benefits, particularly in relation to biodiversity and the resilience of ecosystems as well as in securing the other desired environmental qualities of places.

6.3 Landscape

6.3.1 Landscape is an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors. Landscape policy is guided by the European Landscape Convention.

6.3.2 The landscapes of Wales are rich and varied. Many Welsh landscapes are iconic, and a quarter of the land area of Wales is designated as either a National Park or Area of National Outstanding Beauty (AONB). The character and special qualities of all our places and landscapes, both urban and rural, can provide a strong sense of place, inspiration and belonging, and contribute to the distinctive cultural identity of Wales.

6.3.3 All the landscapes of Wales are valued for their intrinsic contribution to a sense of place, and local authorities should protect and enhance their special characteristics, whilst paying due regard to the social, economic, environmental and cultural benefits they provide, and to their role in creating valued places. Considering landscape at the outset of formulating strategies and policies in development plans and when proposing development is key to sustaining and enhancing their special qualities, and delivering the maximum well-being benefits for present and future generations as well as helping to deliver an effective and integrated approach to natural resource management over the long term. Collaboration and engagement with adjacent planning authorities, Natural Resources Wales (NRW), Cadw and the third sector will be necessary to draw on a wide range of expertise and evidence. This means:

- ensuring Wales contributes to meeting international responsibilities and obligations for landscapes;
- ensuring statutorily designated sites are properly protected and managed;
- ensuring that the value of all landscapes for their distinctive character and special qualities is protected; and
- ensuring the opportunities landscapes provide for tourism, outdoor recreation, local employment, renewable energy and physical and mental health and well-being are taken into account and multiple well-being benefits for people and communities secured.

6.3.4 Where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission

Biodiversity and Ecological Networks

6.4.3 The planning system has a key role to play in helping to reverse the decline in biodiversity and increasing the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. Addressing the consequences of climate change should be a central part of any measures to conserve biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements and species records from Local Environmental Record Centres should be taken into account. Development plan strategies, policies and development proposals must consider the need to:

- support the conservation of biodiversity, in particular the conservation of wildlife and habitats;
- ensure action in Wales contributes to meeting international responsibilities and obligations for biodiversity and habitats;
- ensure statutorily and non-statutorily designated sites are properly protected and managed;
- safeguard protected and priority species and existing biodiversity assets from impacts which directly affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and
- secure enhancement of and improvements to ecosystem resilience by improving diversity, condition, extent and connectivity of ecological networks.

6.4.4 It is important that biodiversity and resilience considerations are taken into account at an early stage in both development plan preparation and when proposing or considering development proposals. Since these considerations are not confined by administrative boundaries they must be addressed strategically through consultation and collaboration with adjoining planning authorities and other bodies such as NRW and the third sector. All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on the environment cannot be avoided or mitigated, it will be necessary to refuse planning permission.

Biodiversity and Resilience of Ecosystems Duty (Section 6 Duty)

6.4.5 Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. In doing so planning authorities must also take account of and promote the resilience of ecosystems, in particular the following aspects:

- diversity between and within ecosystems;
- the connections between and within ecosystems;
- the scale of ecosystems;
- the condition of ecosystems including their structure and functioning; and
- the adaptability of ecosystems.

6.4.6 In fulfilling this duty, planning authorities must have regard to:

- the list of habitats and species of principal importance for Wales, published under Section 7 of the Environment (Wales) Act 2016;
- the SoNaRR, published by NRW; and
- any Area Statement that covers all or part of the area in which the authority exercises its functions.

6.4.7 Planning Authorities should also refer to up to date ecological survey information (where appropriate).

6.4.8 A proactive approach towards facilitating the delivery of biodiversity and resilience outcomes should be taken by all those participating in the planning process. In particular, planning authorities must demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protection for Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection.

Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

Protected Species

6.4.22 The presence of a species protected under European or UK legislation, or under Section 7 of the Environment (Wales) Act 2016 is a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. Planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site, and potentially the surrounding area, concerned. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the development management process. It is considered best practice that screening to determine the presence of protected species should be carried out by a competent ecologist on the basis of data provided by the relevant Local Environmental Record Centre.

Trees, Woodlands and Hedgerows

6.4.24 Trees, woodlands, copses and hedgerows are of great importance for biodiversity. They are important connecting habitats for resilient ecological networks and make a valuable wider contribution to landscape character, sense of place, air quality, recreation and local climate moderation. They also play a vital role in tackling climate change by locking up carbon, and can provide shade and shelter, a sustainable energy source and building materials. The particular role, siting and design requirements of urban trees in providing health and well-being benefits to communities, now and in the future should be promoted as part of plan making and decision taking.

6.4.25 Planning authorities should protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial and identified green infrastructure function. Planning authorities should consider the importance of native woodland and valued trees, and should have regard, where appropriate, to local authority tree strategies or SPG. Permanent removal of woodland should only be permitted where it would achieve significant and clearly defined public benefits. Where woodland or trees are removed as part of a proposed scheme, developers will be expected to provide compensatory planting.

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. 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 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.

6.6.25 Development should reduce, and must not increase, flood risk arising from river and/or coastal flooding on and off the development site itself. The priority should be to protect the undeveloped or unobstructed floodplain from development and to prevent the cumulative effects of incremental development.

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.

HC 1 Historic and Cultural Environment - Proposals must preserve and enhance the County's distinctive historic and cultural environment in compliance with policy principles.

HC 2 Preservation or Enhancement of Buildings and Features - Proposals must preserve or enhance the County's buildings and features of historic importance in compliance with Policy principles.

Planning Committee – 8 June 2021

Item 2 (Cont'd)

Application Number:

2021/0961/S73

ER 1 Climate Change - To mitigate against the effects of climate change, adapt to its impacts, and to ensure resilience, development proposals should take into account the climate change principles specified in the policy.

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 multifunctional green infrastructure network in accordance with the green infrastructure principles set out in the policy.

ER 5 Landscape Protection - Development will not be permitted that would have a significant adverse effect on the character and quality of the landscape of the County. Priority will be given to protecting, enhancing and managing the character and quality of the 4 Special Landscape Areas (SLAs) (shown on the Proposals Map). Within SLAs development will only be permitted where there is no significant adverse impact, including cumulative impact, on the character and quality of the landscape, a landscape assessment may be required. Permitted development should aim to protect and enhance the features for which the SLA has been designated. In exceptional circumstances, where development that will have a significant impact on the landscape is necessary, a landscaping scheme will be required with appropriate mitigation and enhancement measures.

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.

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

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.

T 7 Public Rights of Way and Recreational Routes - development that significantly adversely affects the character, safety, enjoyment and convenient use of a Public Right of Way (PROW) will only be permitted where an acceptable alternative route is identified and provided. Linkages and, where appropriate, extensions to the existing PROW network will be expected from all new developments, which must have regard to the existing character of the PROW and the aspiration to improve access for all.

EU 1 Renewable and Local Carbon Energy Developments - proposals for renewable or low carbon energy development will be permitted subject to compliance with specific criteria

RP 1 Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

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

RP 3 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.

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.

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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.

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.

Consultations:

Council's Tree Officer: No objection. Please condition a hedgerow translocation method statement.

APPRAISAL

Main Issues

The main issues to consider in the determination of this application relate to the impact of the proposal on the visual and residential amenity of the area and highway safety having regard to the prevailing provisions of the relevant LDP Policies and National Policy guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The site lies within an area that is identified as being within a Local Search Area for renewable and low carbon developments under Policy EU1. In terms of national guidance, national planning policy on renewable energy developments is set out in Future Wales, Planning Policy Wales, Edition 11 (PPW) and the associated Technical Advice Note (TAN) 8: Renewable Energy.

PPW recognises the key role the planning system has in delivering clean growth and the decarbonisation of energy, as well as being crucial in building resilience to the impacts of climate change. The Environment Act sets a legal target of reducing greenhouse gas emissions by at least 80% by 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and associated carbon budgets for key sectors.

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PPW states that the benefits of renewable and low carbon energy, as part of the overall commitment to tackle climate change and increase energy security, is of paramount importance. Importantly, PPW recognises that the planning system should, amongst other things, maximise renewable and low carbon energy generation; minimise the carbon impact of other energy generation; and move away from the extraction of energy minerals, the burning of which is carbon intensive. PPW recognises the planning system has an active role to help ensure the delivery of these targets, in terms of new renewable energy generating capacity and the promotion of energy efficiency measures in buildings. PPW states that Planning authorities should facilitate all forms of renewable and low carbon energy development. In doing so, planning authorities should seek to ensure their area's full potential for renewable and low carbon energy generation is maximised and renewable energy targets are achieved.

Planning authorities should give significant weight to the Welsh Government's targets to increase renewable and low carbon energy generation, as part of the overall approach to tackling climate change and increasing energy security. In circumstances where protected landscape, biodiversity and historical designations and buildings are considered in the decision making process, only the direct irreversible impacts on statutorily protected sites and buildings and their settings (where appropriate) should be considered. In all cases, considerable weight should be attached to the need to produce more energy from renewable and low carbon sources, in order for Wales to meet its carbon and renewable targets.

LDP Policy EU1 states:

“ii. Local Search Areas (LSAs) - Within the LSAs, proposals for solar PV between 5 – 50 MW will be permitted subject to criteria iii to v. All other proposals for renewable and low carbon energy development will only be permitted where they can demonstrate they would not prejudice the purpose of the LSA.

iii. Proposals for all types of renewable and low carbon energy development and associated infrastructure, either on their own, cumulatively or in combination with existing, approved or proposed development, should comply with all other relevant policies in the Plan and should not have a significant adverse effect on:

a. The characteristics and features of the proposed location as a result of the siting, design, layout, type of installation and materials used; b. Public amenity or public accessibility to the area;

c. Radar, Aircraft Operations or Telecommunications;

d. Carbon sinks, unless it can be demonstrated that on-site loss can be adequately mitigated;

iv. Satisfactory mitigation should be in place to reduce the impact of the proposal and its associated infrastructure; and in the case of solar proposals must mitigate against any impacts of glint and glare. Proposals shall make provision for the restoration and after-care of the land for its beneficial re-use. This will be agreed with the LPA prior to the development being carried out.

v. Where necessary, additional compensatory benefits will be sought in accordance with Policy IO 1 Supporting Infrastructure and Planning Obligations.”

The previous grant of planning permission has already established the principle of development at this particular site. Therefore, the only issue to be considered as part of this application is whether or not the changes to the internal track and hedgerows gap placements is acceptable in light of the aforementioned policies.

Item 2 (Cont'd)

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Visual Amenity:

The proposed development site stretches from the RhydyPandy Road in a westerly direction over seven small fields to meet a ditch / small stream and tributary of the Afon Llan. To the north a wooded stream valley separates this farm from Cefn Betingau. To the south part of two fields slope gently to the Afon Llan (River Llan). The site boundary is placed to preserve a 30m riverline corridor from the Afon Llan.

In terms of the impact of the scheme upon the character and appearance of the open countryside, the previously submitted LVIA investigated a number of viewpoints to analyse the existing baseline conditions and assess the likelihood for potential visual effects caused by the proposed development. The assessment in this LVIA indicated that there would be no “critically damaging” visual impacts on listed buildings, scheduled ancient monuments or vistas from Conservation Areas as a result of these proposals.

The previous report acknowledged that “the site is enclosed by hedges, hedgebanks and riparian woodland with the individual fields enclosed with further hedges and occasional trees. Boundary hedges plus any internal ones needed to ensure visual screening will be grown on to 3.5m high. A new entrance gate, similar to that at the entrance to Cefn Bettingau Solar Park, around 100m further north along Rhydypany Road, will replace the existing field gate at the northeast corner of the site. New native hedgerows will be planted to deflect and in due course block views into the site from this entrance. All existing hedges will be gapped up as necessary. It is acknowledged that there will be some landscape change but it is considered that this will be very little in the overall landscape layout.”

It was considered that the LVIA demonstrated that the proposal would have an overall low or negligible impact upon the visual qualities of this open countryside area. The changes proposed as part of the current proposal are not considered to have any further undue visual impact over and above that previously considered and as such, the current proposal complies with Policies PS1, PS2 and EU1.

Residential Amenity

There are no immediate residential properties close to the site as the nearest property Felin Wen is approximately 60m to the south east of the site. The other nearest properties are between 100m and 500m from the site.

The LVIA submitted as part of the original planning permission considered the visual impact of the overall development from these surrounding residential properties, and concluded that whilst it may be visible to some extent from these properties, the existing screening provided by hedgerows and proposed additional hedgerow planting would mitigate these impact and would not have any significant impact when viewed from both private and public vantage points. The planting of additional hedgerow would also serve to enhance the landscape character which would also provide greater value for wildlife. It is considered that the current proposal to amend the location of the gaps in the hedgerow would not change this impact.

In terms of the potential for glint and glare, and potential noise and disturbance these were considered as part of the previous approval and there are considered to be no changes to these details.

Ecology / Trees

The applicant had undertaken an ecological impact assessment of the proposed Solar Park as part of the previous planning permission. This comprised of a detailed desk study, consultation and field survey. There are no statutory designated sites within 2km of the proposed Solar Park and there are twenty-two non statutory designated sites within 2km of the proposed Solar Park. An Extended Phase 1 Habitat Survey and desk study was undertaken in June 2019 to determine the potential for notable and protected species and habitats within the site and the surrounding area. In built mitigation has been incorporated into the proposed development to ensure all species are safeguarded as far as possible during the proposed development and to provide biodiversity net gains through habitat creation and enhancement. As the survey was undertaken less than 2 years ago, then it is considered that the contents are still valid.

No significant impact upon protected species was anticipated as part of the previous permission and it is not considered that there will be any further impact as part of this proposal as the applicant had included the following mitigation measures as part of the scheme:

- Retain and safeguard all but 5.5m of hedgerow habitat within the site, with a minimum 2m stand-off from works;
- Retain and safeguard all trees on site;
- Retain and safeguard all ditches and watercourses;
- Undertake a pre-construction badger survey across the proposed site;
- Ensure there is no habitat fragmentation by installing 'badger gaps' at the base of the perimeter deer fencing. These gaps can be used by badgers and other species to maintain full access across the site post development;
- Safeguard badgers and small mammals such as hedgehogs/hares/polecats during the construction phase by ensuring excavations are fenced/covered overnight (or an egress point such as a ramp is provided). Excavations will be inspected each morning to ensure no animals have become trapped; and
- Prepare a Construction Environmental Management Plan (CEMP) to ensure that best practice methods are adhered to in order to limit the generation of litter, dust, noise, vibration and pollution prevention. The CEMP will also include details of briefings and instruction to contractors regarding the biodiversity present on the site as appropriate.

The applicant also originally proposed the following compensation measures:

"38m of new species rich, native hedgerow planting will be undertaken to off-set the loss of 5.5m of existing hedgerow as a result of the development; and where the 5.5m of hedgerow is removed the retained ends of the hedgebank will be repaired and planted by local craftsmen to maintain the local character of the proposed Solar Park site."

The Council's Ecologist had reviewed the information within the originally submitted documents and raised no objection to the proposal but requested that additional information be submitted for further approval via condition e.g. a Landscape and Management Plan. Several other specific informatives relating to bats, badgers, otters, nesting bird etc. were also required. Natural Resources Wales had also requested conditions regarding a Construction Environmental Management Plan and Landscape and Ecological Management Plan (LEMP) to ensure the long-term success of the landscape scheme of mitigation and to ensure connectivity to the wider environment. These were attached to the original grant of consent and will be re-imposed as part of the current approval or the applicant will be advised that the scheme has to be implemented in accordance with approved details if the conditions relating to these issues have already been discharged.

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The Council's Tree Officer has raised no objection to the amended scheme providing a hedgerow translocation condition is submitted and a condition to this effect is recommended.

In light of the above it is considered the proposed development, subject to conditions, would not result in any significant impacts upon the ecology in the wider area surrounding the site. The development is therefore considered to be acceptable having regard to LDP Policies EU1, ER2, ER6, ER8, ER9 and ER11.

Access and Highway Safety

It is considered that the current proposal would have no additional impact upon the access to the site or upon road safety.

Heritage

It is not considered that the current proposal would have any additional impact upon the heritage of the site.

Land stability

The site lies within a Coal Development High Risk Area and the Coal Authority raised no objection to the previous planning permission granted providing a standard mining informative was added to any planning permission given. It is not considered that the proposal would alter this opinion and the informative will be re-imposed as part of this permission.

Conclusion

On balance, this minor change to the overall approved details within planning permission 2020/0257/FUL application is considered appropriate in terms of its scale and design and would not cause unacceptable loss of amenity to neighbouring properties, visual amenity, ecology, habitats or highways safety. Approval is therefore recommended as the proposal is considered to be in accordance with the criteria laid out in Policies PS1, PS2, CV2, ER1, ER5, ER6, ER8, ER9, EU1 and RP4 of Swansea's Local Development Plan 2010 - 2025.

Consideration has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act"). In reaching this recommendation due regard has been given to the ways of working set out at section 5 of the WBFG Act and it is considered that this recommendation is consistent with the sustainable development principle as required by section 8 of the WBFG Act.

RECOMMENDATION:

APPROVE, subject to the following conditions:

- 1 The development shall be carried out in accordance with the following approved plans and documents: arboricultural report, COMP AND CEMP, Environmental report volume 1, environmental report volume 2, site location drawing, LVIA and Construction traffic management plan, plan b existing and proposed elevations, plan c site topographical survey, plan d land ownership boundary received on 8th February 2020; arboricultural impact assessment, arboricultural method statement received 2nd April 2020,, 1.3 B General Layout received 9th April 2021 and in accordance with plans November 2020:

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6.5 control room 6.7 EQ customer substation 1.2 rev A topographical survey 1.3 rev A general layout 1.6 rev A existing and proposed elevations 2.1 rev A security fence 6.1 rev A EQ inverter station 6.2 rev A EQ inverter 6.3 rev A EQ transformer and switchgear 6.8 rev A EQ DNO agreed as a Non Material amendment ref: 2020/2115/NMA and plan no: 6.7 REV B plans and elevations agreed as a Non material amendment ref: 2021/1059/NMA.

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

- 2 The development hereby permitted shall be undertaken in accordance with the details provided to discharge condition 03 (Historic Environment Mitigation) of planning permission 2020/0257/FUL which were agreed on 8th December 2020 Ref (2020/2077/DOC).

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

- 3 The development hereby permitted shall be undertaken in accordance with the details relating to condition 04 (Landscape and Ecological Management Plan) of planning permission 2020/0257/FUL which were agreed on 8th December 2020 Ref (2020/2077/DOC).

Reason: In the interest of ecology.

- 4 The development hereby permitted shall be undertaken in accordance with the details required by Condition 05 (Construction Environmental Management Plan) which were discharged by the City & County of on 16th November 2020 (Ref: 2020/1884/DOC).

Reason: To prevent pollution of controlled waters and the wider environment during the construction phase.

- 5 The development hereby permitted shall be undertaken in accordance with the details required by Condition 06 (scheme for the structural protection of the water main) were discharged by the City & County of Swansea on 16th November 2020 (Ref: 2020/1884/DOC).

Reason: To ensure that the proposed development does not affect the integrity of the public water supply system in the interests of public health and safety.

- 6 The development hereby permitted shall be undertaken in accordance with the details required by Condition 07 (Construction Traffic Management Plan) were discharged by the City & County of Swansea on 16th November 2020 (Ref:2020/1884/DOC).

Reason: In the interests of highway safety.

- 7 The development hereby permitted shall be undertaken in accordance with the details required by Condition 08 (dilapidation surveys on the adopted highway) which were discharged by the City & County of Swansea on 16th November 2020 (Ref: 2020/1884/DOC).

Reason: In the interests of highway safety.

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- 8 The development hereby permitted shall be undertaken in accordance with the details required by Condition 09 (Site Waste Management Plan) which were discharged by the City & County of Swansea on 9th December 2020 (Ref: 2020/1884/DOC)
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 9 No later than 12 months from the first generation of electricity, the following schemes shall be submitted to and approved in writing by the Local Planning Authority:
i. a scheme detailing the removal of all surface elements of the photovoltaic solar farm and any foundations or anchor systems to a depth of 300 mm below ground level;
ii. a scheme detailing the restoration and aftercare of the land; and
iii. a timetable for completion of the removal and restoration works.

The schemes shall be implemented within 12 months of the date of the last electricity generation and shall be completed in accordance with the approved timetable.

Reason: To safeguard the landscape and its visual amenity in accordance with LDP Policies EU1 and PS2.
- 10 The planning permission hereby granted is for a period of 40 years electricity generation, after which electricity generation is to cease, the solar panels and all ancillary infrastructure are to be removed from the site and the land is to be restored to its former condition in accordance with the details approved under condition 10 of this permission. Written confirmation of the date of commissioning of the development (defined as the date on which the solar farm is put into active operation for the generation of electricity) shall be submitted to the local planning authority within one month of that date.
Reason: To safeguard the landscape and its visual amenity.
- 11 The development hereby approved shall be undertaken in accordance with the mitigation, compensation and enhancement listed in Section 6 of the Afon Llan Solar Park: Environmental Report Volume 1 - Main Text and Appendices', February 2020, Wessex Solar Energy Ltd received 8th February 2020 which shall be implemented prior to the first electricity generation.
Reason: To ensure the proposal has no impact upon protected species.
- 12 The construction phase of the development hereby approved shall be undertaken in compliance with the Tree Protection Plan Ref: 15685-B/AJB as shown in Appendix 5 of the Arboricultural Method Statement received on 2nd April 2020.
Reason: In the interests of visual amenity and to ensure trees are protected during the construction phase of the works.
- 13 The development hereby permitted shall be undertaken in accordance with the details required by Condition 14 (scheme of external lighting), which were discharged by the City & County of Swansea on 16th November 2020 (Ref: 2020/1884/DOC).
Reason: To mitigate detrimental impacts to local wildlife within and surrounding the site

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- 14 The boundary enclosures, as indicated on the approved plans, shall be constructed prior to the commissioning date and shall thereafter be retained for the lifetime of the development.
Reason: In the interests of security, community safety and visual amenity
- 15 The development hereby permitted shall be undertaken in accordance with the details required by Condition 16 (external colour and facing materials of the buildings), which were discharged by the City & County of Swansea on 16th November 2020 (Ref: 2020/1884/DOC).
Reason: To ensure the finishes of the development have regard to its location within the countryside.
- 16 Notwithstanding the details on the plans hereby approved, and prior to the commencement of works on the relocated access road or hedgerows, a hedgerow translocation method statement must be submitted to and approved in writing by the Local Planning Authority. The development must be undertaken in accordance with the approved details.
Reason: In the interests of visual amenity and ecology.

Informatives

- 1 The development plan covering the City and County of Swansea comprises Future Wales: The National Plan 2040 and the Swansea Local Development Plan (LDP) (2010-2025). The following policies were relevant to the consideration of the application:
Policies 1, 2 9 and 17 of Future Wales
Policies PS1, PS2,CV2, ER1, ER5, ER6, ER8, ER9, EU1, RP4 of Swansea's Local Development Plan.
- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. These hazards can include: mine entries (shafts and adits); shallow coal workings; geological features (fissures and break lines); mine gas and previous surface mining sites. Although such hazards are seldom readily visible, they can often be present and problems can occur in the future, particularly as a result of development taking place.
- If any of the coal mining features are unexpectedly encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is available on the Coal Authority website at: www.gov.uk/coalauthority
- 4 Under the provisions of Schedule 3 of the Flood and Water Management Act 2010, your development may require Sustainable Drainage Approval before any construction work commences. Further details can be found on the Authority's website:- <https://www.swansea.gov.uk/sustainable Drainage> and the SuDS Approval Team can be contacted via SAB.Applications@swansea.gov.uk for further advice and guidance.

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- 5 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or a MCIfA level accredited Member.
- 6 Dormice may be present. Dormice are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 2010. This legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly /intentionally to disturb such an animal. If evidence of dormice is encountered e.g. live or dead animals or nests, work must cease immediately and the advice of Natural Resources Wales sought (01792 634960).
- 7 All trenches and excavations must be fenced off or covered-over at night to prevent any animals, hedgehogs, badgers, otters and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.
- 8 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).
- 9 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest in use or being built
 - Take or destroy an egg of any wild bird

No works should be undertaken between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests either in vegetation or buildings immediately before the vegetation is cleared and/or work commences on the building to ensure that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site.

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- 10 Badgers are protected under the Protection of Badgers Act 1992. It is an offence to wilfully kill, injure or take a badger; to interfere with a sett by damaging or obstructing it or by disturbing a badger when it is occupying a badger sett, with intent or recklessly. If any evidence of badger use is encountered e.g. possible setts (these can be a single hole) work must stop immediately and the advice of Natural Resources Wales sought before continuing with any work.
 - 11 All British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. This makes it an offence to intentionally kill or injure adder, slow worm and common lizard. If the reptiles listed above are encountered, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work.
 - 12 The Great Crested Newt (GCN) is a European Protected Species (EPS). It is against the law to damage or destroy a GCN breeding site or resting place (pond or terrestrial habitat), or intentionally/recklessly to capture, kill, injure or disturb a GCN. If evidence of GCN is encountered during site clearance, work must cease immediately and the advice of Natural Resources Wales sought before continuing with any work.
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Item 3

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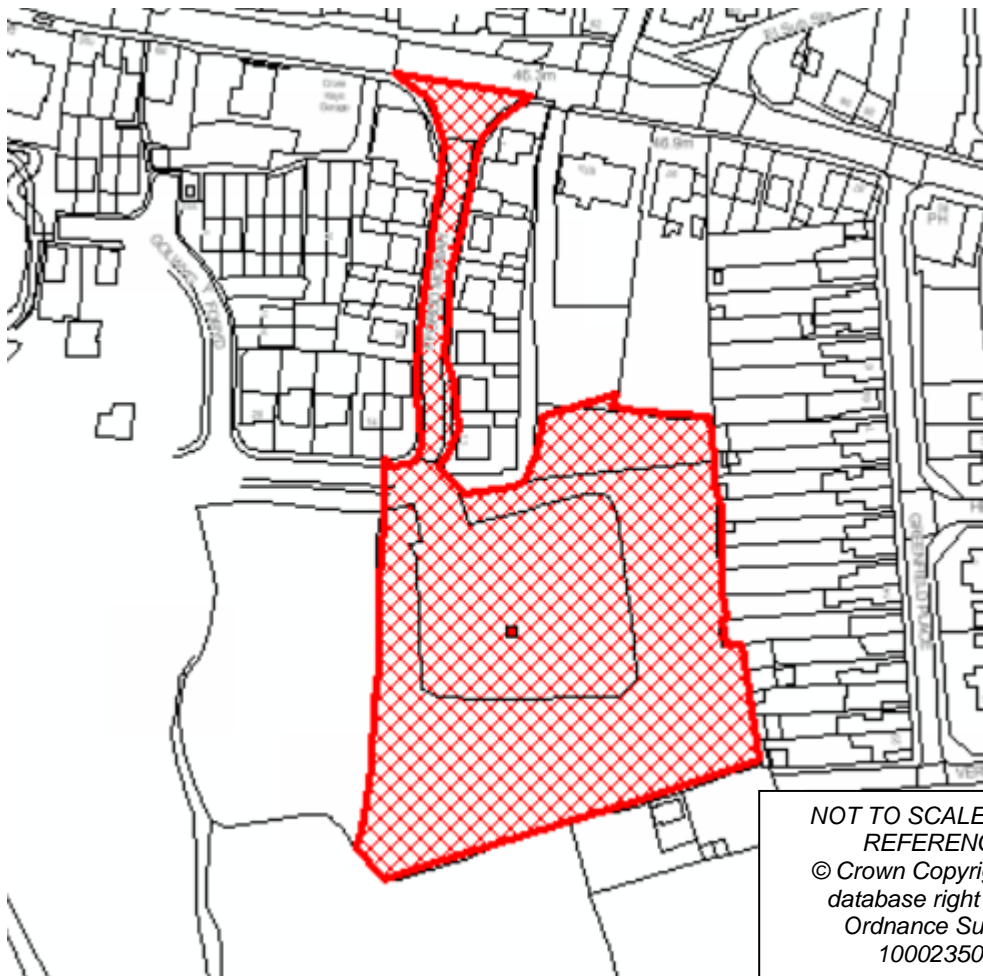
Ward:

Upper Loughor - Area 2

Location: Land South Of Glebe Road, Glebe Road, Loughor, Swansea,

Proposal: Construction of 23 dwellings, comprising 2 detached dwellings, 7 detached dwellings with detached garages, 3 detached dwellings with integral garages, 4 pairs of semi detached dwellings (8 dwellings) and 3 linked dwellings with access, landscaping, drainage and associated works

Applicant: Mrs Francesca Evans Barratt Homes South Wales Ltd



Background Information

Policies

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 - 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.

LDP - IO1 - Supporting Infrastructure

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

LDP - IO2 - Employment and Training Opportunities

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

LDP - H1 - Non-Strategic Housing Sites

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

LDP - H3 - Affordable Housing

On-Site Affordable Housing - sets the percentage of affordable housing provision required in the Strategic Housing Policy Zones, subject to consideration of financial viability.

LDP - H4 - Off-Site Affordable Housing

Off-Site Affordable Housing - In exceptional circumstances, the provision of affordable housing off-site may be permitted where proposals comply with relevant policy principles.

LDP - HC3 - Development in the Welsh Language Sensitive Area

Development in the Welsh Language Sensitive Area - Proposals within the Language Sensitive Area (defined on the Proposals Map) will safeguard and promote the Welsh language throughout the County by complying with the policy principles.

LDP - SI1 - Health and Wellbeing

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

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LDP - SI3 - Education Facilities

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

LDP - SI6 - Provision of New Open Space

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

LDP - SI8 - Community Safety

LDP - ER1 - Climate Change

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

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.

LDP - ER8 - Habitats and Species

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.

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 - ER11 - Trees, Hedgerows and Development

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.

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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 - 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 - T5 - Design Principles for Transport Measures and Infrastructure

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.

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 - T7 - Public Rights of Way and Recreational Routes

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

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.

LDP - RP1 - Safeguarding and Public Health and Natural Resources

Safeguarding and Public Health and Natural Resources - development that would result in significant risk to life; human health and wellbeing; property; controlled waters; or the historic and natural environment, especially European designated sites, will not be permitted, particularly in respect of the specified potential risks.

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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 - RP6 - Land Contamination

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.

LDP - RP7 - Land Instability

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.

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.

Site History

App Number	Proposal	Status	Decision Date
2021/0112/FUL	Construction of 23 dwellings, comprising 2 detached dwellings, 7 detached dwellings with detached garages, 3 detached dwellings with integral garages, 4 pairs of semi detached dwellings (8 dwellings) and 3 linked dwellings with access, landscaping, drainage and associated works	PDE	

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RESPONSE TO CONSULTATIONS

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters sent to adjacent neighbours on 5th February 2021, and the application was advertised on site and in the press.

THREE LETTERS OF OBJECTION have been received which are summarised below:

- The properties will be overlooking the back of my garden and property; this will lead to a loss of privacy.
- The buildings will obstruct the views of the countryside and the Loughor Estuary
- The development would destroy the character of my property and will make the property feel enclosed.
- It may also result in a reduction of light into my home.
- This is highly likely to de-value my property.
- Additional houses will cause noise, pollution and dust in an area which is already severely built-up.
- Concerned about the conservation of the natural environment. The field and farm behind us host a crest of different species and a huge array of wildlife will be perished as a result of the proposed properties.
- These fields are an integral part of the landscape and it provides me and the surrounding houses views of the natural landscape.
- I have been alarmed to see how many Oak trees have been taken down and the destruction and impact on the natural un-spoilt habitat for wild life.
- I am interested to know exactly what type or style of boundary will be created above my dry stone wall at the back of my garden to ensure the security.
- I have just thought about relates to cars and traffic congestion along the entire street at Greenfield Place. The problem could have been resolved by creating a road running along the length of the construction site at the back of our gardens which would have created the potential for residents such as myself to build garages and off road parking taking the congestion away from the street.
- Object to the removal of established trees from the rear of my land, they provide shelter and privacy to our property.

Llŵchwr Town Council

It was RESOLVED that there would be no objection provided that the existing Conditions in the Section 106 Agreement were adhered to prior to any new development on the site.

Natural Resources Wales (NRW)

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 5 February 2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

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Condition 1: No development, including site clearance with the potential to impact on bats shall commence until a pre-construction tree survey has been carried out for the development. If the survey confirms the presence of bats the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the Local Planning Authority. The measures shall be carried out in accordance with the approved details.

Condition 2: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the local Planning Authority, as specified in this letter.

Condition 3: No development shall be commenced until a Construction Environmental Management Plan (CEMP) detailing all necessary pollution prevention measures for the development is submitted to and approved in writing by the Local Planning Authority.

Pre-Application Consultation Report

We welcome the submission of the document titled: 'Phase II, Chapel Fields, Land South of Glebe Road, Loughor, Swansea - Pre-Application Consultation Report', dated January 2021, by Barratt Homes South Wales Ltd. Having reviewed the document, we note the responses to NRW's statutory pre-application letter and wish to make the following comments:

European Protected Species

We welcome the submission of the following documents and drawings, which have been provided in support of the proposal:

- 'Ty Fry Farm, Loughor, Swansea. Preliminary Ecological Appraisal', dated November 2020 by Acer Ecology,
- 'Ty Fry Farm, Loughor, Swansea. Bat Transect & Static Detector Survey Report', dated December 2020 by Acer Ecology,
- Drawing No. P18-0751_36: 'Green Infrastructure Plan, Chapel Fields, Loughor, Phase 2', dated 30/11/20 by Pegasus Design,
- Drawing No. P18-075143 Rev A: 'Phase 2, Ty Fry Farm, Loughor - Management Plan', dated 02/12/20 by Pegasus Design,
- Drawing No. P18-0751_35 Rev B: 'Landscape Masterplan, Chapel Fields, Loughor, Phase 2', dated 30/11/20 by Pegasus Design,
- 'Land South of Glebe Road, Loughor. P18-0751_47D. Design and Access Statement', dated January 2021 by Pegasus Design,
- 'Ty Fry Farm, Loughor, Swansea. HSI Assessment, Letter Style Report', dated November 2020 by Acer Ecology,
- Drawing No. P18-0751_35 Rev B: 'Landscape Masterplan. Chapel Fields, Loughor, Phase 2.', dated 30/11/20 by Pegasus Design,
- 'Phase II, Chapel Fields. Land South of Glebe Road, Loughor, Swansea, Planning Statement', dated January 2021, by Barratt Homes South Wales Ltd,
- 'Arboricultural Impact Assessment for Phase 2, Chapel Fields, Loughor, Swansea', dated 26 November 2020 by Treescene Ltd.

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

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Bats

We note from the information submitted that the majority of the peripheral hedgerows, trees and dense scrub will be retained and that no trees are proposed to be removed to facilitate the development, which we welcome.

However, it is further noted that; 'Trees T5, T6, T7, T8, T9, G11, T12, T13, G14, T15, G16, G17, G18, T19, G20, T28, T31, T38, T39, T48, and T59 are recommended for removal in the Tree Survey due to poor quality (U category). Many of the U category trees are Ash trees infected with Ash Dieback Disease (*Hymenoscyphus fraxineus*)'.

We note from the Preliminary Ecological Report that Tree T2 was assessed as having high bat roost potential and, under the current proposals, it is proposed to be retained. We also note the transect surveys undertaken in August and October 2020, and the recommendations made within the Bat Transect and Static Detector Survey Report that: 'A further transect, and static detector survey should be undertaken in spring 2021', which we welcome.

Therefore, due to the transient nature of bat roosts in trees, we advise that any trees requiring felling or management works to facilitate the development, or management proposals, should be preceded by an assessment for their potential to support roosting bats.

For any trees categorised as having moderate to high potential for supporting bats, further surveys (climbing inspections and/or activity surveys) will be required in accordance with best practice. A detailed plan should be included with the submission which outlines which trees require felling and pruning, and their potential to support roosting bats.

Should bat roosts be confirmed, we advise that an assessment of the impacts of the scheme on these roost sites and proposals to mitigate or compensate for them is included with the submission.

Therefore, we advise that your Authority should only grant planning permission if you attach the following conditions. We would not object to the application provided these are attached and implemented as part of any planning permission your Authority may be minded to grant.

Pre-commencement Species (Bat) Survey

Condition 1: No development or phase of development, including site clearance, with the potential to impact on bats, shall commence until a pre-construction bat survey of trees has been carried out. If the survey confirms the presence of bats the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the local Planning Authority. The measures shall be carried out in accordance with the approved details.
Justification: To ensure the potential presence of bats is confirmed prior to construction and where necessary remedial; measures are implemented for their protection.

Lighting Plan

Condition 2: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the local Planning Authority. The Lighting plan should include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas.

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- An environmental lighting impact assessment against conservation requirements for protected species.
- Light modelling images to present the night time effects of lighting on sensitive habitats.
- The lighting shall be installed and retained as approved during construction and operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of biodiversity interests on site.

In addition to the above, we welcome the recommendations made within Section 5 (Required Actions) of the Preliminary Ecological Report and would look to your Authority to ensure that these recommendations are secured and implemented as part of any planning permission, you may be minded to grant.

Legislation and Policy

All species of British bats are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed.

Where a European Protected Species is present and development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range.'

These requirements are translated into planning policy through Planning Policy Wales (PPW) December 2018, section 6.4.22 and 6.4.23, and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

Pollution Prevention

Construction and demolition activities can give rise to pollution and so it is important that appropriate provisions are in place to manage dust, silt, surface water and the storage of waste during the construction phase.

Therefore, we recommend that a detailed Construction Environmental Management Plan (CEMP) is produced and submitted as part of any future planning application. This should include site-specific measures which will be put in place to prevent pollution to the surrounding land & water environments.

We advise that the following condition should be included on any planning permission that the Local Planning Authority may be minded to grant.

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Condition 3: No development or phase of development, including site clearance shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods including details of materials, waste, contaminated land.
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffer zones, relevant protection measures (e.g. fencing, etc).
- Biodiversity Management: tree and hedgerow protection, invasive species management, species / habitats protection and mitigation measures.
- Soil management, topsoil strip, storage and amelioration for re-use.
- CEMP masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.
- Control of Nuisances: restrictions on timing / duration / frequency of works (e.g. dust control measures, control of light spill and conservation of dark skies).
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan, etc.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Dwr Cymru / Welsh Water (DCWW)

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We note that our consultation response (Ref: PPA0005399) has been acknowledged and included at Appendix 7 of the accompanying Pre-Application Consultation (PAC) Report, prepared by Barratt Homes, which highlights that foul flows can be accommodated within the public sewerage system the sewer immediately north of the site as shown on the 'Engineering Layout'.

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It appears the same plan (Drawing No. 001 G) has been submitted as part of this latest planning application, and therefore we offer no objection in principle.

Notwithstanding the above, if you are minded to grant planning permission for the above development, we would request that the following Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets: Advisory Notes As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Coty & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.

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

Gwent Glamorgan Archaeological Trust (GGAT)

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

We have consulted the regional Historic Environment Record (HER) and note the submission of a desk-based assessment (DBA) by RSK ADAS (dated December 2020). The Neath-Loughor Roman road (RR60d) is located to the north of the site and several Roman findspots are located in the vicinity, with the assessment indicating a low-moderate potential for Roman remains. Furthermore it suggests a low-moderate potential for Post-medieval remains.

Additionally, an archaeological field evaluation was conducted on an adjacent site to the west in 2014. The evaluation recorded a deposit likely associated with Beili Glas Cottage, containing Post-medieval pottery, glass and mortar.

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As such there is the potential for encountering archaeological remains during the course of the proposal, particularly those dating to the Roman or Post-medieval periods.

Therefore it is our recommendation that a condition requiring the applicant to submit a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource should be attached to any consent granted by your Members. This is consistent with our response to the pre-application enquiry.

We envisage that this programme of work would take the form of a watching brief during the groundworks required for the development, with detailed contingency arrangements including the provision of sufficient time and resources to ensure that any archaeological features or finds that are located are properly investigated and recorded; it should include provision for any sampling that may prove necessary, post-excavation recording and assessment and reporting and possible publication of the results. To ensure adherence to the recommendations we recommend that the condition should be worded in a manner similar to model condition 24 given in Welsh Government Circular 016/2014

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

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

We also recommend that a note should be attached to the planning consent explaining that: The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member.

Placemaking And Strategic Planning Advisor

Overview

The site forms part of a wider allocation for residential development in the LDP (ref H1.32), and therefore the principle of an appropriate, sustainable development providing new homes at the site is established and aligns with policy.

Placemaking and Green Infrastructure (GI)

Initial Comments

The Development Plan, comprising Future Wales and the Swansea LDP, places significant emphasis on the importance of placemaking and the integration of multifunctional Green Infrastructure (GI). WG and Swansea Council are also signatories to the Placemaking Charter which sets out the placemaking principles to be applied to all developments.

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Future Wales Policy 2 (Shaping Urban Growth and Regeneration, Strategic Placemaking) sets out the requirement for a strategic placemaking approach to decision making and highlights principles to support planning authorities to shape urban growth and regeneration. The policy states that development should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with GI. Future Wales makes clear that specific opportunities should be identified, including through GI Assessments, to ensure that GI is fully integrated into development schemes.

Swansea LDP Policy: Similarly, placemaking and GI is central to the Swansea LDP policy framework. LDP Policies PS 2 and ER 2 state that all proposals should be assessed having regard to these key principles, and should enhance the County's GI network. Policy PS2 also emphasises that development should enhance the quality of places and spaces, and respond positively to the aspects of local context and character that contribute towards a sense of place. The policy states that the design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment, and must not cause unacceptable impacts on people's amenity.

Having regard to this requirement to address placemaking and GI principles, the following highlights specific comments from the Placemaking and Heritage Team:

Proposals for this site were initially considered at pre-application stage. Issues and concerns highlighted at that stage included:

- o Dominance of frontage parking
- o Prominent location of pumping station
- o Integration of SUDs
- o Lack of play/ amenity space
- o Garden sizes/ separation distances

In response to comments received, the applicant has amended aspects of the scheme and the planning application proposals have been supported by a well-illustrated DAS, Green Infrastructure Strategy, Soft Landscaping Strategy, and SuDs strategy. These positively address the Placemaking issues highlighted at the pre-application stage.

This is with one exception as detailed below.

The number of units has been reduced from 25 to 23 which allows the layout issues to be resolved with better integration of GI. This produces a density of around 26 dwellings per hectare. While lower than the LDP target for 35 dph, this is considered acceptable after careful consideration of the constraints such as the irregular shape of the site and retained trees as well as the placemaking opportunities of the site. The density is significantly less than that of 50 dph defined in FW for 'urban development', however such a density target is not appropriate for this site on the fringes of a suburban environment.

Frontage parking has been laid out with side drives, with frontage parking limited to only side, which accords with the adopted Residential Design Guide SPG.

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The space to the north alongside plot 23 has been amended from the initial iterations of the scheme to be a LAP for informal play and recreation, which is integrated with the retained mature tree corridor. This public space is well overlooked by habitable room windows to the Alderney Corner turning house type.

The applicant has confirmed that the pumping station cannot be relocated due to the topography, however in this case it can be adequately screened by new planting.

The reduction in the number of homes has allowed issues with garden sizes and separation distances to be addressed.

The character of the new homes follows the previously consented Phase 1 materials and appearance which is acceptable. The three affordable homes are well integrated in a street fronting location and designed to be indistinguishable in terms of materials etc.

The site lies 140m from the listed Moriah Chapel, school room and boundary railings but there is no effect on the setting of these designated heritage assets due to intervening development, including the first phase of the Chapel Fields development.

In terms of the requirements for multi-functional GI, the documents submitted demonstrate a multidisciplinary approach to explore each aspect of the scheme's design to identify opportunities for the integration of green infrastructure. At the landscape scale of GI the mature boundary trees are retained, the trees to the south boundary are within the public realm as the interface with the countryside. The trees to the west are sandwiched between gardens of proposed phase 2 and the earlier phase 1 development. Particular focus should be given to the role of the corridor of retained mature trees along the western boundary of the site which is shown on the GI strategy to be maintained and enhanced. These are key to ecological connectivity such as the bat flight line from Moriah Chapel to the Loughor Estuary.

Further details are required to clarify how this area of retained trees sandwiched between gardens will be managed and monitored to ensure ecological enhancement is maintained for the long term. For example, will public access be allowed? Who will manage this area as it is not appropriate to convey to the individual plots? Is the width shown wide enough for maintenance access? What are the access arrangements for the maintenance of large trees and will this require access from private gardens?

At the neighbourhood scale of GI, the SuDs strategy is now integrated with the Soft Landscaping strategy, which now proposes biodiverse landscaping of drainage features. It is also noted that the SUDS strategy has been refined including street side swales with biodiverse planting schemes, and a more naturalistic attenuation area.

Whilst it is noted that native/fruit trees are proposed within gardens, local scale GI needs to be addressed adequately in the public realm where there is greater control over the maintenance of proposed measures over the lifetime of the development. Opportunities to maximise edible planting or large tree specimens within the public realm areas on the LAP and drainage areas should be explored.

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Significantly, the proposal does not adequately address the PPW requirement for GI at all scales including the street/local scale. To address the requirement for GI at the local/ street scale to provide connectivity within the site, amendments are required to address the need for a significant presence of trees at street level and within frontages.

- There is scope to include larger trees in frontages of plots 1 and 2 and to the side of plot 23 which can mature with space away from the houses.
- In the case of the proposed frontage trees shown to 9, 18, 22, these will either be very small or not grow to maturity due to proximity to the houses. At these locations within the scheme, street trees need to be incorporated via buildouts into the adoptable carriageways in order to embed GI at the street level and also reinforce the low speed active street design. This will require tracking and visibility analysis as agreed as an acceptable approach to prove non-standard green streets on other sites with the Council's Highways colleagues.
- To be acceptable in placemaking terms, these amendments to the frontage trees, and the requirement for street trees within the street to be adopted, must be included.

At the plot level of GI, permeable fencing and boundary treatments such as hedgehog gaps and sections of mesh fence should be used, to increase ecological connectivity between plots and enhance key ecological corridors.

Final Placemaking / GI Comments

Amended plans have been received following the concerns raised above, which have fully addressed the previous GI & Placemaking comments.

Approval is recommended.

Biodiversity Enhancement

The Development Plan, comprising Future Wales (FW) and the Swansea LDP, places significant emphasis on the use of innovative, nature based solutions to site planning and design of the built environment, and highlights these as key elements for successful placemaking. The Council also has a legal duty under Part 1, Section 6 of the Environment (Wales) Act 2016 ('the S6 duty') to seek to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience. At the local level, this is embedded within the Local Well Being Plan and the Council's corporate priorities.

Future Wales Policy 9 requires all applications to demonstrate the actions that have been taken to maintain and enhance biodiversity, ecosystem resilience and green infrastructure assets. This policy requirement is supported by the guidance in PPW that sets out the requirement for a 'stepwise approach' to considering biodiversity in the planning process and securing overall enhancement. PPW emphasises development should consider the significant opportunities provided by nature based solutions to maintaining and enhancing green infrastructure. By taking this approach, development proposals can contribute to the "Resilient Wales" Goal of the Well Being of Future Generations (WBFG) Act 2015, and assist in meeting the relevant requirements of the SUDs guidance and legislation.

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It is critical that proposals are assessed against Future Wales Policy 9, and having regard to the key placemaking, design and GI principles set out in LDP Policies PS 2 and ER 2 in all cases and policies ER6, ER8, ER 9 and ER11, where identified as relevant.

The Council has adopted SPG entitled "Biodiversity and Development" which sets out how the LPA will apply the PPW required 'Stepwise approach' at the local level.

Outline of Stepwise Requirements:

Step A - Identify: - In all cases, Step A requires the early and accurate identification of potential ecological impacts and opportunities of the development proposal. Officers must be fully satisfied that the ecological constraints and opportunities are fully understood, by way of an initial check of the most up to date ecological information to establish the likely presence of protected species, habitats, sites and areas of important ecological connectivity. The SPG provides guidance on relevant data sources, which includes a search of the LERC records, reference to SPG Appendix 1 Checklist of potential surveys required relating to location and type of development, and the Council's Connectivity Assessment. Where initial checks identify the need for further surveys this should be communicated to the applicant as soon as possible. The Council's ecologist should be consulted where further guidance is required who may require a PEA is prepared.

The remaining steps of the process should be followed as appropriate in response to the information gathered about the value of the site and the opportunities to provide enhancements.

Step B - Avoid: This requires applicants to demonstrate that all reasonable steps have been taken to avoid development resulting in adverse effects on biodiversity, and that there is no alternative location for the development. (See SPG Step B and Policies ER6, ER8 and ER9) It should be noted however that allocated sites (as in this case) do not need to satisfy the 'Avoid' requirement because such considerations were covered as an integral part of LDP Preparation.

Steps C through H: Once the impacts of the development have been identified, and the principle of avoidance considered and documented, the SPG highlights steps C through to H which provides a process to be followed to consider how proposals have sought to minimise, mitigate and/or compensate for any identified harm. Step F: Enhance provides guidance on how to achieve enhancement to provide net benefit for biodiversity, proportionate to the scale of the development. Steps G & H ensure that appropriate management and monitoring is secured.

Appendices to the SPG detail how the stepwise process is to be applied in relation to specific scales and types of development. In the case of a large housing proposal on an allocated site, such as this, the following sections of SPG Appendix 2 are relevant: Figure A21, Figure A2.2, and paras A2.11 onwards.

Commentary on Stepwise Process Applied & Enhancement Proposed: Having regard for the nature of the proposals and having reviewed the relevant surveys and strategies submitted for this application (see Planning Statement, Landscape Strategy, GI Strategy, PEA and subsequent species surveys), it would appear that Steps A through H of the Stepwise process have been applied.

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The documents submitted demonstrate how the design of the site responds to the identified constraints and opportunities (Step A to C), the mitigation and compensation proposed in response (Steps D and E), and the enhancement for biodiversity net benefit proposed (Step F) and how monitoring and management will be implemented (Steps G & H).

Proposed mitigation and enhancement measures include: the retention and enhancement of hedgerow corridors as integral part of the GI network, measures to protect TPO'd trees, eco-buffer zones, biodiverse landscaping of SUDs features and the provision of bat bricks and nesting bird boxes. In response to the pre-app comments, pre-commencement conditions have been set out regarding an appropriate CEMP for the management and monitoring of the biodiversity measures proposed.

Notwithstanding that the proposal has satisfied the policy requirements of the stepwise process, consultation with the Council's Ecologist and Tree Officer should be sought on the acceptability of the detail of the measures proposed. Specifically whether the extent of any biodiversity mitigation, compensation and enhancement required is considered to be proportionate to the size, nature and location of the proposal, and whether the measures proposed have considered the five attributes of ecosystem resilience set out in PPW.

Socio-Economic Duty

The Council has a legal duty to consider how its decision making might help reduce the inequalities associated with socio-economic disadvantage, in particular its key decisions that affect how the Council fulfils its statutory requirements. The overall aim of the duty is to deliver better outcomes for those who experience socio economic disadvantage. One of the ways in which decision making on planning proposals can address the socio-economic duty is to consider how proposals contribute to the seven Goals of the Well Being of Future Generations (WBFG) Act 2015, including securing 'A Prosperous Wales', a 'More Equal Wales' and 'A Wales of Cohesive Communities'.

Affordable housing

The provision of affordable housing provides a means of contributing to the Goals of the Well Being of Future Generations (WBFG) Act 2015, including securing a 'More Equal Wales' and 'A Wales of Cohesive Communities'. Future Wales Policy 7 (Delivering Affordable Homes) identifies that affordable housing is currently a critically important issue in all parts of Wales and a shift in the delivery model is required by building them at scale and pace. It states that new housing should meet the needs of all members of society, especially those unable to afford to buy on the open market. The Swansea LDP contains a policy framework to help facilitate the delivery of affordable housing in the County.

This site is located in the Greater North West Strategic Housing Policy Zone (SHPZ) where, under LDP policy H 3, the target percentage provision of affordable housing on sites of 5 or more units is 15%, which would equate to 3.5 of the 23 proposed units. The applicant's Planning Statement states that 3 affordable homes are proposed on site, and that the applicant proposes to negotiate an off-site financial contribution towards the further fraction (0.5) of an affordable housing unit required. LDP Policy H4 acknowledges that commuted sum payments are likely to arise where the amount of affordable housing required contains a fraction of a unit.

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With regard to negotiating the commuted sum, it should be noted that LDP Policy H 4 criteria vi. permits provision of affordable housing off site where the financial contribution is paid to the Council to cover the build costs of the off-site contribution before the commencement of development of the on-site dwellings. It will be important that comments are sought from the Council's housing department regarding the type, tenure, and size of the proposed on site affordable homes and the required off site contribution in this ACG band area.

Ground conditions

The site may be associated with historic land contamination and ground instability relating to the mining legacy in this area. As such, it should be considered whether LDP policy RP 6 requires the application to be accompanied by a contaminated land investigation report containing a risk assessment and proposed remedial measures.

The developer would need to demonstrate that actual or potential contamination could be satisfactorily overcome before any planning consent may be granted. In-line with LDP strategic policy RP 1 the development should ensure no increased risk to public health and environmental resources. The proposal should also be considered against LDP Policy RP 7 to ensure any ground conditions resulting from the historic mining activity in the area can be mitigated. The Council's Environmental Health section should be consulted.

Welsh Language impact

One of the ways in which development proposals should contribute to the seven Goals of the Well Being of Future Generations (WBF) Act 2015, is to ensure that opportunities are taken to help the Welsh Language thrive. Future Wales states that LDPs should contain policies that create the conditions for Welsh to thrive and remain as the community language in the many places where everyday life takes place in Welsh. LDP policy HC 3 requires that for all allocated housing sites located within the Welsh Language Sensitive Area identified on the Proposals Map, a planning application will need to be accompanied by a Welsh Language Action Plan (WLAP), which sets out the measures to be taken by the applicant to protect, promote and enhance the Welsh language. The applicant has submitted a WLAP with the application. It concludes that based on an analysis of the house buyers on phase 1 the development is likely to attract buyers and occupiers from Swansea and West Wales and the proportion of Welsh speakers who will live in the homes are likely to reflect the existing percentage of Welsh speakers in the ward, while increasing the existing provision of local housing stock will help issues of housing affordability and choice and allow local people the opportunity to form a household in the local area, and therefore assist with maintaining the level of Welsh speakers.

The WLAP proposes an action plan of measures to promote the Welsh language as follows:

- Strong advertising/marketing in the local area;
- Bilingual sales/marketing to be made available;
- Promotion of Welsh education among children and adults in the area, such as highlighting proximity of Welsh schools in sales promotions and having literature available providing details of locally held Welsh lessons;
- Traditional Welsh names for the street names within the new development

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These measures appear reasonable and should all be actioned by the developer to mitigate the impacts on the Welsh language. The proposed promotion of Welsh education/lessons for children and adults, such as highlighting proximity of Welsh schools in sales promotions, should include information of Welsh language pre-school groups, such as Menter Iaith Abertawe playgroups and mother and baby groups, which meet in the area.

Infrastructure

The proposal will need to demonstrate that the utility infrastructure is adequate to meet the needs of the development, and if it requires new or improved utility infrastructure, it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure. The Detailed Requirements for the LDP allocation H.1.32 from Appendix 3 of the LDP, notes that, from engagement with Welsh Water during the preparation of the LDP, the allocated site drains to Llannant Waste Water Treatment Works for which reinforcement works will be required, but it should be checked if this applies to the whole H1.32 site allocation as the LDP constraints map indicates the majority of this phase 2 land area within the Gowerton WWTW catchment. DCWW's comments will confirm which WWTW is applicable.

LDP policy RP 4 requires that sustainable drainage systems (SuDS) must be implemented wherever they would be effective and practicable. It will be important that detailed comments are provided from the relevant Council department(s) on the acceptability of the solutions identified.

The Development Requirements for this site, as set out in Appendix 3 of the LDP provides details of key infrastructure requirements identified for this allocated site as a whole, together with site informatives to highlight where further assessments will be required to establish the impact of development in relation to identified issues, constraints and designations. Where impacts of development have already been established, the table sets out the required mitigation measures or measures to retain/enhance identified natural or built heritage assets. The information is intended to make developers and site promoters aware of some of the key issues that proposals will need to address. Proposals will be expected to consider these principles, and integrate any development requirements that are highlighted, in the context of the particular circumstances that apply at the time of any future planning application, including financial viability. Red shading indicates essential (where the requirement has been clearly identified in the LDP), amber indicates required measures (which are required by policy but the exact details will be the subject of further negotiation in light of additional evidence of need and/or viability).

The transport requirements for this development are set out in LDP Policies T1, T2, T5, T6 and T7. Future Wales Policy 12 (Regional Connectivity) and LDP Policy T 5 require the accessibility of the site to be maximised by public transport and active travel, and for a safe and attractive environment for pedestrians, cyclists and other non-motorised modes. Appendix 3 of the Plan (see Table 1 above) notes infrastructure provision requirements for the whole allocated site, Phase 1 of which is under construction. It notes with regard to Active Travel Priority Schedule Measures that part of the Active Travel AT6 Loughor Link is on the H1.32 allocated site. With regard to PROWs, it notes that connections and improvements will be sought to the following which are onsite or adjacent to the H1.32 site: LC40 and LC39.

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Comments will need to be provided by the Highways Department regarding the proposals.

The LDP provides specific policies on education (SI 3) and the mitigation of impacts of development. It is expected that detailed comments will be provided from the Education department for consideration. These comments should be referenced against the LDP policy listed above to assess the compliance of the proposals. Future Wales Policy 13 (Supporting Digital Communications) states that new developments should include the provision of Gigabit capable broadband infrastructure from the outset.

Head of Transportation and Engineering

Initial Comments

In relation to this application pre-application advice was sought under reference 2020/1690/PRE for 25 dwellings. This application site has also seen previous planning activity both through the Swansea Local Plan and as part of a wider allocated site known as Chapel Fields.

The layout plan presents a site, of a revised scheme of 23 dwellings forming Phase 2 and situated within a consented wider development, achieving access to the highway from within this layout.

The principle of residential development and the ability of the main access to accommodate the traffic movements has been established. The consultation response is therefore concerned with the proposed layout in this case.

A Transport Statement has been submitted with the application, an earlier version of this was also submitted with the pre-application request. Therefore, the pre-application comments have been reviewed in conjunction with this application consultation response.

Access and Internal Layout

As set out before, the masterplan shows a simple priority junction access into a cul de sac arrangement with a number of private drives along its length.

It was confirmed in the past advice that the internal layout design, a minor road, should be a minimum of 5.5 metres in width, with areas where manoeuvring off a perpendicular driveway that could require 6.0 metres width, particularly with some of the angles as set out with the verges behind the footways. The TS confirms that the access road is to be provided at 5.5 metres. If this is the case, further evidence that driveways can be easily accessed will be required, swept path assessments should show this clearly.

It was advised that carriageway width may be required to be widened on bends to allow vehicle to pass each other or a parked car. It does not appear that this has been amended, although the review of the swept paths, in this response, will advise further.

There is some confusion over swept paths are intended for submission, there are some within the TS and a set out plans submitted alongside and separate to that.

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The turning head proposed at the end of the cul de sac was previously confirmed to be inadequate for refuse vehicle movements with the swept path analysis confirming that the footway would be required to be over sailed to complete the manoeuvre. The analysis also confirms that the bend will cause issues if there are parked vehicles or if two vehicles meet. In the plans submitted both as part of the TS and as stand-alone, the concerns around refuse vehicle movements remains. Whilst the collection is a weekly occurrence, there can be no situation where the vehicle is required to over sail or mount footways.

It was previously requested that the access as well as the circulation proposals should be supported with swept path analyses using appropriate vehicles for the area being assessed. We would want to see how the access operates with cars entering and exiting simultaneously. For completeness the access could also have the appropriate visibility splays set out.

As a total of package of submitted swept paths, there are plans including refuse, removal, emergency and home delivery vehicles in addition to private cars. It was advised that the layout should be designed around the movement and turning needs of these vehicles in an iterative design process rather than attempts to assess the layout retrospectively. The inspection of the swept paths suggests that this has not taken place and now a layout which cannot accommodate these movements is presented for audit.

Within the TS the swept paths included show a box luton van and car passing on the carriageway, this appears to work, the access would need inclusion for a full review. The TS also includes a refuse manoeuvre at the cul de sac, discussed earlier, and a home delivery vehicle turning at the private drive entrance. Whilst the delivery vehicle appears to work at that location it does not show how it could serve the houses within the private drive.

There was a request that the end of each layout route, including private drives, should be assessed with swept path manoeuvres which reflect the requirement to attend daily needs. These needs were set out to include a refuse vehicle within maximum connecting distances for handlers and residents, and also home delivery box luton vans. It was advised that the turning areas will need to be designed in a manner which prevents their use as driveway extensions, where subsequently turning room is lost to parked cars.

The stand-alone plans contain swept paths for a refuse vehicle, service tanker, private car, fire tender and removal vehicle, A review of this application does not confirm the refuse collection strategy or home delivery access, within the plans, only a turning head which cannot meet the requirements of the vehicle. The service tanker also cannot access the area require without mounting the footway and oversailing areas, as with refuse collections, whilst infrequent this cannot ever be supported. There is a suite of swept paths for private cars presented which are overlaid and not readily readable. What is concerning is that there appears to be more manoeuvres needed than would be considered acceptable to access spaces and, in some cases, overswing of adjacent spaces. Fire tender access is may be an issue at the southernmost private drive as is removal access.

Footways should be provided throughout the development at 2.0 meters minimum on both sides of the carriageway, although as noted previously the narrower provision is service access at the end of the cul de sac and does not require amendment.

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The existing site has noticeable level differences. Further information was requested as to the proposed gradients and a long section detail through the main route to ensure that the proposals can be designed to adoptable standards. The engineering drawing is noted, some confirmation of gradients would also help support this.

Adoption of any layout will be dependent on satisfactory design and also subject to an acceptable drainage strategy, following the SUDs requirement updates.

A Stage One Safety Audit of the layout was requested and has been undertaken and submitted with this application. The issues raised included the lack of pedestrian facilities at the access location and clarity of main and shared routes. We would advise these are addressed and in addition to the Highway Authority concerns on the swept path assessments. We have also identified an additional area of concern and conflict at the rear of plot#3 which is bound by a proposed 1.8 metre high brick wall. Drivers of vehicles accessing the private drive cannot see vehicles exiting the parking from plot#3&4. More concerning is that the pedestrian facilities end at this point and reversing vehicle will have limited time to react to a pedestrian appearing from behind the wall. This safety issue will need to be addressed.

Parking

Parking must be provided in accordance with the adopted supplementary planning guidance (SPG) and should be designed and located in such a way that it prevents the potential for overspill parking onto the existing adjacent highways or to inappropriate locations of which there are some in this constrained layout.

The policy section of the Transport Statement identifies that the vehicular parking provision will be provided at the rate of 1 space per bedroom with a maximum requirement of 3 spaces. With additional requirements for visitor parking.

In response to requests the applicant has submitted a parking layout plan and this is welcomed. Parking is generally provided within the curtilage of each proposed unit or in off road locations. Garages have been confirmed within the TS, whether integral or external, to have clear internal dimensions of 6 metres by 3 metres (for single garages), this would be conditioned to ensure that it is provided. The garages also appear accompanied by a minimum of 6 metres length of driveway, width include a path alongside.

It was advised that driveways which are detached and remote from the plot are unlikely to be used as intended and will result in finding more convenient parking on the road, footway or in this layout, the verge. It was requested that this redesigned where it is currently shown, it still appears to be the case for plot #'s 18, 3, 9, 10 and 17.

The TS sets out that some three bed dwellings (8 reported) will include a reduction in parking provision to two parking spaces. The constrained layout of the scheme has the potential for overspill parking with that level of reduction. There is no supporting evidence which sets out why this would be acceptable other than a comment from the reserved matters for the wider scheme which suggests it was acceptable at that time. There is an appropriate way to assess whether this is justified, and this should be done in line with the parking SPG for consideration.

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It is assumed that the gap which exists between the redline boundary at the access and the existing development carriageway to which it connects is indemnified through access already formed or same site ownerships.

Potential Contribution to Local Improvements

As advised in the past, should the scheme be successfully promoted through planning in some form, there will be financial contributions sought, this will be assessed on the basis of any schemes put forward by the applicant or any legacy requirements for this phase. The final details can only be confirmed upon the timing of any formal application and final agreement of the masterplan content.

For informative purposes, we have calculated the likely scale of potential S106 contributions, and this could range between the figures of £16,000 to £23,000. This is subject to detail of the final schedule of the proposals.

The contributions would be used for sustainable travel, pedestrian safety and speed reduction measures.

Summary:

The pre-application advice concluded that the suitability of the proposals would be subject to the adequacy of assessment and the findings of the final TS, the final scheme proposals, suitable and appropriate access, satisfactory internal circulation and highway safety.

On audit of the application, we could not support the proposals and do not consider that it has addressed the issues raised previously. As discussed, the wider principles of residential development and traffic impact are accepted, the matters of acceptable and appropriate layout remain. In the current form, the Highway Authority would recommend that the application is refused on the grounds of highway safety.

Should the Planning Authority consider that this application should proceed, we would wish to ensure that appropriate conditions are attached, these would cover access, footway provision, parking and turning areas.

Final Highways Comments

In relation to this application pre-application advice was sought under reference 2020/1690/PRE for 25 dwellings. This application site has also seen previous planning activity both through the Swansea Local Plan and as part of a wider allocated site known as Chapel Fields.

The layout plan presents a site, of a revised scheme of 23 dwellings forming Phase 2 of and situated within a consented wider development, achieving access to the highway from within this layout.

The principle of residential development and the ability of the main access to accommodate the traffic movements has been established. The consultation response is therefore concerned with the proposed layout in this case.

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A Transport Statement has been submitted with the application, an earlier version of this was also submitted with the pre-application request. Therefore, the pre-application comments have been reviewed in conjunction with this application consultation response. There has been continued dialogue and resubmission of plans through the application and this consultation response provides a summary of the outcomes.

Access and Internal Layout:

The masterplan shows a simple priority junction access into a cul de sac arrangement with a number of private drives along its length.

There has been continued discussion on the internal layout design and that the proposed width of 5.5 metres would require further demonstration that this is adequate, in this layout, to serve day to day needs. The concerns were related to access and egress at the junction, width of bends, pump station access and private drive access and egress.

The applicant submitted a package of amended drawings for review in this consultation, this includes:

Drawing 2071-002-1-D Tracking Layout Refuse Vehicle
Drawing 2071-002-2-D Tracking Layout DCWW Tanker
Drawing 2071-002-3-D Tracking Layout Estate Car 1
Drawing 2071-002-4-D Tracking Layout Estate Car 2
Drawing 2071-002-5-C Tracking Layout Fire Tender
Drawing 2071-002-6-C Tracking Layout Pantehnicon
Drawing 2071-002-7-A Tracking Layout Vehicles Passing
Drawing 2071-002-8-A Tracking Layout Junction Tracking and Visibility
Drawing 2071-002-9-A Tracking Layout Home Delivery Van

These are summarised in turn below:

Refuse Assessment:

The turning head proposed at the end of the cul de sac was previously confirmed to be inadequate for refuse vehicle movements with the swept path analysis confirming that the footway would be required to be over sailed to complete the manoeuvre. This has been addressed in this plan.

The concerns also related to the bends and that they will cause issues if there are parked vehicles or if two vehicles meet. It was advised that whilst the collection is a weekly occurrence, there can be no situation where the vehicle is required to over sail or mount footways. The recent plans do not now over sail footways, which is an improvement, and shows a refuse vehicle can pass a car along the majority of the access road, representing a refuse vehicle passing a parked car. Where the swept paths indicate the manoeuvres could indicate the route is too narrow, we have deferred to the minimum requirement of a home delivery vehicle passing a private car (discussed in the appropriate summary).

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It was previously not clear how the dwellings would be served given that the refuse vehicle cannot travel with acceptable handler or resident walking distances. A refuse strategy has been submitted and this indicates that bin store locations are likely to be within 12 metres maximum reverse distance for vehicles and refuse handling within 10 metres, which is conservative and could be accepted up to a maximum of 25 metres. The resident carry distance of 30 metres from a bin store location shows that all but two houses, at the eastern extent, are within an acceptable distance. On reviewing the two properties outside of the 30 metre indicative distance, it is accepted that the distance was taken from the centre or opposite side of the bin store location, thereby allowing a few metres buffer. There is no further requirements in refuse strategy and this can be concluded.

Tanker Assessment:

The service tanker area was previously a point of concern and even though likely to be infrequent in use, did show a severe over sail of pedestrian areas. There has been a redesign of this area to improve interaction of service requirements and pedestrians. The layout ensures that pedestrians have sufficient footway to satisfy desire lines and these are not over sailed. The areas to the back of the highway which are not needed for footways have been treated appropriately to exclude pedestrians. Therefore all manoeuvres can now be accommodated within the highway or marginal strips and do not take place over footways.

Estate Car Assessment:

The revised assessments now demonstrate that parking spaces can be accessed and egressed, this include the access road and the private drive locations. This has been robustly assessed using a large estate vehicle. Each private parking space can be accessed using highway land or land connected to that plot, without overswing of what will become third party parking areas.

Fire Tender Assessment:

The amended submission of a fire tender demonstrates that this vehicle can access each area of the development with acceptable distances. The southern turning area redesign has improved the layout, as discussed in the DCWW assessment, and the previous concerns overcome.

Removal Vehicle Assessment:

The revised pantechicon assessment confirms that the turning head to the south does operate more safely with the footway and verge redesign. The central turning head does show minor over sail of a footway, although it is evident that the reverse a manoeuvre is taken centrally in the private shared drive and could be adjusted further south, which is likely to remove the over sail. In this specific service requirement there is likely to be a team involved and operatives are on hand to direct traffic and act as banksmen, Given that the swept path is robust, could likely be improved with repositioning, the infrequent need of such vehicle access and that it involves team attendance, no further information is required.

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Passing Assessment:

The assessment of vehicles passing shows two large cars passing adequately. This was also requested to illustrate a box luton van passing a car, which has been submitted and will be discussed below.

Junction Visibility and Assessment:

The plan submitted illustrates that the required visibility can be achieved. This plans also demonstrates all turning movements can be accommodated with two large estate cars travelling in opposite directions. As set out above, passing vehicles at the junction should include a box luton van and a car passing, and this is discussed below.

Home Delivery Vehicle Assessment:

The submitted assessment was required to show a box luton home delivery vehicle passing a car in the opposite direction as a minimum requirement. The plan shows two box lutons passing along the length of the route and at the access, this is robust and would be a worst case occurrence. The assessment confirms that this vehicle type can turn and reverse into the two southern private shared drives, at an appropriate unloading point and that it can turn and leave in a forward gear in the northern shared private drive.

General Layout:

In general, it was advised that the layout should be designed around the movement and turning needs of these vehicles in an iterative design process rather than attempts to assess the layout retrospectively. The dialogue and amendments to the layout which have taken place during this application now confirm a layout which can accommodate these movements.

Footways are provided throughout the development at 2.0 meters minimum on both sides of the carriageway, although as noted previously there is a resign to include a marginal service strip at the pump station access area at the end of the cul de sac.

The existing site has noticeable level differences. Further information was requested as to the proposed gradients and a long section detail through the main route to ensure that the proposals can be designed to adoptable standards. The engineering drawing is noted, and the additional discussions and exchanges confirm adequate gradients are proposed.

Adoption of any layout will be dependent on satisfactory design and also subject to an acceptable drainage strategy, following the SUDs requirement updates.

Pedestrian Safety:

A Stage One Safety Audit of the layout was requested and has been undertaken and submitted with this application. The issues raised included the lack of pedestrian facilities at the access location and clarity of main and shared routes. We would request that these are addressed with appropriate treatment at the site access and will be a matter for detailed design inclusion.

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It was identified that an additional area of concern and conflict could be introduced at the rear of plot#3 which is bound by a proposed 1.8 metre high brick wall. It was set out that drivers of vehicles accessing the private drive would not see vehicles exiting the parking from plots 3&4. Moreover, that the pedestrian facilities end at this point and reversing vehicle will have limited time to react to a pedestrian appearing from behind the wall.

This area appears to have been widened and the boundary chamfered. The bin store area and landscaping features such as a tree and vegetation planting help to discourage pedestrian travel beyond the extent of footway. The swept paths submitted for Plot 3 has been considered and there appears sufficient room, in conjunction with the other measures to achieve adequate pedestrian intervisibility.

Parking:

It was advised that driveways which are detached and remote from the plot are unlikely to be used as intended and will result in finding more convenient parking on the road, footway or in this layout, the verge.

It was requested that remote parking was addressed and this included plots 18, 3, 9, 10 and 17. This remains as before, although further justification has been provided including the demonstration that each parking plot mentioned is served via a direct rear access into the property via a rear gate. This is now accepted as more convenient and useable than first considered.

The TS previously set out that some three bed dwellings (8 reported) will include a reduction in parking provision to two parking spaces. There was concern highlighted that this had the potential for overspill parking with that level of reduction. In the further application dialogue and submissions, the details of the specific house types were shared. The accompanying justification includes that the house type is designed for couples and small families with the third bedroom more appropriate for child use or as a home office. On this basis it was unlikely that car use could be associated with that bedroom. The SPG parking guidance accessibility assessment was also completed and submitted, and this concluded that the site scored one step below the sustainable travel criteria for implementing parking reduction.

The above information was considered, and it has been determined that this presents a low risk of parking shortfall in these specific circumstances. Therefore, the justification is accepted in the case of the dwellings put forward.

We previously assumed that the gap which exists between the redline boundary at the access and the existing development carriageway to which it connects is indemnified through access already formed or same site ownerships. The submitted Block Plan illustrates the Application Boundary along the length of Ffordd Moriah to the highway and this is confirmed as resolved.

Potential Contribution to Local Improvements:

As advised in the past, should the scheme be successfully promoted through planning in some form, there will be financial contributions sought, this will be assessed on the basis of any schemes put forward by the applicant or any legacy requirements for this phase.

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The final details can only be confirmed upon the timing of any formal application and final agreement of the masterplan content.

A S106 contribution of £18,000 towards local improvements comprising the widening and resurfacing of the southern footway on Glebe Road. The footway between the main site access and Greenfield Place, around 50 linear metres, will be required to be widened, into the existing carriageway hatching, and resurfaced. These constructions works, their design and installation will be carried out by the Highway Authority

Summary:

The pre-application advice concluded that the suitability of the proposals would be subject to the adequacy of assessment and the findings of the final TS, the final scheme proposals, suitable and appropriate access, satisfactory internal circulation and highway safety.

The wider principles of residential development and traffic impact are accepted and the initial concerns relating to access circulation, parking and safety have been overcome through redesign and submission of additional information. The Highway Authority does not object to this scheme and would recommend an approval at planning determination, subject to appropriate crossing facilities at the access and the following planning conditions:

i. Prior to commencement of development details of the proposed access works to the highway shall be submitted and approved in writing by the Local Planning Authority the City and County of Swansea Development Management Team under a Section 278 Agreement.

All access works, relating to the highway, shall be substantially completed prior to any of the works commencing on site to the satisfaction of the Local Highway Authority and as approved in writing by the Local Planning Authority.

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.

ii No development shall commence until full engineering, street lighting and construction details of the internal road layout and footways have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the roads and footways shall be constructed in accordance with the approved details.

Reason: To allow proper consideration of the construction details in the interests of highway and pedestrian safety.

iii Prior to the first beneficial use of any of the buildings within each phase of the development, full details of the proposed arrangements for future management and maintenance of the proposed internal road within the development shall be submitted to and approved in writing by the Local Planning Authority unless an agreement has been entered into under Section 38 of the Highways Act 1980.

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The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.

Reason: To ensure that the development is provided with satisfactorily maintained and managed streets.

iv 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:

1. The parking of vehicles of site operatives and visitors.
2. Loading and unloading of plant and materials.
3. Storage of plant and materials used in constructing the development.
4. The erection and maintenance of security hoarding including decorative displays and facilities
5. for public viewing where appropriate.
6. Wheel washing facilities.
7. Measures to control the emission of dust and dirt during demolition and construction and
8. 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.

v No dwelling shall be occupied until the access, turning area and parking works have been completed and made ready for use, these will be required to be provided in accordance with the City and County of Swansea parking standards and with the approved drawings hereby. The parking areas shall be made available for vehicular parking at all times thereafter.

Reason: In the interests of highway safety and general amenity

vii All boundary treatments forward of the principle building line and/ or immediately adjacent to a parking space shall be kept at a maximum height of 1m.

Reason: In the interests of highway safety to ensure adequate visibility splays are provided for all plots and the interests of visual amenity to ensure the landscaping is maintained across the site.

viii The garages, approved, shall be used as a garage for purposes ancillary and incidental to the use of the dwelling house and at no time shall it be converted to a room or living accommodation to be enjoyed as part of the dwelling.

Reason: In the interests of highway safety and general amenity

Note 1: The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please contact e-mail networkmanagement@swansea.gov.uk

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Tree Officer

Initial Comments

The revised layout fits better with the existing trees. The arboricultural survey and report requires some clarification. The survey identifies T28, T31 and T38 as category U, where their descriptions indicate that they do not qualify under this classification. The arboricultural impact assessment has not identified the conflict between plot 1 and trees T1 and T2, which are category B and A respectively; an assessment is required. The proposed planting shows that there can be some tree planting in mitigation of those lost.

Final Tree Officer Comments

Following the Tree Officers original comments to the layout of the site regarding plot 1, the position of this dwelling has been moved slightly. This is an improvement, however, if a high quality tree needs to be pruned to physically insert a building then it is too close to be a sustainable juxtaposition. There will be ongoing pressure to prune this protected tree. The proposed 'long grass' solution to the frontage is also an unrealistic solution to the ongoing maintenance and impact of the tree on the plot.

If you are minded to approve the application can you condition a tree protection plan and arboricultural method statement. Details of pruning and levels will be required when considering plot 1.

Ecology Officer

No objections, subject to conditions as per Section 5 of the Preliminary Ecological Appraisal (PEA) and Reptile survey received on the 15th January 2021 and the Bat Activity Survey received on 7th May 2021.

Landscape Officer

Initial Comments

I am mindful of TPO 554 A1 and A2 and that any qualifying trees not specifically shown for removal on the landscape plan and if any subsequent planning approval is forthcoming remain protected by that designation.

General:

The drawing does not show means of access around the buildings for maintenance, As described in more detail below this should be shown and planting adjusted and detailed accordingly. I am particularly concerned over potential paving and decking in the vicinity of trees to be retained either currently or and subsequently protected and suggested that those PD rights are withdrawn.

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Trees - general:

Trees need to provide a long term contribution to the street scene and in the creation of Place, for the benefit of all homes within the development and to soften long views of the development. I am particularly mindful that the proposed layout leaves little opportunity for tree planting within the public realm and very little within front gardens of many of the individual plots, so that any tree planting within plots needs to address those functions of helping to create a sense of Place that are often provided by trees in the public realm

Tree planting visible from within the street:

Crataegus laevigata 'Paul's Scarlet' adjacent to the LAP - Increase to 3no. adjacent to LAP

Pyrus Chanticleer - a non-fruiting ornamental Pear. This provides an urban narrative, change for species that would better integrate the development with the landscape, the native hedgerows and increase seasonal variation and resilience by using a mixture of other species such as *Acer campestre* Streetwise, *Tilia cordata* Streetwise, *Betula pendula* (There is scope for using *Betula pendula* elsewhere within gardens on a larger scale), *Liquidambar styraciflua*, *Alnus Spaethii* etc. Ideally a more diverse palette should be chosen to provide variation in form, colour (both summer and autumn) and foliage size. This list is not extensive nor should this be seen as a constraint to using other species.

Prunus Sunset Boulevard; As for *Pyrus* above this is limited urban narrative, there is scope to provide a more diverse palette to provide variation in seasonal interest, form, colour and textures for greater resilience and biodiversity that should be taken; the above suggestions hold true for the suggested locations of *P. Sunset Boulevard* as well.

Carpinus betulus (Hornbeam) I have no objection to the planting locations shown being mindful that the tree can easily spread to a 12m diameter and I do not have details of underground services. It is for the designer / developer to provide suitable protection and root growing area for the long term healthy growth of those species; Note they are likely to be protected by TPO's (as will all other trees planted and retained on the site).

Tilia cordata and *Prunus avium* Plena are OK see comments immediately above re location in proximity to services and structures etc.

I am mindful of the suggested fruit trees, *Malus* spp and *Prunus domestica* in the rear gardens; these are likely to provide little long term mitigation nor would it be possible to control their future pruning or retention (as fruit trees) as they could be pruned to have little amenity value in accordance with good horticultural practice without the need for a tree works application (if the tree(s) were to be protected by TPO.); for that reason I would prefer to use taller growing longer lived species such as *Betula pendula* or *Acer campestre* (to the North of Plots 1, 4 and 5); *Betula pendula* or other species to the rear of Plots 7,8 and 16 that would be visible and contribute to the streetscene and be worthy of protection by TPO that are easy trees to live with, in addition they would provide year round interest and be of significant benefit to native wildlife. I would have no problem with the *Malus* and *Prunus* being included as well as the birch. I don't know if the appropriate pollinators are provided for the pollination of all of the domestic apple trees.

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There is scope for planting larger growing long lived ideally native tree species to the North of plots 1,4 and 5 for amenity impact. Is there any land within the development to the North of Plots 1,4 and 5 that is not allocated as garden space and if so who retains ownership and how is it to be maintained?

The site benefits from peripheral native tree and hedge planting to 3 sides. The purpose of tree planting within the curtilage of the buildings / street is to create a sense of Place around these new homes (in perpetuity), to help mitigate the loss of trees within the development boundary and to blend the development into the adjacent landscape character.

Unfortunately due to the layout there is little room available for 'tree' planting to the front of houses and large specimen shrubs cannot be protected by TPO. I have appended a list of small trees that would be suitable for smaller gardens and be worthy of protection by TPO; this list is not extensive and is indicative of species that are likely to be acceptable.

Of significant concern is the need to trim the category A / B trees adjacent to plot 1 to develop this plot. This isn't simply a matter of trimming branches, as construction appears within the RPA of the category A and B trees, and both feeding and anchorage roots would likely need to be removed. I don't have any further detail over any change of levels within the RPA of the trees that would be unacceptable, Please condition an Arb Impact Assessment if you are mindful to approve the application. I am mindful that we would want these trees protected long term by TPO for their amenity value and as a setting for the development I await the tree officer's comments on what damage this would do immediately to those trees and whether long term these trees will likely require regular pruning to avoid contact with the building proposed for Plot 1. In practice it is likely that there would be ongoing conflict between these trees and the proposed building, if the building were allowed it would likely require the continual cutting back of the tree(s) to abate the nuisance to a legally approved building to the detriment of the continuing healthy growth and potential longevity or survival of the adjacent Category A and B tree(s). It is also for the tree officer to comment on whether the percentage damage within the RPA of those trees is acceptable or excessive to retain those trees for any length of time in close proximity to the proposed dwelling on Plot 1.

If you are minded to approve the application can you condition a tree protection plan and arboricultural impact statement to demonstrate any required pruning and long term maintenance of those trees that are to remain. Details of pruning and levels will be required when considering plot 1 and details of any pruning to trees adjacent to any other plot to demonstrate how those trees can be retained in perpetuity in close proximity to the houses / homes.

Shrub planting adjacent to properties:

Context: Under Construction (Design and Management) Regulations (CDM Regulations) which came into force on 31 March 1995. The regulations were introduced to ensure that health and safety issues are properly considered during a project's development so that the risk of harm to those who have to build, use and maintain structures is reduced.

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Planting is frequently shown directly adjacent to buildings, if gravel or mowing margins or paved areas within planting are to be incorporated to facilitate general maintenance e.g. window / fascia cleaning, they should be shown and planting locations adjusted accordingly; the extent of the planting bed and the relative planting locations should be shown and of shrub planting locations (i.e. distance of planting from edge of bark mulched beds or from hard paved areas or structures, where the shrubs are likely to extend to that boundary).

I note that the shrub planting labels are not sufficiently specific e.g. where there are more than 1 shrub species designated in any one area (not required where the species are obviously different in heights and form and occupy different 3d space), it does not show whether large quantities of 1 species are to be planted in smaller groups, that taller species are planted as boundary perimeters or to rear of planting beds etc. The information provided should be sufficient for the contractors to follow rather than interpret planting plans e.g. where to plant shrubs within a mixture e.g. I don't know how the following are to be planted next to parking bays: *Lonicera pileata* and *Perovskia Atrip.* Blue Spire, how far they and in what groups or locations they are to be planted from the parking bays (bays 12 and 13). I am mindful that *Lonicera pileata* can spread to 2.5m, if it is to be used as a natural shaped low maintenance shrub it should be allowed sufficient space, if used as low hedging it should be planted centrally to allow uniform cover to the core of the plant, it will usually smother other planting in close proximity.

I am mindful that the planting plan does not show how far shrubs are to be planted from hard surfaces to allow for natural spread where appropriate and to provide leaf / branch 'cover' to stems by general maintenance, including to the rear and sides of parking bays; note rear of parking bays to plots 12 and 13 that will otherwise be trampled by access to vehicles or by reversing vehicles.

Plans should show set back of shrub planting to grow to rear of kerb line to facilitate their long term survival and/or provide knee rail to prevent damage to planting; the plans should have additional annotation in particular for the distance of spreading shrubs to be planted from Paving / parking etc. e.g. *Symphoricarpos x chenaultii* Hancock, *Lonicera pileata*, *Ceanothus*.etc. Re mixture of *Prunus Otto Luyken* and *Brachyglotis* in the middle of parking areas between parking, bays 12 and 13, suggest that *Prunus Otto Luyken* be underplanted or foreground planted with smaller species as it has a tendency to trap and show litter under its upswept branches, e.g.; drawings should indicated how far planting is to be away from hard surfaces. Alternatively use a low growing shrubby laurel that clothes to ground level e.g. *Prunus Cherry Brandy*.

I don't intend to comment on every plant association in gardens or amenity areas other than those that are unlikely to work for the reasons described above. I note the ornamental planting adjacent to the pumping station is incongruous and should be changed for native hedge screening and taller growing long lived tree species (subject to protection of and location of services that I am unaware of). In addition I note the native shrub mix may be appropriate for this location.

Specimen Shrubs

Those specimens such as *Syringa* and *Euonymus allatus* cannot be protected in due course as would small trees by TPO's. Consider changing for small growing tree species and provide suitable root protection close to structures, paving and services as appropriate.

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Where possible these should be planted between properties and not directly in front of Windows in small gardens.

Small trees for front consideration for planting in front gardens:

Acer griseum

Amelanchier lamarckii **

Arbutus unedo Cercis chinensis 'Avondale' will reach around 3m tall, while Cercis canadensis 'Forest Pansy' will grow to 8m.

Cornus kousa chinensis - smaller varieties are available

Crataegus monogyna, Hawthorn

Ilex spp**

Japanese maples Crab apples

Magnolia macrophylla x Magnolia macrophylla subsp. ashei and Magnolia stellata, or cultivars like 'Alexandrina' and 'Sayonara', Magnolia wilsonii,

Prunus Serrula

Prunus 'Pink Shell' good choice for a small garden, ultimately reaching 8m in height. mindful of root spread / protection of paving services. etc.

Pyrus salicifolia 'Pendula'

Sorbus cashmiriana or Autumn Spire etc.

Sorbus Rosiness', which reaches 4m or S.'Eastern Promise', which can reach 8m.

** I note their locations on the planting plans. The above list is not extensive nor should it be seen as a constraint to other species.

Native hedge planting:

I would add Sambucus nigra @ 1% (Reduce Rosa accordingly)

I note the ornamental planting adjacent the eastern elevation of the pumping station; change for a native hedgerow mix and tie back in to the hedgerow.

I note the partial notation as to how hedgerow plants are to be planted in single species groups - this should indicate those block sizes and indeed where specimens e.g. Rosa, Ilex and Sambucus should be planted singly.

I have some concerns over how well the proposed infill hedgerow will survive in the shadow of established hedgerow trees. Ideally the planting should 'beat up' the gaps in the existing hedge being particularly mindful of any other beneficial vegetation that contributes to biodiversity. Herbicides should not be used indiscriminately in the bases of old hedges; where the ground vegetation may well be of significant conservation value. Alternatively the planting adjacent to the established hedgerow on the South of the site should be limited to shade tolerant species such as hazel and holly. Planting into larger gaps where shading is less of an issue should involve a wider range of species. Traditionally blackthorn is used in gapping up hawthorn hedges, as apparently hawthorn does not do well when planted into existing hawthorn hedges. (The older plants are believed in some way to retard the growth of the new.

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Long grass

As there is amenity grass maintenance on site the longer grass areas / adjacent to swales etc 'long grass' areas should also have a peripheral single mower width mowing margin sown and cut as amenity grass to prevent lank grass collapsing onto paving and to provide a maintained setting for more diverse sward to demonstrate that the difference is intentional.

Attenuation Area: Swales

Emmorsgate EM8, I have no issue with this seed mixture other than the need for mowing margins to prevent vegetation collapsing on to adjacent paving, as described above, but would defer to my conservation colleagues' observations.

Further Landscape Comments

The scheme as currently provided is not satisfactory but subject to the following minor alterations it would be acceptable.

1. The inclusion of the knee rail to prevent oversailing of parked cars on parking bays to plots 12 /13. This need only have pockets of foundations for knee rail posts, would not have a significant effect on the growth of the shrub species, certainly less than being oversailed by vehicles.
2. Changing the Malus in the rear gardens of plots 7 and 8 to Betula pendula or similar that would provide amenity value from the road that can subsequently be protected by TPO, whereas proposed Malus Rudolph are small to medium size trees that would not provide a significant contribution to the amenity of the area and could be cut back significantly as a fruit tree without control and reduce further the potential limited amenity the species would provide to the street scene and the wider setting of the development. Whereas taller growing species such as Betula pendula would be visible from the road and would harmonise with other changes to tree species shown on the plan to provide significant seasonal interest.
3. I disagree with the retention of specimen shrubs to the frontage of Plots 13-15, they could not be subsequently protected by TPO, The retention of 'trees' within the streetscene in the creation of Place is vital and subject to change of the Syringa and Euonymous to the frontages of Plots 13-15 to small tree species (that would be appropriate and worthy of retention and protection by TPO such as Amelanchier, Magnolia. Cotoneaster Cornubia or other previous suggested small tree species) it would be acceptable. I am open to suggestions of alternative small tree species, providing that the rooting areas are adequately contained by root deflection barriers to prevent potential conflict with adjacent paving, services and structures.
4. The ornamental shrub planting to the east of the pumping station is incongruous and is not acceptable; change to a native hedgerow as suggested to harmonise the area from the hammerhead to the attenuation pond.

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I note that the area to North of Pots1,4 and 5 has not been addressed and that this area is protected by TPO but is not accessible from the current layout for ongoing maintenance. Existing trees / Protected trees that are retained should be shown on the plan.

Final Landscape Officer Comments

The final submitted landscape plan is acceptable for this development. It is intended that a new TPO will be created for all of those trees worthy of protection that remain and are / are to be planted as part of this permission.

Parks Officer

- o There appears to be little consideration given for traditional play facilities within this development. Fields in Trust (FIT) guidelines recommend that a development of this size should have a minimum of a LAP and a LEAP.
- o It is proposed that the current application for 23 properties is a continuation of the previous planning application for 92 properties, the play provision for this development consisted of a LEAP with just 5 items of play is not sufficient for a development of this proportion.
- o They have also suggested that this location makes the LAP accessible from the wider development to the north as it is also situated along one of the main footpath links that connects Phase 2 with the wider Phase 1 development area.
- o Now they are proposing to develop a further 23 properties with a LAP which consists of a low grassed mounding for informal play with access path, seating and a litter bin. It will be enclosed by a 600mm high rail to define the boundary and ensuring dogs are prohibited within this area. So for a total of up to 115 properties which I'm assuming are residential mixed use (families with children) there will be five items of play and a low grassed mound, where if we were to adopt FIT guidelines there should be a LAP, LEAP and a contribution towards a MUGA.
- o The nearest other traditional play facility is over 1 km away from the development and consists of crossing a main carriageway which is not really ideal for children unless they are accompanied by an adult.

Final Parks Comments

Following discussions with the agent, it has been agreed that they will provide, and 1 additional piece of play equipment in the proposed LAP within the site, as the LEAP on the phase 1 site has 5 pieces of play equipment but cannot be expanded due to the impact on the existing trees on the site - this is acceptable.

Drainage Officer

The SAB currently has a full application in for this site reference 2020/0069/SFA. Schedule 3, Flood and Water Management Act 2010.

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Your development proposal has been identified as requiring SuDS Approving Body consent irrespective of any other permissions given.

From 7 January 2019, all new developments more than 100m² will require sustainable drainage to manage on-site surface water. Surface water drainage systems must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh ministers.

These systems must be approved by the local authority acting in its SuDS Approving Body (SAB) role before construction work begins. The SAB will have a duty to adopt compliant systems so long as it is built and functions in accordance with the approved proposals, including any SAB conditions of approval.

Which legislation are we referring to?

Schedule 3 of the Flood and Water Management Act (FWMA) 2010 requires surface water drainage for new developments to comply with mandatory National Standards for sustainable drainage (SuDS). Schedule 3 to the FWMA 2010 also places a duty on local authorities as SuDS approving body to approve, adopt and maintain systems compliant with section 17 of the schedule.

What exactly is a SAB?

The SAB is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m² are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

The SAB is established to:

- o Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- o Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- o The SAB also has powers of inspection and enforcement
- o And uses discretionary powers to offer non-statutory pre-application advice

What does it mean for my development?

Whether you are a developer, an agent or an individual seeking planning permission for a development, if your development is of more than 1 house or of 100m² or more of construction area you must also seek SAB approval alongside planning approval.

You will not be allowed to start construction until the 2 permissions are granted.

Further details on how to apply and guidance can be obtained from the website <https://www.swansea.gov.uk/sustainabledrainage> and by contacting the SuDS Approving Body via email Sab@swansea.gov.uk

Housing Enabling Officer

LDP Policy H3 Affordable Housing sets out a range of targets for providing affordable housing on site as part of residential proposals, which are dependent on the Strategic Housing Policy Zone that applies and having regard to matters of financial viability.

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The most recently published Local Housing Market Assessment 2013 (updated 2015) identifies an affordable housing requirement of 7,400 dwellings across the County with the highest need being for social rented tenure, with the Greater North West zone having the highest requirement for growth over the LDP period with a need for affordable housing.

In this case the application is in the Greater North West Strategic Housing Policy Zone where the target is for a minimum of 15% of the total number of dwellings provided on site to be affordable homes. This application includes 3 onsite affordable homes, 1 x 3 bedroom houses and 2 x 2 bedroom houses. The number, location and dwelling type/size proposed affordable housing is acceptable. Affordable housing must be built to DQR standard and should not be obviously segregated through location, layout or design. The affordable housing units should not be subject to service charges, they should be social rented tenure and must be transferred to the Council/RSL. This site falls within the Loughor Ward, it is ACG band 2. The properties will be 'social rented with an ACG of 42%.

Education Officer

Position of capacity:

Primary:

English-medium: the English medium primary school (Tre Uchaf) currently has 15.05% surplus capacity.

Welsh-medium: the Welsh medium primary school (Y.G.G. Pontybrenin) currently has 1.40% surplus capacity.

Secondary:

English-medium: the English medium secondary school (Penyrheol Comprehensive) currently has 9.13% surplus capacity.

Welsh-medium: the Welsh medium secondary school (Y.G.Gwyr) currently has 2.62% surplus capacity

Requested Contribution:

There is no request for developer's contribution for the English medium primary school (Tre Uchaf) due to the existing unfilled places.

There is no request for a developer's contribution towards Education in respect of the Welsh medium primary school (Y.G.G. Pontybrenin). Due to the low impact of this development on WM pupil numbers and the impact of a low contribution could make to any infrastructure changes at the school.

There is no request for a developer's contribution towards Penyrheol Comprehensive. Whilst the unfilled places is less than 10%, the low impact of the development on pupil numbers and any potential contribution would not be appropriate enough to make any major infrastructure changes to the school.

There is no request for developer's contribution for the Welsh medium secondary school (Y.G. Gwyr) due to the existing unfilled places and low impact of WM pupil numbers expected from this development.

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Pollution Control Officer

I can confirm that the information received is sufficient to satisfy Phase 1 of our standard planning conditions:

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.

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:

Therefore please add the following conditions:

Phase 2: Detailed Investigation - this shall:

- o 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:

- o 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

- o 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.

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.

Advisory: Requirements for the Chemical Testing of Imported Materials for Various End Uses - see attached Developers Guide

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

Advisory: Requirements for the Chemical Testing of Imported Materials for Various End Uses - see attached Developers Guide

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.

Advisory: - see attached Developers Guide

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.

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APPRAISAL

Full planning permission is sought for the construction of 23 dwellings, comprising 2 detached dwellings, 7 detached dwellings with detached garages, 3 detached dwellings with integral garages, 4 pairs of semi detached dwellings and 3 linked dwellings with access, landscaping, drainage and associated works.

The application is being reported to committee for determination as it relates to a development of 23 dwellings.

The application site is located immediately to the south and east of the newly constructed development known as Chapel Fields, off Glebe Road (Phase 1).

The application site forms part of the wider LDP allocated housing site H1.32 - Land South of Glebe Road, and this application forms Phase 2 of the whole development.

The site measures approximately 0.9ha and was an agricultural field, but the northern section has been recently been used as the construction compound for phase 1 of the development.

The site is enclosed by mature hedgerows and trees along the north and west boundaries which are protected by a Tree preservation Order (TPO-554). The southern boundary contains mature hedgerow and bounds on to open countryside. The eastern boundary contains a number of smaller trees which are to be removed and adjoins the rear gardens of properties in Greenfield Place.

The site slopes down from north to south, and is fairly regular in terms of its shape and topography.

Access to the site is via the Phase 1 Chapel Fields development which is accessed via a mini-roundabout junction with Glebe Road to the north.

Main Issues

The main issue for consideration with regard to this application relate to the principle of residential development on this site, impacts of the development on the character and appearance of the area, residential amenity impacts on neighbouring occupiers, the impact of the development on access, parking and highway safety, and impacts on trees, ecology, Welsh language, drainage and environmental interests with regard to the relevant adopted Swansea Local Development Plan (2010-2025) policies listed in the 'background' section of this report, and the relevant Supplementary Planning Guidance documents listed within the following section of this report.

There are no overriding issues with regard to the Human Rights Act.

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Policy Context

National Planning Policy

The National Development Framework: Future Wales - the National Plan 2040 published by WG on 24th February 2021, contributes the national tier of the Development Plan - it sets out the Welsh Government's land use priorities and provides a national land use framework for SDPs and LDPs.

Future Wales concentrates on development and land use issues of national significance, indicating areas of major opportunities and change, highlighting areas that need protecting and enhancing and helping to co-ordinate the delivery of Welsh Government policies to maximise positive outcomes.

The following national policy contained in Future Wales is of relevance to this application :

Policy 2 - Shaping urban growth and regeneration - Strategic placemaking

The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with GI. Urban growth and regeneration should be based on the following placemaking principles:

- creating a rich mix of uses;
- providing a variety of housing types and tenures;
- building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
- increasing population density, with development built at urban densities that can support public transport and local facilities;
- establishing a permeable network of streets, with a hierarchy that informs the nature of development;
- promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
- integrating GI, informed by the planning authority's GI Assessment.

Policy 7 - Delivering Affordable Homes

The Welsh Government will increase delivery of affordable homes by ensuring that funding for these homes is effectively allocated and utilised. Through their Strategic and Local Development Plans planning authorities should develop strong evidence based policy frameworks to deliver affordable housing, including setting development plan targets based on regional estimates of housing need and local assessments. In response to local and regional needs, planning authorities should identify sites for affordable housing led developments and explore all opportunities to increase the supply of affordable housing.

Policy 9 - Resilient ecological networks and Green infrastructure

To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of GI, the Welsh Government will work with key partners to:

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- identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and
- identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being.

Planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Policy 12 - Regional Connectivity

The Welsh Government will support and invest in improving regional connectivity. In urban areas, to support sustainable growth and regeneration, our priorities are improving and integrating active travel and public transport. In rural areas our priorities are supporting the uptake of ultra-low emission vehicles and diversifying and sustaining local bus services. The Welsh Government will work with Transport for Wales, local authorities, operators and partners to deliver the following measures to improve regional connectivity:

- Active Travel - Prioritising walking and cycling for all local travel. We will support the implementation of the Active Travel Act to create comprehensive networks of local walking and cycling routes that connect places that people need to get to for everyday purposes.
- Bus - Improve the legislative framework for how local bus services are planned and delivered. We will invest in the development of integrated regional and local bus networks to increase modal share of bus travel and improve access by bus to a wider range of trip destinations.
- Metros - Develop the South East Metro, South West Metro and North Wales Metro. We will create new integrated transport systems that provide faster, more frequent and joined-up services using trains, buses and light rail.
- Ultra-Low Emission Vehicles - Support the roll-out of suitable fuelling infrastructure to facilitate the adoption of ultra-low emission vehicles, particularly in rural areas.

Planning authorities must plan the growth and regeneration of the National and Regional Growth Areas to maximise opportunities arising from the investment in public transport, including identifying opportunities for higher density, mixed-use and car-free development around metro stations.

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Active travel must be an essential and integral component of all new developments, large and small. Planning authorities must integrate site allocations, new development and infrastructure with active travel networks and, where appropriate, ensure new development contributes towards their expansion and improvement.

Planning authorities must act to reduce levels of car parking in urban areas, including supporting car-free developments in accessible locations and developments with car parking spaces that allow them to be converted to other uses over time. Where car parking is provided for new non-residential development, planning authorities should seek a minimum of 10% of car parking spaces to have electric vehicle charging points.

Policy 13 - Supporting Digital Communications

The Welsh Government supports the provision of digital communications infrastructure and services across Wales. Planning authorities must engage with digital infrastructure providers to identify the future needs of their area and set out policies in Strategic and Local Development Plans to help deliver this. New developments should include the provision of Gigabit capable broadband infrastructure from the outset.

Policy 28 - National Growth Area - Swansea Bay and Llanelli

Swansea Bay and Llanelli will be the main focus for growth and investment in the South West region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure. The Welsh Government will work with regional bodies and local authorities to promote and enhance Swansea Bay and Llanelli's strategic role and ensure key investment decisions support places in the National Growth Area and the wider region.

Local Planning Policy

The Swansea Local Development Plan (2010-2025) was adopted in 2019, and the full list of the Policies which relate to this development are listed in the 'Background Information - Policies' section of this report.

Relevant Supplementary Planning Guidance (SPG)

The following Supplementary Planning Guidance (SPG) are relevant to the proposed development:

- 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 The Protection of Trees on Development Sites (October 2016)
- o Development and Biodiversity (February 2021)

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The above SPG provide information and guidance to clarify the policy aims of the relevant LDP Policies as set out above. These SPG have been formally adopted by the Council following public consultation and stakeholder engagement that informed the content of the documents. Some of 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.

Principle of Development

The site is allocated within the Swansea adopted Local Development Plan (2010-2025) for residential development under Policy H1 - Non Strategic Housing Sites (no. 32).

The site forms phase 2 of the wider development of the site. Phase 1 is partially completed and under construction. A number of the constructed houses are occupied.

Given the allocated nature of the site, the principle of the development for residential purposes as been established and as such, the residential development of the site is considered to be acceptable in terms of the principle of the use, and complies with Policy H1 of the Swansea Local Development Plan 2010—2025.

Placemaking / Visual Amenity

The proposal has been the subject of significant negotiations via the pre-application process and during the course of the assessment of this planning application (as per the Placemaking comments section of this report), to ensure that the density, layout, design and GI of the development has sufficient regard to its location and the Placemaking principles in the SPG - A Design Guide for Residential Development, LDP Policy PS2 - Placemaking and Place Management.

The proposal comprises of 23 dwellings, with 2 detached dwellings, 7 detached dwellings with detached garages, 3 detached dwellings with integral garages, 4 pairs of semi detached dwellings and 3 linked dwellings with access, landscaping, drainage and associated works.

The proposed development will be accessed from Ffordd Moriah, the new estate access road within Phase 1, which is in turn accessed from Glebe Road via a new roundabout.

The site layout will have one road running north to south with two cul-de-sacs running eastward and a small cul-de-sac westward. An attenuation pond and drainage pumping station is also included adjacent to the southern boundary.

The layout includes a number of multi-functional GI features such as dry swales, attenuation pond, rain gardens, native shrub and tree planting, filter drains within the site and a Local Area of Play (LAP) is included to the north western side of the site.

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The housetypes proposed are the same as those constructed within phase 1 and will include detached, semi-detached and a small terrace of 3 houses. The materials will consist of red brick (Balmoral red) and cream render (cream monocouche render) for the elevations and slate grey (Redland mini Stonewold) roof tiles with a traditional design with pitched roofs and some gable fronts. The rainwater goods, doors, garage doors, barge boards, fascias, soffits and windows will all be white (upvc)

The majority of the houses would have small porches over the front doors and all of the corner dwellings would have side windows to add to the visual interest of the estate and to allow for natural surveillance.

All of the open market houses are shown to be a mix of semi-detached and detached houses with front and rear gardens, with 2 car parking spaces and a garage (either integral or detached).

The three affordable housing houses will be in a small terrace of 3 houses within the centre of the site and each will have a 2 off street parking spaces, and a rear garden with a detached garden shed. The materials for the affordable houses will be the same as the open market houses ensuring that they are indistinguishable.

The boundary treatments would consist of screen walls to all public facing elevations, with close boarded fences between the proposed gardens.

The boundary with the houses in Greenfield Place will be a 1.8m high close boarded fence placed adjacent to the existing walls / fences at the rear of the gardens of the houses in Greenfield Place.

The proposed pumping station will be bound by a 2m high green weld mesh fence and hedge planting.

With regard to the play equipment, the applicant has agreed to provide 1 additional piece of play equipment within the LAP provided as part of this application. Any additional play equipment within Phase 1 would have a harmful impact on the retained trees. As such, the level of play provision provided, whilst slightly below the current FiT standards, is considered to be acceptable in this instance. The details of the play equipment will be secured via a condition.

It is considered that the design, layout and orientation of proposed buildings, and the spaces between them, would provide for an attractive, legible, healthy, accessible and safe environment and the inclusion and integration of multifunctional GI within the proposal, meets policy requirements in this regard. It is considered that the GI retains existing GI networks, and additional GI features have been included at all relevant scales of the development.

The proposal is therefore considered to represent a satisfactory form of development in terms of its impacts upon the character and appearance of the area, and the layout and design of the development would create a good quality and distinctive streetscape and would accord with the provisions of Policy PS2 LDP and, the SPG - Places to Live: Residential Design Guide.

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Residential Amenity

In terms of residential amenity impacts, the majority of the existing nearby residential houses are located adjacent to the eastern boundary of the site, located within Greenfield Place.

The existing houses within Greenfield Place have long rear gardens, ranging from 23m to 40m in length. The proposed plots located closest to these rear gardens are plots 6, 7 and 12. All of these three plots would have their side (blank) elevations facing towards the rear gardens of Greenfield Place and as such it is considered that no overlooking, over shadowing or overbearing impacts would occur towards the residents in Greenfield Place given that sufficient separation distances will be achieved.

With regards to the existing dwellings at 97 and 97a Glebe road, these are located to the north of the application site, and have rear gardens of 52m-63m in length. Proposed plots 1, 4, 5 and 6 would back on to the rear of those gardens and each of the new plots has a garden length of a minimum of 10m which is considered to be an acceptable length to prevent any overlooking, overbearing and overshadowing impacts upon those existing dwellings, and complies with the minimum separation distances as set out in the SPG - Places to Live - Residential Design Guide.

With regard to the plots within Phase 1 which are currently under construction, plots 22 and 23 would back in to plots 8, 9 and 10 within Phase 1. The back to back separation distances all exceed the 21m required as per the SPG - Places to Live - Residential Design Guide and as such it is considered acceptable.

The layout of the proposed development ensures that all separation distances for back to back relationships accord (and exceed) the minimum separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have a standard 10m separation where first floor window overlook neighbouring private amenity space. All the house plots would have an acceptably sized private rear garden.

In terms of the residential amenity of the existing and future occupiers, the application is considered to be acceptable and accords with the provisions of Policy PS2 of LDP and the SPG Places to Live: Residential Design Guide.

Access, Transportation and Highway Safety

The Head of Transportation and Engineering considers that the traffic impact of the development would not have a significant effect on the local highway network as detailed in the 'Response to Consultations' section of this report. A Transport Statement was submitted with the application which shows that the additional movements generated by the development can be incorporated into the existing traffic flows.

The layout of the new development shows that the internal roads have two footways together with a 5.5m carriageway which would allow for two way flows and safe pedestrian passage. A swept path analysis has been provided to demonstrate that refuse and emergency vehicles can enter / turn and leave the site in a forward gear. The shared drives will be suitably demarked and will not be considered for adoption.

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The applicant has confirmed that the internal roadways will not be offered for adoption and will be maintained and managed by a private management company.

Parking provision within the site complies with the Council's parking standards.

A S106 contribution is sought of £18,000 towards local improvements comprising the widening and resurfacing of the southern footway on Glebe Road. The footway between the main site access and Greenfield Place, around 50 linear metres, will be required to be widened, into the existing carriageway hatching, and resurfaced. These constructions works, their design and installation will be carried out by the Highway Authority

With regard to the suggested conditions requested by the Highway Officer, conditions (i), (vii) are not considered to be necessary as they are covered by other legislation and conditions, and as such do not meet the tests of WG Circular 16/2014 - Planning Conditions.

As such, no highway objections are raised subject to the imposition of appropriate conditions, and the application is considered to be acceptable in this regard and accords with Policies T1, T2, T5 and T6 of the LDP and the SPG - Parking Standards.

Trees

The Arboricultural Officer has raised no objection to the application as detailed in the Tree Officer comments set out earlier in this report. As previously noted, there are a number of trees which are protected under TPO-554-A001 along the northern and western boundaries of the site.

However, with regard Plot 1, the position of this dwelling has been amended slightly to reduce its impact upon the retained tree, which is considered to be an improvement. However, concerns remain with regard to ongoing pressure to prune this protected tree. It is noted that the proposed 'long grass' solution to the frontage is also an unrealistic solution to the ongoing maintenance and impact of the tree on the plot, so as such, as per the Tree Officers comments, a condition will be added requiring a tree protection plan and arboricultural method statement, including details of pruning and levels in relation to plot 1.

As such the application is considered to be acceptable in this regard and complies with Policy ER11 of the of the Swansea Local Development Plan (2010-2025).

Landscape

The Council's Landscape Officer raised a number of concerns regarding the proposed landscaping for the site (as per the comments in the Landscape Officer observation section of this report). Amended plans were received which overcame the concerns raised and as such the scheme is now considered to be acceptable. It is intended that the new trees planted within this development will be protected by a tree preservation order to ensure that they are retained on the site.

The landscaping details and GI features are considered to be acceptable and accord with the provisions of Policy PS2 of the LDP and the SPG's - Places to Live: Residential Design Guide, and Biodiversity and Development.

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Ecology

As per the Ecological Officers and NRW response, no objections are raised to this application subject to a number of conditions as per the recommendation within section 5 of the submitted Preliminary Ecological Appraisal and reptile and bat surveys. The proposed conditions will require:

- o a scheme of Ecological Enhancements in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site;
- o wildlife protection plan
- o all the timber 1.8m high fencing shall include gaps or holes of 13 x 13 cm along their bases, in order to allow for the free movement of small foraging animals such as hedgehogs
- o pre-construction bat survey of trees
- o ecological sensitive lighting strategy
- o construction environmental management plan (CEMP)
- o site waste management plan (SWMP)
- o open excavations made during the construction phase of the development shall either be covered or fitted with ramps to prevent any terrestrial mammals that may be present from becoming trapped.
- o Vegetation clearance strategy for Dormice
- o The S106 requires to the submission of a management and maintenance plan for the retained trees, new trees and planting, existing retained hedgerows, LAPS, opens spaces, and sustainable urban drainage system (SUDS) (including soakaways/infiltration trenches)

The Landscape Masterplan & GI plans submitted shows the area to the south to be an area of proposed long grass, hedgerow and shade tolerant grass mix. Germinal (or similar) WFG8 Mix, with wildlife friendly planting schemes throughout the site, and the native hedgerows will be planted to be reinforce existing boundary hedgerows and bramble ecological habitats, in order to provide long-term value of this area for botany, ground nesting birds, foraging bats and potentially reptiles.

It is considered that the biodiversity and ecological stepwise process has been followed, and the proposed enhancements are considered to be appropriate and will deliver biodiversity net benefit, ecosystem resilience and an integrated network of GI.

As such the application is considered to be acceptable in this regard and complies with Policies ER8 and ER9 of the of the Swansea Local Development Plan (2010-2025) and the SPG - Biodiversity and Development (2021).

Affordable Housing

There are 3 affordable housing units proposed which are located within the central area of the site in one terrace of 3 houses. The requirement is to provide 15% affordable housing within the Greater North West Strategic Housing Policy Zone, which equates to 3.45 dwellings. The affordable on site provision falls slightly short by 0.45 of a dwelling, and as such the applicant has agreed to pay a contribution for off site affordable housing of a sum of £44,814 for the 0.45.

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The Housing Enabling Officer has confirmed that they agree with the proposed site layout, containing 1 x 3 bed and 2 x 2 bedroom affordable housing sited in a small terrace of 3 houses within the central part of the site. The design and specification of the affordable units is shown to be of equivalent quality to those used in the Open Market Units. The affordable houses will be 'social rented with an ACG of 42%.

As such the proposed affordable houses are considered to be acceptable.

Drainage

It is noted that the Drainage Officer has confirmed that the SuDS Approval Body (SAB) currently has a full application in for this site reference 2020/0069/SFA which is currently being assessed. As such, all issues relating to surface water drainage will be considered under the SAB application.

With regard to foul water drainage, Dwr Cymru / Welsh Water (DCWW) have confirmed that the application detail highlights that foul flows can be accommodated within the public sewerage system the sewer immediately north of the site as shown on the 'Engineering Layout', and therefore DCWW have confirmed no objection in principle.

As such the application is considered to be acceptable in this regard and complies with Policy RP4 of the Swansea Local Development Plan (2010-2025).

Education

The Education Department have confirmed that there is existing capacity in the existing schools to accommodate the potential children numbers generated by this application for 23 houses. As such, no education contribution is required for this application.

As such the application is considered to be acceptable in this regard and complies with Policy SI3 of the of the Swansea Local Development Plan (2010-2025).

Pollution Control

The Pollution Control Department have confirmed that the information submitted with the application satisfies Phase 1 of the standard contaminated land planning condition. As such, they have requested that Phase 2 and 3 of the standard contaminated land conditions are attached to any permission granted.

With regard to land stability, the site is located in a Coal Mining Low Risk Area, and as such the Coal Authority were not required to be consulted on this application.

As such the application is considered to be acceptable in this regard and complies with Policy SI3 and RP7 of the of the Swansea Local Development Plan (2010-2025).

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Archaeology

The Glamorgan Gwent Archaeological Trust (GGAT) have confirmed that the Neath-Loughor Roman road (RR60d) is located to the north of the site and several Roman findspots are located in the vicinity, with the assessment indicating a low-moderate potential for Roman remain and there is a low-moderate potential for Post-medieval remains.

As such, there is the potential for encountering archaeological remains during the course of the proposal, particularly those dating to the Roman or Post-medieval periods. Therefore, GGAT have advised that a condition requiring the submission of a detailed written scheme of investigation for a programme of archaeological work to protect the archaeological resource, in the form a watching brief during the groundworks required for the development is attached to any permission granted.

As such the application is considered to be acceptable in this regard and complies with Policy HC1 of the of the Swansea Local Development Plan (2010-2025).

Welsh Language

The applicant has submitted a Welsh Language Action Plan (WLAP) with the application. It concludes that based on an analysis of the house buyers on phase 1 the development is likely to attract buyers and occupiers from Swansea and West Wales and the proportion of Welsh speakers who will live in the homes are likely to reflect the existing percentage of Welsh speakers in the ward, while increasing the existing provision of local housing stock will help issues of housing affordability and choice and allow local people the opportunity to form a household in the local area, and therefore assist with maintaining the level of Welsh speakers.

The WLAP proposes an action plan of measures to promote the Welsh language as follows:

- o Strong advertising/marketing in the local area;
- o Bilingual sales/marketing to be made available;
- o Promotion of Welsh education among children and adults in the area, such as highlighting proximity of Welsh schools in sales promotions and having literature available providing details of locally held Welsh lessons;
- o Traditional Welsh names for the street names within the new development

These measures appear reasonable and should all be actioned by the developer to mitigate the impacts on the Welsh language. The proposed promotion of Welsh education/lessons for children and adults, such as highlighting proximity of Welsh schools in sales promotions, should include information of Welsh language pre-school groups, such as Menter Iaith Abertawe playgroups and mother and baby groups, which meet in the area. This is added as an 'informative' to the permission.

As such the application is considered to be acceptable in this regard and complies with Policy HC3 of the Swansea Local Development Plan 2010-2025.

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Response to Consultation

Issues relating to overlooking, loss of privacy, character, overbearing, loss of light, noise, pollution, conservation of the natural environment, species, wildlife, landscape trees, habitats, boundaries, traffic congestion have been addressed above.

With regard to the obstruction the views of the countryside and the Loughor Estuary, and impacts upon property prices are not material planning considerations.

With regard to the suggestion of creating a new access road running along the length of the construction site at the back of gardens in Greenfield Place, this is outside the remit of the planning application process as the land in question is not council owned or owned by the existing residents in Greenfield Place. As such this request cannot be accommodated within this current application.

Conclusion

Having regard to all material planning considerations, including the provisions of the Human Rights Act, it is considered that the scheme is acceptable in terms of the principle of the development, its impact upon placemaking, visual amenity, residential amenity, parking & highway safety, impacts upon trees, drainage, ecology, the Welsh Language, and environmental impacts, subject to a S106 agreement and conditions.

It is considered that the proposal accords with the provisions of Policies: PS1, PS2, PS3, IO1, IO2, H1, H3, H4, HC3, SI1, SI3, SI6, SI8, ER1, ER2, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU4, RP1, RP4, RP6, RP7 and RP10 of the Swansea Local Development Plan 2010-2025 (LDP), and the following Supplementary Planning Guidance Notes (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 The Protection of Trees on Development Sites (October 2016)
- o Development and Biodiversity (February 2021)

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

Recommendation

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

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- o **3 Affordable Homes on the site comprising, 1 x 3 bedroom house and 2 x 2 bedroom houses, social rented at an ACG of 42% and be DQR compliant. The specification of the AH houses shall be of equivalent to those used in the open market houses. The AH homes shall be located on plots 9, 10 and 11 as shown on the approved site layout plan P18-0751_34V received on 19th May 2021.**
- o **Off site Affordable Housing contribution of £44,814 to be paid on the first occupation of the first affordable house.**
- o **Highways - A S106 contributions of £18,000 towards local improvements comprising the widening and resurfacing of the southern footway on Glebe Road. The footway between the main site access and Greenfield Place, around 50 linear metres, will be required to be widened, into the existing carriageway hatching, and resurfaced. These constructions works, their design and installation will be carried out by the Highway Authority. To be paid on the occupation of the first residential dwelling.**
- o **Maintenance and Management plans for the retained trees, new trees and planting, existing retained hedgerows, LAPS, opens spaces, and sustainable urban drainage system (SUDS) (including soakaways/infiltration trenches) to be submitted and implemented prior to the occupation of the 1st residential unit (unless these areas are to be adopted/maintained by the Council).**
- o **A Management and Monitoring fee of £2,116 (based on 20% of the planning application fee.**
- o **The Council's legal fees of £1000 (relating to the preparation of the S106 agreement**
- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents:
P18-0751 48 REV C - SITE LOCATION PLAN
P18-0751 45.9 REV C - MORESBY (OPP) ELEVATIONS AND FLOOR PLANS
P18-0751 45.8 REV C - MORESBY (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.7 REV C - ANDOVER (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.6 REV C - RADLEIGH (OPP) ELEVATIONS AND FLOOR PLANS
P18-0751 45.5 REV C - RADLEIGH (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.4 REV C - ELLERTON (OPP) ELEVATIONS AND FLOOR PLANS
P18-0751 45.3 REV C - ELLERTON (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.25 REV C - BUCHANAN (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.24 REV C - COLLATON (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.23 REV C - KENLEY (AS)/KENLEY (OPP) ELEVATIONS AND FLOOR PLANS
P18-0751 45.22 REV C - KENLEY (OPP) ELEVATIONS AND FLOOR PLANS

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P18-0751 45.21 REV C - KENLEY (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.20 REV C - BEECH (AS)/OLIVE (OPP)/OLIVE (AS) FLOOR PLANS
P18-0751 45.2 REV C - ALDERNEY (OPP) ELEVATIONS AND FLOOR PLANS
P18-0751 45.19 REV C - BEECH (AS)/OLIVE (OPP)/OLIVE (AS) ELEVATIONS
P18-0751 45.18 REV C - ELLERTON (OPP)/MORESBY (OPP) ELEVATIONS
P18-0751 45.17 REV C - ELLERTON (AS)/MORESBY (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.16 REV C - ELLERTON (AS)/ELLERTON (OPP) ELEVATIONS AND FLOOR PLANS
P18-0751 45.15 REV C - GARAGES
P18-0751 45.14 REV C - BEECH (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.13 REV C - OLIVE (OPP) ELEVATIONS AND FLOOR PLANS
P18-0751 45.12 REV C - OLIVE (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.11 REV C - CHESTER (OPP) ELEVATIONS AND FLOOR PLANS
P18-0751 45.10 REV C - CHESTER (AS) ELEVATIONS AND FLOOR PLANS
P18-0751 45.1 REV C - HEMSWORTH (AS) ELEVATIONS AND FLOOR PLANS
TREE RETENTION REMOVAL PLAN PHASE 2 REV B
DRAFT TREE PROTECTION PLAN PHASE 2 REV B
Received 7th May 2021

2071-001-R - ENGINEERING LAYOUT
Received 18th May 2021

P18-0751_34V - SITE LAYOUT
P18-0751_38D - BUILDING HEIGHTS
P18-0751_39D - MATERIALS PLAN
P18-0751_40D - PARKING STRATEGY
P18-0751_41D - BOUNDARIES AND SURFACES
P18-0751_42D - AFFORDABLE HOUSING
P18-0751_43D - MANAGEMENT PLAN
P18-0751_44D - MOVEMENT PLAN
P18-0751_49F - BLOCK PLAN
P18-0751_50C - REFUSE STRATEGY
Received 19th May 2021

P18-0751_35 H - LANDSCAPE MASTERPLAN
P18-0751_36 D - GI PLAN
Received on 27th May 2021

P18-0751_37 D - DETAILED ON-PLOT LANDSCAPE PROPOSALS
Received on 28th May 2021

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

- 3 Notwithstanding the drawings hereby approved, the 1.8m high close boarded timber fences as shown on plan P18-0751_41 Rev D (Boundaries and Surfaces) shall include gaps or holes of 13 x 13 cm along their bases, in order to allow for the free movement of small foraging animals such as hedgehogs. Any future replacement fencing shall also include such gaps or holes.

Reason: In the interests of the biodiversity of the area.

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- 4 Prior to the commencement of development on site, a Tree Protection Plan and Arboricultural Method Statement,(which shall include details of pruning and levels in relation to plot 1) shall be submitted to and approved in writing by the local planning authority. The development shall then be implemented in accordance with the details thereby approved.

Reason: To ensure the safeguarding of protected trees within the development site.

- 5 No development or phase of development, including site clearance, with the potential to impact on bats, shall commence until a pre-construction bat survey of trees has been carried out. If the survey confirms the presence of bats the results of the survey together with proposed mitigation measures shall be submitted to and approved in writing by the local Planning Authority. The measures shall be carried out in accordance with the approved details.

Reason: To ensure the potential presence of bats is confirmed prior to construction and where necessary remedial measures are implemented for their protection.

- 6 No development shall commence until full engineering, street lighting (and all external lighting) and construction details of the internal road layout and footways have been submitted to and approved in writing by the Local Planning Authority. The details shall include a scheme for completion of the works. Thereafter, the roads and footways and lighting shall be constructed in accordance with the approved details.

The Lighting plan should include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas.
- An environmental lighting impact assessment against conservation requirements for protected species.
- Light modelling images to present the night time effects of lighting on sensitive habitats.
- The lighting shall be installed and retained as approved during construction and operation.

Reason: To allow proper consideration of the construction details in the interests of highway and pedestrian safety, and to reduce the impacts of lighting in the interest of biodiversity interests on site.

- 7 No development or phase of development, including site clearance shall commence until a site wide Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods including details of materials, waste, contaminated land.
- General Site Management: construction programme, site clearance requirements, construction drainage, site set-up plan detailing sensitive receptors and buffer zones, relevant protection measures (e.g. fencing, etc).
- Biodiversity Management: tree and hedgerow protection, invasive species management, species / habitats protection and mitigation measures.
- Soil management, topsoil strip, storage and amelioration for re-use.

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- CEMP masterplan: detailing the development, location of landscape and environmental resources, design proposals and objectives for integration and mitigation.
- Control of Nuisances: restrictions on timing / duration / frequency of works (e.g. dust control measures, control of light spill and conservation of dark skies).
- Resource Management: fuel and chemical storage, waste management, water consumption, energy consumption.
- Pollution Prevention: demonstrate compliance with relevant Guidelines for Pollution Prevention, incident response plan, site drainage plan, etc.
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.
- Details of the persons/bodies responsible for particular activities associated with the CEMP and emergency contact details.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Reason In the interest of pollution prevention and biodiversity protection.

- 8 No development shall take place until a written scheme of historic environment mitigation has been submitted to and approved in writing by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the approved scheme. Reason: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.
- 9 Prior to the commencement of development works, details of the following phased scheme shall be submitted to and approved in writing by the Local Planning Authority: the phased scheme shall comprise of 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.

The reports shall be submitted individually.

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

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] appraisal report to the Local Planning Authority, viz:

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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. The remediation measures shall be implemented thereafter, prior to the occupation to any building within that phase of development.

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/users is not prejudiced.

- 10 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.

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.

- 11 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 Local Planning Authority.

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

- 12 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.

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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.

- 13 If, during the course of development, contamination not previously identified is found to be present at the site no further development shall be carried out without the written consent of the Local Planning Authority 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.

- 14 The garages and car parking spaces as shown on the approved plans shall be provided prior to the first beneficial use of the dwelling to which they relate and shall be kept available for the parking of motor vehicles at all times.

Reason: To reduce the likelihood of obstruction of the highway or danger to road users.

- 15 No development shall take place until a wildlife / habitat protection plan has been submitted to and approved in writing by the Local Planning Authority. The wildlife / habitat protection plan shall include:

- i) A plan showing wildlife / habitat protection zones'
- ii) Details of development and construction methods within wildlife / habitat protection zones and measures to be taken to minimise the impact of any works;
- iii) Details of phasing of construction.

The approved protection plan shall thereafter be implemented in accordance with the timings approved by the Local Planning Authority.

Reason: To ensure that animal and plant species and habitats listed under the Conservation of Habitats and Species Regulations 2010 are adequately protected, and to protect and enhance the character and appearance of the site and its setting.

- 16 Notwithstanding the provisions of schedule 2, part 1, class A, B, C, D, E, F of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), no buildings shall be erected other than those expressly authorised by this permission and shown on plan number P18-0751_34V - Site layout received on 19th May 2021 .

Reason: To safeguard the character and amenities of the premises and adjoining properties and To prevent inappropriate development on site that may affect the receiving watercourse and create or exacerbate any existing flood risk and in the interests of visual amenity and the amenities of neighbouring occupier.

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

Reason: To ensure that the overall open plan housing layout is not prejudiced by uncontrolled development, and also in the interests of highway visibility.

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- 18 Prior to the first beneficial use of any of the buildings within each phase of the development, full details of the proposed arrangements for future management and maintenance of the proposed internal road within the development shall be submitted to and approved in writing by the Local Planning Authority unless an agreement has been entered into under Section 38 of the Highways Act 1980. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980.
Reason: To ensure that the development is provided with satisfactorily maintained and managed streets
- 19 No development approved by this permission shall be commenced until a Site Waste Management Plan (SWMP) has been submitted to and approved in writing by the Local Planning Authority. The construction phase of the development shall be carried out in accordance with the details/measures contained within the approved Site Waste Management Plan.
Reason: To ensure waste at the site is managed in line with the Waste Hierarchy in a priority order of prevention, re-use, recycling before considering other recovery or disposal option.
- 20 All planting, seeding or turfing comprised in the approved details of landscaping - P18-0751_35 XXX - Landscape Masterplan, P18-0751_36 XXX - GI Plan, and P18-0751_37 XXX - Detailed On-Plot Landscape Proposals Received on XX May 2021 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 visual and residential amenity and 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.
- 21 Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of bird and bat boxes/bricks to be provided within or to the walls of the dwellings and on suitable trees within the site) shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.
Reason: In the interests of ecology and biodiversity enhancement.
- 22 Prior to the construction of the Local Area of Play (LAP), full details of 1 piece of play equipment for the LAP, together with a scheme for installation and maintenance, shall be submitted to and approved in writing by the Local Planning Authority. The play equipment shall be installed and maintained in accordance with the details thereby approved.
Reason: To ensure adequate play facilities are provided in the interest of the wellbeing of the future residents.

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- 23 No earlier than 3 months prior to the commencement of any pre-construction/enabling works at the site, including vegetation clearance, a site walkover must be conducted by a suitably qualified ecologist, to determine whether there are any dormouse/dormouse nests present at the site at that time. The results of the site walkover shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement or any preconstruction/enabling works. Should any dormice be found on the site, then the applicant shall apply for a EPS Derogation Licence from NRW and a copy of the licence shall be submitted to the Local Planning Authority.
Reason: In the interests of bio-diversity and in order to minimise the impacts of the scheme on any potential dormouse.

Informatives

- 1 The national development plan is Future Wales: The National Plan 2040. The following policies were relevant to the consideration of the application: Policies 2, 7, 9, 12, 13, and 28.

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, IO1, IO2, H1, H3, H4, HC3, SI1, SI3, SI6, SI8, ER1, ER2, ER8, ER9, ER11, T1, T2, T5, T6, T7, EU4, RP1, RP4, RP6, RP7 and RP10.

- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
- 3 Birds may be present in this building and grounds please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:
- Kill, injure or take any wild bird
 - Take, damage or destroy the nest of any wild bird while that nest 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.

- 4 Bats may be present. All British bat species are protected under Schedule 5 of the Wildlife & Countryside Act 1981 (as amended) and are listed in Schedule 2 of the Conservation of Habitats and Species Regulations 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.

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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).

- 5 The applicant is advised of the need to obtain separate consent under the Town and Country Planning (Control of Advertisements) Regulations 1992 for any advertisements requiring express consent which it is intended to display on the premises.
- 6 The archaeological work must be undertaken to the appropriate Standard and Guidance set by Chartered Institute for Archaeologists (CIfA), (www.archaeologists.net/codes/ifa) and it is recommended that it is carried out either by a CIfA Registered Organisation (www.archaeologists.net/ro) or an accredited Member
- 7 The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com.
- 8 As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Coty & County of Swansea Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
- 9 The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.
- 10 1 Construction Noise
The following restrictions should be applied to all works of demolition/ construction carried out on the development site

All works and ancillary operations which are audible at the site boundary shall be carried out only between the hours of 08.00 and 18.00 hours on Mondays to Fridays and between the hours of 08.00 and 13.00 hours on Saturdays and at no time on Sundays and Public Holidays and Bank Holidays.

The Local Authority has the power to impose the specified hours by service of an enforcement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

2 Smoke/ Burning of materials

No burning of any material to be undertaken on site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

3 Dust Control:

During construction work the developer shall operate all best practice to minimise dust arisings or dust nuisance from the site. This includes dust and debris from vehicles leaving the site.

The Local Authority has the power to enforce this requirement by service of an abatement notice.

Any breaches of the conditions attached to such a notice will lead to formal action against the person[s] named on said notice.

4 Lighting

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

Advisory: Requirements for the Chemical Testing of Imported Materials for Various End Uses - see attached Developers Guide

- 11 Welsh Language Action Plan - It is advised that you include the proposed promotion of Welsh education/lessons for children and adults, such as highlighting proximity of Welsh schools in sales promotions: - which should include information of Welsh language pre-school groups, such as Menter Iaith Abertawe playgroups and mother and baby groups, which meet in the area.
- 12 Protected species may be present. Many species are protected under the Wildlife & Countryside Act 1981 (as amended) or are listed in the Conservation of Habitats and Species Regulations 2010 (this legislation implements the EC Habitats & Species Directive in the UK making it an offence to capture, kill or disturb a European Protected Species or to damage or destroy the breeding site or resting place of such an animal. It is also an offence to recklessly / intentionally to disturb such an animal).

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- 13 The Developer must contact the Highway Management Group , The City and County of Swansea , Guildhall Offices, c/o The Civic Centre , Swansea SA1 3SN before carrying out any work . Please e-mail networkmanagement@swansea.gov.uk
 - 14 All access works would be 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.
 - 15 Any open excavations made during the construction phase of the development shall either be covered or fitted with ramps to prevent any terrestrial mammals that may be present from becoming trapped in open excavations. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.
 - 16 The developer must contact the Highway Authority regarding the provision of a Construction Method Statement.
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