

Planning Committee – 7th September 2021

Item 1

Application Number:

2020/2357/FUL

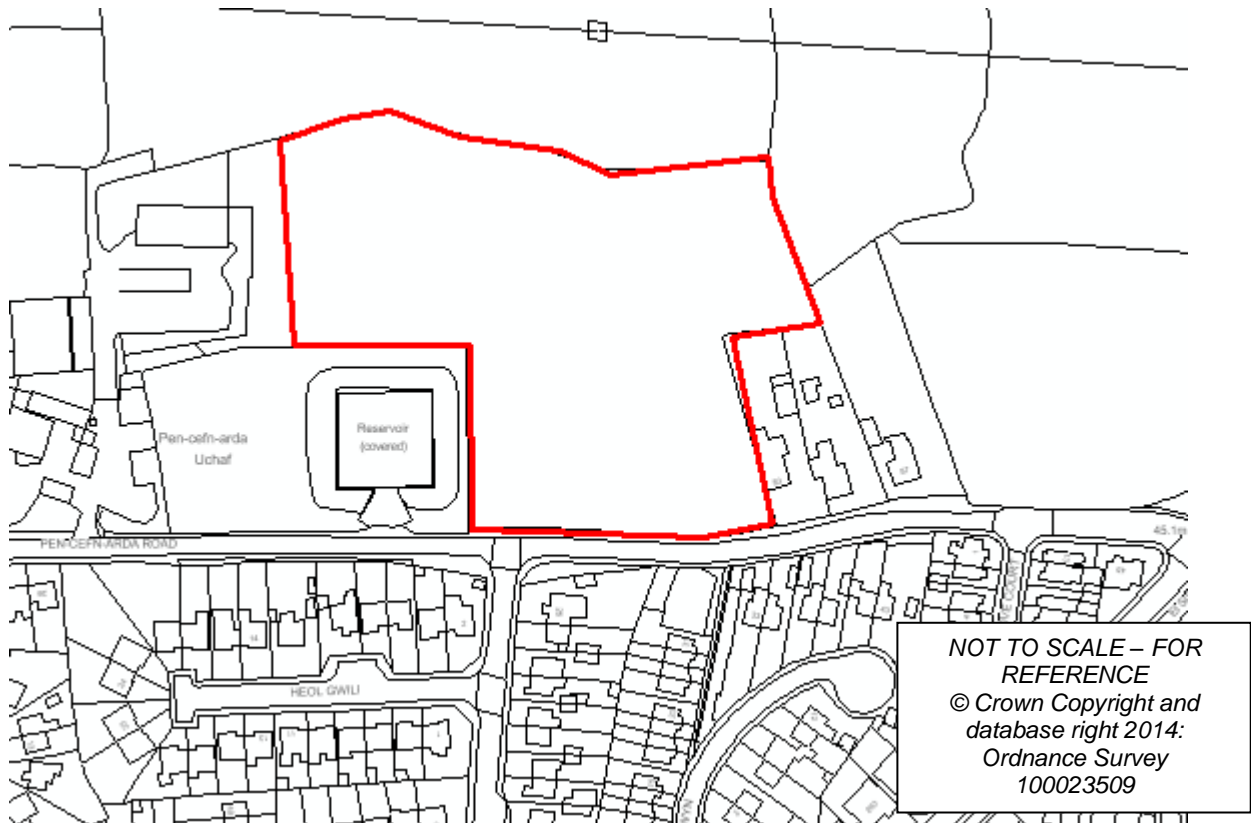
Ward:

Penyrheol - Area 1

Location: Pencefnarda Farm , Pencefnarda Road, Gorseinon, Swansea, SA4 4FY

Proposal: Construction of 44 no. dwellings (100% affordable housing) with landscaping, access and associated works

Applicant: K Morris Pobl Group



Procedural Matters & Background

This application is reported to Planning Committee for determination due to the scale of the development meeting the threshold as set out in the Council's Constitution. A Committee site visit has also been requested by the Local Ward Councillor Jan Curtice.

The application has been the subject of a number of significant negotiations during the course of the assessment of this application to ensure that the nature, 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, and H6 - 100% affordable housing exception site. The application is considered on the basis of the revised plans and description of development. This application follows a request for pre-application advice for a similar proposal (ref. 2020/0203/PRE) in February 2020.

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The application was not required to be screened as the development does not include more than 150 dwellings, the site area does not exceed 5Ha and the site is not located within a sensitive area as defined by The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017.

Site Location

The site comprises an irregular shaped parcel of greenfield land measuring approx. 1.7 ha located outside and adjoining the defined LDP settlement boundary around the north of Penyrheol. The site is bordered by agricultural land to the north, a covered DCWW reservoir and a working farm to the west and existing residential development comprising 3 no. detached dwellings set in substantial plots to the east. The southern boundary fronts onto Pencefnarda Road. The residential settlement of Penyrheol is located on the opposite side of Pencefnarda Road to the south. The site is largely bordered by established hedgerow and trees and includes an element of stone boundary wall to the frontage. There is presently no boundary between the site and the adjacent working farm to the west (northern half of the western boundary). The site slopes upwards from east to west with the existing 3 no. detached dwellings to the east of the site boundary at a significantly lower ground level than the reservoir to the west. There is currently no access to the site from Pencefnarda Road.

Description of Development

Full planning permission is sought for the construction of 44 residential dwellings (comprising 6 x 1 bed flats, 18 x 2 bed houses, 18 x 3 bed houses and 2 x 4 bed houses) with landscaping, access and associated works on land off Pencefnarda Road, Penyrheol. The dwellings are proposed to be 100% affordable housing (Social Rented) and will be managed by Pobl Housing Association. The dwellings would be 2 storey finished in a mixture of brickwork and render with a smooth grey roof. A two storey apartment block would also be provided with dual frontages facing the main road and overlooking the public open space.

The site is currently designated as open countryside within the Swansea Local Development Plan, and the application has been submitted on the basis of an affordable housing exception site under Policy H6 of the LDP.

The application has been accompanied by an Agricultural Land Classification Report, Arboricultural impact Assessment, Ecological surveys, Flood Risk and Drainage Strategy, Green infrastructure Strategy, Public Open Space Play Strategy, Landscape and Visual Appraisal and Transport Statement. In accordance with the Planning (Wales) Act 2015 and the Town and Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016 the applicant submitted a Pre-application Consultation Statement (PACS). This set out the original scheme, consultations undertaken with responses received and applicant response.

Planning Policy Context

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

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.

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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:

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

- o 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
- o 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:

- o 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.
- o 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.
- o 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.
- o 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.

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 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.

Planning Policy Wales (11th Edition) 2021

PPW is the complete land use planning policy document for Wales and provides the foundation for all national, regional and local planning policies. It is not part of the Development Plan, however it has substantial weight in the planning process. The following key extracts from PPW are of particular relevance:

Placemaking - The concept of placemaking is central to PPW and delivering on the aspirations of the Well-being of Future Generations Act and achieving well-being through plan making and development management decisions.

PPW defines placemaking as (p14): a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area's potential to create high quality development and public spaces that promote people's prosperity, health, happiness, and well being in the widest sense.

PPW (pg 16) provides the 6 placemaking principles of the Placemaking Charter (to which the Council is a signatory). These include - people and community - location - movement - mix of uses - public realm - identity. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

Placemaking should not add additional cost to a development, but will require smart, multi-dimensional and innovative thinking to implement and should be considered at the earliest possible stage. Placemaking adds social, economic, environmental and cultural value to development proposals resulting in benefits which go beyond a physical development boundary and embed wider resilience into planning decisions.

In responding to the key principles for the planning system, the creation of sustainable places and in recognition of the need to contribute to the well-being of future generations in Wales through placemaking, development plans and development proposals must seek to deliver developments that address the national sustainable placemaking outcomes (para 2.17).

The Covid-19 Pandemic and Building Better Places: In July 2020 the Welsh Government published Building Better Places⁹ which pinpoints the most relevant policy priorities and actions to aid in the recovery. Building Better Places recognises the pivotal role that planners play in shaping our society for the future. They must plan for our priorities around placemaking, decarbonisation and well-being. Building Better Places starts to identify action to achieve this and upon which we must build; future reviews of Planning Policy Wales will enable us to further integrate this work. Everyone has a part to play to ensure that the communities of tomorrow benefit from the foresight of today. (2.18)

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 surrounding area (para 3.3).

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Sustainable location (para 3.43 and 4.2.16) - PPW states that in terms of the search sequence for identifying sites for development LPAs should consider allocating previously developed land and/or underutilised sites located within existing settlements in the first instance with sites on the edge of settlements considered at the next stage.

The Best and Most Versatile Agricultural Land (para 3.58-3.59) - Agricultural land of grades 1,2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future. When considering...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 outweigh 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.

Development in the Countryside (para 3.60) - Development in the countryside should be located within and adjoining those settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. Infilling or minor extensions to existing settlements may be acceptable, in particular where they meet a local need for affordable housing or it can be demonstrated that the proposal will increase local economic activity. However, new building in the open countryside away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. All new development should be of a scale and design that respects the character of the surrounding area.

Sustainable travel (para 4.1.19-30 and 4.1.40-41) - The planning system has a key role to play in reducing the need to travel and supporting sustainable transport, by facilitating developments which: are sited in the right locations, where they can be easily accessed by sustainable modes of travel and without the need for a car; are designed in a way which integrates them with existing land uses and neighbourhoods; and make it possible for all short journeys within and beyond the development to be easily made by walking and cycling. Well-designed, people orientated streets are fundamental to creating sustainable places and increasing walking, cycling and use of public transport. New development should improve the quality of place and create safe, social, attractive streets where people want to walk, cycle and enjoy, and children can play. The Welsh Government policy, Manual for Streets (MfS) and its companion guide MfS 2, requires that street design should not follow the conventional engineering-led approach. The design of new or enhanced streets should respond to urban design principles, including those in MfS and the Active Travel Design Guidance. Planning authorities must ensure the design of streets contributes to the creation of high-quality places, which will require a multi-disciplinary approach, and should challenge development proposals with standardised, prescriptive, engineering-focussed, riskadverse street designs. Design and Access Statements should demonstrate how the design of new or enhanced streets has responded to urban design principles.

The design and layout of streets must give a high priority to their role as public spaces and meeting the needs of pedestrians, cyclists and public transport users, reflecting the principles of the sustainable transport hierarchy. To create streets that are social places, the public realm needs to be safe and attractive and the street designed for low speeds of 20 mph or less.

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To make streets safer and more attractive places for people, the Welsh Government is making 20 mph the new default speed limit for most streets and taking measures to prevent pavement parking. Active travel infrastructure should be put in place early on in a development, and before the people living there move in, to support active and healthy travel patterns from the outset.

Biodiversity and Resilience of Ecosystems (S6 Duty) (paras 6.4.1 to 6.4.9) - In accordance with s6 of the Environment Act 2016, the Council has a duty to maintain and enhance biodiversity.

[NB: In Swansea, the section 6 duty is embedded as one of the 4 Well Being Objectives in the Public Service Board's Well Being Plan - "Working With Nature". It is also included as Objective 6 of the Council's Corporate Plan "maintaining and enhancing Swansea's Natural Resources.]

The s6 duty means that 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, the LPA must take account of and promote the resilience of ecosystems, in particular the following aspects: diversity, connectivity, scale, condition and adaptability. In fulfilling this duty the LPA must have regard to S.7 list of habitats and species important for Wales and the SoNaRR and any up to date ecological survey information provided.

Protection and Management of Designated Sites: (paras 6.4.15- 21) - Protection for Non-statutory biodiversity designations can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in 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. Assessments should 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.

Planning authorities must follow a step-wise approach to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for; enhancement must be secured wherever possible.

Green infrastructure (para 6.2.1 - 6.2.5) - is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. The delivery of multifunctional green infrastructure can make a significant contribution to the sustainable management of natural resources, in particular to maintaining and enhancing biodiversity and the resilience of ecosystems in terms of diversity, extent, condition, connectivity and adaptability. This means that development of Green Infrastructure is an important way for local authorities to deliver their Section 6 Duty. Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and is 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 quality of the built environment should be enhanced by integrating green infrastructure into development through appropriate site selection and use of creative design.

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Affordable housing (para 4.2.25-26) - A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies and determining relevant planning applications. Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. Affordable housing includes social rented housing owned by local authorities and RSLs and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents.

The provision of affordable housing exception sites must be considered to help meet identified requirements and ensure the viability of the local community. Where such policies are considered appropriate it should be made clear that the release of housing sites within or adjoining existing settlements for the provision of affordable housing to meet local needs which would not otherwise be allocated in the development plan, is an exception to the policies for general housing provision. Such policies must be fully justified, setting out the type of need and the kind of development which fall within their terms. The affordable housing provided on exception sites should meet the needs of local people in perpetuity. Sites must meet all the other criteria against which a housing development would be judged, such as the national sustainable placemaking outcomes.

Affordable housing exception sites are not appropriate for market housing.

Well-Being of Future Generations (Wales) Act 2015

The Well-being of Future Generations Act places a duty on Local Planning Authority's (including Welsh Minsters) that they must carry out sustainable development. The Planning (Wales) Act 2015 introduces a statutory requirement for the planning system in Wales for statutory bodies carrying out a planning function to exercise those functions in accordance with the principles of sustainable development as set out in the Well-being of Future Generations (Act) Wales 2015. Paragraph 4.2.2. states that the planning system provides for a presumption in favour of sustainable development to ensure that social, economic and environmental issues are balanced and integrated, at the same time, by the decision-maker in taking decisions on individual planning applications.

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

Technical Advice Notes

Technical Advice Note 2: Planning and Affordable Housing (2006): This TAN provides advice and guidance in relation to the provision of affordable housing. The guidance requires local planning authorities to:

- o Include an affordable housing target in the development plan which is based on the housing need identified in the local housing market assessment.
- o Indicate how the target will be achieved using identified policy approaches.
- o Monitor the provision of affordable housing against the target (via the Local Development

Plan Annual Monitoring Report) and where necessary take action to ensure that the target is met.

Technical Advice Note 5: Nature Conservation and Planning (2009): This Technical Advice Note provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. This TAN brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities.

Technical Advice Note 12: Design (2016): The purpose of this TAN is to equip all those involved in the design of development with advice on how 'Promoting sustainability through good design' and 'planning for sustainable building' may be facilitated through the planning system.

This TAN defines good design and stresses the importance of good design. Specifically in relation to Residential Development it states that achieving more sustainable residential environments is dependent on linking development to public transport and other uses and services, providing access to local services, and securing the most efficient use of land. For a successful residential area, the design of housing should establish a sense of place and community, with the movement network used to enhance these qualities, and to incorporate features of environmental sustainability. This TAN gives detail advice on good design and states that development proposals, in relation to housing design should aim to:

- o create places with the needs of people in mind, which are distinctive and respect local character
- o promote layouts and design features which encourage community safety and accessibility
- o focus on the quality of the places and living environments for pedestrians rather than the movement and parking of vehicles
- o avoid inflexible planning standards and encourage layouts which manage vehicle speeds through the geometry of the road and building
- o promote environmental sustainability features, such as energy efficiency, in new housing and make clear specific commitments to carbon reductions and/or sustainable building standards
- o secure the most efficient use of land including appropriate densities
- o consider and balance potential conflicts between these criteria.

Technical Advice Note 18: Transport (2007): This TAN provides advice and guidance on transport issues including the design and location of the development, parking requirements, walking and cycling, public transport, assessing impacts and managing implementation.

Technical Advice Note 20: Planning and the Welsh Language (2017): This TAN provides guidance on how the Welsh language may be given appropriate consideration in the planning system and on compliance with the requirements of planning and other relevant legislation.

Adopted Swansea Local Development Plan (2010-2025)

PS1 - 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.

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PS2 - Placemaking and Place Management - Development should enhance the quality of places and spaces and should accord with relevant placemaking principles.

PS3 - Sustainable Housing Strategy - The Plan provides for the development of up to 15,600 homes to promote the creation and enhancement of sustainable communities.

IO1 - Supporting Infrastructure - Development must be supported by appropriate infrastructure, facilities and other requirements considered necessary as part of the proposal.

IO 2 - Employment and Training Opportunities - Developers are 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.

H2 - Affordable Housing Strategy - Provision will be made to deliver a minimum 3,518 affordable homes over the Plan period through setting targets for on-site provision of affordable housing (Policy H3); allocating Local Needs Housing Exception Sites (Policy H5); providing the policy framework for 100% affordable homes (Policy H6).

H 6 100% Affordable Housing Exception Sites- Residential proposals on sites within or adjoining existing settlements where 100% of the proposed dwellings are for Affordable Housing for Local Needs will only be permitted where:

- i. The site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement;
- ii. The site is in a sustainable location having reasonable access to at least a basic range of services;
- iii. It is of a size, scale and design compatible with affordable dwelling standards and available to low or moderate income groups;
- iv. There are binding agreements in place to ensure that the initial affordability benefits will be retained in perpetuity for all successive occupiers who meet the Council's occupancy criteria;
- v. It is demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality; and
- vi. There is no loss of land of important recreational, amenity or natural heritage value.

Market housing will not be permitted on 100% affordable housing exception sites. The proposed affordable housing should meet the needs of local people in perpetuity, which will be tied to the planning consent by means of a legal agreement.

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

SI1 - Health and Wellbeing - health inequalities will be reduced and healthy lifestyles encouraged by complying with set criteria.

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

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

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

ER 1: Climate Change - 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 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.

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.

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

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

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

T6: Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes. Proposals on existing car parks that would reduce parking provision will not be permitted where the loss of the parking facility would result in outcomes specified in the policy.

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

EU 4: Public Utilities and New Development - development will be permitted where the utility infrastructure is adequate to meet the needs of the development. Development that requires new or improved utility infrastructure will be permitted where it can be satisfactorily demonstrated that the developer will make an appropriate contribution to secure the provision of the infrastructure.

RP 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.

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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. 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 6: 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 8: Sustainable Waste Management for New Development - development will be required to incorporate, as appropriate, adequate and effective provision for the storage, recycling and other sustainable management of waste, and allow for appropriate access arrangements for recycling and refuse collection vehicles and personnel.

RP 10: 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.

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)

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.

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Ultimately the SPG documents provide useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by neighbour notification letters, and the application was advertised on site and in the press.

TWENTY SEVEN LETTERS OF OBJECTION were received which are summarised below:

- o Living at bottom of Pencefnarda Hill we have had numerous issues with drainage and flooding on the road; this will only increase with 40 + properties up the hill;
- o Concerns about volume of traffic on Pencefnarda Road; the current level of traffic is too heavy; and will only get worse; Cars also use this road to avoid the speed bumps on Frampton Road;
- o Cars already speed up the hill & the estate entrance will have the potential to cause a serious accident;
- o Concerns the entrance is a dangerous point/brow of hill for traffic entering & leaving;
- o This area is a very popular dog walking area so not only would it endanger the lives of motorists, but that of walkers too; Pencefnarda Road only has a pavement on one side, the opposite side to the development;
- o Concerns re upkeep & safety of new roads; Heol Elfed (potential rat run) is already in a bad condition;
- o Is there adequate facilities such as schools/GPs/Dental Practices to support any more housing in the area;
- o The new access junction visibility splay is totally inadequate creating a potentially hazardous situation for vehicles entering and leaving the new junction; as well as pedestrians due to impaired visibility;
- o Setting sun from the west on the brow of the hill causes additional problems;
- o Noticeable increase in traffic since new development have been built nearby e.g. Gower View;
- o Environmental impact to the countryside & wildlife by another development on viable farmland;
- o Worries about the water reservoir being disturbed during the building of the properties and the damage and repercussions it may have;
- o Pencefnarda Road needs proper and sustainable traffic calming measures put in place; not little speed bumps that people treat as a minor inconvenience and just drive over
- o I disagree with building more houses in our areas especially on green areas; protect green areas for the future but it's all about the money;
- o Pobl's response to residents' concerns about the proposed entrance of this development raised in the PAC consultations that "It will be as safe as it can be" is appalling with a disregard to the local residents;
- o Please take residents safety into account and do not put affordable housing before the existing residents' concerns;
- o Concern about the development being 100% affordable housing; in time as can be seen in other developments locally, when these properties are sold on privately there is an increase in landlord purchases and a noted decline in property upkeep. A mixture of housing types would be a more welcomed solution;

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- o Object to use of this landscape being used for housing when there is land available (e.g. adj Melyn Mynach) which would not obstruct views of, and encroach on our beautiful countryside;
- o Concerns about future pollution due to congestion with more vehicles and with heightened noise levels;
- o The Council has turned down previous applications to development in the area, stating "they would represent overdevelopment detrimental to the established character and appearance of surrounding streetscenes, contrary to Policy H2 of the West Glamorgan Structure Plan and Policy H7 of the Southern Lliw Valley Local Plan;
- o Development is outside the Local Development Plan and would extend the development boundary into an area of countryside (not infill); setting an unacceptable precedent.
- o The report gives the land as Grade 4; Agricultural land classification grades the land as 3A. The National Planning Policy Framework (paragraph 170) requires planning authorities to "recognise the economic and other benefits of the best and most versatile agricultural land when making decisions on development proposals. With HMG encouraging more domestic food production and in an attempt to reduce food miles, paving over grade 3A agricultural land is nonsense.
- o If approved this would change the whole character of the area north of Penyrheol;
- o The farmer has been fined for illegal dumping at the area;

Amended Plans - Amended Plans & supporting information have been submitted during the processing of the application. The description of development has also been amended to refer to the construction of 44 dwellings. The application was re-advertised on site.

FOUR ADDITIONAL LETTERS OF OBJECTION were received which may be summarised as follows:

- o This application should be refused outright due to the dangerous site entrance and lack of visibility splay which is an accident waiting to happen and someone will be responsible for this if they agree this application; anyone with any sense can see this is not a suitable site;
- o Due to the sloped nature the development will be an eyesore to the landscape;
- o Penyrheol and surrounding area is being overrun with Pobl housing;
- o This site is farmland and should be kept as such;
- o If approved there would be no end of disruption during building work .

ONE LETTER OF SUPPORT WAS ALSO RECEIVED.

Cllr Jan Curtice - Residents have raised a wide variety of issues with myself and I would like to submit my objection on the application for reasons laid out below.

1. Highway Safety - The increase in traffic will add to further cars on Pencefnarda Road, and speeding has long been an issue. I see no mention of speed mitigation measures. Our Highways Safety team have already carried out speed surveys and there appears to be an issue with speeding traffic along the route. The 85th percentile over the survey period is 34.8mph with almost 50% of vehicles travelling over the 30mph limit.

2. Land Gradient - The land is on a very steep gradient, and the houses are all looking over each other, with retaining walls on each property. This is why this site requires a site visit before coming in front of committee. The committee will not be able to understand the gradient and proposed junction without being on site.

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3. Access - The access is at a very dangerous location. Right at the top of the brow of the hill and opposite another steep hill. This added to the speeding issue already present makes it an unsuitable location for access to a cul-de-sac.

4. Drainage - I have concerns that the money spent to improve the drainage at the bottom of Pencefnarda Road will have been wasted. Residents have had problems here for years, and recently benefitted from improved drainage here, this will only add to the problems as I am sure these have not been taken into account.

5. SINC - The neighbouring field is a SINC - Site of Importance for Nature Conservation. See Figure 3. This area is also classed as a green wedge in the LDP. Further to this, I would like to point out that 85 Pencefnarda Rd which is mentioned in the report has never been a rural farmhouse as suggested. They used to grow homegrown veg in their garden for personal use. This development would set a precedent for the adjacent SINC.

6. Agricultural Land Type - Agricultural land classification grades the land as 3a and local knowledge supports this. Not Grade 4 as listed in the report. I appreciate a survey has been carried due to it predicted classification but the survey would have been carried on behalf of the developer, therefore I feel it would be skewed to suit the applicant and not the wider community. The land is heavily grazed, prime grassland, and from what local knowledge tells me probably the best area on that farm. See Figure 2. Looking at the report only two soil samples were taken. To gauge the land classification for a field of this size then surely it would be required to take a large number of samples from many different locations on the field.

Agricultural Land Classification (ALC) is a system used in England and Wales to grade the quality of land for agricultural use, according to the extent by which physical or chemical characteristics impose long-term limitations. It is used to inform planning decisions affecting greenfield sites. The system classifies land into five grades:

Grade 1 - excellent quality agricultural land with no or very minor limitations. Grade 2 - very good quality agricultural land with minor limitations which affect crop yield, cultivations or harvesting. Subgrade 3a - good quality agricultural land with moderate limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land can produce moderate to high yields of a narrow range of crops or moderate yields of a wide range of crops. Subgrade 3b - moderate quality agricultural land with strong limitations that affect the choice of crop, timing and type of cultivation/harvesting or level of yield. This land produces moderate yields of a narrow range of crops, low yields of a wide range of crops and high yields of grass. Grade 4 - poor quality agricultural land with severe limitations which significantly restrict the range and level of yield of crops. Grade 5 - very poor quality agricultural land with very severe limitations which restrict use to permanent pasture or rough grazing with the exception of occasional pioneer forage crops. Grades 1, 2 and subgrade 3a are considered within the 'best and most versatile' land category in the current planning system. This land is deemed the most flexible, productive and efficient in response to inputs, it is the best to deliver future crops for food and non-food uses (such as biomass, fibres and pharmaceuticals). The National Planning Policy Framework (paragraph 170) requires planning authorities to "recognise the economic and other benefits of the best and most versatile agricultural land" when making decisions on development proposals.

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7. LDP Policy - While LDP policy states 100% affordable housing could come forward adjoining existing settlements if this approved then given the fact this is outside of the settlement boundary and an illogical extension (not infill), it will create precedence. I am not fully confident it satisfies Policy H6 item i - See attached maps below. I marked in red where the building line is and marked in blue is the development site.

8. Local Need - I would like to request that if approved, these dwellings are identified as local need housing and occupied by residents with a local connection, as stated in Policy H6 LDP.

9. LAP/LEAP - I see no reference to a LAP or LEAP at all. Yes, there are facilities nearby, but any development must provide the adequate provision.

This seems contrary to LDP policy SI6 - "Open space provision will be sought for all residential development proposals with capacity for 10 or more units. This will include the creation of new on-site facilities, or the improvement of existing local provision off-site, along with appropriate maintenance contributions.

A contribution towards improving off-site open space provision in the area may also be required for residential development proposals of 10 units or less where there is a quantitative or qualitative deficiency in open space provision. All residential development must accord with the principles of providing good children's play and leisure opportunities by:

- Ensuring that the design of residential areas prioritises the ability of residents, particularly children, to move freely, socialise and play;
- Incorporating 'Homezone' style street design and layouts where appropriate and the provision of opportunities for doorstep play;
- Designing natural landscaping to create opportunities for informal play to complement, and be additional to, any formal play; and
- Ensuring that play and leisure spaces, both formal and informal, are focal spaces, fit for purpose and well overlooked by development.
- The quantity, quality and location of the open space contribution required will be determined against the Open Space Assessment."
- The open space assessment doc can be found here - <https://www.swansea.gov.uk/ldposa>
- I hope this conveys my concerns with this application.

Additional Comments: (following receipt of amended plans):

In light of the amended application I would like to reaffirm my objection to the development.

Although an attempt has been made to include some play equipment, I do not feel it is sufficient. Also, my other objections regarding site access, gradient of the land, highway concerns, drainage issues and land classification still stand.

I would also like to stress that if this is to go in front of the planning committee then an in person site visit is needed (when restrictions allow). This is due to the awkward nature of the site.

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Final Comments: (following receipt of amended plans & Transport Statement):

In light of the amended application I would like to reaffirm my objection to the development. Despite the lengthy report, my objection regarding site access and highways still stands. Also I am still objecting on the grounds of it being an unsuitable location on top of a steep hill.

Further to this, residents have raised with me that they have proof that there are barn owls present on/near the development site. The field would be a natural feeding ground that will be lost.

I would like to request that due to public concerns, that this application needs to have a site visit from the planning committee prior to the meeting. In my opinion, they would not be able to get a good feel of the impact that this development would have without being on site.

Gorseinon Town Council - The Town Council supported the views already expressed in writing by Cllr Jan Curtice on behalf of local residents near the site, summarised as Highway safety concerns, land gradient concerns, dangerous access, drainage concerns at bottom of hill, adverse impact on SINC adjoining, Agricultural land value is actually 3A not 4 as in report, LDP policy - site is an extension of settlement not infill, Site should be considered for local need only if minded to be approved and provision should be made off site for LAP/LEAP play area provision.

SW Police Designing Out Crime Officer -

(i). Site layout.

I am generally pleased with the site layout. All the vehicle parking bays are within curtilage and/or overlooked. I am concerned in respect of the path that runs to the rear of plots 1-3 and adjacent to plot 4 and ideally this would be designed out.

Pedestrian routes must be designed to ensure that they are visually open, direct, overlooked, lit and well used. This proposed path is not and undermines the defensible space of this part of the estate. It provides access to rear gardens and such paths have been proven to generate crime and anti-social behaviour.

I am concerned at the proposed location of the play area as it is afforded minimum surveillance for the homes on the estate. These areas should be located where they are afforded good natural surveillance from residents to provide protection for the young children using the areas. Also this would reduce the risk for the areas being targeted for anti-social behaviour when not in use.

Ideally the areas would be lit and protected by railings/fencing to prevent vehicular entry and they should be locked out of hours. Any planting must be of the low level type, i.e. plants or bushes must only grow to a maximum height of 1 metre and trees should have no branches below 2 metres from the ground to afford maximum surveillance of the spaces.

General safety comments also raised with regards to lighting, boundary identification, landscaping and planting, side and rear boundaries, vehicle parking, garden sheds, bin stores, bike stores, security lighting, drainpipes, public utilities, door and window security, blank walls, identification and intruder alarm systems.

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Glamorgan Gwent Archaeological Trust - No comments received at time of writing.

[PAC comments stated there are no known sites within the proposed development area and a recent desk-based assessment nearby included the site and indicated a low potential for archaeological features. No conditions / works required.]

Natural Resources Wales -

Based on the information provided, we would have no objection to the proposed development and provide the following advice.

European Protected Species

We welcome the submission of the letter/file note titled: 'REF: Pencefnarda Farm, Pen-Cefn-Arda Road, Penyrheol, Swansea, SA4 4NA, SS 58694 99842', dated 31st January 2020, by First Ecology (S.W.T. (Sales) Limited.

The above preliminary ecology walk-over survey indicates that the proposed development site consists of an improved field on the northern edge of Penyrheol. It also identifies that the northern boundary of the site consists of native species-rich hedgerow with trees, while the northern portion of the eastern boundary consists of native species-poor hedgerow with trees. Both these hedgerows are considered to be habitats that have potential for hazel dormice (*Muscardinus avellanarius*) to be present, due to the connectivity to the wider landscape to the north and north-east of Penyrheol.

We welcome the intended retention of both the northern and eastern vegetative boundary and that these boundary features will be fenced and outside the curtilage of the proposed dwellings.

We would look to the Local Planning Authority (LPA) to ensure that the vegetated boundaries are retained and un-illuminated. We would also advise that details of how the development will prevent the long-term degradation of this boundary vegetation (due to the presence of the housing) are only secured by your Authority, as part of any planning permission that you may be minded to grant.

We recommend that you discuss these measures and the other recommendations laid down in page 3 of the above report, with your Authority's Planning Ecologist, who may also wish to provide additional comments in relation to habitats and species which form part of their remit.

Foul and Surface Water Disposal

As you will be aware, since 2007, issues have come to light regarding the foul and surface water drainage networks in this area. This has resulted in additional pollution and nutrient loading spilling into the Loughor WFD water body.

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

We note that it is intended to dispose of foul water to the main sewerage system, which is our preferred and most sustainable method of foul water disposal. In addition, we note that Section 6.2 of the Flood Risk Assessment and Drainage Strategy Report (September 2020), by Spring Design states that:

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'DCWW have been consulted on the development proposals and have confirmed that foul flows from the development can connect to an existing foul sewer in Pencefnarda Road.'

Whilst Section 6.5 of the same report, states that: 'DCWW have confirmed no problems are envisaged with the receiving Waste Water Treatment Works for the treatment of foul flows from the site.'

With regard to surface water disposal, it is imperative that no surface water is allowed to enter the sewerage infrastructure, to avoid hydraulic overloading of the system. As the drainage system design is ultimately a matter for Local Authority Drainage Engineers, we also advise that you consult and discuss the proposals with them, prior to determination of the application.

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.

Advice for the Developer

The biggest risk in relation to pollution, occurs during construction and the responsibility for preventing pollution rests with those in control on the site. Works should therefore be carefully planned, so that contaminated water cannot run uncontrolled into any watercourses (including ditches). As best practice, we would advise the production of a site-specific Construction Environmental Management Plan (CEMP), with particular reference given to the protection of the surrounding land & water environments.

Dwr Cymru Welsh Water -

Whilst the submitted Pre-Application Consultation (PAC) Report refers to an interim correspondence, we can confirm that Dwr Cymru Welsh Water have been consulted in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. By response we advised that foul flows can be accommodated at a specified point of connection within the public sewerage system which is included (Ref: PPA0005036) in Appendix A of the 'Flood Risk Assessment & Drainage Strategy Report'. The 'Drainage Strategy Plan' (Drawing No. 2511/500), included at Appendix D, refers to a connection point to an unchartered sewer in Pen-Cefn-Arda Road which appears may communicate to the specified point of connection to the west.

Notwithstanding the above, for completeness, we would request that the following Condition and Advisory Notes are included, if minded to grant planning consent, to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition: Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at manhole reference number SS58993801, as indicated on the extract of the Sewerage Network Plan attached to this decision notice.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

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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 City & 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.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Local Highway Authority -

Background:

This application site which has been the subject of pre-application advice under reference 2020/0203/PRE and also Pre-Application Consultation (PAC), which the Highway Authority commented upon. It comprises is a greenfield site located to the north of Pen-cefn-arda Road, just outside of the settlement boundary, classed as countryside.

The site currently serves agricultural uses and the current access appears to be from a farm track from Pen-cefn-arda Road to the west of the site.

The development proposals have been subject to a number of changes and associated consultations. This application submitted confirms that site is being promoted for 44 new affordable residential dwellings. This is within a similar range of the plans previously received for 45, 41 and recently 43 dwelling schemes.

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The previous consultation responses set out the areas of interest and concern to the Highway Authority and also provided recommendations for an appropriate planning submission. The interim period to the amended plan submissions included extended dialogue and exchanged with the applicant team. Therefore, the consultation responses previously issued, and the exchanges have been used for the basis of auditing this application.

Transport Statement (20-00706/TS/01/A July 2021) which is also supplemented with Technical Notes, the most recent (20-00706/TN/02 July 2021 and 20-00706/TN/03 August 21021) document and respond to the issues raised in the exchanges that have taken place.

The summary of the main areas of concern raised in the consultation responses and through further dialogue are:

- Supporting Transport Submission
- Red Line Boundary of the Proposed Site
- Access
- Internal Route
- Parking
- Sustainable Location
- Potential Contribution to Local Improvements
- Planned Highway Works

These subject areas will be discussed below, drawing on the recent submissions made, to include conclusions and outcomes or areas of residual concern.

Supporting Transport Submission:

There were issues raised that in the past a Transport Statement was viewed but that it had not been formally submitted as part of this application. This has now been addressed through an up to date Transport Statement with the addition of appended Technical Notes.

A Stage One Road Safety Audit was requested to be undertaken on the proposed access and internal road layout. The RSA commissioned considered the access into the development and made recommendations which the applicant confirms will be actioned. In terms of the internal layout, the discussions with the Highway Authority have further developed the layout.

Red Line Boundary of the Proposed Site:

The previous concern, regarding the red line not meeting with the highway, being separated by the hedge and wall, appears to have been dealt with in an amended red line plan during the last amended plan submission. There are therefore no further comments on this issue.

Access:

The access proposed has always been set out as a priority junction, which in principle was considered appropriate. However, this was subject to demonstration of safe and adequate operation. Highway Authority comments at the initial PAC and throughout set out that the junction radii were too narrow at 6 metres.

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There were also concerns over visibility splays and junction spacing. The applicant submitted further information in the Technical Notes for consideration, including written representation and swept path assessments.

The concluded position on the junction kerb radii is that the applicant has design 8 metre radii at the bellmouth and updated the swept path assessments. This was further supplemented with a minor realignment of the pedestrian crossing point. The Highway Authority confirms the form of the junction is appropriate and can accommodate day to day needs adequately.

Plan FV03 'Proposed Access Forward Visibility And Refuse Vehicle Tracking' provides the final position on visibility splays at the junction. This has been amended through applicant and Highway Authority discussions.

As previous advised, the visibility splay to the left on exit (east) appears to be on or within the stone retaining wall, it is not made clear which of the underlying topographic survey lines on the plans should be followed to audit the provision of visibility. It has been confirmed through case officer and applicant discussions that the hedge and wall can be sympathetically adjusted and partially removed if needed to achieve the necessary visibility splays. This can be dealt with as a condition and part of the detailed design approval process.

The junction spacing with Heol Elfed has been considered within the first Technical Note and suggested as appropriate. Given the speed restriction measures now in place, this is likely to be acceptable to the Highway Authority.

Internal route:

There were previous concerns raised in relation to a proposed 90 degree bend in the carriageway within the northern section of the layout. The discussions and submissions between consultations presented a more gradual bend with supporting forward visibility analysis. On this basis the more gradual bend was advised as acceptable in principle.

The gradual left sweeping bend, when heading north, was amended with the introduction with a preceding minor deflection bend to the right in the vicinity of Plots 10 and 11. The Highway Authority confirmed that this did not form part of the in principal agreement and did cause concern for forward visibility and for vehicles navigating the bend. The applicant revised this alignment shown in 'Site Layout Rev H' to remove the issue through localised adjustment whilst not causing impact the wider layout. This revised layout together with the supporting swept path arrangements on Plans 'Proposed Access Road Alignment Amendment Plots 11 and 12' Drawings 03 and 04 have ameliorated concerns on the bend within the internal layout.

In terms of swept path assessments, there has been further evidence submitted directly to the Highway Authority that the pumping station can be attended by a panel van and a pump appliance.

The proposed turning head within the site has been shown to be appropriate for a refuse vehicle and this is unlikely to be affected by the use of the 200 mm longer Swansea specification refuse vehicle, than that used for the assessments.

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Parking:

The proposed masterplan has in the past offered around 105 resident parking spaces in comparison to an SPG calculated maximum of 110 spaces and 8 visitor spaces for a scheme comprising 43 dwellings.

In consideration of the confirmed 100% affordable housing provision and the safe and sustainable travel provisions as part of the S106, the Highway Authority advised that it may be able to accept a slight under provision to the maximum parking calculations, subject to an update to include the position with the 44th dwelling and details of which type of units which may see the level of parking reduced below maximum requirements.

For informative purposes, it was also previously mentioned that triple parking bays do not work particularly well in our experience and whilst would not be considered unacceptable, it was advised that this was reviewed.

The applicant response within the Technical Note 03 confirms that this is a 100% affordable housing scheme. It advises that car ownership levels are therefore far lower than that associated with private dwellings.

Additional supporting information has been made such as reference to Local Census data for the Penyrheol area (Office for National Statistics) which identifies that 32% of social dwellings in the area have no access to a car, 53% have access to one car, and 14% have access to two or more vehicles.

The TN sets out the number of parking spaces per unit, defined by number of bedrooms and demonstrates how parking provision across the development is SPG compliant.

Sustainable Location:

There has been discussion in the sustainability of the site, with the applicant providing representations on the perceived merits of the site location. The Highway Authority accepts that residential development exists around the site, but is more cautious in the classification of it's level of sustainability.

Whilst differences exist in opinion on the exact level of sustainability, what can be confirmed is that the applicant was willing to work to increase attractiveness of active travel, and this is discussed below. In this way the discussions have concluded in a positive manner.

Potential Contribution to Local Improvements:

The discussions on sustainable travel and enhancing the routes to, schools, public transport and local facilities resulted in a number of agreements. The following measures will be implemented at the applicant's expense, via S106 Contribution to ensure local routes are safe and attractive for future site occupiers.

- Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Heol Elfed at the junction with Pencefnarda Road, contribution level £5,000.
- Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Heol Elfed at the junction with Frampton Road, contribution level £5,000.

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- Junction upgrades, comprising a refuge with dropped kerbs and tactile paving throughout on Pencefnarda Road at the junction with Frampton Road, contribution level £10,000.
- Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Pencefnarda Road with no raised crossing, contribution level £5,000.

The above measures work to enhance sustainable travel with additional traffic calming at the Frampton Road junction in compliment to the existing scheme in place. It will also work to offer a safer walking route to the local school and local bus stop facilities.

Whilst the Highway Authority may have had reservations on subject areas such as traffic generation, location sustainability and parking provision, the measures set out above that will be implemented through developer funding, are considered to make walking safer and more attractive for future residents. Thereby reducing associated concern is those areas.

The measures identified in the Road Safety Audit are understood to be implemented as part of the S278 package of highway works.

Highway Authority View:

It was set out over the previous responses that any proposals for a development at this location would need to demonstrate a safe and appropriate access design, prepare a more suitable internal layout design, taking into account the issues raised as part of the pre-application response.

The most recent planning submission has been reviewed and there have been a number of positive improvements all of which have been informed by the discussion and inputs from meetings with the Highway Authority. The necessary and requested information has been provided, it can be confirmed that there are no outstanding matters, with revisions made within the application that address issues raised.

There are therefore, no residual concerns which would prevent the Highway Authority supporting the application. The Highway Authority recommendation is one for approval, subject to appropriate planning conditions being attached to any permission.

The recommended conditions are set out below:

- 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 Pencefnard Road, 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.

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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. Before the development is brought into use the means of access, together with the vision splays and turning facilities, shall be laid out and constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority prior to any development commencing on site.
- iii. No dwelling shall be occupied until the access and parking works have been completed and made ready for use, these will be required to be provided in accordance to 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.

In the interests of highway safety and general amenity

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

In the interests of highway safety and general amenity

- v. 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 for public viewing where appropriate.
- 5. Wheel washing facilities.
- 6. Measures to control the emission of dust and dirt during demolition and construction and
- 7. 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.

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

Strategic Planning and Placemaking- Initial Comments

Overview - This is a planning application for the construction of 43 affordable homes. The site is greenfield land located outside and adjoining the defined LDP urban settlement boundary around the north of Penyrheol (see Figure 1 extract of the LDP Proposals Map). The site comprises an irregular shaped parcel of land measuring approx. 1.7 hectares, bordered by agricultural land to the north, Frampton Reservoir and a working farm to the west and existing residential development comprising 3no. detached dwellings set in substantial plots to the east. The southern boundary fronts onto Pencefnarda Road. The residential settlement of Penyrheol is located on the opposite side of Pencefnarda Road to the south.

The site is largely bordered by established hedgerow and trees and includes an element of stone boundary wall to the frontage. It appears that there is presently no boundary between the site and the adjacent working farm to the west.

The site slopes downwards from west to east, with the existing 3 no. detached dwellings to the east of the site being at a significantly lower ground level than the reservoir to the west of the site. There is currently no access to the site from Pencefnarda Road.

Principle of development - Strategic Policy PS 1 sets out the LDP's approach to sustainable development. In order to deliver sustainable places and strategically manage the spatial growth of the County, the delivery of new homes, jobs, infrastructure and community facilities must comply with the Plan's sustainable settlement strategy that requires development to be directed to the most sustainable locations within the defined settlement boundaries of the urban area and Key Villages; and inappropriate development in the countryside is to be resisted. The settlement boundaries of the urban area are shown on the LDP Proposals Map and have been carefully assessed to follow logical physical features wherever possible. Outside the defined settlement limit development is strictly controlled, and will generally only be supported in accordance with Plan policies, and/or if a countryside location is deemed essential given the nature of the proposal, in-line with National Planning Policy and Guidance. The consideration of potentially appropriate housing beyond settlement boundaries will be made having regard to LDP Policy CV 2 Development in the Countryside. This is further reinforced via LDP Policy PS3 which states that in all areas outside defined settlement boundaries there will be a presumption against inappropriate housing development. Policy CV 2 sets out that there is a presumption against development in the countryside, with certain specific exceptions, including affordable housing to meet local need at acceptable and sustainable locations within, or infilling, or adjoining settlements, the detailed provisions for which are set out in Policy H 6 (see below).

Given that the proposed development is intended to be for local needs affordable homes, the scheme is therefore to be assessed as an exception site adjoining the settlement having regard to all the above referenced inter-related policies.

The LDP sets out that provision will be made to deliver a minimum 3,310 affordable homes over the Plan period through a number of means, including by allowing for affordable housing exception sites at appropriate locations adjoining settlement boundaries. Policy H 6 sets out a clear set of criteria for determining proposed 100% affordable housing schemes, and states these will only be permitted where:

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- i. The site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement;
- ii. The site is in a sustainable location having reasonable access to at least a basic range of services;
- iii. It is of a size, scale and design compatible with affordable dwelling standards and available to low or moderate income groups;
- iv. There are binding agreements in place to ensure that the initial affordability benefits will be retained in perpetuity for all successive occupiers who meet the Council's occupancy criteria;
- v. It is demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality; and
- vi. There is no loss of land of important recreational, amenity or natural heritage value.

The proposed site will need to be assessed against these criteria above to determine if it is an acceptable location. I have provided my comments on the proposal against each of these criteria below, taking each in turn:

In my view the proposal could represent, on the basis of it being an affordable housing exception site, a reasonable and logical extension of the existing urban settlement boundary at this location, having regard to its scale with the surrounding developed urban residential area. There are houses adjacent to the site on the eastern boundary on the same side of Pencefnarda Road, while the covered reservoir constitutes built form to the west of the site although it is located outside the settlement boundary.

The planning statement accompanying the application helpfully sets out the proximity of basic services demonstrating the site is in a fairly sustainable location in this regard.

The correspondence that has been undertaken with the Council's Housing Enabling Officer is noted regarding the type and size of homes most needed, and the planning statement sets out that this has formed the basis for the housing mix proposed. It is noted that the Housing Enabling Officer has commented on the application and stated that the affordable tenure split and property sizes proposed are acceptable with respect to meeting the local need. It is noted that the majority of the scheme is for shared ownership (22 units). No information has been provided on the type of shared ownership product that will be used and it is therefore difficult to confirm whether the units will be secured as affordable housing in perpetuity. Due to the proposed site's nature as an exception site on the basis of 100% affordable housing being provided, and that market housing is not permitted on AH exception sites, this is an important consideration and the type of shared ownership should be clarified with the applicant.

A legal agreement and/or conditions (Policy IO 1) will be required to ensure that the agreed percentage of affordable housing is delivered and that the type and mix and local occupancy restrictions meets the Council's objectives of providing affordable housing in perpetuity. It is noted that the application is submitted on behalf of Pobl and the Council would seek a commitment to build and manage the affordable homes, and that a legal agreement is the preferred mechanism to ensure that the units delivered are retained as affordable units in perpetuity. LDP Policy IO 1 will be used to ensure that the affordable housing on the site is retained in perpetuity through the use of Planning Obligations in accordance with the legislative and policy framework provided in PPW, Community Infrastructure Levy Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions).

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The applicant has stated that there are no satisfactory alternative arrangements to meet the housing need within the locality. There is no detailed consideration of the availability of other sites in the area in the applicant's planning statement, but I would note though that good progress has been made in progressing the housing allocations and commitments elsewhere in Penyrheol and the Gorseinon/Loughor area. There is one allocation H1.19 nearby but current evidence indicates it is not expected to be brought forward for development in the immediate short term.

Confirmation will be required from the Council's relevant Officers that the site does not comprise anything of important natural heritage value. I note the site is not currently a public amenity or recreation space.

In terms of agricultural land quality, it is noted that the applicant has submitted in their Planning Statement that an up to date detailed agricultural land classification (ALC) survey has been carried out of the whole site and this has determined that the land is one third grade 3b and the remainder grade 4.

Placemaking - The design of the proposal will need to be assessed having regard to the key principles set out in LDP Policy PS 2. This states that development should enhance the quality of places and spaces, and respond positively to aspects of local context and character that contribute towards a sense of place. The design, layout and orientation of proposed buildings, and the spaces between them, should provide for an attractive, legible, healthy, accessible and safe environment. All proposals should ensure that no significant adverse impacts would be caused to people's amenity. The detailed comments from the Placemaking and Heritage Team are provided below.

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

The site is shown to be served via a single access point to the south off Pencefnarda Road. The majority of the existing frontage hedgerow will be retained, as will the existing stone boundary wall, with a section of hedgerow removed in order to provide the entrance to the site. A short section of pavement will be introduced running along the frontage of the site between the hedgerow and highway.

As highlighted at pre-app, in terms of active travel routes, residents would rely upon crossing the carriageway at some point along the site frontage to link into the wider locality and facilities such as Penyrheol School and Penyrheol Comprehensive (both located within 350m). Due to the sloping nature of the site, some areas to the frontage of the site may be unsafe to cross due to poor visibility. The Council's Highways Officer will provide full comments on what, if any, safety mitigation measures are considered necessary.

The site measures approx. 1.7ha, however when subtracting the POS/SuDS features, the developable land is closer to 1.3ha. Given the nature of the site, the proposed density is acceptable.

The layout now comprises a mix of 2, 3 and 4 bed dwellings - the 2no. 4 bed dwellings forming the gateway to the development. The 1 bed flats shown at pre-app have been omitted. This approach is satisfactory and is in accordance with the housing requirements for the area.

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A GI Strategy has been submitted which shows the retention of the periphery hedgerow and trees to the south (except for the hedgerow removal for the site entrance) north and east. Some infilling will be undertaken to the northern boundary which will strengthen this corridor. Other than this, there are no existing features within the site. The GI Plan shows some tree planting throughout the site with the inclusion of a number of street trees along the spine street and front boundary planting. This GI approach is welcomed.

The GI Plan shows a green street incorporating verge rain gardens to one side with associated tree planting. Clarification is needed on whether the existing street widths are able to accommodate this arrangement? The inclusion of street trees is a requirement for amenity reasons but we need to fully understand how the trees will be incorporated within the raingardens in order to meet the multifunctional GI requirement. Additional information/specification is needed upfront. Additional wildflower planting in other pockets of open space is welcomed. Has full detail been provided on plot level GI?

The location of the infiltration basin is as annotated indicatively at pre-app, at the lowest part of the site. The Council's Drainage Officer has raised concern that the majority of the drainage system is formed of a piped network fed from permeable paving. It is noted that as a greenfield site it is viewed that there are significant opportunities to incorporate green surface SuDS features rather than relying on a conventional scheme, and should a SuDS/SAB application be submitted based on the current scheme it would be refused. The multifunctional GI approach is welcomed but needs further workings.

A LVIA has been submitted which concludes that it is anticipated that any landscape and visual effects resulting from the proposal would be localised within a 500m radius of the site and that overall it is viewed that the site has been sensitively designed through a landscape led approach. The Landscape Team should be consulted to provide full comments on the visual assessment.

In terms of connectivity and active travel, there are limited possibilities for further connections through the site, with no existing PRoW etc to link into. To the frontage, the new footpath behind the hedgerow to the frontage of plots 1, 4-6 has been extended which is welcomed. It is noted that the Designing Out Crime Officer has however raised concern to the additional footpath link running to the rear of plots 1-3 due to poor natural surveillance. It may be more appropriate to omit this link (plots 4-6 have rear access from the car parking area).

In terms of POS, a LEAP is considered acceptable for a development of this size and the layout accommodates one in the NE corner alongside the attenuation basin which is annotated to be 'seasonally wet'. The concerns raised by the Council's Parks Officer are acknowledged, and further consideration needs to be given to what play equipment is included, and appropriate, and how it will be located taking into consideration the attenuation area.

Naturalistic play equipment could be provided in combination with some more formal equipment? More information is needed. The LEAP must be well overlooked, of an acceptable size and separation distance to accord with the required buffers, in accordance with the FIT standards. The Placemaking comments made at pre-app made reference to the POS being poorly overlooked / integrated into the overall layout.

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Whilst plot 36 has been reoriented and now provides some level of natural surveillance to the POS, this is eroded by the driveway parking between the habitable windows and POS. It was suggested that the parking be flipped to the plots adjacent to the POS which has not been incorporated. Additionally, plot 37 fails to actively engage with the POS, with no windows to the north facing elevation. The siting of the pump station further exacerbates the situation. Is there scope to move the pump station?

An informal footpath is shown around the perimeter of the attenuation basin. Some seating should be included along this route to allow some resting/ shaded places.

As it stands the relationship between POS and adjoining dwellings is not acceptable. The type and location of play equipment needs to be addressed in terms of who it is for and how this will be used taking into consideration the topography and attenuation feature.

In terms of the overall layout, the outward facing frontage is welcomed. The gateway dwellings now fully engage with Pencefnarda Road, and are dual aspect - they could be enhanced further by the inclusion of an elevational 'feature' to the internal street frontage. Throughout the site, the dwellings front onto the street and provide a good level of engagement with the public realm. Plot 30 needs to be amended to be dual aspect - the south elevation is currently blank.

In terms of house types, there is no strong local existing vernacular character in the area, and the proposal is viewed as a welcome addition to the existing settlement in this respect. The approach to parking comprises predominately side driveways and garages which is supported. The small courtyard parking area serving plots 4-6 is suitably overlooked by plots 7-8. As highlighted above, the parking serving plots 36 and 37, adjacent to the POS, needs further review.

The case officer should make a full assessment of residential amenity, including review of private amenity space.

It should be noted that the site does not appear to currently have a defensible boundary to the north west (see aerial image in Figure 2), between the proposed development and the existing farm buildings and the development. The development would be close to the remaining farm operations. It will need to be demonstrated that there would not be unacceptable amenity impacts with regard to the relationship of the development with the farm operations.

In summary, whilst the proposal is fully supported in principle, there are a number of fundamental concerns as addressed above which need to be addressed in order for the proposal to comply with policy PS2 and the guidance within the Residential DG SPG. In its current form the scheme cannot be supported and refusal is recommended. However, it is likely that the highlighted concerns can be addressed via amendments and any such amendments should trigger a re-consult with the Placemaking and Strategic Policy Section.

Highways and Active Travel - The transport requirements for this development are set out in LDP Policies T1, T2, T5, T6 and T7. Policy T 5 requires 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. Highway Officer comments should be sought on these aspects and highway safety impacts of the proposals.

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The LDP provides specific policies on Education (SI 3), social infrastructure (SI 2) provision and mitigation of impacts of development. It is expected that detailed comments will be provided from the relevant Council department(s) for consideration. These comments should be referenced against the LDP policies listed above to assess compliance of the proposals.

Biodiversity (ER 2,8,9,11) - It is expected that detailed comments will be provided from the relevant Council Officer for consideration. These comments should be referenced against the LDP policies listed above to assess compliance of the proposals.

Welsh Language - As highlighted in the pre-application response, the site is located within the Welsh Language Sensitive Area (WLSA) designated on the Proposals Map under Policy HC 3. The policy states that windfall sites in the WLSA may require a Welsh Language Impact Assessment (WLIA). It does not appear that the applicant has addressed Policy HC 3 in their submission. A draft WLIA has been undertaken and mitigation measures are recommended to reduce the impact on the WLSA.

Utility Infrastructure - In-line with Policy EU4, 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 site drains to Pontarddulais WWTW. Drainage Officer comments will be required on the proposals.

Other comments - it should be ensured with relevant stakeholders there are no issues with housing being developed adjacent to the covered reservoir.

Summary:

The proposal is for 100% affordable housing for local needs, adjacent to the urban settlement boundary in Penyrheol. The LDP, and national planning policy, do allow for permission to be granted for 100% affordable housing within and adjoining settlements, subject to the LPA being satisfied that specific tests/criteria are met to justify the proposal being an exception to the restrictions that would otherwise apply for market housing in the open countryside. The provision of a significant number of affordable homes in this Policy Zone is certainly welcomed and accords with policy, in respect of the LDP policies referenced above, in terms of increasing the delivery of affordable housing. Whilst it does appear that the housing proposed is 100% affordable housing - confirmation should be sought from the applicant on the type of shared ownership product that will be used in order to confirm that the affordable housing will meet the needs of local people in perpetuity in-line with Policy H 6. LDP Policy IO 1 should be used to ensure that the affordable housing on the site is retained in perpetuity through the use of Planning Obligations in accordance with the legislative and policy framework provided in PPW, Community Infrastructure Levy Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions).

Ultimately the LPA and determining Officer will need to be satisfied that the final proposals do satisfactorily address all the exception site policy criteria, and/or consider whether the provision of the much needed affordable homes at this location (which is consistent with Policy objectives) is an overriding material factor in determining the scheme.

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Should the LPA ultimately conclude that the criteria have indeed been met, and having regard to the analysis in the paragraphs above it is my view that the scheme has merit in principle subject to the issues highlighted and all other planning issues being acceptable (including key design and placemaking concerns below), the scheme can be considered an acceptable proposal for 100% Affordable Housing for Local Needs.

However, as well as satisfying the affordable housing in principle 'exception test', the proposal must also accord with the other key criteria against which a housing development would be judged. The design of the proposal will need to be assessed having regard to the key placemaking principles set out in LDP Policy PS 2. There are a number of fundamental concerns, with regard to design and placemaking elements of the scheme, as outlined above, which need to be addressed in order for the proposal to comply with policy PS2 and the guidance within the Residential DG SPG. In its current form the scheme cannot be supported from a design and placemaking perspective and refusal is recommended. However, it is likely that the highlighted concerns can be addressed via amendments and any such amendments should trigger a re-consult with the Placemaking and Strategic Policy Section.

Additional Comments (following receipt of amended plans & description of development):

Having regard to the importance of proposals addressing key placemaking and GI principles, the following highlights specific comments from the Placemaking and Heritage Team:

The previous Placemaking comments assessed the proposal using the criteria set out in the Residential Design Guide SPG which aligns with the national and local placemaking framework. The proposals were also assessed against the Placemaking Policies of the LDP. The following comments look specifically at the amendments made since the original Placemaking comments were provided in December 2020 and subsequent comments provided in March 2021.

The submission is supported by a GI Strategy and Green Infrastructure Assets and Opportunities plan which highlights connectivity throughout the site. As requested, the N-S GI connectivity, spanning from the existing covered reservoir to the northern boundary of the site, has been improved through the inclusion of additional planting which is welcomed. Some additional tree planting has also been included along the spine street and to the eastern section of the site frontage. This, together with the proposed areas of natural open space including various planting, is considered to enhance biodiversity and ecological connectivity through the site.

However it appears that no clarification has been provided in terms of the 'trees in raingardens' specification shown on the GI plan? On this basis the same reservations remain in terms of whether the trees can be accommodated within the rain gardens. The Council's Drainage Officer notes that a full SAB application is yet to be received, and therefore no agreement has been made to the acceptability of trees within raingardens. This may therefore result in less trees to be provided or relocation outside SuDS areas. This needs to be resolved.

The addition of some flats (plots 32-37) which take the appearance of a small terrace, provide improved natural surveillance over the POS. The POS includes a satisfactory mix of play spaces/equipment including some naturalistic play equipment located around a periphery trail. Seating is also provided and some areas of shade.

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In addition to the main area of POS to the NE corner of the site, an additional small area of POS has been incorporated alongside plots 12 and 13. The parking to plot 12 has been shifted in order to provide improved overlooking to this area. This smaller area includes some tree planting, seating and 'balance/jump over' play equipment. This more informal area of open space is linked to the main POS by a raised table which will act as traffic calming.

As previously discussed, whilst the location of the pumping station is not ideal, the fact that it is subterranean and steps have been taken to include appropriate screening is acknowledged.

Turning to the layout, the removal of the 'T' junction adjacent to the POS is welcomed. In terms of the main access to the site and spine street, it has been suggested that the access junction be relocated slightly to the east to allow more of a curved street or perhaps non-parallel building lines to give some houses longer front gardens. Whilst the access remains unchanged some minor tweaks have been made to the spine street. Has the twisting the block of flats at the end vista been explored as requested? In addition, balconies are expected to be provided for all flats in accordance with the Residential DG. This detail needs to be revisited.

In summary, the fundamental concern regarding the multifunctional SuDS features at the site have not been overcome. Notably a SAB application is yet to be submitted. This raises question as to whether the proposed trees/raingardens arrangement as illustrated can be accommodated. This needs to be resolved. There are also some concerns with the flats (plots 32-27) that need to be rectified.

Additional Comments (revised plans incorporate Juliette balcony to first floor apartments & rain garden section.)

The addition of the Juliette's to serve the living rooms for each first floor flat is welcomed and this approach is acceptable.

On the basis that the trees that can be retained/protected during any required maintenance to the rain gardens – this appears to be the case with the 'structure within a structure' design detailed whereby the roots are contained and protected within a rootspace structure, then from a placemaking perspective we would be happy with this approach. The concern all along has been seeking clarity as to whether the street trees within raingardens arrangement was workable and if it is demonstrated that this is the case and that the trees will not be lost during any scheduled maintenance then this is acceptable

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

This site falls within the Greater North West Strategic Housing Policy Zone where the Local Housing Market indicates a need for affordable housing across all bedroom sizes, the highest need being social rented tenure, 2 & 3 bedroom housing. The site is located outside of the existing settlement boundary, therefore the LDP H6 policy applies. In line with the H6 policy this scheme proposes 100% affordable housing, comprising of 43 affordable homes (note scheme updated to 44 units).

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The affordable housing must be built to DQR complaint standard, the affordable tenure split and property sizes proposed are acceptable.

The scheme concept for the provision of 100% affordable homes on this site by Pobl Group is being supported by the Housing Service through the Programme Development Plan for Welsh Government funding.

Drainage Officer -

The SAB has had significant discussions with the applicant and their consultants to come up with an acceptable design, we expect the submission of a full SAB application to approve the full engineering details.

On the detailed soft landscaping plans any landscaping within the rain gardens and other SuDS features will be dictated by the SuDS Approval Body. We note that some trees are proposed within rain gardens, we have yet to agree any acceptable detail for this therefore their provision is in question and cannot be approved until a full SAB application is made, details are approved and permission granted. This may require less trees to be provided or outside SuDS areas changing the look and feel of the site.

Schedule 3, Flood and Water Management Act 2010.

This development proposal has been identified as requiring SuDS Approval 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.

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The SAB is established to:

- Evaluate and approve drainage applications for new developments where construction work has drainage implications, and
- Adopt and maintain sustainable surface water drainage systems according to Section 17 of Schedule 3 (FWMA).
- The SAB also has powers of inspection and enforcement
- 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/sustainable Drainage> and by contacting the SuDS Approval Body via email Sab@swansea.gov.uk

Education Dept. - Final Comments (following revised plans and scheme amended to 44 dwellings):

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

1. Planning Application: 2020/2357/FUL, Pencefnarda Farm Pencefnarda Road Gorseinon Swansea SA4 4FY. Construction of 44 no. dwellings (100% affordable housing) with landscaping, access and associated works. Made up of 6 x 1 bed flats, 18 x 2 bed houses, 18 x 3 bed houses and 2 x 4 bed houses.

2. Catchment Schools, capacity and projected capacity

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

	Catchment schools	Number of unfilled places January 2021	%
English Medium Primary	Penyrheol Primary	73	23.93 %
English Medium Secondary	Penyrheol Comprehensive	104	10.67 %
Welsh Medium Primary	Y.G.G. Pontybrenin	-4	-0.80%
Welsh Medium Secondary	Y.G. Gwyr	-33	-3.09%

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

4. SPG Pupil Generation:

Penyrheol Ward	Total Pupil Numbers	£	Pupil Numbers rounded up/down WM	£	Pupil Numbers rounded up/down EM	£
WM 12.96			12.96%		87.04%	
Primary	11.78	177,878.00	2	30,200.00	10	151,000.00
Secondary	8.36	192,881.92	1	23,072.00	7	161,504.00
Post 16 provision	1.52	37,647.36	0	0.00	1	24,768.00
Total	21.66	408,407.28	3	£53,272.00	18	337,272.00

5. Existing Commitments

School	Pupil numbers	PA – Description
Penyrheol Primary		
	38	Land West of Gower View Road, 2019/0911
	38	
Penyrheol Comprehensive		
	3	Land Adjacent to Heol Eifion, 2017/0795
	3	Land at Ffordd yr Afon, 2016/3619
	4	Land South of Glebe Road, 2021/0112
	27	Land West of Gower View Road & North of Brynafon Road, Penyrheol, 2019/0911
	37	
Y.G.G. Pontybrenin		
	3	Former Walkers Crisp Factory, 2009/1900
	1	Land either side of Goole Road, Ravenhill. 2020/0661
	1	Land Adjacent to Heol Eifion, 2017/0795
	1	Land at Ffordd yr Afon, 2016/3619
	3	Former Council offices, Penllergaer. (Civic), 2017/0986

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	2	Land at Tyrisha Farm, Grovesend, Swansea SA4 4WJ, 2018/2720
	6	Land North of Llewellyn Road, Penllergaer, 2021/1495
	17	
Y.G. Gwyr		
	2	Former Walkers Crisp Factory, 2009/1900
	4	Land North of Llewellyn Road, Penllergaer, 2021/1495
	4 and 1	Land South of Glebe Road, 2021/0112
	1	Land between Nos. 58 / 76 Goppa Road, Pontarddulais, 2021/1255
	2	Hendrefoilan Student Village, 2014/1192
	1	Land either side of Goole Road, Ravenhill. 2020/0661
	1	Land at Ffordd yr Afon, 2016/3619
	2	Former Council offices, Penllergaer. (Civic) 2017/0986
	3	Former Cefn Gorwydd Colliery, 2017/1451
	1	Land Off Summerland Lane, Newton, 2017/1948
	1	Land off George Manning Way, Gowerton, 2017/2709
	1	Land to rear of 188 St Teilo St., Pontarddulais, 2018/1014
	1	Land at The Yard, Cambrian Place, Pontarddulais, 2018/1932
	1	Land off Pennard Road, Pennard, Swansea, 2018/2580
	3	Land off Coed Bach Road, 2018/2629
	1	Land off Higher Lane, Thistleboon, Swansea, 2018/2634
	1	Townhill Campus, Townhill Road, Cockett SA2 0UT, 2018/2698
	1	Land at Tyrisha Farm, Grovesend, Swansea SA4 4WJ, 2018/2720
	4	Land West of Gower View Road & North of Brynafon Road, Penyrheol, 2019/0911
	2	Land North of Chestnut Avenue, West Cross, Swansea, 2020/0343
	5	Land North of Carmel Road, Pontlliw SA4 9EX, 2020/2357
	44	

6. LDP Candidate sites impact

School	Potential number of units	Est Pupil numbers based on SPG
Penyrheol Primary	315	98
Penyrheol Comprehensive	1430	315
Y.G.G. Pontybrenin	% of above and other developments	
Y.G. Gwyr	% of above and other developments	

7. Position of capacity:

7.1 Primary:

7.1.1. English-medium: The English medium primary school currently has surplus capacity of 73 spaces.

7.1.2. Welsh-medium: The Welsh medium primary school currently has a deficit of 4 spaces.

7.2. Secondary:

7.2.1. English-medium: The English medium secondary school currently has a surplus capacity of 104.

7.2.2. Welsh-medium: The Welsh medium secondary school currently has a deficit of 33 spaces.

8. Requested Contribution:

8.1.1 There is no request for a contribution for the English medium. A contribution of £30,200.00 is requested for the Welsh medium primary school.

8.1.2. Secondary: There is no request for a contribution for the English medium or Welsh medium secondary schools.

8.1.3. It must be made clear that Education requests for contributions are assessed in accordance with the Supplementary Planning Guidance and are essential to enable the provision of additional places in schools to meet increased demand arising from developments. If requests are rejected, or s106 agreements varied, then this risks Education being in a position that it is unable to accommodate catchment area pupils in their local school.

Public Rights of Way Team - The application does not appear to be affected by any registered public rights of way.

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Tree Officer -

The application is accompanied by an Arboricultural Impact Assessment. There is no objection to the removal of the small section of hedge that allows access. The AIA notes that two trees will have incursions into their RPSs. From the plan it looks as though there are four trees affected in this way.

Final Comments:

Although the Arboricultural Impact Assessment does not detail why the incursions into the root protection areas will not adversely affect the trees; it can be deduced that there is enough contiguous rooting environment for the suggested methodology to be acceptable. In the event of approval please condition a tree protection plan and arboricultural method statement.

The suggested tree planting will increase tree cover on the site. I am concerned about the plot boundaries not including the existing trees and hedgerows; thought should be given to future maintenance / liability.

Planning Ecologist-

Additional documents reviewed since previous ecology response on 19 March 2021:

- Ecological Assessment Update (First Ecology, May 2021).
- Bird & Bat Box Location & Hedgehog Access Routes (Hammond Ltd, June 2021).
- Green Infrastructure Context and Connections, On Site Green Infrastructure Assets, Green Infrastructure Strategy (EDP, May 2021).
- Detailed Soft Landscape Plan (EDP, May 2021).
- Arboricultural Impact Assessment (EDP, June 2021).

Happy that the PEA addresses the previous condition relating to reptiles and a separate reptile mitigation strategy is not required.

Happy that previous conditions relating to Landscape Strategy, Hedgerows, Lighting Strategy, Ecological Enhancements and SuDS/GI are fulfilled by the above documents.

Please condition that the development shall follow the details contained within the above documents, especially Section 4 of the PEA (Method Statement).

Conditions that remain relevant:

Construction Environmental Management Plan (CEMP)

Condition: A detailed CEMP shall be submitted to the LPA for approval and shall outline all necessary pollution prevention measures relating to nearby water bodies and habitats, for the construction and operational phase of the development.

The CEMP shall include details in relation to the following:

- Identify any surrounding watercourses, including intermittent drainage from highways, that could run across the site. Clarify what measures, if any, could be implemented to ensure that water could be prevented from running across the site, so that it could carry on its journey without becoming contaminated from the construction activities.
- Propose measures to ensure how any water that could not be prevented from running across the site, would be protected from becoming contaminated with sediment

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- Propose how to manage water arising from the site, such as rainfall, in such a way that it does not become contaminated with sediment.
- Propose measures which ensure how any water contaminated with sediment will be prevented from leaving the site before it is clean.
- Propose how any drains that have been laid are going to be protected from sediment laden water entering them.

Please include the following condition as per the previous ecology comment:

Hedgehog:

Condition: All trenches and excavations shall be fenced off or covered-over at night to prevent any animals (hedgehogs, and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape shall 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.

Please also include the following informatives as per the previous ecology comments:
Bats, Badgers, Dormice, Nesting Birds.

Parks Dept. -

Further to previous comments, due to the size of the development there is no room for a MUGA and there's nothing in close proximity that we could reasonably ask for a contribution for; the mention of a contribution towards a MUGA came from FIT guidelines that recommend for a development of the proposed size that this development is going to be we should ask for a LAP, LEAP and contribution towards a MUGA.

Pobl have further indicated that the play facility/POS will not be offered for adoption to the council; with Pobl looking to provide and maintain for the lifetime of the development.

Having previously commented on the proposed development and had subsequent dialogue/meetings with the planning agent and Pobl representatives regarding the overall level of POS/play provisions, I am happy with the current proposals and have no further comment to make.

Pollution Control Dept. - Please add the following conditions for land contamination:

Site Characterisation:

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

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

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

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The reports shall be submitted individually.

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

Phase 1 report: Desk Top Study

This shall:

- o Provide information as to site history, setting, current and proposed use.
- o Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway-receptor human health and environmental risk assessment.
- o Identify if further investigation or remediation is required.

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

Phase 2: Detailed Investigation

This shall:

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

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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.

Subject to approval of the above, verification sampling of the material received at the development site is required to verify that the imported soil is free from contamination and shall be undertaken in accordance with a scheme agreed in writing by the 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/commercial/industrial] unit a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by, the Local Planning Authority. The report shall include the results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall include any plan [a "long term monitoring and maintenance plan"] for long term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

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

Unforeseen Contamination:

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

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

APPRAISAL

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 prevailing provisions of policies of the LDP, adopted SPG and National Policy and Guidance. There are considered to be no additional issues arising from the provisions of the Human Rights Act.

Principle of Development

The Local Development Plan 2010-2025 (LDP) was formally adopted on the 28th February 2019. The application site is located outside of the LDP settlement boundary in an area of open countryside. LDP Policy CV 2 sets out that there is a presumption against development in the countryside, with certain specific exceptions, including affordable housing to meet local need at acceptable and sustainable locations within, or infilling, or adjoining settlements, the detailed provisions for which are set out in Policy H 6 (see below).

Given that the proposed development is submitted on the basis that it is 100% affordable housing exception site, the scheme is therefore to be assessed as an exception site adjoining the settlement having regard to the above referenced inter-related policies.

The LDP sets out that provision will be made to deliver a minimum 3,310 affordable homes over the Plan period through a number of means, including by allowing for affordable housing exception sites at appropriate locations adjoining settlement boundaries. Policy H 6 sets out a clear set of criteria for determining proposed 100% affordable housing schemes, and states these will only be permitted where:

i. *The site represents a logical extension to the existing settlement and is of a scale appropriate to and in keeping with the character of the settlement;*

It is considered the proposal, on the basis of it being submitted as an affordable housing exception site for 44 dwellings, represents a reasonable and logical extension of the existing urban settlement boundary at this location, having regard to its scale with the surrounding developed urban residential area. There are houses adjacent to the site on the eastern boundary on the same side of Pencefnarda Road, while the covered reservoir constitutes built form to the west of the site. There is also development on the northern side of Pencefnarda Road further along the road.

ii. *The site is in a sustainable location having reasonable access to at least a basic range of services;*

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The accompanying planning statement helpfully sets out the proximity of basic services, including bus and cycle routes, and the sustainability of Gorseinon as a location for affordable housing, demonstrating the site is in a fairly sustainable location and is an important informative to help provide justification as to whether exceptional circumstances apply for granting permission outside the settlement boundary. The site is therefore considered to constitute a sustainable location.

iii. It is of a size, scale and design compatible with affordable dwelling standards and available to low or moderate income groups;

The correspondence that has been undertaken with the Council's Housing Enabling Officer is noted regarding the type and size of homes most needed, and the accompanying planning information sets out that this has formed the basis for the housing mix proposed. It is noted that the Housing Enabling Officer has commented on the application and stated that the affordable tenure and property sizes proposed are acceptable with respect to meeting the local need.

iv. There are binding agreements in place to ensure that the initial affordability benefits will be retained in perpetuity for all successive occupiers who meet the Council's occupancy criteria;

The proposal must provide affordable housing for local needs in perpetuity. A legal agreement will be required to secure this. It is noted the application has undergone a number of revisions and the final proposal as put forward for consideration is on the basis of Pobl's commitment to build and manage the affordable homes, and that a legal agreement is the preferred mechanism to ensure that the units delivered are retained as affordable units. The units would all be for Social Rent and no provision is made for Intermediate products for sale on the basis that these properties would not ensure affordability benefits are retained going forward. This commitment is welcomed and demonstrates how the criteria of the policy relating to perpetuity will be met.

v. It is demonstrated that there are no satisfactory alternative arrangements to meet the need within the locality; and

It is noted that the applicant has stated that there are no satisfactory alternative arrangements to meet the housing need within the locality. Whilst there is no detailed consideration of the availability of other sites in the area, it should be noted though that good progress has been made in progressing the housing allocations and commitments elsewhere in Penyrheol and the Gorseinon/Loughor area. There is one allocation H1.19 nearby but current evidence indicates it is not expected to be brought forward for development in the immediate short term.

vi. There is no loss of land of important recreational, amenity or natural heritage value.

The site is not currently a public amenity or recreation space. The accompanying ecological survey information indicates that the proposed development site consists of an improved field on the northern edge of Penyrheol. The application and accompanying ecological survey information has been reviewed by NRW and the Planning Ecologist who have offered no objection to the development in principle subject to the inclusion of appropriately worded conditions. GGAT provided comments at the PAC stage to advise it was unlikely that the site had any significant heritage value.

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The proposal is for 100% affordable housing for local needs, adjacent to the urban settlement boundary, in the locality of Penyrheol, Gorseinon. The LDP, and national planning policy, allow for permission to be granted for 100% affordable housing within and adjoining settlements, subject to the LPA being satisfied that specific criteria are met to justify the proposal being an exception to the restrictions that would otherwise apply for market housing in the open countryside. Should it be concluded that the criteria have indeed been met, and having regard to the analysis in the paragraphs above, the scheme can be considered an acceptable proposal for 100% Affordable Housing for Local Needs.

The principle of the development is therefore considered acceptable.

Agricultural Land Classification

Planning Policy Wales (PPW) at paragraph 4.10 states that "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".

The application is accompanied by an Agricultural Land Classification report, which identifies that the predictive ALC Map shows the site as being Subgrade 3a with 3b land in the east. The ALC survey however goes on to state, accompanied by details of sample locations taken at the site, however that the quality of agricultural land at the site is limited mainly by soil wetness to Grade 4. Land along the eastern boundary has a gradient of between 9° and 10° and is limited by gradient to Subgrade 3b. The survey findings has therefore determined that the land is one third grade 3b with the remainder grade 4. Whilst residents have challenged this report, relying on the predictive ALC map instead, no detailed evidence has been provided to contradict the conclusions.

The principle of developing the site is considered acceptable on the basis that it is submitted as a 100% affordable housing site, and thus would make a significant contribution to the provision of affordable homes in the locality. Consequently, as the land classification is not within grades 1, 2 or 3a, the proposals are considered acceptable and would not result in the loss of the best and most versatile land.

Placemaking, Design, 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.

In terms of the existing urban form and character of the surrounding area, the properties to the east of the site, front onto Pencefnarda Road are detached and vary in character, form and detailing. Properties to the south of the site back onto Pencefnarda Road. They are typically two storey, semi-detached properties interspersed with detached and terraced units.

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Properties are typically full brick, full render or part brick and render. Prevailing roof treatment are pitched and gable fronted, punctuated with chimneys. Frontage treatments vary, from open boundaries to brick walls and hedges.

The proposed development will be accessed via a new priority T-junction off Pencefnarda Road, approximately 20m east of Heol Elfed. Where possible the existing stone wall and hedgerow will be retained subject to visibility requirements. The junction (which has been revised to incorporate an 8m radii bellmouth as per Local Highway Authority request) has been modelled and the site layout tracked to demonstrate both adequate visibility (both horizontal and vertical sight lines) and demonstrated service vehicles, such as refuse vehicles, can enter and exit without the need to cross into the opposite side of the carriageway.

The site layout comprises an 'L' shaped arrangement, with the access road running due north before turning due west, and ending in a small cul-de-sac northward, forming a clear and logical movement network through the site. A dual use attenuation pond/area of public open space is located in the north-eastern portion of the site, together with a drainage pumping station.

In visual terms, the layout and density of the proposed development is considered to be appropriate for the area and does not result in an over-development of the site. The proposal includes a mix of 1 bed flats, 2, 3 and 4 bed houses. The houses will be a mix of detached and semi-detached two storey dwellings and a terrace of two storey flats, designed to look like a terrace.

The proposed development takes the form of an 'Arts and Craft' style with a range of house building types that incorporate a range of different brickwork and render, architectural detailing and tiling. The range of house types have their own character but also complement and enhance the setting, helping to unify the overall development. Chimney stacks will be used to help punctuate roof profile on key corners or elevations to add visual interest. In terms of house types, as indicated above, there is no strong local existing vernacular character in the area, and the proposal is viewed as a welcome addition to the existing settlement in this respect.

The built form arrangement and public realm design for the overall layout has been softened during the application process to ensure a good level of engagement with an attractively designed public realm.

In terms of the overall layout, the outward facing frontage is welcomed. The gateway dwellings now fully engage with Pencefnarda Road, and are dual aspect. Throughout the site, the dwellings front onto the street and provide a good level of engagement with the public realm. The approach to parking comprises predominately side driveways which is supported and ensures parking does not dominate the development.

The amendments submitted as part of the application process have also sought to address concerns previously raised regarding lack of overlooking of the public open space. The proposal now include as 'L' shaped block of 6 flats (plots 32-37), which reads as a small terrace of dwellings. This arrangement now provides improved natural surveillance to the open space which is imperative and overcomes concerns raised by the Police Designing Out Crime Officer. In addition the revised plans show Juliette balconies to living room windows to each first floor flat.

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Existing boundary hedges and trees are to be retained (apart from where hedge removal is required to facilitate access along Pencefnarda Road), to retain the character and visual amenity of the site and assist with screening the site from the wider landscape. Enhancement and reinforcement of these retained features and vegetation is sought where possible to soften views from the wider countryside and provide opportunities for habitat creation.

The new area of public open space is located to the north east of the site where the topography of the site falls away towards the boundary, this area will also incorporate a SuDS feature design for visual, recreational and wildlife amenity, and provide a focal point for a recreational path around the open space; which will also include a satisfactory mix of play spaces/equipment including some naturalistic play equipment located around a periphery trail. Seating is also provided and some areas of shade. The play features include the incorporation of items such as slides and boulders into the embankments to create a multi-level experience for users.

In addition to the main area of open space to the NE corner of the site, an additional small area has been incorporated alongside plots 12 and 13. The parking to plot 12 has been shifted in order to provide improved overlooking to this area. This smaller area includes some tree planting, seating and 'balance/jump over' play equipment. This more informal area of open space is linked to the main space by a raised table which will act as traffic calming.

Steps have also been taken to address concerns regarding the pumping station, which is subterranean and will include appropriate low planting/screening to minimise the visual impact and to also achieve good levels of overlooking across to the open space.

The submission is supported by a GI Strategy and Green Infrastructure Assets and Opportunities plan which highlights connectivity throughout the site. The North-South GI connectivity, spanning from the existing covered reservoir to the northern boundary of the site, has also been improved through the inclusion of additional planting which is welcomed. Some additional tree planting has also been included along the spine street and to the eastern section of the site frontage. The submitted details indicate the street trees, which are to be sited in a 'structure within a structure' design whereby the roots are contained and protected within a root space structure. This arrangement, should ensure, that during any scheduled maintenance, the trees will not be lost.

The rain gardens alongside the main road route of the site, with the associated tree planting, form green 'hopping points' through the built form as well as creating a pleasant green streetscape for residents. This, together with the proposed areas of natural open space including various planting, is considered to enhance biodiversity and ecological connectivity through the site.

A range of boundary treatments are proposed to front and side gardens, using both hard and soft landscaping to add visual interest, provide continuity and benefit pollinators. Side and rear boundaries designs have been considered with a mix of robust walls/fencing/railings and gates proposed to prevent access to the rear of properties.

An additional pedestrian entrance and footpath was initially proposed along the eastern boundary. However due to concerns raised by the Secure By Design Officer at the Pre-Application Consultation Stage, this link was omitted from the consideration of this planning application. Instead the rear of plots 38-44 have been lengthened. Some retaining walls and embankments are required in this section and will help mitigate level differences in this the more steeper parts of the site.

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Additional tree planting/landscaping forming a woodland copse is also proposed along this eastern boundary adjoining No. 83 Pencefnarda Road, which will assist with ensuring the integration of the proposed development with wider open space, ecological and landscape features.

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 LDP Policy PS2, H6 and, the SPG - Places to Live: Residential Design Guide.

Residential Amenity

In terms of residential amenity impacts, the majority of the existing nearby residential houses are located to the south of the site across Pencefnarda Road. The immediate adjoining property, No. 83 Pencefnarda Road, is located to the east of the site, and in view of site levels/topography is located at a lower level than the application site. This single storey property is accessed off Pencefnarda Road, and its associated rear curtilage extends along the eastern portion of the site (at the rear of plots 38-44). However, taking account of the separation distances of the proposed dwellings (garden depths of these plots vary between 13.5-19m), together with the addition of planting/landscaping between the existing dwelling at No. 83 and the rear boundaries of those proposed properties', it is not considered that there would be any harmful residential impacts in regards to overlooking, overbearing impact or overshadowing.

The layout of the proposed development ensures that all separation distances accord to the separation distances set out in the SPG - Places to Live: Residential Design Guide, and all of the plots would have at least a 10m separation where first floor window overlook neighbouring private amenity space. In regard to the garden spaces available to future occupants it is noted that this varies significantly between properties but is relative to the scale of the dwelling proposed and is considered acceptable in that regard. Juliette balconies have also been included to the living rooms of each first floor flats within the terrace of apartments, which also benefit from a reasonable sized shared amenity space.

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 application has been the subject of considerable discussion and negotiation with the Local Highway Authority following several concerns raised by members of the public and the local Ward Member with regards to traffic generation and the existing highway situation.

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The proposed access to the site is set out as a priority junction. The site layout has been updated to incorporate a minimum 8m radii bell mouth at the access point, together with swept path assessments as per Local Highway Authority request.

A Transport Statement (updated) has been submitted with the application which shows that the additional movements generated by the development can be incorporated into the existing traffic flows with some minor infrastructure works being required.

Whilst extensive concern has been raised regarding the access point, visibility and additional traffic movements, it is considered that the revised plans address previous concerns regarding access and visibility and trips arising from the development can be accommodated within the existing road network. A condition is however required to ensure the visibility splay to the left is not impinged by the hedge/ wall which may require minor realignment which could be secured by condition.

The layout of the new development shows that the main internal road has a footway either side 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.

Parking provision within the site is marginally under the requirements of the Adopted Parking Standards SPG but the applicant has provided information supporting the stance that car ownerships levels are lower for affordable housing scheme than those associated with private dwelling, supported by local Census data. This rationale has been accepted by the local Highways Authority who have raised no objection to the proposals subject to conditions and a contribution towards local highways improvements. However, it is not considered necessary to attach a condition regarding a Construction Method Statement as this would form part of any subsequent S278 agreement and is therefore not considered to be necessary. Similarly, no garages are proposed as part of the current application.

A S106 contribution is sought of £25,000 towards local improvements to ensure local routes (including routes to local school and local bus stop facilities) are safe and attractive for future site occupiers. These measures include:

- Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Heol Elfed at the junction with Pencefnarda Road,
- Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Heol Elfed at the junction with Frampton Road,
- Junction upgrades, comprising a refuge with dropped kerbs and tactile paving throughout on Pencefnarda Road at the junction with Frampton Road;
- Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Pencefnarda Road with no raised crossing

These construction works, their design and installation will be carried out by the Local Highway Authority.

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As such, no highway objections are raised subject to the imposition of appropriate planning conditions and financial contribution to secure the above pedestrian crossing facility measures 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 /Landscape

The application is accompanied by an Arboricultural Impact Assessment, Landscape and Visual Impact Assessment, a Green Infrastructure Strategy together with a detailed soft landscape plan.

The Council's Tree Officer has been consulted and has offered no objection to the proposal, subject to the inclusion of an appropriately worded condition requiring the submission of a tree protection plan and arboricultural method statement to protect the trees identified on the site. This has been incorporated into this decision. The application is considered to be acceptable in this regard, and accords with the provision of Policy ER11 of the LDP and the SPG - The Protection of Trees on Development Sites.

A multi-functional network of green infrastructure is proposed as part of the application and includes the following:

- Dual use amenity/attenuation area of public open space; incorporating informal recreational routes, open areas of grassland, naturalistic play features and planting designed to work with the contours of the land;
- Green Streets, incorporating rain gardens and tree planting will soften the streetscene and provide a mechanism for managing surface water;
- Landscape frontage onto Pencefnarda Road, incorporating and enhancing the existing hedgerow and stone wall where possible;
- Management and maintenance strategy to ensure the attractiveness of the site is maintained;
- Variety of boundary treatments to front and side gardens using hard and soft landscaping to add visual interest, provide continuity and benefit pollinators.

The scheme proposes the retention and enhancement of hedgerows along the site boundaries where possible. Whilst it is acknowledged that changes to visual amenity will be experienced within close proximity of the site by existing residential receptors and users of the local road infrastructure, it is considered these changes will be experienced within the urban context of Penyrheol itself. Beyond this, changes to visual amenity of receptors using Public Rights of Way, Open Access Land and roadway networks are limited due to intervening topography and field boundary vegetation. Where views are available these would be experienced as part of a much wider landscape and viewed against the context of other built form.

Overall, it is considered the site has been sensitively designed through a landscape led approach to address landscape and visual amenity matters. 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, and following the receipt of additional information & plans (to address Ecological Officer comments) no objections are raised to this application subject to the inclusion of appropriately worded conditions and as per the recommendations within section 4 of the submitted Preliminary Ecological Appraisal (update) dated May 2021. The proposed conditions will require:

- Construction Environmental Management Plan;
- Works undertaken in accordance with Method Statement as per Section 4 of the Ecological Assessment Update by First Ecology, dated May 2021;
- Ecological enhancements & hedgehog mitigation implementation as per drawing no. BBHL-01 REV B received 13th August 2021;
- sensitive lighting strategy;
- Soft landscaping as per Drawing No. EDP6658-D012 Rev B received 2nd June 2021;
- Tree Protection Plan and Arboricultural Method Statement;
- Site Waste Management Plan (SWMP);
- The S106 requires to the submission of a management and maintenance plan for the retained trees, new trees and planting, raingardens, existing retained hedgerows and public open spaces.

The Landscape and GI plans show a number of biodiversity mitigation and enhancements incorporated into the proposed scheme including:

- Retention of the hedgerows and habitats along the site boundaries where possible;
- New hedgerow planting along the northern and southern boundaries of the site and around the proposed pumping station;
- New tree planting in the eastern section of the site in the proposed public open space; and a woodland copse along the southern section of the eastern boundary;
- Spine street tree planting and rain gardens;
- Marginal and aquatic planting around the proposed attenuation basin.
- Bird and bat boxes will be erected on existing trees in the northern and eastern boundaries.

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. It is not considered reasonable or necessary to attach a condition requiring all trenches to be covered overnight and concerns with regards to the impact of the adjacent SINC can be addressed in the CEMP.

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

The application is submitted as a 100% affordable housing exception site. The Affordable Housing units will be DQR compliant, social rented tenure and will comprise, 44 no. dwellings comprising 6 x 1 bed flats, 18 x 2 bed houses, 18 x 3 bed houses and 2 x 4 bed houses.

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The Council's Housing Service is supporting the Pencefnarda Road site as it provides a mix of units, sizes and types which will be 100% affordable social rented tenure to meet local needs. As such, it is considered that the proposed affordable housing provision is acceptable.

Education

The projected pupil numbers generated by the proposed development is as follows:

Primary 12 (2 Welsh medium and 10 English medium)

Secondary: 8 (1 Welsh medium and 7 English medium)

With regard to English medium school places as detailed in the Education Officers observations section, no contribution is requested for the English medium primary school as it currently and is predicted to contribute to have a number of unfilled places. A similar scenario is predicted for the English Medium secondary school, and no contribution is requested.

Turning to Welsh Medium provision, at primary level, the Welsh Medium primary (YGG Pontybrenin) currently has a deficit of places (-4). The proposed development is projected to generate 2 additional places by this application. A contribution of £30,200.00 plus indexation is requested for the Welsh medium primary school (YGG Pontybrenin) to create additional places for Key Stage 1.

Turning to Welsh medium provision at secondary level, YGG Gwyr currently has a deficit of 33 spaces. The proposed development is projected to generate 1 additional space. However, there is no request for the Welsh medium secondary school (Y.G. Gwyr) due to the low impact of this development on pupil numbers. Any contributions for the WM secondary school (based on SPG calculations) is deemed too low to make any positive impact on the buildings and having due regard to the CIL regulations.

A contribution request of £30,200 plus indexation is therefore requested towards the Welsh Medium Primary (YGG Pontybrenin) in this instance. As such and subject to this being secured via a S106 Agreement, the application is considered to be acceptable in this regard and complies with Policy SI3 of the Swansea Local Development Plan (2010-2025).

Drainage

Residents have raised concerns with regards to flooding in the vicinity of the site which would be exacerbated by the development of this greenfield site. The applicant has submitted a Flood Risk and Drainage Strategy with the application noting that the site is located within Flood Zone A (classified as being at little or no fluvial or coastal flooding) and the site is not at risk from surface water flooding. The development proposes conveying and discharging all surface water run-off to a proposed infiltration basin located in the area of public open space. rain gardens and permeable paving will also reduce flow rate, treat the water and encourage volume losses through evapotranspiration.

The Drainage Officer has advised that development is required to be SUDS compliant through a separate SAB consent and has not objected to the proposal. Consequently, as this matter is dealt with by different legislative requirements, this matter does not need to be controlled by means of a planning condition.

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DCWW have requested the inclusion of a condition which requires that only foul water shall be allowed to discharge to the public sewerage system and that this discharge shall be made to a specific Manhole no (ref SS58993801). The pumping station is required as gravity outfall would not be feasible. DCWW have also recommended the inclusion of informative notes to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets. NRW raise no concerns in light of DCWW's comments on the proviso that no surface water connects to the public sewerage system.

Subject to the inclusion of the above the application is therefore considered to be acceptable in this regard and accords with policies EU4, RP4 and RP5 of the LDP.

Archaeology / Heritage

GGAT were consulted on the planning application but no formal comments were received. However, it should be noted that in response to a pre-application enquiry at this site (2020/0203/PRE), GGAT noted that a review of Historic Ordnance Survey mapping indicates no archaeologically significant structures or features in the area. Furthermore a recent archaeological desk-based assessment was conducted a short distance to the southwest which included the current proposal within its study area. The assessment also indicated a low potential for archaeological features. As a result, GGAT were of the opinion that it is unlikely that significant archaeological remains will be encountered during the course of the proposed works. Therefore, should a similar planning application be submitted, GGAT advised that they would be unlikely to recommend any pre-determination works, or that any archaeological conditions area attached to any consent. In addition, the Placemaking and Heritage response raises no issues in this regard.

On this basis, and notwithstanding the non-receipt of comments on this planning application, 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 LDP designates a Welsh Language Sensitive Area (LSA). Following national and local planning policy and guidance, windfall developments within the LSA may be subject to a Language Impact Assessment (LIA) by the local planning authority in order to determine the likely impact of the development on the Welsh language. The Council's pre-application response highlighted to the applicant the need for a LIA.

Notwithstanding this the LPA have undertaken a Welsh Language Impact Assessment on the scheme. This indicates that the proposal would have a detrimental impact on the Welsh language without mitigation. The following mitigation measures are therefore recommended to reduce the impact of the development on the Welsh Language Sensitive Area:

- The bilingual marketing of properties;
- The production of a welcome pack for each household which sets out Welsh language provision in the area;
- Ensuring street names are in Welsh in order to protect and promote the local linguistic character and cultural distinctiveness of Penyhreol.
- Financial contribution to Welsh medium schools in the catchment.

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These measures appear reasonable and should all be actioned by the developer to mitigate the impacts on the Welsh language. A S106 contribution of £30,200 is requested for the catchment welsh medium primary school (Y.G.G. Pontybrenin).

Notwithstanding the lack of the submission of a WLIA by the developer, subject to the above measures being actioned by the developer, the proposal is considered to protect, promote and enhance the Welsh language. The proposal is therefore acceptable in this regard and complies with Policy HC3 of the Swansea Local Development Plan 2010-2025.

Pollution Control

The Pollution Control Dept have requested the addition of standard conditions to address land contamination (including the submission of Phase 1, 2 and 3 reports); imported top soil, aggregates, and unforeseen contamination. However, the requirement to seek certification for top soil and aggregates is covered by other legislation and it is not considered necessary or reasonable to include conditions in this regard. Officers have raised no issue with regards to air quality as part of this application.

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).

Planning Obligations

During the course of the application and consideration in relation to the above mentioned policy framework and key planning considerations regard has been given to the consultation responses received and the likely impacts that would arise as a result of the development. The Community Infrastructure Levy Regulations (2010) came into effect in 2010 and Regulation 122 of these regulations sets out limitations on the use of planning obligations. It sets out three tests that planning obligations need to meet. It states that planning obligations may only constitute a reason for granting planning permission if the obligation is:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

Regard has been given to the CIL Regulations in making a recommendation and the following matters are considered to represent obligations that are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development:

- o 44 affordable housing units (100%) on the site comprising 100% social rented tenure and DQR compliant;
- o Highways -
 - Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Heol Elfed at the junction with Pencefnarda Road, contribution level £5,000

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- Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Heol Elfed at the junction with Frampton Road, contribution level £5,000
- Junction upgrades, comprising a refuge with dropped kerbs and tactile paving throughout on Pencefnarda Road at the junction with Frampton Road, contribution level £10,000.
- Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Pencefnarda Road with no raised crossing, contribution level £5,000.
- Total Highways contribution request £25,000 payable prior to the occupation of the 1st residential unit;
- o Education - Contribution of £30,200 plus indexation for YGG Pontybrenin to be utilised towards facilitating increased capacity at Key Stage 1 payable as follows:
 - 50% (£ 15,100 plus indexation) on the commencement of development;
 - 50% (£15,100 plus indexation) prior to the occupation of the 25th housing unit on the site;
- o Play - To provide the Local Equipped Area of Play, in accordance with Drawing No edp6658_d011e dated 26th May 2021, prior to the occupation of the twenty fifth dwelling on the site;
- o Maintenance and Management plans for the retained trees, new trees and planting, raingardens, existing hedgerows, LEAP, opens spaces, 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 £3,956 (based on 20% of the planning application fee)

Response to Consultation

It is acknowledged that the objections raise a number of issues in respect of the development of this site. Issues relating to highway safety, access, traffic pollution, pedestrian safety, land gradient, drainage, SINC, agricultural fields, open space, play areas provision, affordable housing, open countryside, LDP settlement boundary & precedent, conservation of the natural environment, species, wildlife, landscape have been addressed above.

On balance, it is considered the issues raised are addressed in the report above and it is considered that the scheme as submitted, and following dialogue with Officers represents an acceptable form of development subject to compliance with relevant planning conditions.

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, access, parking & highway safety, impacts upon trees, drainage, ecology, the Welsh Language, and environmental impacts, subject to a S106 agreement and conditions.

Regard has been given to the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under Part 2, Section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WCFG Act").

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In reaching this recommendation, the Local Planning Authority has taken account of the ways of working set out at Part 2, Section 5 of the WBFG Act and consider that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the public bodies' well-being objectives set out as required by Part 2, Section 9 of the WBFG Act.

RECOMMENDATION

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

- o **44 affordable housing units (100%) on the site comprising 100% social rented tenure and DQR compliant (or any future equivalent).**
- o **Highways contribution of £25,000 to pay for:**
 - (i) **Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Heol Elfed at the junction with Pencefnarda Road;**
 - (ii) **Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Heol Elfed at the junction with Frampton Road;**
 - (iii) **Junction upgrades, comprising a refuge with dropped kerbs and tactile paving throughout on Pencefnarda Road at the junction with Frampton Road;**
 - (iv) **Pedestrian crossing facilities, comprising dropped kerbs and tactile paving on Pencefnarda Road with no raised crossing.**

Monies to be paid prior to the occupation of the 1st residential unit.

- o **Education contribution of £30,200 plus indexation to be utilised towards facilitating increased capacity at YGG Pontybrenin. 50% of the education contribution (plus indexation) on the commencement of development; and the remaining 50% on the occupation of the 25th residential unit on the site.**
- o **Play - To provide the Local Equipped Area of Play (LEAP), in accordance with Drawing No edp6658_d011e dated 26th May 2021, prior to the occupation of the twenty fifth residential unit on the site.**
- o **Maintenance and Management plans for the retained trees, new trees and planting, raingardens, existing hedgerows, LEAP, opens spaces, to be submitted and implemented prior to the occupation of the 1st residential unit.**
- o **A Management and Monitoring fee of £3,956 (based on 20% of the planning application fee).**

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.

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- 2 The development shall be carried out in accordance with the following approved plans and documents:
- LP-01 Rev A Site location plan;
 - BK-01-Rev C Block plan;
 - PF-01 Rev C Plot Finishes;
 - SOC-T-01 Schedule of Components (Typical Single entrance and canopy combinations) Sheet 1 of 5;
 - SOC-T-02 Schedule of Components (Combined and other external doors) Sheet 2 of 5;
 - SOC-T-04 Schedule of Components (Chimney details) Sheet 3 of 5;
 - SOC-T-04 Schedule of Components (Dormer and roof windows) Sheet 4 of 5;
 - SOC-T-05 Schedule of Components (Window profiles) Sheet 5 of 5;
 - EDP6658-D012 Rev B Detailed soft landscape plan;
 - EDP6658-D011 Rev E Public Open Space Play Strategy;
 - D01 Brick screen wall;
 - D02-1800 Close board fence;
 - D03-1200 Close board fence;
 - D04 Close board gate;
 - D05-1100 High ball top railings;
 - D08-1800 Retaining wall;
 - D09-110 Handrail;
 - D10 Steps with side wall;
 - D11 Retaining wall with ball top railings;
 - D12-500 Steel kneel rail;
 - D13-2000 Close board fence;
 - D14-900 Picket fence;
 - 2511/505 Rev A Engineering levels
 - 2511/506 Rev B Road & site sections
received 2nd June 2021;
-
- 1958/4B2P2/01 4PB x2 link Floor plans;
 - 1958/4B2P3/01 4BP2B x3 link floor plans;
 - 1958/4B2P3/02 REV A 4P2b x3 link brick elevations
 - 1958/4P2BV1/01 4P2B DQR V1 floor plans;
 - 1958/4P2BV1/02 4P2B DQR V1 elevations brick;
 - 1958/4P2BV1/03 4P2B DQR V1 ELEVATIONS RENDER;
 - 1958/4P2BV2/01 4P2B DQR V2 FLOOR PLANS;
 - 1958/4P2BV2/02 4P2B DQR V2 ELEVATIONS BRICK;
 - 1958/4P2BV2/03 4P2B DQR V2 ELEVATIONS RENDER;
 - 1958/4P5P/01 4P2BV2-5P3BGV2 LINK FLOOR PLANS;
 - 1958/4P5P/01 4P5P LINK FLOOR PLANS;
 - 1958/4P5P/01 4P5P LINK FLOOR PLANS ;
 - 1958/4P5P/02 4P5P LINK ELEVATIONS RENDER ;
 - 1958/4P5P/02 REV A 4P5P LINK ELEVATIONS RENDER;
 - 1958/5B3P2/01 REV A 5P3B X2 LINK FLOOR PLANS;
 - 1958/5B3P2/02 REV A 5P3B X2 LINK ELEVATIONS BRICK;
 - 1958/5B3P2/03 REV A 5P3B X2 LINK ELEVATIONS RENDER ;
 - 1958/5P3B /01 5P3BGV2 LINK FLOOR PLANS ;
 - 1958/5P3B /01 REV A 5P3B DQR FLOOR PLANS;
 - 1958/5P3B /02 5P3B DQR ELEVATIONS BRICK ;

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1958/5P3B /02 5P3B-5P3BGV2 LINK ELEVATIONS RENDER;
1958/5P3B /03 5P3B DQR ELEVATIONS RENDER;
1958/5P3BG /01 REV A 5P3B DQR GABLE - FLOOR PLANS;
1958/5P3BG /02 REV A 5P3B DQR GABLE ELEVATIONS RENDER ;
1958/6P4BD /01 6P4B DQR DETACHED FLOOR PLANS;
1958/6P4BD /02 6P4B DQR DETACHED ELEVATIONS BRICK ;
1958/P28 /02 PLOTS 28-29 - ELEVATIONS RENDER;
received 9th June 2021;

POBL/APT4/01 APARTMENT-4 2P1BX6 DQR FLATS GROUND FLOOR;
POBL/APT4/02 REV A APARTMENT-4 2P1BX6 DQR FLATS FIRST FLOOR;
POBL/APT4 /03 REV A APARTMENT-4 2P1BX6 DQR FLATS ELEVATIONS (Sheet 1 of 2);
POBL/APT4/04 REV A APARTMENT-4 2P1BX6 DQR FLATS ELEVATIONS (Sheet 2 of 2);
POBL/APT4/05 REV A APARTMENT-4 2P1BX6 DQR FLATS 3D VIEWS (Sheet 1 of 3)
POBL/APT4/06 REV A APARTMENT-4 2P1BX6 DQR FLATS 3D VIEWS (Sheet 2 of 3);
POBL/APT4/07 REV A APARTMENT-4 2P1BX6 DQR FLATS 3D VIEWS (Sheet 3 of 3);
received 11th August 2021.

edp6658_d013 Typical raingarden section
received 13th August 2021;

EW-01 REV F External works layout;
HF-01 REV F House Finishes layout;
1958 SS-01 Rev G Typical Street scenes;
BBHL-01 Rev C Bird & bat box locations & hedgehog access routes;
1958TP-01 Rev H Site layout
received 23rd August 2021

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

- 3 Prior to the commencement of development on site, a Tree Protection Measures and Arboricultural Method Statement shall be submitted to and approved in writing by the local planning authority. The Tree Protection Measures shall thereafter be installed prior to the commencement of development and retained in their approved form for the duration of the construction phase and the works shall be undertaken in accordance with the details thereby approved.

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

- 4 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.

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- 5 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 the following as a minimum:
- Identification of surrounding watercourses and potential pollution pathways from the construction site to those watercourses.
 - How each of those watercourses and pathways will be protected from site run off.
 - How the water quality of the watercourses will be monitored and recorded.
 - What the construction company intends to do with surface water runoff from the site during the construction phase. Please note that it is not acceptable for ANY pollution (e.g. sediment/silt/oils/chemicals/cement etc.) to enter the surrounding watercourses;
 - Propose measures to ensure how any water that could not be prevented from running across the site, would be protected from becoming contaminated with sediment.
 - Propose measures which ensure how any water contaminated with sediment will be prevented from leaving the site before it is clean.
 - Details of how any drains that have been laid are going to be protected from sediment laden water entering them;
 - measures for dealing with any contaminated material (demolition waste or excavated waste)
 - identification of any buried services, such as foul sewers, so that they are protected
 - details of emergency contacts, for example Natural Resources Wales' Pollution Hotline.

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

Reason In the interest of pollution prevention, biodiversity protection and the wider environment.

- 6 The ecological enhancement measures (bat/bird boxes & hedgehog gaps in fencing) as illustrated on Drawing No. BBHL-01 Rev C received 23rd August 2021, shall be fully provided no later than 6 months following the first beneficial occupation of the 40th dwelling and shall retained and maintained as such for the lifetime of the development.

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

- 7 Only foul water from the development site shall be allowed discharge to the public sewerage system and this discharge shall be made at manhole reference number SS58993801.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

- 8 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 unless written confirmation is provided by the Local Planning Authority that Phase 2 and/ or Phase 3 reports are not required.

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.

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

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

Phase 1 report: Desk Top Study: this shall:

- Provide information as to site history, setting, current and proposed use.
- Include a conceptual site model to establish any potentially significant pollutant linkages in the source-pathway receptor human health and environmental risk assessment.
- Identify if further investigation or remediation is required.

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

Phase 2: Detailed Investigation: this shall:

- Provide detailed site-specific information on substances in or on the ground, geology, and surface/groundwater.
- Provide for a more detailed investigation (Human Health Risk Assessment) of the site in order to confirm presence or absence of, and to quantify, those potentially significant source-pathway-receptor pollutant linkages identified in Phase 1.

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

Phase 3: Remediation Strategy Options Appraisal: this shall:

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

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

- 9 Prior to the occupation of any residential unit hereby approved a verification report demonstrating completion of the works set out in the approved remediation strategy, if required by Condition 8 of this permission, 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.

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- 10 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.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwelling house forward of the principle elevation of that dwelling house other than those shown on the approved plans.
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.
- 12 The 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.
- 13 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.
- 14 The development hereby approved shall be undertaken in accordance with the recommendations contained in Section 4 'Method Statement' of the Ecological Assessment Update by First Ecology dated May 2021.
Reason: In the interests of biodiversity and protecting retained habitats and wildlife on the site during the construction process.
- 15 Before the development is commenced, a sensitive lighting strategy (relating to both the construction and operational phases of the development) shall be submitted to and approved in writing by the Local Planning Authority. The lighting strategy shall outline the measures to be taken to avoid the impacts of lighting (both during the construction phase and the operational phase) on bats, and other nocturnal species. The lighting strategy shall ensure that the habitats adjacent to and within the site are not lit and that protected species using the site for commuting and foraging purposes can continue to do so without disturbance.

The measures contained within the approved lighting strategy shall be implemented at all times thereafter and any external lighting serving the proposed development shall not conflict with the mitigation measures contained within the lighting strategy at any times.
Reason: In the interest of bats, other nocturnal species, and the wider environment.

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- 16 All planting, seeding or turfing comprised in the approved details of landscaping - Drawing No. EDP6658-D012 Rev B Detailed Soft Landscaping Plan received 2nd June 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.
- 17 Notwithstanding the details as shown on Drawing No. EDP6658-D012 Rev B Detailed Soft Landscaping Plan and Drawing No. edp6658_d013 Typical Raingarden Sections, no development shall take place other than site clearance and preparatory works] until there has been submitted to and approved in writing by the Local Planning Authority a fully detailed scheme of soft landscaping adjacent to the highway including species, spacings and height when planted of all new planting. All planting comprised in the approved details of landscaping shall be carried out in the first planting 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, including the provision of street trees.
- 18 Prior to the construction of the Local Equipped Area of Play (LEAP), full details of the equipment (as indicated on Drawing No. EDP6658-D011 Rev E Public Open Space Play Strategy received 2nd June 2021), 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.
- 19 Full details/samples of all external materials (including a composite materials sample board) shall be submitted to and approved in writing by the Local Planning Authority before development works commence on site. The development shall thereafter be carried out in accordance with the approved details.
Reason: In the interests of visual amenity.
- 20 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.

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- 21 Notwithstanding the details submitted to date, full details of the works to ensure the requisite visibility splay to the left of the site exit including any measures to re-site the wall and/ or hedge shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The works shall thereafter be undertaken in accordance with the approved details prior to the first beneficial occupation of any dwelling on site and the visibility splays retained as such thereafter.

Reason: To ensure adequate visibility can be achieved for vehicles exiting the site to the left, looking East, in the interests of highway safety and ensure the landscaping is amended accordingly.

- 22 The development hereby approved shall be undertaken in accordance with the following measures:

- The bilingual marketing of properties;
- The production of a welcome pack for each household which sets out Welsh language provision in the area;
- Ensuring street names are in Welsh in order to protect and promote the local linguistic character and cultural distinctiveness of Penyhrefol.

Reason: To ensure that the proposal protects, promotes and enhance the Welsh language given that the site is a windfall site located in a Welsh Language Sensitive Area.

Informatives

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

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, H2, H6, SI1, SI3, SI6, SI8, ER1, ER2, ER4, ER8, ER9, ER11, CV1, T1, T2, T5, T6, EU4, RP4 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 these grounds. Please note it is an offence under the Wildlife & Countryside Act 1981 (as amended) to intentionally (intentionally or recklessly for Schedule 1 birds) to:

- Kill, injure or take any wild bird
- Take, damage or destroy the nest of any wild bird while that nest is in use or being built
- Take or destroy an egg of any wild bird

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

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- 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.

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 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 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. 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 or 0300 065 3000 or contact the species team by email on trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk)

- 6 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 (01792 634960 or 0300 065 3000 or contact the species team by email on trwyddedrhywogaeth@cyfoethnaturiolcymru.gov.uk).

- 7 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.

- 8 Dwr Cymru Informative Note:
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.

9 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.

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- 10 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
- 11 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.
- 12 The developer must contact the Highway Authority regarding the provision of a Construction Method Statement.
- 13 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).
- 14 The Council is responsible for the naming and numbering of streets within the administrative area. All new property addresses or changes to existing addresses arising from development for which planning consent is sought must be cleared through the Council's Street Naming and Numbering Officer as soon as building work commences. Street naming and numbering proposals must be agreed with the Council prior to addresses being created or revised. Please note that there is a charge for the provision of some street naming and numbering services.

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

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Item 2

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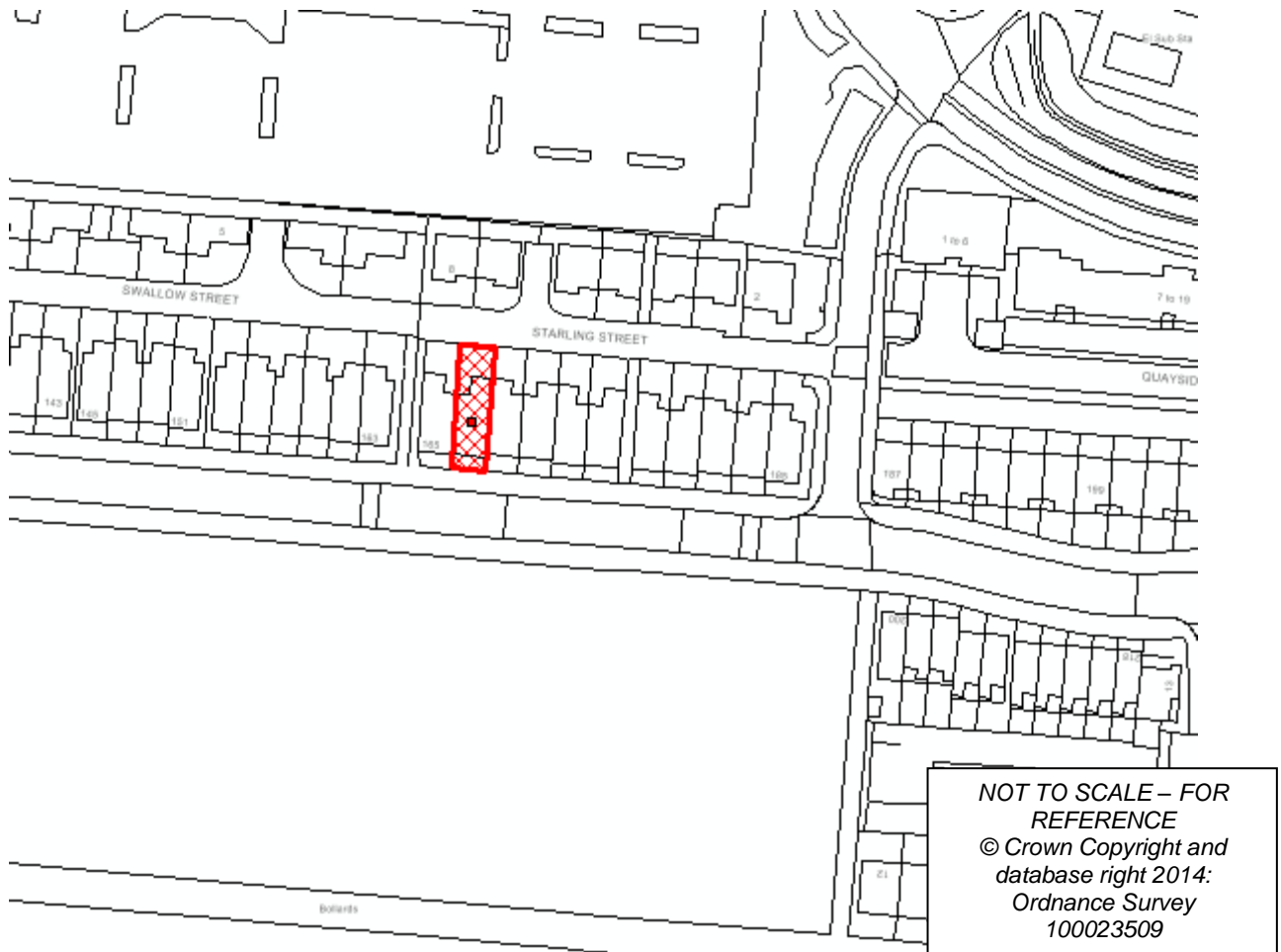
Ward:

St. Thomas - Bay Area

Location: 167 Langdon Road, Swansea Docks, Swansea, SA1 8RE

Proposal: Change of use from 5 bed residential property (Class C3) to a 5 bed HMO (Class C4)

Applicant: Mr Connor Docherty



Background Information

Policies

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.

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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 - H9 - Housing in Multiple Occupation

Houses in Multiple Occupation - Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where they comply with relevant policy principles.

LDP - RP2 - Noise Pollution

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

LDP - RP3 - Air and Light Pollution

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

LDP - 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.

Site History

App Number	Proposal	Status	Decision Date
2021/1304/PRE	PRE-APP Use of property as a 5 bed HMO for 5 people (Class C4)	WDN	08.06.2021
2021/1603/FUL	This is for a change of use from C3 to C4	WDN	11.06.2021

Procedural Matters

This application has been called-in to Committee for decision by Ward Councillor Joe Hale and has met the threshold for call-in as set out in the Council's Constitution.

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Description

Full planning permission is sought for the change of use of 167 Langdon Road from residential (Class C3) to a 5 bedroom HMO (Class C4) for 5 residents.

The plans indicate that there is a garage, bedroom with ensuite shower, utility room and storage on the ground floor; a dining room/ kitchen area/living room on the first floor, three bedrooms (1 ensuite) and main bathroom on the second floor. A further master bedroom with ensuite and balconies to the third floor.

Assessment of the immediate area

The application property is located within a terrace of 3/4-storey townhouses, all with a similar internal layout, surrounded by other blocks of terraced townhouses and by developments comprising apartments around a dockland setting. Each townhouse has a forecourt parking area for up to two cars and an integral garage. Front pedestrian access is from Langdon Road. Rear pedestrian and vehicular access is from Starling Street accessed from Langdon Road.

Planning History

The application property is a relatively new dwellinghouse built as part of the planning permission granted on 15th September 2017 for a development comprising of 19 new dwellings on land previously referred to as Plot D7A (Ref: 2017/0146/FUL). Since construction there is no additional relevant planning history relating to the property.

Planning Policy

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 9 - Resilient Ecological Networks and Green Infrastructure

Policy Issues

Swansea Local Development Plan (2010-2025)

The Swansea Local Development Plan is the extant development plan for the area. The following LDP Policies are considered to be relevant to the determination of this application:

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

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H 9 - Housing in Multiple Occupation - Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where they comply with relevant policy principles

T 2 - 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.

T 6 - Parking - proposals must be served by appropriate parking provision, in accordance with maximum parking standards, and consider the requirements for cycles, cars, motorcycles and service vehicles. In those instances where adequate parking cannot be provided on site, or is judged not to be appropriate, the developer will be required to provide a financial contribution towards alternative transport measures where appropriate. The provision of secure cycle parking and associated facilities will be sought in all major development schemes.

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.

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.

Supplementary Planning Guidance

The SPG documents 'Houses in Multiple Occupation and Purpose Built Student Accommodation in Swansea' (HMO SPG) and 'City and County of Swansea Parking Standards' (Parking Standards SPG) are also relevant to the determination of this application.

The latter SPG document was adopted by the Council prior to the LDP being formally adopted, and in due course the SPG document will be subject to an updated public consultation and a readoption 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 Policy (T6) and is considered to be consistent with national guidance and the overarching principles of Placemaking set out within PPW and the relevant TANs. Ultimately the SPG document provides useful guidance to confirm how the Council considers the relevant LDP Policy aims and objectives should be interpreted.

The Supplementary Planning Guidance: Houses in Occupation and Purpose Built Student Accommodation was formally adopted by the Council in December 2019.

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This Supplementary Planning Guidance (SPG) will be taken into account as a material consideration in the determination of planning applications relating to Houses in Multiple Occupation (HMOs) and Purpose Built Student Accommodation (PBSA). The purpose of the SPG is to augment policies of the Swansea Local Development Plan (LDP). It provides information to assist decision makers in determining whether or not a proposed development is acceptable in planning terms.

The document sets out the clear strategy for Houses in Multiple Occupation, which resulted in the production of Policy H 9 within the Local Development Plan, and further sets out the detail on the way in which the threshold is measured and what is expected from planning application submissions.

LDP Policy H 9 - Houses in Multiple Occupation

In the case of this particular proposal, the LDP contains a specific policy relating to HMO applications - H 9. It is significant that this policy has been substantively re-cast from the version that was originally drafted in the Deposit Plan and subsequently adopted. This re-write of the policy followed receipt of the Ministers of the Welsh Government's letter (through the Cabinet Secretary for Energy, Planning and Rural Affairs), sent to all Local Authorities in Wales in February 2018. The Ministerial correspondence emphasised that LPAs need to 'Put in place robust local evidenced-based policies in their LDP against which planning applications for HMOs can be assessed', and that 'LPAs must not delegate the criteria for decisions on planning applications to SPG'. The LDP Examination Inspectors clearly articulated to the Council that, in order to reflect the requirements set out by the Welsh Ministers, it was necessary for Policy H 9 of the Deposit LDP to be amended so that it includes a more prescriptive definition of what constitutes 'harmful concentration/intensification', including defining the actual HMO threshold limits within the policy. The policy was amended on that basis and significant additional detail was included with it, setting out the basis upon which such applications are proposed to be considered over the Plan period. The policy has been informed by a detailed evidence review, including a comprehensive programme of stakeholder engagement, undertaken by consultants on behalf of the Council. Having regard to the evidence review and the specific circumstances that apply for Swansea, the adopted Policy H9 states:

Proposals for the conversion of a dwelling or non-residential property to a House in Multiple Occupation (HMO) will only be permitted where:

- I. Within the HMO Management Area, it would not lead to more than 25% of all residential properties within a 50m radius of the proposal being HMOs;
- II. outside of the HMO Management Area, it would not lead to more than 10% of all residential properties within a 50m radius of the proposal being HMOs;
- III. the development would not result in a Class C3 dwelling being 'sandwiched' between adjoining HMO properties;
- IV. the property is suited for use as a HMO, and will provide satisfactory private amenity space, dedicated areas for refuse storage and appropriate room sizes; and
- V. there would be no unacceptable adverse impacts caused by noise nuisance and general disturbance.

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HMO proposals within small streets that do not breach the 50m radius maximum threshold will not be supported if the proposal would create a disproportionate over concentration of HMOs within that street.

HMO proposals that would lead to a breach of the maximum thresholds will only be permitted where there are exceptional circumstances or overriding material considerations that demonstrably outweigh any concerns regarding harmful concentration or intensification.

Responses to Consultations

The application was advertised in accordance with the Town and Country Planning (Development Management Procedure) Order 2012 (as amended) by a neighbour notification letters to the occupiers of 165 & 169 Langdon Road 14th June 2021 and through the display of a site notice in the vicinity of the application site on 18th June 2021.

65 INDIVIDUAL LETTERS OF OBJECTION have been received and the main issues that have been raised are summarised below:

1. The properties are subject to covenants designed to prevent their use as student accommodation.
2. The covenants that apply are material considerations.
3. It was on the basis of these covenant that many residents decided to buy a property.
4. Under the authorised use in our TP1 it states...the use of the property is for private residential dwelling but for avoidance of doubt excluding use for social/affordable housing. HMO clearly is commercial use and as such should not be granted.
5. The covenants must be adhered to.
6. On checking the HMO public register (updated 4th June) it is interesting to find that there is not one single licensed HMO property in this area. If the number of unlicensed and 'unofficial' HMOs in the area is not known by Swansea Council, then how can the requirements of the SPG and the Additional Licensing Scheme be applied and enforced.
7. I suggest that no current or further applications for change of use from C3 to C4 in this area be considered at least until a proper and accurate assessment of the existing situation regarding 'unofficial' HMOs has been undertaken and reported on. During the last 12 months we have suffered a number of issues as a result of it being occupied by 5 students.
8. Lack of knowledge by planning officers of the already existing 'unofficial' student HMOs in the Langdon Road area. The effect of this is that the advice given by officers at the 'pre-application' stage was incorrect, based, as it was, only upon a reading of the official HMO register and in ignorance of the actual state of affairs on the ground. This advice cannot, therefore, be regarded as valid and should be made clear to the members of the planning committee before they consider this application. It is important to note that any proper and accurate assessment of the number of residences in the area which are already use as unregistered student HMOs can only be made when the university terms are fully under way and the majority of students are in residence.
9. Noise and antisocial behaviour from students.
10. Police have been called as a result of actions of one of students.
11. Allowing a HMO in this development would adversely affect the value and quality of life of the neighbouring properties and their residents.
12. Car parking is already an issue here and allowing a HMO is likely to increase pressure on available parking.

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13. If the application is granted then it opens the way for further HMOs in an area that has been designated as residential C3 use only.
14. We were categorically advised that there would be no student accommodation on SA1 Waterfront site.
15. HMO properties are often neglected.
16. Refuse, litter and rubbish issues.
17. There is plenty of student accommodation in Swansea area.
18. Most houses around the area have only two car parking areas, so if this proposed 5 person HMO is allowed, where are the other three people parking their cars.
19. Harm amenities of existing residents in terms of potential for noise, nuisance and disturbance.
20. This is a retrospective application and the owner has been operating an unlicensed HMO at the property for the past year. As a result of this, a number of parking issues have been experienced by residents.
21. The garage is virtually unusable by most modern car due to narrow door opening. As a result most residents do not use garages for parking.
22. The tenants own three cars between them.
23. Cars being parked in contravention of developer's covenants.
24. It is possible that each resident could own a car. Each of them could entertain visitors, or partners, who may also have cars. It is feasible there may be 10 cars.
25. The house is not suitable as a HMO for a number of reasons and parking is certainly one of them.

HMO Licensing Team

The applicant will need to apply for a Mandatory HMO Licence for the property.

Local Highway Authority

The dwelling benefits from an integral garage and one parking space on drive, accessed off a private road. The frontage on Langdon Road is protected from indiscriminate car parking by the use of double yellow lines (with no stopping at any time). In terms of car parking requirements there is not any increase arising from the use of the dwelling by a single family compared to that as a five bedroom HMO. The objections are noted with regard to parking problems being likely to be exacerbated by the introduction of a 5 bed HMO but the CCS parking standards (and recent appeal decisions) do not distinguish between the two categories in terms of car parking requirements. As such a refusal on highway safety grounds would be difficult to sustain on appeal.

No mention is made of cycle parking but there is an integral garage and small external amenity areas where cycle storage could be provided to help promote more sustainable modes of travel. A condition is recommended for the avoidance of doubt.

I recommend no highway objections are raised to the proposal subject to the inclusion of cycle storage facilities in accordance with details to be submitted to the LPA for approval, prior to beneficial occupation of the HMO and maintained as such thereafter.

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Additional Information - Agent Supporting Statement on behalf of the Applicant

My client is fully aware of the local opposition to his application, and in order to reassure local residents of his true intentions, and thus hopefully resolve a potential impasse, I can confirm that he is fully prepared to accept a temporary planning permission, as permitted by Section 72(1)(b) of the 1990 Act.

The thrust of the anticipated condition would be to discontinue the property's HMO use and for it to revert to a C3 use on or before a specified date. My client would be prepared to accept a three year temporary consent.

This offer is made in good faith and derives from the following considerations:-

- i. The application property was recently acquired, not as a general housing market investment opportunity, but simply to provide cost effective accommodation for my client and a small number of his fellow university student friends.
- ii. My client will be continuing his degree course at Swansea University re-commencing in September/October 2021
- iii. Following graduation, my client's housemates intend to follow their respective career paths and will move from the property.
- iv. Following his graduation, my client will no longer require the HMO permission, by which time will have expired, if the aforementioned condition is imposed. The property will automatically revert to C3 use.
- v. My client is prepared to amend the submitted planning application to reflect his acceptance of a three year temporary planning consent.

By way of general background to this offer, and in response to many of the concerns expressed by local residents, the following is perhaps relevant:-

- the proposal seeks consent to change the use of the residential property (C3) to a 5 bed HMO (Class C4)
- the Swansea Local Development Plan ('LDP 2010 - 2025') was formally adopted in February 2019 and is the relevant document in the determination of this particular proposal
- the main LDP policy for consideration during the determination of this application is Policy H9, and in particular, its five caveats.

You will be aware that this particular policy was amended from the original Deposit Plan version, following the Welsh Government's intervention requiring a more prescriptive definition of what constitutes 'harmful concentration/intensification'.

Within the context provided by Policy H9, it is evident that the principle of introducing a HMO at this location would be in full compliance with every individual component of this policy. In addition, the HMO SPG's concentration tests are fully satisfied. The proposed C4 use, for example:-

- will not result in an over-concentration of such uses within the defined area
- will not impact upon visual amenity of the area
- will not give rise to an over-intensive form of development and unsatisfactory living conditions
- will not impact upon neighbouring residential amenity
- will not give rise to any adverse implications for the storage or collection of household waste/recycling
- will not impact upon highway safety or parking and will facilitate sustainable cycle use.

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You will no doubt be aware of the several appeal decisions that have recently been upheld in respect of HMO applications within the county.

Perhaps it is also worth pointing out, that throughout the viewing, negotiation and conveyancing process, the Applicant has been open and candid regarding the intended use and has acted in good faith.

In conclusion therefore, I trust you will acknowledge that my client is trying to secure a way forward that will enable the use of the property for the duration of his time in Swansea University, whilst at the same time allaying a significant amount of the concerns of local residents opposing a permanent HMO at this particular location.

I trust you will give the content of this letter your earnest consideration and I would be pleased to receive your response to what must be regarded as a generous offer to seek a workable compromise.

Analysis and Recommendation

Key Issues

In view of the above-mentioned policy context, the key issues to consider in this planning application relate to the principle of the use of the property as a HMO; impact upon the residential amenities of neighbouring occupiers and future occupiers; along with parking and highway safety impacts.

Principle of Use

The application property is a three storey town house in a densely populated urban area within the 'Waterfront' setting on the fringe of the City Centre and within easy walking distance of the facilities available in the City Centre, including good public transport links within the Bus Station and the Train Station. In planning terms the principle of the use of a property as a HMO is acceptable subject to compliance with the criteria based Policy H 9 and Supplementary Planning Guidance entitled 'Houses in Multiple Occupation and Purpose Built Student Accommodation' (Adopted December 2019).

The key test set out in Policy H 9 is that of the 'Radius Test'. The Policy states that outside the HMO Management Area a limit of 10% of all residential properties within a 50m radius can be HMOs whereas in the Management Area the ceiling limit is 25%. In this instance the property lies outside of the Management Area and will be subject of the 10% limit.

Results of the 'Radius' threshold calculation test

Test 1 - Radius Test

As set out clearly in the SPG (para.3.2.5 to 3.2.20), for the purposes of the 'Radius Test' the radius is drawn from the centre-point of the application frontage.

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Para.3.2.9 states that in the case of flats and/or residential units on upper floors, these will be counted where the majority of the principal elevation of the building within which the unit is located (i.e. over 50% of this elevation) is contained within the radius. Each multiple unit within the building will be counted as an individual residential unit for the purpose of the calculation e.g. a building containing four flats will be counted as four residential units.

The application property is located outside the HMO Management Area designated in the Swansea LDP, as illustrated on the Proposals Map. Being outside the management area, the concentration HMO threshold 'ceiling' to be applied in this instance is to avoid the number of HMOs within a 50 metre radius of the application site exceeding 10% as a proportion of all residential units.

In order to produce the HMO Concentration Test, regard is given to all publicly available data derived from the Local Land & Property Gazetteer and HMO licensing records of properties within the radius. On this basis the outputs of Test 1 are as follows:

Within a 50 metre radius of the application property there are 25 residential units and according to available records no properties are existing HMOs. If the application property was approved for a HMO (Class C4) use it is calculated that on this basis the concentration percentage would be 4% within the 50m radius and therefore would be below the 10% threshold.

On this basis, the proposal would therefore pass the harmful concentration test described in Policy H 9 of the LDP and the adopted SPG.

Test 2 - Small Streets Test

Clarification of Small Streets Test

The SPG: Houses in Multiple Occupation (adopted December 2019) clearly sets out the definition for the 'Small Streets Test'.

3.3.1 Defining Small Streets

3.3.3 A 'small street' is one that has between 11 and 34 properties inclusive. Streets of 35 properties or more are not defined as small streets. This upper limit is based on the street sizes and configurations that are characteristic of various residential communities in Swansea, including the Sandfields and St Thomas areas, where a grid street pattern prevails.

3.3.4 Under this definition, in certain instances 'small streets' are created where they are intersected by other streets. In such instances they become subsections of a longer street, even though they have the same street name.

3.3.5 Set out in Appendix 2 are a number of worked examples to demonstrate how the small streets test will be implemented, which includes an example of a scenario where a long street is sub-divided by intersecting streets forming a 'small street'.

3.3.6 For the avoidance of doubt, for the purpose of LDP Policy H 9 and this SPG, the intersection of a longer street to become a small street occurs where both sides of the street with the same name are dissected by another street, resulting in between 11 and 34 properties on the dissected street. Appendix 2 provides a number of examples of scenarios that would, and would not, be classed as small streets.

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It is clear that Langdon Road does not fall within the classification of a 'Small Street' and the 'Radius Test' will be used to define the proportion of HMOs within a specific area surrounding a proposal, both before and after the proposed development.

Test 3 - 'Non-sandwiching Test'

The change of use of the application property to a HMO (Use Class C4) would not result in a C3 residential dwelling being 'sandwiched' between adjoining HMOs sharing the same street frontage.

There are further criteria set out in Policy H9 that need to be satisfied for the application to be considered acceptable, the property needs to be suitable for conversion, provide satisfactory amenity space, dedicated areas for refuse storage and appropriate room sizes. The proposal must also have no unacceptable adverse impacts caused by noise and general disturbance.

Visual Amenity

There are no external alterations proposed, therefore the change of use will not have an impact upon the visual amenity of the dwelling or the wider surrounding street scene. Internal works do not require planning permission and would have no impact on the external appearance of the dwelling.

Residential Amenity

The existing property comprises a 5 bedroom four storey town house. The HMO will retain the 5 bedrooms.

Regard needs to be given to the fact that a large or extended family could occupy the property under the extant lawful use of the premises as a single dwelling house. The property will continue to be occupied as a residential dwelling. As such, it is not considered that the use of the property for up to 5 residents sharing the accommodation as a HMO would in itself, result in an unacceptable intensification of the use of the building over and above that which could be experienced as a dwelling.

In light of the above analysis, it is not considered that there is any evidence to demonstrate that the proposed use will result in unacceptable noise and disturbance, which could reasonably warrant the refusal of this application.

Good planning and design extends to the living conditions of the future residents of the property, regard can therefore be made to the 'Places to Live Residential Design Guide'. Whilst this document provides guidance in relation to large scale housing development it does provide key principles in relation to privacy and amenity and states in relation to the design of rooms, at page 61, that "homes should have a convenient layout for everyday living with adequate storage and space to move about".

The proposed layout retains the 5 bedrooms with an adequate level of living accommodation for 5 residents, with a separate living space and kitchen facilities. There is ample room within the property for refuse storage.

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In relation to waste and refuse, waste management monitor and deal with issues accordingly under environmental health legislation. There is no substantive evidence to demonstrate that a HMO for 5 people will generate any more waste/recycling than a property occupied by a large family. HMO licencing regulations covers management of HMO properties.

On this basis, there is considered to be acceptable living conditions for future occupiers in accordance with Policies PS1, PS2 and H9 of the Swansea Local Development Plan and the advice contained within the Place to Live Residential Design Guide.

In addition, the owner must also comply with HMO licencing requirements, which are covered under separate legislation.

Parking and Highway Safety

In terms of parking, regard needs to be given to the adopted Supplementary Planning Guidance document entitled 'Swansea Parking Standards'. Where-in a HMO for up to 6 persons has no requirement for additional parking over and above that of a dwellinghouse.

The dwelling benefits from an integral garage and one parking space on drive, accessed off a private road. The frontage on Langdon Road is protected from indiscriminate car parking by the use of double yellow lines (with no stopping at any time).

In terms of car parking requirements there is not any increase arising from the use of the dwelling by a single family compared to that as a five bedroom HMO. The objections are noted with regard to parking problems being likely to be exacerbated by the introduction of a 5 bed HMO but the CCS parking standards (and recent appeal decisions) do not distinguish between the two categories in terms of car parking requirements.

In view of the above, the proposal is not considered to have any greater impact on highway safety or parking over and above the extant residential use of the property, in compliance with the provisions of Policies H9 and T6. Furthermore, it appears from the submitted plans that there is adequate space within the property to provide for safe cycle and refuse storage.

Finally, with regard to Parking and Highway safety, it is understood that enforcement of such matters within the private parking areas throughout this area is undertaken by private management companies. Unauthorised parking in private drives is a civil matter, so that any issues in this respect are not under the control of the Council. Parking controls within the wider area would ensure that indiscriminate parking is controlled and enforced through separate legislation. Residents occupying the property would be aware of the number of car parking spaces provided. Furthermore, the property is in a sustainable location served by good public transport links within the City Centre and easily accessible cycle routes, which encourages alternative modes of transport other than car usage.

Response to objection comments

Many of the objections received refer to issues of noise, disturbance, parking and refuse/waste collection, anti-social behaviour and problems associated with the use of properties as HMO accommodation and/or student accommodation, and that allowing this property to become a HMO would exacerbate existing problems in the surrounding area. The majority of these issues are not controlled by Planning legislation but, rather, by separate legislation and by the Police.

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The behaviour of individuals or groups of individuals is not something that can be controlled by the planning system. Policy H 9 does allow for HMOs to be distributed in low numbers within existing communities outside of the HMO management areas. Therefore, despite concerns that the proposal may result in anti-social behaviour, the proposal would not conflict with H 9. Any significant anti-social behaviour issues would be dealt with by the police and other separate legislative regimes.

Issues relating to visual and residential amenity (including refuse/recycling), and to parking and highway safety are addressed in the report above. Devaluation of property is not material to the consideration of a planning application and, whilst many object to the introduction of a HMO to this residential area as a principle, it must be remembered that a shared house remains in a residential use, albeit that the occupants are not related to one another, and could be occupied by single professionals or retired persons as well as by students. HMO Licencing legislation controls issues relating to HMO Management and fire safety. Issues relating to the covenants restricting the use of the property have been noted. However, matters such as legal covenants or lease restrictions are private matters between land owners and therefore covenants preventing the use of the property as a HMO are a legal issue separate to the planning application process or a planning permission itself. Such matters cannot be used as a reason to withhold planning permission for a development.

In regard to the comments raised in relation to the number of unregistered HMOs in the area, Policy H 9 and the SPG clearly sets out the radius test to be applied for the threshold test. As part of the calculation the Local Planning Authority will have regard to all publically available data and the most up to date data is found in the Land and Property Gazetteer (LLPG) as well as data held on the HMO register.

In terms of legislation outside of the planning application process Mandatory Licensing applies across the whole of Swansea to HMOs which are three or more storeys high and have five or more occupiers who do not form a single household. The number of storeys includes habitable basements and attics.

Additional licensing applies in the Castle, Uplands and St Thomas wards of Swansea. All HMOs, irrespective of size have to be licensed in these three wards. This includes HMOs that are excluded from the mandatory HMO licensing scheme. The additional licensing for these wards was effective from 15th February 2021 at which time the St Thomas ward was added.

In addition to the above data the SPG sets out that regard will be given to properties in use as a HMO where there is a likelihood that the use is lawful in planning terms and the property may not have been included in the above data sets. Paragraph 3.2.14 of the SPG states:

Where the LPA considers there is substantive evidence available to demonstrate that a property was being used as a HMO prior to the implementation of the new C4 Use Class category (in February 2016), and is satisfied that it has not reverted to any other uses in the meantime, such a property will be considered a lawful HMO notwithstanding the lack of any relevant planning permission or LDC for HMO use. In order to count an existing property as a HMO for the purpose of applying the policy criteria, the LPA will need to be satisfied, having regard to the available evidence and given the balance of probability, that it would be appropriate at that time to issue that property with a LDC, if such an application was made.

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It is not however within the scope of the Planning Act to require a third party to submit an LDC application to formalise the use class of a property. "

There has been no evidence submitted to suggest that there are any lawful HMOs within the 50m radius of the application property in Langdon Road nor are there any Lawful Development Certificate's certifying the use of any properties within the radius as a HMO. Checks have been undertaken with the HMO Team and it has been confirmed that there are no licensed HMOs in Langdon Road, Swallow Street or Starling Street and no applications for licences pending in these streets either. On this basis the Local Planning Authority is satisfied that the proposed HMO complies with the requirements of Policy H9.

Ecological Enhancement

Policy 9 of Future Wales states that 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. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Given the application relates to the use of the property only, with no physical external changes, it is not considered that the provision of ecological enhancement could be justified in this particular instance.

Imposition of Conditions

Cycle Parking

The applicant has submitted a floor plan showing that some cycle parking can be accommodated within the garage area. There is also adequate ground floor space to store further cycles if necessary within the property. There is also outdoor amenity space which could also accommodate an external area to put a cycle. As such, in light of these considerations it is considered reasonable to add a condition (Condition 3) to require cycle storage is made available within the property and that it is retained for the lifetime use of the HMO.

Number of Occupants

Suggested Condition 4 limits the number of occupiers of the HMO and is imposed given that the nature of a C4 use class would generally allow the property, without planning permission to be occupied by 6 people - a different proposal to that contained within the planning application and submitted plans. The key issue here is that once the property is approved as a C4 HMO and is set out as per the approved plans, the description of the development being for 5 residents would have no defined status in preventing such a change occurring without a separate restrictive condition being imposed. Whilst the imposition of such a condition could be considered unduly restrictive as part of a blanket approach, what needs consideration here is whether the change from 5 to 6 residents would bring adverse harm to the living conditions of future occupiers and those of existing neighbouring residents, having regard to Policies PS 2 and H 9 of the Swansea Local Development Plan. Such a matter would need to be considered as part of a formal planning application.

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Conclusions

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

In view of the assessment undertaken and based on the evidence before the Local Planning Authority, the use of the property as a HMO does not result in a harmful concentration of HMOs within this area. The proposed change of use to a HMO Class C4 is considered acceptable and is in accordance with Policies PS 2, H 9, T 2, T 6, RP 2 and RP 3 of the Swansea Local Development Plan 2010-2025, the HMO and PBSA in Swansea SPG (adopted Dec 2019) and the Parking Standards SPG. Approval is recommended.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1 The development hereby permitted shall begin not later than five years from the date of this decision.
Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act, 1990.
- 2 The development shall be carried out in accordance with the following approved plans and documents: Site Location Plan, Block Plan, Floor Plans, received on 9th June 2021, cycle parking floor plan, received on 26th August 2021.
Reason: For the avoidance of doubt and to ensure compliance with the approved plans.
- 3 Prior to beneficial occupation as a HMO the cycle parking as indicated on the floor plan, received on 26th August 2021, shall be available for use by residents of the property and retained as such for the lifetime of use as a HMO
Reason: In the interests of reducing the dependency on cars and encouraging alternative sustainable modes of transport.
- 4 The use of the property as a HMO shall be limited to a maximum of 5 residents occupying the property at any one time, in accordance with the internal layout indicated on the approved floor plans received 9th June 2021.
Reason: To safeguard the living conditions of the occupants of the development (LDP Policies H 9 and PS 2).

Informatives

- 1 Future Wales - The National Plan 2040. 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, H9, T2, T6, RP2, RP3.

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- 2 This consent is issued without prejudice to any other consents or easements that may be required in connection with the proposed development.
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